

	Donut Hole	Area of Competence	Objectives	Organizational Structure	Scientific Regime
<p>RFMA Structure</p>	<p>Central Bering Sea Donut Hole</p> <p>Convention: Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Donut Hole Convention).</p> <p>Signed: June 16, 1994, in Washington DC, USA by China, Republic of Korea, Russian Federation, and the USA; Japan, August 4, 1994; and Poland, August 25, 1994.</p> <p>In Force: December 8, 1995, for Russia Federation, Poland, China, and the USA; December 21, 1995, for Japan; and January 4, 1996, for Republic of Korea.</p> <p>www.afsc.noaa.gov/refm/cbs/default.htm</p>	<p>The high seas area of the Bering Sea. Covers beyond 200 nautical miles from baselines from which breadth of the territorial sea of coastal States (US and Russia) of Bering Sea is measured, except as otherwise provided in Convention. Activities related to scientific data collection may extend beyond Convention Area within Bering Sea.</p>	<p>To establish international regime for conservation, management, and optimum utilization of pollock resources in Convention Area; to restore and maintain pollock resources in Bering Sea at levels which will permit MSY; to cooperate in gathering and examining factual information concerning pollock and other living marine resources in Bering Sea; and to provide, if Parties agree, a forum in which to consider establishment of necessary conservation and management measures for living marine resources other than pollock in Convention Area.</p>	<p>Convention does not provide for a Commission. Parties convene Annual Conference. The Convention established a Scientific and Technical Committee that meets prior to Annual Conference.</p>	<p>Scientific and Technical Committee (STC) was established to compile, exchange, and analyze information on fisheries harvests, pollock, and other living marine resources covered by Convention. Parties cooperate in scientific research and exchange data on pollock resources, including trial fishing efforts.</p>
<p>The Fishery EA and PA</p>	<p>Straddling Stock: <i>Theragra chalcogramma</i> (common name is Walleye or Alaska pollock).</p> <p>Gear: Pelagic / midwater trawls.</p>	<p>During 2004 Annual Conference, STC noted that pollock abundance in Central Bering Sea is low. USA noted that biomass levels are substantially lower than trigger levels, described in Part 1 of Annex to Convention, which would allow reopening of fishery. (If biomass is less than or equal to 1.67 million metric tons, annual harvest level is zero.)</p>	<p>There is concern over bycatch of Pacific salmon and Pacific halibut. If fishery re-opens, STC will address issues pertaining to bycatch mitigation measures.</p>	<p>Convention pertains only to conservation and management of pollock. Other species would be considered if Parties unanimously agree.</p>	<p>Though not specifically identified as “precautionary”, the threshold formula in the Convention Annex is considered to represent precautionary reference points. The fishery is not to reopen unless threshold biomass of Aleutian Basin pollock is reached.</p>
<p>Participation</p>	<p>Members / Contracting Parties</p> <p><i>Japan, China, Republic of Korea, Poland, Russian Federation</i> and the USA are signatories to Convention (6 members).</p> <p>Bold: UNFA <i>Italics:</i> FAO Compliance Agreement</p>	<p>Cooperating Non-Members</p> <p>None at this time.</p>	<p>Membership</p> <p>Parties may, by unanimous agreement, invite other states to become Parties to the Convention.</p>	<p>Participation Criteria</p> <p>Although a moratorium on commercial pollock has been in place since 1993, Parties may conduct trial fishing using no more than two vessels in the Convention Area at any time. There are numerous provisions for such fishing to occur (e.g., providing information on trial fishing operations must be provided to other Parties two weeks in advance of operations; trial fishing vessels must have a flag-State scientific observer on board and offer other Parties an opportunity to place their own observers on board; and trial fishing vessels must follow measures adopted by Parties regarding vessel monitoring systems, entry and transshipment notifications, and shipboard logs and records among others). Annual harvest levels and individual national quotas are established during Annual Conference.</p>	<p>Transparency</p> <p>USA developed website containing reports on Convention, information from Annual Conferences, workshop records, documents and data, and information on key contact persons from each Party. Observers from REIOs and IGOs attend meetings. Current observer rules do not address attendance by NGOs. NGOs have generally not asked to attend Annual Conferences. Industry representatives and representatives of environmental organizations can attend these meetings as part of a Party delegation. In addition, Parties may, by unanimous agreement, invite representatives of any non-Parties to participate as observers at Annual Conference.</p>
<p>Monitoring, Control and Surveillance</p>	<p>Data Collecting and Reporting</p> <p>Parties annually submit to STC: catch and effort statistics; information regarding time and area of fishing operations; incidental taking of anadromous species or other marine living resources. Vessels must notify all Parties of intention to enter Donut Hole to fish 48 hours in advance, provide location of any transshipments of fish 24 hours in advance, and report catch data regularly.</p>	<p>Observer Program</p> <p>Under Convention, observer coverage is 100%. Each vessel fishing in Donut Hole must, upon request, accept an observer from another Party. If observer is not available, flag State must place one of own observers aboard. Observers report findings to flag State and observer State.</p>	<p>Vessel Monitoring System (VMS)</p> <p>VMS is required on all vessels. Location data are to be shared with all Parties on real-time basis.</p>	<p>Enforcement</p> <p>Parties are responsible for enforcing provisions of Convention. Each Party agrees in advance to boarding and inspection of vessels flying its flag by authorized officials from any other Party. Flag State Party is notified promptly of alleged violations and shall take appropriate measures in accordance with national laws and regulations, including prompt investigation. Flag State Party must order fishing vessel to cease violations and leave Convention Area immediately. Enforcement regime allows for significant level of coverage by observers from non-flag States.</p>	<p>Catch and Trade Documentation</p> <p>None at this time.</p>
<p>Other Governance Efforts and Challenges</p>	<p>Decision Making</p> <p>Decisions on matters of substance are made by consensus. A matter is deemed to be of substance if any Party considers it to be of substance. Other decisions are made by a simple majority of votes of all Parties casting affirmative or negative votes. Each party has 1 vote. Parties establish annual allowable harvest level for pollock in Convention Area; determine individual national pollock quota for each party; adopt appropriate conservation and management measures; establish Plan of Work for STC; discuss cooperative enforcement measures; and receive enforcement reports from each Party. There is no opting out procedure. Coastal States have agreed to moratorium on Aleutian Basin pollock fishing in EEZs as long as there is no fishing of stock in Donut Hole. This was agreed upon in non-legally binding Record of Discussions adopted in conjunction with Convention. Annual discussions on fishing within EEZs are part of Record of Discussion.</p>	<p>Dispute Settlement Mechanism</p> <p>When Parties fail to reach consensus on annual harvest level, it is determined by fall-back formula in Part 1 of Annex to Convention, prohibiting directed fishing if biomass is equal to or less than 1.67 million metric tons.</p>	<p>Cooperative Efforts</p> <p>USA State Department has invited North Pacific and Bering Sea Fisheries Advisory Body to advise the USA delegation.</p>	<p>Efforts to Strengthen RFMA</p> <p>Created publicly accessible website. Established and maintains moratorium on commercial pollock fishing in the Central Bering Sea. Implemented cost-effective institutional arrangement. Agreed to 100% observer coverage. Established precautionary decision rule for re-opening pollock fishery. Created publicly accessible website. Ensures high level of cooperation between US Coast Guard and Russian border guards on enforcement issues. Holds Annual Meetings of Parties (last meeting: September 2004 in Japan). Non-flag state boarding and inspection procedures agreed in advance.</p>	<p>Challenges</p> <p>Rebuilding pollock stock status. Maintaining moratorium until stock reaches agreed threshold. Expanding Convention objectives to implement broader ecosystem-based approach. Ensuring enforcement regime is effective in event that fishery re-opens. Enhancing transparency by allowing NGO participation. Resolving US-Russian maritime boundary dispute.</p>