



大会

Distr.: General  
12 April 2006  
Chinese  
Original: English

《执行 1982 年 12 月 10 日〈联合国海洋法公约〉  
有关养护和管理跨界鱼类种群和高度洄游鱼类种  
群的规定的协定》审查会议

2006 年 5 月 22 日至 26 日，纽约

2006 年 4 月 12 日加拿大常驻联合国代表团给秘书处的  
普通照会

加拿大常驻联合国代表团向联合国秘书处法律事务厅海洋事务和海洋法司致意，并谨此提交在《联合国鱼类种群协定》（《联合国渔业协定》）缔约国非正式协商期间向各国代表团分发的《联合国鱼类种群协定订立后区域渔业管理组织跨界鱼类种群和高度洄游鱼类种群监管情况概览》文件专题摘要（“摘要”）（附件）。随函附上的还有作为“《联合国渔业协定》订立后”文件所附的汇总表节录（汇总表——见附录\*）这些汇总表对现有的各区域渔业管理组织作了介绍，是摘要的一份很好的事实补充材料。摘要和汇总表是对秘书长报告（A/CONF.210/2006/1 和 Corr. 1）的补充，同其他代表团的文件一起形成了供各国代表团在筹备即将召开的审查会议期间评估《联合国渔业协定》时参考的重要的资料基础。

加拿大常驻代表团请求将这些文件作为审查会议的正式文件进行翻译和分发。如果因汇总表太长而不便翻译，加拿大常驻代表团则请求将原件附在摘要后面。

\* 附录只以呈件的语文分发。



## 2006 年 4 月 12 日加拿大常驻联合国代表团给秘书处的普通照会的附件

### 《联合国鱼类种群协定》订立后区域渔业管理组织跨界鱼类种群和高度洄游鱼类种群监管情况概览

#### 摘要

2006 年 3 月 31 日

#### A. 背景

##### 1. 《执行 1982 年 12 月 10 日〈联合国海洋法公约〉有关养护和管理跨界鱼类种群和高度洄游鱼类种群的规定的协定》（《联合国渔业协定》）

1. 《联合国渔业协定》经过三年的谈判后于 1995 年通过，以便加强《联合国海洋法公约》（《海洋法公约》）中与跨界鱼类种群和高度洄游鱼类种群有关的某些条款，特别是第 63、64 和 116 至 119 条，并在这些鱼类种群的整个地域范围统一实行负责任的养护和管理。《联合国渔业协定》在第 30 份批准书交存后于 2001 年 12 月开始生效。《联合国渔业协定》是针对 1992 年联合国环境与发展会议对国际重要渔业资源的消失、捕捞作业对海洋生态系统的影响表示的关切，以及为实现可持续发展需要确保按照准则负责地开展一切捕捞活动的必要性而制定的。

2. 《联合国渔业协定》对《海洋法公约》条款加以进一步发挥、重述和提炼，以确保长期养护、可持续利用和负责任管理跨界鱼类种群和高度洄游鱼类种群及其相关和依附物种。正如联合国法律顾问在 2006 年 3 月《联合国渔业协定》缔约国第五轮非正式磋商期间的发言中所说，“《联合国渔业协定》被认为是 1982 年通过[《海洋法公约》]以来养护和管理渔业资源方面最重要的、具有法律约束力的全球文书”。

3. 《联合国渔业协定》的重要性着重说明必须按照 2002 年可持续发展问题世界首脑会议《约翰内斯堡执行计划》和最近大会决议的呼吁，对其予以全面接受和有效执行。截至 2006 年 3 月，《海洋法公约》已有 149 个缔约方、《联合国渔业协定》已有 57 个缔约方、联合国粮食及农业组织通过的《促进公海渔船遵守国际养护和管理措施的协定》（《遵守措施协定》）已有 33 个缔约方。在 2006 年 3 月《联合国渔业协定》缔约国第五轮非正式磋商期间，包括重要公海捕鱼国在内的几个国家都表示打算在 2006 年加入《联合国渔业协定》。

4. 《联合国渔业协定》同粮农组织《遵守措施协定》和粮农组织 1995 年《负责任渔业行为守则》（粮农组织《行为守则》）一起，为规范渔业资源及相关活动

提供一套准则、原则和最低国际标准，强调船旗国的义务。在《海洋法公约》订立后，《联合国渔业协定》又补充提出并要求采用某些管理原则和方针，如对待渔业的预防性做法和生态系统方法，使沿海国以可持续方式管理其专属经济区内渔业资源的责任得到加强。这些在《海洋法公约》订立后提出的原则和标准适用于国家管辖海域和公海上的所有跨界鱼类种群和高度洄游鱼类种群。《联合国渔业协定》重申船旗国对于其在公海上捕鱼的船只拥有管辖权，并阐述了限制传统公海捕鱼自由的义务和责任。《联合国渔业协定》还载有创新条款，允许非船旗国在怀疑未遵守养护和管理措施及船旗国没有或未能及时行动时，采取行动。

5. 《联合国渔业协定》通过加强区域渔业管理组织和区域渔业管理安排的作用，强调沿海国与船旗国进行合作和和谐管理的必要性。凡有真空的地方，就应设立新的区域渔管组织或作出新的区域渔管安排，在其整个地域范围实行统一养护和管理。

6. 《联合国渔业协定》第 36 条规定，联合国秘书长应在《联合国渔业协定》生效之日后四年召开会议，评价《联合国渔业协定》在确保跨界鱼类种群和高度洄游鱼类种群的养护和管理方面的效力。第 36 条第 2 款还责成会议“审查和评价《联合国渔业协定》各项规定的适当性”，必要时“提出加强《联合国渔业协定》各项规定的实质性内容和执行方法的办法，以期更妥善地处理在养护和管理跨界鱼类种群和高度洄游鱼类种群方面继续存在的问题”。审查会议将于 2006 年 5 月 22 日至 26 日在联合国总部举行。

## 2. 《海洋法公约》的法律概览

7. 《联合国渔业协定》和粮农组织《遵守措施协定》都是条约，有时称为“硬性法律”。《联合国渔业协定》是指导跨界鱼类种群和高度洄游鱼类种群捕捞活动的重要法律文书，《联合国渔业协定》的谈判与粮农组织《负责任渔业行为守则》的谈判并行进行。粮农组织《遵守措施协定》是在《联合国渔业协定》生效两年后于 2003 年生效的。

8. 粮农组织《行为守则》是一份自愿性、不具法律约束力的文书，因此往往被称为“软性法律”。粮农组织《遵守措施协定》尽管是一项条约，但构成粮农组织《行为守则》的一个整体和具有约束力的组成部分。为了补充粮农组织《行为守则》(和《联合国渔业协定》)，粮农组织在《行为守则》框架内谈判和通过了四项国际行动计划(《减少附带捕获海鸟国际行动计划》、《养护和管理鲨鱼国际行动计划》、《减少船队捕捞能力过剩国际行动计划》和《打击非法、无管制和未报告的捕捞活动国际行动计划》)。此外，为协助实施粮农组织《行为守则》和四项国际行动计划，粮农组织还拟定了一系列技术准则(预防性做法技术准则、对渔业采用生态系统方法技术准则和另一个关于非法、无管制和未报告的捕捞活动的技术准则)。《约翰内斯堡可持续发展宣言》和《执行计划》确定了实施四项国际行动计划的紧凑时间表，对行动计划的执行起到了进一步的推动作用。

9. 目前已有很多国际法律文书和倡议，可以指导国家管辖海域内外鱼类资源的养护和管理。特别是过去十年为了支持和加强《海洋法公约》制度，养护和管理跨界鱼类种群和高度洄游鱼类种群，制定了硬性法律和软性法律。这些相互关联的国际渔业管理倡议是新的国际渔业法逐步发展的一个结果。但是这一新的不断发展的可持续渔业制度是否为沿海国、港口国和船旗国都接受、为区域渔业管理组织所采纳，并得到渔业界负责任的执行，仍然是一个问题。能否充分执行和遵守国际渔业管理框架，将语言变成行动，也是一项挑战。

### 3. 跨界鱼类种群和高度洄游鱼类种群

10. 《海洋法公约》第六十三条第 2 款指出“跨界鱼类种群”或“跨界种群”是“同一种群或有关联的鱼种的几个种群出现在专属经济区内而又出现在专属经济区外的邻接区域内”的情况。尽管无论是《海洋法公约》，还是《联合国渔业协定》都没有提供确切定义，这些术语已普遍被理解为是指在国家管辖地区和毗邻公海都有的跨界鱼类种群。换言之，跨界鱼类种群在专属经济区内和专属经济区外的邻接区域内都存在，或它们在专属经济区和公海之间洄游。必须将跨界鱼类种群同《海洋法公约》第六十三条第 1 款所述出现在毗邻沿海国专属经济区内的越界鱼类种群（有时称为共有或共同种群）区别开来。

11. 高度洄游鱼类种群被认为是在国家管辖海域和公海分布广泛和洄游很长距离的金枪鱼和类金枪鱼种。尽管《海洋法公约》没有提供定义，但第六十四条使用“高度洄游渔种”这一术语来指附件一所列种群，其中列出 17 种高度洄游鱼种：长鳍金枪鱼、蓝鳍金枪鱼、大眼金枪鱼、鲣鱼、黄鳍金枪鱼、黑鳍金枪鱼、鲐鱼，麦氏金枪鱼、扁舵鲹、乌鲂科、旗鱼科、东方旗鱼科、箭鱼、竹刀鱼科、海豚、大洋性鲨鱼和鲸目动物。但是《联合国渔业协定》没有提到“高度洄游鱼种”，而只限于涉及高度洄游“鱼类”种群。

12. 尽管很多海洋生物资源种群出现在国家管辖地区内和公海上，但是跨界鱼类种群和高度洄游鱼类种群不包括溯河产卵种群和降河产卵种群、海洋哺乳动物（《海洋法公约》附件一所列）和定居种（《海洋法公约》第七十七条中的定义），也不包括公海离散鱼类种群，即其洄游途径不包括国家管辖地区。但是应当指出，某些软体动物和甲壳动物尽管属于定居种，但是某些区域渔业管理组织也将其作为跨界种群进行规范。此外，尽管公海离散种群不属跨界种群，南极海洋生物资源保护委员会、北大西洋渔业组织、东北大西洋渔业委员会、东南大西洋渔业组织（和拟议的南印度洋渔业安排）也拥有规范这些“纯”公海鱼类种群的权限。

### 4. 区域渔业机构

13. 区域渔业组织一般是区域渔业机构的通称。全世界现有 30 多个区域渔业机构。它们的范围和任务规定不尽相同，一般可分成三类：(一) 成员可直接确定管理措施的多边管理实体（区域渔业管理组织或区域渔业管理安排）；(二) 向成员提

供科学和管理意见的咨询机构，包括提供区域协调和发展职能的咨询机构；(三) 只提供科学和数据咨询的科学研究组织。为了加强区域渔业机构间合作和协调，1999 年设立了一个区域渔业机构网，由粮农组织主持，每两年举行一次会议。

## 5. 区域渔业管理组织

14. 区域渔业管理组织一词是指行使管理和执行职责、具有组织文件和设有定期召开组织会议的常设秘书处的区域渔业机构。因此区域渔业管理组织是一个地域概念，通过有关国家、区域经济一体化组织或渔业实体之间的协定，行使渔业作业或管理的全面职能。区域渔业管理组织具有四项基本要素：(a) 某一鱼类种群或多个种群的地理适用地区或范围，如南部蓝鳍金枪鱼养护委员会；(b) 设立某个海域管理机构或结构的一种机制安排；(c) 实现机构管理目标所需的一系列职能；(d) 确定参加国、区域经济一体化组织或渔业实体之间合作条件的组织文件。

## 6. 区域渔业管理安排

15. 区域渔管安排不同于区域渔管组织，是一个合作性渔业管理机制，本身不设立正式的“组织”或“机构”。根据《联合国渔业协定》第 1 条第(1)款(d)项的定义，区域渔业管理安排是指“两个或两个以上国家根据《公约》或本《联合国渔业协定》制定的，目的在于除其他外在分区域或区域为一种或多种跨界鱼类种群或高度洄游鱼类种群制定养护和管理措施的合作机制”。这项定义为国家制定实用和有效的机制提供了很大的灵活性。如果可以商定一个结构比较简单和有效的机制，就没有必要设立一个正规组织。例如，通过实用、具有成本效益的区域安排，各缔约方能够轮流召开年会，并收集数据，由粮农组织或其他某一适当的国际组织作为数据存放处。属于区域渔业管理安排的例子包括：根据《白令海环形洞公约》作出的安排；尚未通过或签署的《南印度洋渔业安排》；《南塔斯马尼亚海隆协定》；1999 年冰岛、挪威和俄罗斯联邦之间的《漏洞协定》也可算一例；俄罗斯联邦与中国、日本、韩国和波兰之间关于鄂霍次克海“花生洞”的双边渔业协定；2001 年欧洲共同体（欧共体）与智利之间关于箭鱼的临时协定。汇总表中进一步审查了白令海环形洞问题。

## 7. 粮农组织区域渔业管理组织或区域渔业管理安排

16. 还可以在粮农组织框架内设立区域渔业管理组织和作出区域渔业管理安排。在这方面，必须将根据《粮农组织章程》第六条设立的机构同根据第十四条设立的机构区别开来。第六条所设机构只具有提供建议和咨询的职权范围，不享有决策和执行权。预算主要来自粮农组织，秘书处也由粮农组织提供。这一类机构包括大西洋中东部渔业委员会、中西部大西洋渔业委员会和西南印度洋渔业委员会（2004 年 11 月成立）。《联合国渔业协定》不将这些组织作为区域渔管组织，或作为区域渔管安排。



17. 《粮农组织章程》第十四条所设海洋渔业机构拥有独立预算，经费由成员国分摊。这些机构享有自主决策权，包括采取具有约束力的养护和管理措施的权力，但须遵守有关条约的具体条款。这些机构是根据缔约方按照《粮农组织章程》第十四条通过的本身的条约体制设立和在联合国登记的。这些机构包括：地中海渔业总委员会；亚洲及太平洋渔业委员会；印度洋金枪鱼委员会；区域渔业委员会。地中海渔业总委员会和印度洋金枪鱼委员会这两个区域渔管组织还拥有对高度洄游鱼类种群的管制权。

#### 8. 作为善政手段的区域渔业管理组织

18. 通过区域渔业管理组织或区域渔业管理安排网络进行国际渔业管理是《联合国渔业协定》阐述的施政制度的一个中心要素。区域渔业管理组织仍然是沿海国、在区域内捕鱼的国家和对渔业拥有“实际利益”的国家履行《联合国渔业协定》规定的义务、在管理跨界鱼类种群和高度洄游鱼类种群方面进行合作的主要机制。由于这些种群既出现在国家管辖地区内，也出现在国家管辖地区外，这就需要制定合作和和谐管理战略，以避免过度捕捞（例如通过进入许可、审慎规定的总可捕量和定额）。这些机构的设立是为了确保跨界鱼类种群和高度洄游鱼类种群及其相关和依附鱼类和非鱼类种群在其整个地域范围得到可持续管理。

#### 9. 加强区域渔业管理组织网络

19. 《联合国渔业协定》呼吁各国加强现有区域渔管组织，并根据第 8 条第(5)款，在任何没有建立管理跨界鱼类种群和高度洄游鱼类种群制度的公海地区设立区域渔业管理组织。2004 年中西太平洋渔业委员会开始运行之后，金枪鱼和金枪鱼同类鱼种的商业捕捞已得到全球范围的管制。有六个区域渔业管理组织拥有管理金枪鱼和金枪鱼同类鱼种的权限（南部蓝鳍金枪鱼养护委员会、地中海渔业总委员会、美洲热带金枪鱼委员会、国际大西洋金枪鱼养护委员会、印度洋金枪鱼委员会和中西太平洋养护和管理高度洄游鱼类种群委员会）。欧共体和智利还作出管理东南太平洋箭鱼的双边临时安排。南大洋出现两种商业价值较低的高度洄游鱼类种群——细长金枪鱼和腹翼鲭——有时作为捕捞麦氏金枪鱼的副渔获物捕获。也许有必要扩大区域渔业管理组织的管辖权，以便将这类高度洄游鱼类种群包括在内。

20. 有四个区域渔业管理组织和一个区域渔业管理安排拥有跨界鱼类种群的管辖权：南极海生委、北大西洋渔业组织、东北大西洋渔业委员会、东南大西洋渔业组织和《白令海环形洞公约》。此外，还有属于《联合国渔业协定》第十六条所述被包围的鄂霍次克海花生洞、《南塔斯马尼亚海隆协定》及《东南太平洋加拉帕戈斯协定》。后一项协定已于 2000 年 8 月谈判、通过和签署，但是尚未得到起码数目（4 个）国家的批准，因此还没生效。

#### 10. 《联合国渔业协定》订立后设立的区域渔业管理组织

21. 2001 年通过的《东南大西洋渔业组织公约》，是《联合国渔业协定》订立后于 2003 年 4 月批准生效的第一个条约。2004 年 6 月生效的《中西太平洋渔业委员会协定》是《联合国渔业协定》订立后通过（2000 年）的第一项协定。这两个区域渔业管理组织的组织文件以《联合国渔业协定》的条款为范本。其运用仍处于初期阶段。因此，它们面临的挑战从某种程度上来说，不同于《联合国渔业协定》订立前设立的区域渔管组织，甚至不同于《海洋法公约》订立前的区域渔业管理组织（地中海渔业总委员会、美洲热带金枪鱼委员会、国际大西洋金枪鱼养护委员会和北大西洋渔业组织）。

#### 11. 无管制的公海海域的跨界鱼类种群

22. 世界某些海域，即南印度洋、西南大西洋和南太平洋的公海跨界鱼类种群捕捞活动仍未得到管制。《联合国渔业协定》订立后各方已在努力弥补这些空白。创立南印度洋渔业安排的协定草案已经定稿，但协定尚未通过和签署。计划于 2006 年年中在罗马举行一次全权代表会议。提议设立一个新的区域渔业管理组织，管理南太平洋非高度洄游鱼类。此项倡议的第一次谈判会议于 2006 年 2 月在新西兰惠灵顿举行。第二次会议定于 2006 年 11 月在澳大利亚举行。

#### 12. 《联合国渔业协定》订立前区域渔业管理组织的改革和现代化

23. 《联合国渔业协定》订立前设立的区域渔业管理组织不同程度地采用新制度要求的新原则和新职能。已用各种方法迎接区域渔业管理组织的改革或现代化挑战：美洲金枪鱼委员会为制定称为《安提瓜公约》的一项新的组织协定（重要规定在美洲金枪鱼委员会的汇总表中用斜体字列明）进行谈判，该公约生效后将取代现有的《美洲金枪鱼委员会公约》。这项新协定反映了渔业管理的现代发展，包括如《联合国渔业协定》和粮农组织《行为守则》所述，采用预防性做法和兼容原则。1997 年地中海渔业总委员会为承认《联合国渔业协定》和其他国际文书，修订了其协定，将预防性做法、非沿岸国成员、独立预算纳入其中，并对其附属机构进行改组。大西洋金枪鱼养护委员会已在努力增加委员会成员及改进执行贸易措施的标准。在 2005 年 11 月年会上，该委员会同意设立一个区域观察员方案，对海上转运实行监督，并发起一个按照《联合国渔业协定》和其他相关的国际文书加强委员会的进程。1996 年，东北大西洋渔业委员会设立了一个东北大西洋渔业委员会未来工作组，审查《东北大西洋渔业委员会公约》的适用性，并提出措施和修订《公约》，使其符合《联合国渔业协定》。根据工作组的建议，在 2005 年 11 月年会上同意使《公约》现代化，为推行生态系统方法、保护生物多样性和采取预防性做法提出更明确的任务规定。这些修正案在批准之前自愿实施。东北大西洋渔业委员会各当事方还同意进行一次独立的执行情况审查，确保与《联合国渔业协定》和其他文书保持一致。几年来，北大西洋渔业组织为与《联合国渔业协定》保持一致一直在逐步加强措施，但是在 2005 年 9 月年会上同意迈入改革进程。为此目的设立了一个北大西洋渔业组织改革特设工作组，评价北大西

洋渔业组织《公约》涉及决策进程的方面，提出修改建议，并审查北大西洋渔业组织现有结构和业务，除其他外，按照《联合国渔业协定》和《圣约翰宣言》加强其区域渔管组织的效率。特设工作组第一次会议将于 2006 年 4 月在加拿大蒙特利尔举行。

## B. 区域渔业管理组织监管概览

### 区域渔业管理组织结构

#### 13. 区域渔业管理组织/区域渔业管理安排结构

24. 10 个区域渔业管理组织和一个区域渔业管理安排的概览包括签署情况、生效日期和总部所在地方面的资料。在《联合国渔业协定》之前成立了九个区域渔业管理组织/区域渔业管理安排，之后又成立了两个区域渔业管理组织。成立这些区域渔业管理组织的条约规定了区域渔业管理组织的主管领域和主要目标。

### 渔业、预防性方法和生态系统方法

#### 14. 主要物种和捕捞工具

25. 各区域渔业管理组织都对特定跨界鱼类种群或高度洄游鱼类种群拥有管辖权。对跨界鱼类种群拥有管辖权的区域渔业管理组织负责监管相关地理区域所特有的一系列鱼种。许多鱼种为底栖鱼和小型海洋水层鱼，其中无脊椎鱼类包括虾、乌贼和螃蟹。这些种群的捕捞一般使用底拖网、中层拖网、底层长线、刺网、围网和诱网。负责高度洄游鱼类种群的区域渔业管理组织对于其拥有管辖权的鱼类种群通常依据《海洋法公约》附件一。（不过，根据中西太平洋渔业委员会的定义，除《海洋法公约》附件一所列鱼种之外，高度洄游鱼类种群还包括“委员会所确定的其他鱼种”）。大型海洋水层鱼的捕捞一般使用长线和围网，作业规模较小的渔民则使用诱饵船、刺网、钓竿、曳绳钓、手绳钓和其他手工渔具。

#### 15. 种群现状

26. 在《联合国渔业协定》订立之前，1992 年《里约宣言》认识到迫切需要立即处理世界渔业危机问题，因此呼吁采用新的管理制度，养护和管理跨界鱼类种群和高度洄游鱼类种群。由于技术变化、捕捞效率的提高、向新的水域扩展以及将新的鱼种作为捕捞对象，因此开发程度越来越高，这就是长期以来跨界鱼类种群和高度洄游鱼类种群的捕捞发展的特点。2005 年粮农组织世界渔业资源概览是一份关于全球鱼类种群的历史和现状的有价值的报告。该概览有分寸地指出，由于据估计海洋渔获量达约 8 500 万吨，总的趋势“……表明，世界海洋捕捞渔业已经达到最大长期潜力，有一些种群和区域已经过度捕捞，而一些种群尚未完全达到预期的长期潜力”。<sup>a</sup>

<sup>a</sup> 粮农组织，《世界海洋渔业资源状况概览》，粮农组织渔业技术文件第 457 号，粮农组织，罗马，2005 年，第 3 页。



27. 由于鱼类种群在衰减，渔业问题被重新看作广泛的环境和生物多样性问题的一部分，影响到粮食安全、生态安全，最终影响到人类安全。根据《联合国渔业协定》，确定鱼类种群现状是一项关键性义务，对于理解渔业的相对状况以及《联合国渔业协定》和其他文书所规定的相应的有效养护和管理需要十分关键。

## 16. 跨界鱼类种群现状

28. 许多跨界鱼类种群的不良状况仍然引起严重关切。尽管暂停定向捕捞已经十多年，但是一些种群尚未恢复。目前北大西洋渔业组织正在对九个种群实行休渔，其中六个种群的定向捕捞已暂停十年以上。第十个种群马舌鲽的再生计划正在实施，而第十一个种群黄尾鲽正在恢复之中。《环形洞公约》所涉阿拉斯加狭鳕自1993年以来就实行了暂停捕捞，2005年公约区域的鳕鱼生物量估计为422 000吨，大大低于重新开放捕捞所需的1 670 000吨生物量标准。目前在鄂霍次克海花生洞海没有针对鳕鱼的定向捕捞。南极海生委海域目前有若干种群已经枯竭（对包括南极石斑在内的一些鱼种的定向捕捞被禁止，对螃蟹、鱿鱼或光鱼已不再捕捞）。在一些区域对磷虾进行了评估。由于大规模非法、无管制和未报告的捕捞活动，小鳞犬牙南极鱼（通称智利海鲈）已经成为国际关切问题。在东北大西洋渔业委员会区域，非洲鳕被认为已经具有完全繁殖能力，尽管近年来的渔获量已经超过了建议的总可捕量。繁殖能力萎缩的斜竹筴鱼有可能遭到过度捕捞，大西洋-斯堪的纳维亚春季产卵鲱鱼被认为已经具有完全繁殖能力。在东北大西洋渔业委员会区域，鲈鲉、罗科尔黑线鳕（“罗科尔浅滩鳕”）和深海鱼种的种群现状尚不明确。东南大西洋渔业组织尚未对其主管范围内的种群进行评估。一些负责跨界鱼类种群的区域渔业管理组织也面临评估和管理诸如桔连鳍鲑等深海跨界鱼类种群的挑战，这些种群通常寿命较长，生长缓慢，易于受到过度开发。

## 17. 高度洄游鱼类种群现状

29. 从全球范围看，金枪鱼及类金枪鱼种总体上已被充分开发或过度开发。在负责高度洄游鱼类种群的区域渔业管理组织中，南部蓝鳍金枪鱼养护委员会在种群现状方面面临最严重的挑战，因为据估计南部蓝鳍金枪鱼自1960年以来已经减少了90%。国际大西洋金枪鱼养护委员会管辖下的一些大西洋种群被过度捕捞或低于目标水平（ $B < B_{msy}^*$ ），其中包括北部长鳍金枪鱼、西部蓝鳍金枪鱼（已枯竭）、暗色枪鱼和马尔林枪鱼。后三种鱼类目前正在根据恢复计划实施管理。东部蓝鳍金枪鱼的 $B_{msy}$ 仍不明确，人们担心其已被过度开发。还有人担心西部和东部蓝鳍金枪鱼种群的混合或重叠程度，东部可能发生的过度捕捞会损害西大西洋的再生工作。国际大西洋金枪鱼养护委员会北大西洋箭鱼再生计划似乎已取得一些成功。2002年，在十年期恢复方案进入第四个年头之后，种群从目标种群规模（ $B_{msy}$ ）的65%增加到94%。一些区域被划分为禁渔区，一些产卵地受到保护。恢复计

[\* B=生物量，msy=最大可持续产量。]

划将一直实施到 2008 年。南大西洋长鳍金枪鱼和大青鲨都高于最大可持续产量所需的水平。2005 年，地中海渔业总委员会和国际大西洋金枪鱼养护委员会制定了金枪鱼养殖数据收集程序，以改进对捕获量和渔获物中的大小构成的估算（即确保催肥养殖作业得到妥善控制，以避免过度捕捞，并且符合养护和管理措施的规定）。地中海中的箭鱼较为稳定或有所减少。在东太平洋，美洲热带金枪鱼委员会管辖下的一些种群超过了最大可持续产量所需的生物量，其中包括鲣鱼、南部长鳍金枪鱼、条纹枪鱼和箭鱼，而黄鳍金枪鱼生物量刚好达到最大可持续产量水平。大眼金枪鱼资源正处于 1975 年以来的最低水平，对再生工作造成了严峻挑战。诸如黑马林鱼和旗鱼等其他海洋水层鱼现状尚不明确。据评估，暗色枪鱼已接近充分开发，尽管不是十分确定。北大西洋长鳍金枪鱼的管理正在美洲热带金枪鱼委员会和中西太平洋渔业委员会之间进行协调，该鱼种被认为已充分开发，尽管对种群现状尚不十分明确。在西太平洋，在近期成立的中西太平洋渔业委员会的管辖区域，鲣鱼和南太平洋长鳍金枪鱼都超过了  $B_{msy}$ ，而大眼金枪鱼和黄鳍金枪鱼被认为已经充分开发。大眼金枪鱼和黄鳍金枪鱼的捕捞活动会进一步扩大，确保捕捞水平与资源相称是中西太平洋渔业委员会及其成员所面临的挑战。印度洋金枪鱼委员会管辖下印度洋中高度洄游鱼类种群现状各有不同，而黄鳍金枪鱼种群（建议捕捞活动不要超过 2000 年水平以上）和长鳍金枪鱼种群现状不明，因为没有可靠的评估。鲣鱼的种群水平被认为与箭鱼一样较为稳定，尽管有人怀疑箭鱼已过度捕捞（ $F > F_{msy}^*$ ）。

总之，区域渔业管理组织的现有评估表明，大多数金枪鱼和类金枪鱼种已被充分开发，其中一些已被过度捕捞，少数已枯竭。在太平洋一些区域以及有可能在印度洋，鲣鱼渔获量的增加可能是可持续的，除此以外，扩大开发的机会几乎没有。不过如果使用目前的捕捞技术硬要这么做，其代价只能是破坏性地附带捕获其他鱼种，尤其是黄鳍金枪鱼和大眼金枪鱼。

## 18. 种群恢复

30. 《联合国渔业协定》第 5 条的一个目的是恢复种群。社发首脑会议关于将渔业恢复到最大可持续产量水平的承诺迫使各国和国际管理机构制定政策恢复种群。恢复种群是渔业管理所希望取得的成果，但是事实证明，即使有减少捕捞活动的政治意愿，这一工作也十分艰巨。过去十年中执行的大多数恢复和再生计划尚未达到有关鱼类种群的再生目标。捕捞活动照常捕获非目标鱼种，而捕捞以外的其他因素也影响到种群结构和生物量。环境因素（例如北大西洋振荡、厄尔尼诺现象和海洋酸化等）可能对渔业幼体补充带来巨大影响。生境毁坏和污染是妨碍种群恢复的另外两个因素。某一种群如果减少到特定生物量以下，实际上就会在很大程度上丧失承受自然环境波动的适应力，这使得更有必要实行避免风险的养护措施。

[\*  $F$ =捕鱼死亡率。]

## 19. 数据和评估方面的挑战

31. 《联合国渔业协定》强调需要严格的数据报告制度，以便提供及时、准确和完整的信息。数据不足制约或限制了预测能力和现有最佳科学证据的证明价值，这进一步突出对渔业适用预防性方法的必要性。（根据捕获量而不是海中实际生物量）统计海洋动物群以及（根据对存活的卵的数量或者存活至性成熟期的幼体数量的估算）确定适当的捕捞限量工作本身所具有的不确定性，以及数据收集本身所具有的不确定性，使得更有必要谨慎行事。种群现状的标准参考是提供最高可持续产量所需的生物量。虽然各区域渔业管理组织可能有不同的生物参考点，但是大多数区域渔业管理组织都将最高可持续产量作为限量或目标量，因此种群现状通常被描述为低于或高于最高可持续产量，而不论有关变量是渔捞死亡率，还是生物量或捕捞量。

## 20. 渔业的生态系统方法

32. 《联合国渔业协定》第 5 条强调有必要在跨界鱼类种群或高度洄游鱼类种群的渔业管理中考虑到生态系统因素。《联合国渔业协定》认识到，渔业可能对海洋生态系统造成不利影响，而海洋生态系统的变化也可能影响到渔业（污染、气候变化、自然波动和振荡以及生境退化）。鱼类种群的过度开发引起人们对环境和生物多样性的关切，因此有人呼吁将特定物种列入《濒危野生动植物种国际贸易公约》（《濒危物种公约》）附录并建立海洋保护区。避免过度捕捞、重建鱼类种群和恢复生境的必要性推动了 2003 年粮农组织《准则》的通过，该《准则》规定了加强和超越传统渔业管理的全面框架，该框架被称为渔业的生态系统方法。渔业的生态系统方法的一个关键性组成部分是减少过度捕捞能力，以确保渔捞活动与可持续渔获量相称。粮农组织《渔业生态系统方法准则》中阐述的这一框架侧重于通过广泛适用预防性方法来控制人类活动的必要性，同时加强海洋生态系统和渔业造成的影响方面的知识基础或者说人类对此的理解。尽管只有南极海生委根据其任务授权实施了实用性生态系统方法，但是其他区域渔业管理组织也已开始在其管理决定中考虑到生态系统因素并逐步落实渔业的生态系统方法。大多数区域渔业管理组织（尤其是那些负责高度洄游鱼类种群的区域渔业管理组织）都制定了减少副渔获物措施，以落实关于海鸟的国际行动计划和关于鲨鱼的国际行动计划，并处理海龟养护方面的问题（南部蓝鳍金枪鱼养护委员会、美洲热带金枪鱼委员会、国际大西洋金枪鱼养护委员会、印度洋金枪鱼委员会、中西太平洋渔业委员会）。西北大西洋渔业组织近期禁止割鲨鱼鳍，在捕获鲨鱼方面限制副渔获物，包括禁止弃物入海。东北大西洋渔业委员会于 2006 年禁止捕杀姥鲨，目前还临时禁止使用刺网、缠网和三层刺网。一些负责跨界鱼类种群的区域渔业管理组织还关闭了一些区域，禁止捕捞（南极海生委、东北大西洋渔业委员会、西北大西洋渔业组织和作为共享种群的区域渔业机构的地中海渔业总会）。区域渔业管理组织正越来越多地通过各工作组处理生态系统影响，这些工作组不仅考虑生态系统对鱼类种群的影响，而且还考虑捕捞活动对生态系统的影响。

## 21. 渔业的预防性方法

33. 《联合国渔业协定》的关键性创新是渔业管理的预防性方法（《联合国渔业协定》第 6 条和附件一）。南极海生委在确定捕捞限量中系统地使用了结构合理的预防性评估程序。迄今为止，大多数区域渔业管理组织都已经审查了如何采用和执行预防性参考点，但是还需要将这一方法落实到行动中。大多数区域渔业管理组织（除一些是明显例外以外）已经重新拟订最高可持续产量，从目标管理参考点转向限量，一些区域渔业管理组织还实行了捕捞控制规则。要想实现《联合国渔业协定》和社发首脑会议的目标，就必须同时在国家管辖范围以内和以外的区域“广泛地适用”预防性方法。这意味着预防性方法将不仅仅被看作一个制定预防性参考点的科学活动，而且将被看作是至关重要的避免风险的监管评估程序的一部分，因为主管人员在管理决策中常常在养护方面发生错误。根据粮农组织《技术准则》（第 2 号，1996 年）中阐述的预防性方法，举证责任改为由反对预防性行动的一方承担，它们有责任证明，捕捞做法和渔捞活动未超出可接受的损害范围，即未造成严重或不可逆转的损害。

### 参加情况

## 22. 成员

34. 《联合国渔业协定》规定了合作和养护鱼类种群的一般性义务，呼吁各国、各捕鱼实体和各区域经济一体化组织加入区域渔业管理组织，或同意实行这些区域渔业管理组织的养护和管理措施，而不论其是否为成员。这一框架使得在有关渔业中享有“实际利益”的所有国家都可以加入或参与，并要求所有国家遵守有关区域渔业管理组织或区域渔业管理安排的管理制度。尽管《联合国渔业协定》未对“实际利益”一词加以定义，但是自 1995 年以来就已经开展协调努力以鼓励非成员国、区域经济一体化组织和捕鱼实体加入区域渔业管理组织。主要的捕鱼国都已加入区域渔业管理组织，但所谓“不遵守旗”国家加入的很少。预期随着各方更多参与区域渔业管理组织，更加遵守其规定，跨界鱼类种群和高度洄游鱼类种群的管理将得到改进，监管工作将更为有效。

## 23. 合作的非缔约方/合作的非成员

35. 长期以来，非成员船只的捕捞活动损害了区域渔业管理组织对其监管区域的管理的有效性。为了达到广泛合作和参与，从而使《联合国渔业协定》所要求的区域渔业管理组织的养护制度得到遵守，大多数区域渔业管理组织都设立了新的参加类别。合作的非成员通常可以参加会议以及配额分配或捕捞机会，但不得参与决策。近年来，南极海生委、南部蓝鳍金枪鱼养护委员会、地中海渔业总会、美洲热带金枪鱼委员会、国际大西洋金枪鱼养护委员会、印度洋金枪鱼委员会、东北大西洋渔业委员会和中西太平洋渔业委员会都已实行了差别参与地位。



36. 南极海生委还引入了一个新的提供合作的非成员国子类，即参加南极海生委《捕捞文件计划》的国家，这些可以是洋枪鱼渔获物上岸或转运所在的港口国，而不是捕鱼国。一些区域渔业管理组织认识到国家间安排在国际渔业管理中的重要作用，现在也让诸如欧洲联盟（欧盟）等区域经济一体化组织参与。欧盟已经与许多国家订立了准入安排，并已经成为大多数区域渔业管理组织（南极海生委、地中海渔业总会、国际大西洋金枪鱼养护委员会、印度洋金枪鱼委员会、西北大西洋渔业组织、东北大西洋渔业委员会、东南大西洋渔业组织）的成员。只有南部蓝鳍金枪鱼养护委员会和美洲热带金枪鱼委员会不允许区域经济一体化组织作为成员加入。实际上，欧盟已非正式加入美洲热带金枪鱼委员会，尚未生效的《安提瓜公约》将允许美洲热带金枪鱼委员会接纳区域经济一体化组织为成员。

#### 24. 捕鱼实体

37. 中国台湾省不得成为粮农组织框架内的区域渔业管理组织（如地中海渔业总会和印度洋金枪鱼委员会）成员，因为联合国系统内不承认其为一个国家或单独的政治实体。不过台湾拥有相当规模的国际捕捞业，并拥有相当大的公海船队。随着新的具有特定权利义务的“捕鱼实体”概念为人所接受，台湾得以获得“成员”地位，参加中西太平洋渔业委员会，加入南部蓝鳍金枪鱼养护委员会的扩展委员会，并成为国际大西洋金枪鱼养护委员会和美洲热带金枪鱼委员会的合作的捕鱼实体。美洲热带金枪鱼委员会《安提瓜公约》（尚未生效）规定捕鱼实体可以作为成员加入。

#### 25. 增加在区域渔业管理组织中的参与

38. 《联合国渔业协定》订立之后，捕鱼国、区域经济一体化组织和捕鱼实体压力很大，需要加入区域渔业管理组织。由于只有区域渔业管理组织成员或同意实行区域渔业管理组织的养护和管理措施的捕鱼实体可以利用渔业资源，因此大家纷纷加入区域渔业管理组织。例如截至 2006 年 3 月 5 日，有五大洲的 41 个国家和一个区域经济一体化组织加入了国际大西洋金枪鱼养护委员会，其中有 23 个是 1995 年以后加入的。

#### 26. 透明度

39. 《联合国渔业协定》第 12 条要求各国确保决策过程的透明度，为此，应当允许政府间组织和非政府间组织代表作为观察员出席区域渔业管理组织的会议。所有负责跨界鱼类种群和高度洄游鱼类种群的区域渔业管理组织都拥有向公众开放的网站，并在网上提供了年度会议和附属机构会议的记录。大多数区域渔业管理组织允许非政府组织经申请后，根据适用的程序规则出席会议，但各组织的程序规则差异很大。



## 监测、控制和监督

### 27. 数据收集和报告

40. 《联合国渔业协定》第 10 条阐述了区域渔业管理组织的职能, 并规定收集和汇报数据, 以用于评估种群。各国应“取得和评价科学咨询意见, 审查种群状况, 并评估捕鱼对非目标和相关或从属物种的影响”(第 10 条(d)款); “议定收集、汇报、核查和交换关于种群的渔业数据的各项标准”(第 10 条(e)款); “如附件一所述, 收集和传播准确而完整的统计数据, 以确保备有最佳科学证据”(第 10 条(f)款); 并“促进和进行关于种群的科学评估和有关研究, 并传播其结果”(第 10 条(g)款)。自从《联合国渔业协定》生效以来, 各区域渔业管理组织都已采取措施, 加强数据收集和汇报工作。例如, 大西洋金枪鱼养护委员会在 2005 年的年会上通过措施, 责成其成员以及合作非缔约方说明为什么没有满足汇报要求, 并要提出改进行动的计划。

### 28. 观察员方案

41. 《联合国渔业协定》第 18 条第(3)款(g)项(二)目要求执行国家、分区域和区域观察员方案。观察员方案有两个职能, 一是监测遵守养护措施的情况, 二是收集科学数据。负责跨界鱼类种群的大多数区域渔业管理组织, 除了东北大西洋渔业委员会以外, 都有观察员方案。南极海生委的国际科学观察计划(不责成遵守)要求 100%地包括所有的鳍鱼渔船。磷虾渔船上有些有观察员, 但截至 2006 年, 观察员不是非要不可的。北大西洋渔业组织要求 100%地观察管制区内捕鱼的所有缔约方渔船, 并试行实时电子传送观察数据的项目。《环形洞公约》要求 100%地进行观察。并可应邀在渔船上派驻其他缔约方的观察员。但《环形洞公约》生效以来, 该地区不曾有商业捕捞赤鲑的活动。截至 2006 年 1 月 1 日, 在东南大西洋渔业组织地区捕鱼的所有渔船都要求有科学观察员。

42. 负责高度洄游鱼种的区域渔业管理组织的观察员方案有限。大西洋金枪鱼养委会要求捕捞肥壮金枪鱼的大型延绳钓船只至少 5%有观察员, 但一些缔约方对渔船的观察面较广一些。大西洋金枪鱼养委会 2005 年通过转运措施建立了区域观察员方案, 至迟于 2007 年实施。该方案要求大型金枪鱼延绳钓船只在进行海上转运时要有观察员在场。目前渔业总会还没有观察员方案, 但在 2006 年 2 月采纳了大西洋金枪鱼养委会的转运建议, 要求建立渔业总会的区域观察员方案。

《国际海豚养护方案协定》要求大型围网渔船必须 100%地配备随船观察员, 70%的观察员由美洲热带金枪鱼委员会提供, 其余则由缔约方提供。美洲热带金枪鱼委员会的决议要求在东太平洋使用观察员收集数据并进行其他监测工作。印度洋金枪鱼委员会和南部蓝鳍金枪鱼养护委员会都鼓励成员国实施国家观察员方案, 建议要有 10%的观察面。中西太平洋渔业委员会规定与其他国家或区域方案协同, 建立区域观察员方案, 计划于 2006 年实施。

## 29. 渔船监测系统

43. 渔船卫星监测系统是提高国家和区域渔业养护措施效率的又一个工具。渔船监测系统能在监测、控制和监督方面帮助渔业管理当局收集数据（例如监测渔船活动，收集捕捞数据），以确保遵守管理目标。这一技术大有潜力，可扩大用于监测、控制、监督和执法。《联合国渔业协定》要求“按照任何国家方案和经有关国家议定的分区域、区域或全球方案发展和执行船只监测系统，适当时包括卫星传送系统”（第 18 条第(3)款(g)项(三)目）。目前，许多沿海国家和区域渔业管理组织都在实行渔船监测系统，包括南极海生委、美洲热带金枪鱼委员会、国际大西洋金枪鱼养护委员会、北大西洋渔业组织和东北大西洋渔业委员会。截至 2006 年 4 月 1 日，获准在东南大西洋渔业组织捕鱼的所有渔船都必须符合渔船监测系统的标准，将数据传送给船旗国的渔业监测中心，然后传送给东南大西洋渔业组织秘书处。其中一些区域渔业管理组织的渔船监测系统已充分运作了若干年（现在每隔两小时向北大西洋渔业组织和东北大西洋渔业委员会传送渔船的位置报告）。中西太平洋渔业委员会最近批准建立渔船卫星监测系统，作为其监测、控制和监督系统的一部分。

## 30. 执法

44. 过去十年来，主管跨界鱼类种群和高度洄游鱼种的区域渔业管理组织不断加强执法机制，包括在海上和港口进行检查，针对转运采取措施，编制“守法”、“违章”船只名单。《联合国渔业协定》第 18 条第(3)款(h)项要求船旗国采取措施，管制公海上的转运活动，以确保不削弱养护和管理措施的效力。一些区域渔业管理组织通过了关于转运和转运鱼上岸的条例或禁令，其中有：渔业总会、美洲热带金枪鱼委员会（涉及围网渔船）、大西洋金枪鱼养护委员会、印度洋金枪鱼委员会、北大西洋渔业组织和东北大西洋渔业委员会。《中西太平洋渔业委员会公约》第 27 条允许港口国禁止不遵守规定捕捞的鱼上岸和转运，并规定只要可行，就尽量在港口转运。

## 31. 海上登船和检查

45. 《联合国渔业协定》第 18 条第(3)款(g)项(一)目要求执行国家检查计划及第 21 和第 22 条规定的分区域和区域执法合作办法，包括规定这些船只须允许经正式授权的其他国家检查员登船。第 22 条规定了登船和检查的基本程序。负责跨界鱼类种群的大多数区域渔业管理组织和区域渔业管理安排都有海上登船和检查制度（南极海生委、北大西洋渔业组织和东北大西洋渔业委员会）。《环形洞公约》和《东南大西洋渔业组织公约》都规定了海上检查制度。迄今为止，主管高度洄游鱼种的大多数区域渔业管理组织尚未采用海上登船和检查制度，但是，中西太平洋渔业委员会于 2005 年 12 月同意自 2006 年 6 月 19 日起，在中西太平洋渔业委员会管理区适用《联合国渔业协定》第 21 条和 22 条。闭会期间将进一步审议上船和检查程序，待中西太平洋渔业委员会第三次年会订定后再使用。

### 32. 港口检查和港口国措施

46. 渔船要入港的原因很多，其中有加油、补给、卸鱼、转运、修理和紧急情况。因此，港口国的管制如今是监测、控制和监督的一项根本义务。一些区域渔业管理组织（包括南极海生委、国际大西洋金枪鱼养护委员会、印度洋金枪鱼委员会、北大西洋渔业组织、东北大西洋渔业委员会和中西太平洋渔业委员会）已经或者正在采取措施，要求成员国检查停靠在其港口的非法、无管制和未报告的渔船，防止擅自捕获的鱼卸船或转运。港口国在捕获和买卖登记制度中的作用是有待进一步发展的领域。其中的一些棘手问题是管辖权（根据国际法，港口国对港口有专属管辖权）、发展中国家的实施能力和港口国措施对国际贸易法的影响。粮农组织渔业委员会最近核准的粮农组织港口国措施示范制度为区域渔业管理组织如何解决这些问题提供了有益的指导。

### 33. 区域渔业管理组织的登记册

47. 根据《联合国渔业协定》第 18 条第(3)款(c)项，船旗国要建立国家档案，记录获准在公海捕鱼的渔船的资料。需确保船旗国能有效地监控悬挂其旗帜的船只，其如果对某些船只无法实行必要监控，则应不予登记或核发许可证。此外，需确保对不遵守规定的船只予以适当惩罚。南极海生委、南部蓝鳍金枪鱼养护委员会、渔业总会、美洲热带金枪鱼委员会、大西洋金枪鱼养护委员会、印度洋金枪鱼委员会、北大西洋渔业组织、东北大西洋渔业委员会和中西太平洋渔业委员会都制定了“获准在特定海域捕鱼的渔船名单”。这些所谓的“守法”船名单通常被称为渔船记录或登记册。这些区域渔业管理组织断定，凡未经许可在其管辖区捕鱼渔船是“非法、无管制和未报告的”船只。许多区域渔业管理组织还制定了“非法、无管制和未报告捕鱼的违章”船只名单。南极海生委、美洲热带金枪鱼委员会、大西洋金枪鱼养护委员会、印度洋金枪鱼委员会、东北大西洋渔业委员会以及最近北大西洋渔业组织和渔业总会都制定了非法、无管制和未报告的船只名单。在区域渔业管理组织之间交流这些名单可确保已知在某个海域违反养护和执法措施的渔船无法轻而易举地在另一海域作业。

### 34. 渔获量记录和贸易措施

48. 《联合国渔业协定》通过以来，在国际渔业法方面的另一个新进展是采用多边商定的非歧视贸易措施促进遵守国际养护和管理措施。《联合国渔业协定》第 33 条第(2)款虽然没有直接提到贸易措施，但规定“缔约国应采取符合本协定和国际法的措施，防阻悬挂非缔约方国旗的船只从事破坏本协定的有效执行的活动”。南部蓝鳍金枪鱼养护委员会、美洲热带金枪鱼委员会、大西洋金枪鱼养护委员会和印度洋金枪鱼委员会都实行了渔获量登记制度、统计制度或贸易登记制度。大西洋金枪鱼养护委员会最初在 1994 年对金枪鱼实行数据登记方案。南极海生委对巴塔戈尼亚洋枪鱼实行渔获量登记制度。北大西洋渔业组织要求如实标明在其辖区内捕获的所有鱼。

49. 打击非法、无管制和未报告的捕捞活动的国际行动计划详细阐述了《联合国渔业协定》，具体规定区域渔业管理组织需采用多边贸易措施，以强制执行区域养护和管理措施。这种措施可包括采用多边渔获量登记和核证制度，管制或禁止进出口。一些区域渔业管理组织（南极海生委、南部蓝鳍金枪鱼养护委员会、大西洋金枪鱼养护委员会、印度洋金枪鱼委员会、东北大西洋渔业委员会和北大西洋渔业组织）针对非法、无管制和未报告的捕捞活动制定和实施了多种与贸易有关的措施。这些措施包括强制性禁止进口损害商定养护措施效力的非成员国渔船的鱼（南极海生委渔获量登记制度）；禁止进口超过捕捞限额的成员国的产品；禁止进口不采取改正行动的非成员国的产品；利用渔获量登记制度确定鱼的来源，并确定捕鱼方法是否符合区域渔业管理组织的管理措施；利用其他统计登记方案追踪调查进入国际贸易的所有鱼和渔产品；向渔船提供渔获量登记文件，包括出口国的出口（或再出口）鉴定；在鱼产品上作标记或贴标签，说明产品种类的生产方法（例如从海洋、江河湖泊中捕获或养殖），捕获地或生产地。

### 治理努力

#### 35. 决策

50. 为了提高区域渔业管理组织的效力，现已作出努力，加强决策进程，以便采用更多的必要措施管理渔业，提高实施和遵守程度，避免和减少纠纷可能。一些区域渔业管理组织已通过有科学根据的决定、事先商定的决定规则（包括捕捞控制）和分配标准，所有这一切都是为了建立为全体参加者所接受的更可预测、有力和透明的制度。

#### 36. 在协商一致基础上进行决策

51. 所有的区域渔业管理组织，虽然其组织协定中有投票程序的规定，但一般都采用在协商一致的基础上进行决策的程序。东北大西洋渔业委员会是一引人注目的例外。协商尽管一致是避免排斥少数人意见的一个有效的程序方法，并能通过达成集体的一致意见而改善遵守情况，但也会拖延决策过程，常常导致延误或瘫痪，不利于为鱼类种群的可持续性及时、负责和有效地作出管理决定。一些区域渔业管理组织已在努力克服这些缺点。它们按照《联合国渔业协定》，制定起码的国际标准，作为决策基准。在协商一致地达成协定或找到其他办法打破僵局或解决纠纷之前，权且暂时用这些标准作为预设立场。除了这些标准外，还有事先商定的决策规则、预防参考点和规定总可捕量和决定定额的标准。如果不能及时地达成共识，一些组织的进程就可以自动进入投票程序或快速解决纠纷进程。

#### 37. 反对程序

52. 国际渔业组织的一个主要的两难问题是需平衡国家主权和区域渔业管理组织内部的合作义务这两方面。为了取得这一平衡而采取的一个机制是反对程序或选出条款，即允许某一国家选择不加入它反对的养护和管理决定。但是，某国提



出反对意见之后往往会采取引起争议的单方面行动，从而削弱区域渔业管理组织的养护制度。为了提高决策进程的效力，一些区域渔业管理组织（东北大西洋渔业委员会和东南大西洋渔业组织）着手规定提出异议的条件，例如，要求必须提出反对的理由，而且反对国必须提出可以接受的选出后计划，证明养护计划将不会受到单方面行动的影响。南部蓝鳍金枪鱼养护委员会、美洲热带金枪鱼委员会（还有《安提瓜公约》）和中西太平洋渔业委员会的组织协定中没有反对程序。

### 38. 解决争端的机制

53. 与渔业有关的所有主要海洋法条约（《海洋法公约》、《联合国渔业协定》和粮农组织《遵守措施协定》）都对解决争端作了规定。《海洋法公约》和《联合国渔业协定》载有强制性程序，可据此作出有约束力的裁定。但这些条约也强调用和平方式解决争端的更基本的义务，例如通过谈判、调查、调停、和解、仲裁、司法解决、诉诸区域机构或安排。

54. 《联合国渔业协定》载有与《海洋法公约》相联系的解决争端的完整体系。其主要条款涉及：用和平方式解决争端的义务；通过采用高效而迅速的决策程序或加强现有程序预防争端；利用特设专家小组解决技术性争端；用《海洋法公约》中所列的强制和有约束力的程序解决争端；采取临时措施；规定某些限制，如《海洋法公约》第二九七条第(3)款所述的限制，保护沿海国在其专属经济区内的利益。

55. 《联合国渔业协定》（第 28 条）中规定各国义务合作预防争端，在区域渔业管理组织内议定高效而迅速的作出决定程序，并应视需要加强现有的作出决定程序。这就明确表明首先必须制定预防争端的程序。

56. 并不是所有的区域渔业管理组织都在其组织条约中列有解决纠纷的程序。1995 年通过《联合国渔业协定》之前建立的一些区域渔业管理组织的情况各不相同。例如，大西洋金枪鱼养护委员会和北大西洋渔业组织就没有强制性解决冲突的规定，而南部蓝鳍金枪鱼养护委员会、渔业总会和印度洋金枪鱼委员会则有条款允许采用有约束力的解决争端程序。在那些自 1995 年以来根据《联合国渔业协定》的规定作了相应更新的区域渔业管理组织中，美洲热带金枪鱼委员会只作出有限规定，允许经各方同意后，将争端提交给特设专家小组解决。但东北大西洋渔业委员会已商定通过修正案（尚未生效），建立快速解决争端的机制。《联合国渔业协定》订立后成立的区域渔业管理组织已有这类规定：东南大西洋渔业组织和中西太平洋渔业委员会都采纳了《联合国渔业协定》解决争端的规定。此外，中西太平洋渔业委员会的决策进程（其中包括作出有约束力的决定）规定在不能达成共识的情况下，将任命一位调解员或审查小组。



### 39. 援助发展中国家

57. 《联合国渔业协定》要求采取的措施以及通过区域渔业管理组织实施《联合国渔业协定》的工作，特别是收集数据和汇报、切实采取生态系统方法、有效的监测、控制和执法机制、国内立法和管理措施以及参加国际和区域会议，都需要有足够的财政和人力资源。要使发展中国家有效地参与经扩大的跨界鱼类种群和高度洄游鱼种国际渔业管理制度，就需要为区域渔业管理组织的发展中成员国提供财政援助、技术支助和能力建设服务。南极海生委最近通过一项决议（24/XXIV），帮助发展中国家遵守《联合国渔业协定》第 25 条。为此，现已建立第七部分基金，由粮农组织管理。迄今为止，加拿大、冰岛、挪威和美国已为该基金捐款。此外还有一些双边和多边努力，力求推动发展中沿海国和岛国加入区域渔业管理组织，并通过有效实施《海洋法公约》和《联合国渔业协定》，促进实现可持续发展的附带利益。

### C. 结论

58. 只有主要依靠区域渔业管理组织及其缔约方或成员的协同努力，才能实施《联合国渔业协定》的规定，改善渔业管理、资源回收和实现可持续性。国际社会对渔业资源过度开发以及捕捞活动对海洋生态系统的影响越来越关切，认为需要确保负责地进行所有的捕捞活动。对于海洋生态系统，对于海洋生物资源不加管理或管理不当已经造成的无可补救的严重损害，我们还有很多情况不了解。《联合国渔业协定》为负责地管理跨界鱼类种群和高度洄游鱼种提供了预防性的、以科学为依据的生态系统管理框架。

59. 许多人会对 2006 年 5 月《联合国渔业协定》审查会议结果感兴趣。希望这些材料能够成为有用的参考资料，帮助强化《联合国渔业协定》的谈判国所建立的切实而有远见的框架。



## APPENDIX\*

### Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

RFMO Structure	CCAMLR	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>Commission for the Conservation of Antarctic Marine Living Resources</b></p> <p><b>Headquarters:</b> Hobart, Tasmania, Australia</p> <p><b>Convention:</b> Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR Convention).</p> <p><b>Signed:</b> May 20, 1980, Canberra, Australia.</p> <p><b>In force:</b> April 7, 1982.</p> <p><b>www.ccamlr.org</b></p>	<p>The Southern Ocean surrounding Antarctica which constitutes the area south of 60°S latitude and between that latitude and the Antarctic Convergence. The Antarctic Convergence is a line joining the following points along latitude and longitude lines: 50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E; 55°S, 80°E; 55°S, 150°E; 60°S, 150°E; 60°S, 50°W; 50°S, 50°W; 50°S, 0°. CCAMLR area incorporates FAO Statistical Areas 48, 58 and 88.</p>	<p>To ensure the conservation, including rational use, of Antarctic living marine resources.</p>	<p>Commission, Standing Committee on Implementation and Compliance (SCIC), Standing Committee on Administration and Finance (SCAF), Scientific Committee (SC) and its Working Groups (WG); and Secretariat (Executive Secretary).</p>	<p>SC is comprised of scientific representatives and advisors from Member nations. SC provides Commission summary of discussion including rationale for findings and recommendations. SC establishes permanent WGs and recommends research programs, conservation and other measures to Commission. WGs include Fish Stock Assessment (WG-FSA), Ecosystem Modeling and Management (WG-EMM), Incidental Mortality Associated with Fishing (WG-IMAF), and Subgroup on Acoustic Survey and Analysis Methods (SG-ASAM), and Ad Hoc Joint Assessment Group (JAG). The CCAMLR Ecosystem Monitoring Program (CEMP) monitors key life-history parameters of selected dependent species.</p>

\* This appendix is being circulated as received, in the original language only.

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p><b>Species:</b> Antarctic Krill, Patagonian toothfish, Antarctic toothfish, sub-Antarctic lantern fish, <i>Electrona carlsbergi</i>, mackerel icefish, sevenstar flying squid, Antarctic rock cod and crabs. Currently, no active crab or squid fishery.</p> <p><b>Gear:</b> Pots (crab), bottom trawls, bottom long lines, squid</p>	<p><b>Stock status assessed in some areas:</b> Antarctic Krill – all fisheries subject to precautionary TACs.</p> <p><b>Depleted:</b> Patagonian Toothfish may be significantly depleted in Subareas 58.6 and 58.7 -many stocks regulated by precautionary TACs; Mackerel icefish (Area 48) – highly variable recruitment, restricted fishery, TAC imposed around South Georgia (Subarea 48.3); Antarctic rock cod – depleted in Area 48 and 58, no directed fishery.</p> <p><b>Stock status unknown:</b> Antarctic toothfish - full status unknown, regulated by precautionary TACs; Sub-Antarctic lantern fish (<i>Electrona carlsbergi</i>) - no fishery since 1991/1992; Sevenstar flying squid - precautionary TACs imposed.</p>	<p>Seabirds are significant bycatch issue. Seabird bycatch mitigation measures in place since 1992. Other bycatch species include Antarctic rock cods, ice fishes, skates and rays. Bycatch considered by WG-FSA. Instituted bycatch conservation measures including mesh size regulation, bottom trawl prohibition around South Georgia, and bycatch of grenadiers, skates and rays (counted collectively) limited to 5% of toothfish catch; also established WG-IMAF (WGIMALF in 1994).</p>	<p>Krill, as prey species, is currently managed under EA. Article II of Convention outlines EA principle setting benchmark for other fisheries organizations. Began CEMP in 1984. Management approach regulates human activities to avoid deleterious changes in Antarctic ecosystem, including bycatch reduction of seabirds and other non-target species. 2005 SC MPA Workshop held in USA. At 2005 Annual Meeting, CCAMLR endorsed SC recommendation to establish harmonized regime across the Antarctic Treaty System (ATS). SC and relevant agencies to develop MPA network strategy. Next Workshop to be held 2007. 2005 Valdivia, Chile Symposium called for CCAMLR policy on destructive fishing practices, including impacts of bottom trawling.</p>	<p>As of 2005, the only RFMO to have fully incorporated PA into stock assessment and decision making. All regulated fisheries in areas under CCAMLR jurisdiction are subject to precautionary catch limits. In addition, both krill and Patagonian toothfish fisheries are subject to (pre-determined) decision rules. Though “PA” is not specified, Convention is first international fisheries instrument to outline the PA conservation principle. CCAMLR is pioneering efforts to manage marine ecosystem according to PA; and, new fisheries shall not develop faster than Commission is able to evaluate their potential consequences.</p>

Participation	Members	Cooperating Parties	Membership	Participation Criteria	Transparency
	<p>Members of the Commission: <i>Argentina, Australia, Belgium, Brazil, Chile, EC, France, Germany, India, Italy, Japan, Republic of Korea, Namibia, New Zealand, Norway, Poland, Russian Federation, South Africa, Spain, Sweden, Ukraine, United Kingdom, USA and Uruguay</i> (24 Members).</p> <p><b>Bold:</b> UNFA <i>Italics:</i> FAO Compliance Agreement</p>	<p>Acceding States party to CCAMLR, but not Members of the Commission: Bulgaria, <b>Canada, Cook Islands, Finland, Greece, Mauritius, Netherlands, Peru, Vanuatu</b> (9). Members and Cooperating Parties are Contracting Parties (CPs).</p> <p><b>Catch Documentation Scheme (CDS) Parties:</b> <b>Canada</b>, China, <i>Mauritius, Peru, Seychelles</i>, Singapore CPs and CDS Parties require CDS documents prior to importing toothfish.</p>	<p>Any State or REIO can become a CCAMLR Party subject to criteria listed in Articles XXIX and VI of CCAMLR Convention (including review by Commission and submission of written statement outlining reasons for application).</p>	<p>There are two categories of membership: 1) Members of Commission who pay dues, are involved in scientific research and/or fishing subject to conservation measures; and have voting rights; and, 2) Acceding States, or REIOs that are interested in research or harvesting activities, pay no dues, and agree to be bound by Convention. In addition, States who are Non-Parties to CCAMLR, including port States, can participate in the implementation of CDS (open and transparent process). In 2005, Commission adopted resolution 24/XXIV on NCP Enhancement Program consistent with UNFA.</p>	<p>Publicly accessible website which includes scientific data, Commission and SC proceedings, and Member activity reports. Availability of unpublished documents subject to Rules for Access to Data. Participation of observers from IGOs and NGOs is subject to Rules of Procedure of the Commission and SC (NGOs may attend as observers of Commission meetings and the main meeting of SC with unanimous approval by Members). Participating NGOs include ASOC and COLTO. Some meetings may be closed to observers, if requested by Member. Participating IGOs and RFMOs include the CEP, FAO, CITES, IWC, IOC, IUCN and CCSBT.</p>



Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/ Trade Schemes
	<p>Data collection by CCAMLR includes: fishery catch and effort statistics; data collected by scientific observers on fish bycatch, incidental mortality of seabirds and marine mammals; biological information and biomass estimates obtained during fishery-independent scientific surveys; biological information on dependent species collected as part of CEMP; CDS landing and trade statistics. All vessels participating in exploratory fisheries must complete research and tagging requirements.</p>	<p>CCAMLR Scheme of International Scientific Observation has 100% observer coverage on all finfish fisheries by independent, regional scientific observers. In 2005, observers on 8 krill vessels. At 2005 Annual Meeting, UK proposal for mandatory 100% observer coverage on krill vessels (1 year trial period) not adopted; however voluntary 100% observer coverage encouraged by most Members. Data collected using standard format and are submitted directly to CCAMLR and used by the SC and its WGs.</p>	<p>VMS not required for krill fishery. In 2004 adopted centralized VMS for finfish fisheries with data transmitted every 4 hours to flag State Fisheries Monitoring Centre (FMC) then communicated to Secretariat; or data can be transmitted on a voluntary basis directly from vessel to Secretariat. As of 2005, each vessel licensed by CCAMLR Members for finfish fisheries is required to have satellite-linked VMS with continuous reporting. VMS position data is used by Secretariat to corroborate toothfish landings in CDS. Exploratory fisheries are subject to exception, whereby VMS reports are transmitted by flag State after vessel has left the area. VMS reporting standards follow North Atlantic Format (NAF).</p>	<p>Enforcement of CCAMLR measures is undertaken through system of observation and inspection adopted in 1998. This is nationally operated scheme with CCAMLR designated inspectors. Where Members designate inspectors, results of inspection are reported to CCAMLR. Vessels licensed to fish are included on List of regulated vessels (rebuttable presumption that those not on List are unregulated or IUU). CCAMLR annually estimates level of IUU fishing and has taken comprehensive measures to address IUU fishing including, VMS, observers and the CDS (binding on all Members in 2000). As of 2003, there is also mandatory port inspection of all toothfish vessels. CPs following in-port inspection notifies Secretariat of all vessels carrying toothfish denied port access/landing/ transshipment. Secretariat informs CPs and CDS Parties.</p>	<p>CCAMLR adopted CDS for Patagonian toothfish in 2000. Scheme is designed to determine whether toothfish are caught in compliance with conservation measures by tracking landings and trade flows (corroborated by mandatory VMS). Regulated high seas fishing in conformance with CDS protocol includes all necessary documentation pertaining to landings, imports and transshipment of toothfish. Presumption exists that if documentation is not completed, fishing is IUU. To expedite and improve CDS, CPs and CDS Parties urged to use electronic CDS (E-CDS).</p>

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decision making is consensus based; only Members of Commission may participate in decisions. Though voting procedure exists (each Member has 1 vote), there has not been vote in 23 years on any matter of substance (whether an issue is matter of substance is regarded as matter of substance). Members failing to pay contributions for 2 consecutive years lose right to participate in decision making during period of default. Resolutions are non-binding. Decisions on conservation measures are binding 180 days after Commission notification. While objection procedure exists under Convention, full procedure has never been activated, and only 2 technical objections to a measure have occurred.	Under Article XXV and in the event of a dispute, CPs must consult among themselves with view to resolution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means. If dispute is not resolved, it must, with Parties' consent, be referred to International Court of Justice (ICJ), or to arbitration. If dispute goes to arbitration, the tribunal must be constituted as provided in Annex to CCAMLR Convention.	Various levels of cooperation exist with Committee on Environmental Protection (CEP) of the Antarctic Treaty, FAO, IUCN, IWC, SCAR, IOC, the Pacific Community (formerly the South Pacific Commission), the FFA, CCSBT, IOTC, ACAP, and ICES. CDS collaboration with ICCAT, and IATTC. Seeks cooperation and info exchange with other organizations on IUU fishing. Actively involved with NEAFC and NAFO in the development of the NAF for common VMS reporting standards. Secretariat chairs and participates in RFB meeting held biennially on margin of COFI. Joined FIRMS. Joint CCAMLR-IWC workshop planned for 2006.	Continues to lead in operationalizing PA and EA. Continues to develop PA reference points as basis for decision rules. EA management of krill fishery. Held 2005 MPA workshop. Yearly symposium starting 2005. Introduced comprehensive reporting system through CDS and mandatory VMS for management of toothfish fishery. Established registry of vessels permitted to fish. Implemented seabird bycatch limits; if limit exceeded, vessel must cease to fish and leave area. Established: independent Regional Scientific Observer Program mandatory for all finfish fisheries; Regional Inspection program; and in-port inspection program for toothfish. have reduced IUU fishing through enforcement, CDS and diplomatic efforts. Encourages use of E-CDS. Have increased CDS Parties. Adopted 2005 NCP Cooperation Enhancement Program to further reduce IUU fishing.	Avoiding, reducing and eliminating overfishing and rebuilding depleted stocks. IUU fishing (particularly for toothfish) by CPs and NCPs. IUU fishing in adjacent Southern Indian Ocean area (proposed SIOFA may address this). Controlling toothfish transshipment. Assessing and enhancing compliance throughout CCAMLR area including within EEZs of coastal States. Extending Observer Program and VMS to krill fishery. Monitoring impacts of new krill harvesting method (pumping) and potential vessel and fleet capacity increases. Improving compliance with seabird bycatch mitigation measures, including within CCSBT Area. Balancing data access with confidentiality and security concerns. Increasing numbers of CDS Parties including port States. Late payment of dues by Members. Geopolitical and jurisdictional sensitivities.

RFMO Structure	CCSBT	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>Commission for Conservation of Southern Bluefin Tuna</b></p> <p><b>Headquarters:</b> Canberra, Australia</p> <p><b>Convention:</b> Convention for the Conservation of the Southern Bluefin Tuna (CCSBT Convention).</p> <p><b>Signed:</b> May 10, 1993, Canberra, Australia.</p> <p><b>In force:</b> May 20, 1994</p> <p><b>www.ccsbt.org</b></p>	<p>The entire range of southern bluefin tuna (SBT), covering approximately 30°S - 50°S in all oceans and the spawning ground south of Java, Indonesia. Where SBT geographic range overlaps with other RFMOs, CCSBT has primary competence.</p>	<p>To ensure, through appropriate management, conservation and optimum utilisation of SBT. The Commission provides internationally recognised forum for other countries/entities to actively participate in SBT issues.</p>	<p>Commission, Scientific Committee (SC), Stock Assessment Group, Independent Advisory Panel. In 2005, agreed to activate Compliance Committee. Extended Commission and Extended Scientific Committee was created in 2001(enabling Fishing Entity of Taiwan to participate). Secretariat (Executive Secretary).</p>	<p>SC advises Commission. SC has independent Chair and independent Advisory Panel. Stock assessment is conducted by Stock Assessment Group (SAG) established to separate technical evaluation and advisory roles of SC. SAG has independent external Chair. Independent Advisory Panel was created to assist national scientists with stock assessment, to provide support to process, and comment on Members' papers. If Members cannot agree on science, Advisory Panel will prepare independent advice. SC considers advice of SAG and advises Commission. No permanent scientific staff exist. Established extended SC to allow Fishing Entity of Taiwan to participate in scientific deliberations.</p>

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p><b>Highly migratory stocks:</b> Southern bluefin tuna.</p> <p><b>Gear:</b> Purse seine and long line.</p>	<p>SBT may have declined by up to 90% since 1960. In 2005, if no further reductions and continued failure to implement Management Procedure (CMP-2, pre-agreed formula adopted to set TAC), there is a possibility that spawning stock will decline to 0 tonnes by 2030. 2004 assessment concluded that catch rates at that time were more likely to result in further decline than stock increase. (Spawning grounds continue to be targeted within Indonesian EEZ.) Initial rebuilding plan to reach 1980 levels by 2020 was unachievable. 2005 adopted management procedure and quota reductions to ensure a 90% probability that spawning stock biomass in 2014 will not fall below 2004 level. (In 2005, market reviews indicate 10,000 tonnes SBT illegally caught).</p>	<p>Seabirds, sharks, rays, turtles and juvenile tuna. Measures adopted in 1995 mandate use of streamer lines and bait dying to mitigate seabird bycatch. Identification guides for sharks and seabirds have been published by CCSBT. Ecologically Related Species Working Group (ERS WG) meets biennially. Members and Cooperating Non-Members (CNMs) are required to report on implementation of required bycatch mitigation measures.</p>	<p>While EA is not expressly referred to in Convention, Commission has established Ecologically Related Species Working Group (ERS WG) charged with reducing bycatch and evaluating effects on associated species. ERS WG implemented data collection by fishing vessels on bycatch species. Focus remains on managing target stock.</p>	<p>No formal adoption of PA to date. Stock assessments take into account unreported catch and juvenile mortality.</p>

Participation	Members/Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	<p>Commission Members: <i>Australia, New Zealand, Republic of Korea, Japan.</i></p> <p>Extended Commission: Fishing Entity of Taiwan and Commission Members. Extended Commission created in 2002 (5 Members of Extended Commission).</p> <p><b>Bold:</b> UNFA <i>Italics:</i> FAO Compliance Agreement</p>	<p>In 2003, Extended Commission decided to include status of Cooperating Non-Member (CNM). Philippines is CNM. Negotiations to join CCSBT are ongoing with <b>South Africa</b> and Indonesia as their nationals and vessels fish SBT. South Africa offered a catch quota of 45 tonnes (approximately three times their current catch levels ).</p>	<p>Membership is open to any State whose vessels engage in fishing for SBT or to any coastal State through whose EEZ or fishing zone SBT migrates. REIOs are not permitted to join. CNM status is reviewed annually based on adherence to conservation management activities of Commission. In 2004, Extended Commission considered policy options for admission of new entrants, including setting of catch limits. No decisions were taken. Engagement of new Members or CNMs is encouraged to ensure that conservation measures are not undermined.</p>	<p>CNMs cannot vote, do not pay contributions but participate fully in discussions although they may be excluded from discussion on some agenda items at discretion of Chair (no exclusions have occurred to date). CNMs are required to observe conservation and management measures of CCSBT including any catch limit agreed with the CCSBT. Vessels of CNMs are added to CCSBT list of vessels authorized to fish for SBT.</p>	<p>Publicly accessible website. Meeting minutes and catch data are available online. NGOs may attend meetings as observers and submit documents with 100 days notice and unanimous consent of Parties. NGOs may also attend as Members of Party delegations. Reports and Commission documents are placed in public domain unless Party asks for document to be kept confidential. IGOs and other organizations are invited. Opening stages of Commission meeting are open to public, but subsequent discussions of substance are limited to Members, CNMs and observers.</p>
<b>Monitoring, Control and Surveillance</b>	<b>Data Collecting and Reporting</b>	<b>Observer Program</b>	<b>Vessel Monitoring System (VMS)</b>	<b>Enforcement</b>	<b>Catch Documentation/Trade Schemes</b>



Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decisions are made by consensus of Members present at Commission meeting. In case of vote, each member has one vote. Two-thirds of Members constitutes a quorum. Commission's work is principally done within Extended Commission. Decision making by consensus resulting in deadlock and failure to agree on catch quota in 1998-2002. No agreement reached in 2005 for TAC reductions for 2006-2007. Failure to reach consensus has lead to adoption of model based Management Procedure, with predetermined decision rules and data inputs, precluding opting out.	Article XIV provides dispute resolution directions. Annex I includes instructions for creating Arbitral Tribunal if other dispute resolution mechanisms fail. Parties have submitted a dispute to ITLOS (and not resolved through CCSBT dispute settlement procedures).	Obligated under Article 12 of Convention to cooperate with other RFMOs and IGOs. Cooperates with other tuna RFMOs regarding SBT. Tuna bodies met annually and participate in RFB biennial meetings. Effectiveness of RFMO improved through regular contact and shared data, trade statistics, lists of IUU vessels with IOTC and WCPFC. Has cooperation agreements with ICCAT, IOTC and WCPFC and participates in meetings of other RFMOs when the agenda includes relevant issues. Cooperates with CCAMLR on seabird bycatch measures.	Created Extended Commission and Extended SC to allow participation by Fishing Entity of Taiwan. Created status of CNM. Developed authorized vessel list (registry). Since 2001, enhanced Secretariat's role to strengthen inter-sessional management including maintaining database, managing TIS and negotiating with potential CNMs. Can control nationals under flag State (Article 15.4). CCSBT is considering implementing catch monitoring scheme. Adopt pre agreed management formula outlined in CMP-2. 2005 Activation of Compliance Committee.	SBT seriously overfished and at historically low levels. Current levels of catch non-sustainable. Urgent need to achieve stock rebuilding target; implement Management Procedure (CMP-2); and reduce TAC for 2006-2007. IUU fishing. Increase in number of non-Parties fishing SBT. Impact of harvesting of SBT on spawning grounds within Indonesian EEZ. Meeting targets for observer coverage of 10%. Data uncertainty, potentially corrupting important inputs on which SAG assesses and Commission sets quotas. Implementation of bycatch mitigation measures.

## Central Bering Sea Donut Hole

RFMO Structure	Donut Hole	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>Central Bering Sea Donut Hole</b></p> <p><b>Convention:</b> Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Donut Hole Convention).</p> <p><b>Signed:</b> 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><b>In Force:</b> 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><b><a href="http://www.afsc.noaa.gov/refm/cbs/default.htm">www.afsc.noaa.gov/refm/cbs/default.htm</a></b></p>	<p>The high seas area of the Bering Sea. Covers beyond 200 nautical miles (nm) from baselines from which breadth of the territorial sea of coastal States (USA 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. 10th meeting of Parties held September 2005 in Busan, Korea.</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>

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p><b>Straddling Stock:</b> <i>Theragra chalcogramma</i> (common name is Walleye or Alaska pollock).</p> <p><b>Gear:</b> Pelagic / midwater trawls.</p>	<p>Moratorium on pollock fishery since 1993 in Donut Hole. USA subsequently ceased directed fishery within its EEZ in Aleutian Basin and Bogoslof area. At 2005 Annual Conference, STC confirmed continued low abundance of pollock stocks in Central Bering Sea. Estimated Pollock biomass level in Convention Area in 2005 was 422,000 metric tons (mt), substantially below levels that would trigger lifting moratorium, as described in Part I of Convention Annex (biomass less than or equal to 1.67 million mt, harvest level is 0). Occasional trial fisheries in past. No trial fisheries in 2005. Parties authorized Korea to conduct trial fishery in July and August 2006 to locate pollock concentrations.</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>

Participation	Members/Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	<p><i>Japan</i>, China, <i>Republic of Korea</i>, Poland, <b>Russian Federation</b> and the <i>USA</i> are signatories to Convention (6 members).</p> <p><b>Bold:</b> UNFA <i>Italics:</i> FAO Compliance Agreement</p>	None at this time.	Parties may, by unanimous agreement, invite other States to become Parties to the Convention.	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.	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.

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/Trade Schemes
	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.	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.	VMS is required on all vessels. Location data are to be shared with all Parties on real-time basis.	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.	None at this time.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	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.	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.	USA State Department has invited North Pacific and Bering Sea Fisheries Advisory Body to advise the USA delegation.	Created publicly accessible website. Donut Hole Convention established moratorium on commercial pollock fishing in the Central Bering Sea. Moratorium maintained and respected since 1993. Convention established precautionary threshold (decision rule) for re-opening pollock fishery. Convention provides for 100% observer coverage and non-flag State boarding and inspection procedures to be agreed in advance. Enforcement in Convention Area facilitated by cooperation between USA Coast Guard and Russian Federal Security Service. Convention established cost-effective institutional arrangement. In June 2005, USA hosted Central Bering Sea Pollock Workshop on Allowable Harvest Level and Stock Identification as part of agreed work plan. Korea authorized to conduct trial fishery in July/August 2006 using 4 vessels, as part of efforts to increase data collection in absence of comprehensive survey of area.	Rebuilding pollock stocks. Maintaining moratorium until stock reaches agreed threshold. Expanding Convention objectives to implement broader ecosystem approach. Ensuring enforcement and fisheries management regimes are effective in event that fishery re-opens. Enhancing transparency by allowing NGO participation. Resolving USA-Russian Federation maritime boundary dispute.

## General Fisheries Commission for the Mediterranean (GFCM)

RFMO Structure	GFCM	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>General Fisheries Commission for the Mediterranean</b></p> <p><b>Headquarters:</b> Rome, Italy.</p> <p><b>Convention:</b> Agreement for the Establishment of a General Fisheries Council for the Mediterranean. (FAO Article XIV Fisheries Body).</p> <p><b>Signed:</b> September 24, 1949. Rome, Italy.</p> <p><b>In Force:</b> February 20, 1952. 1997 Agreement changed name to "Commission"; and adopted amendment establishing autonomous budget which came into force April 29, 2004.</p> <p><b><a href="http://www.fao.org/fi/body/rfb/GFCM/gfcm_home.htm">www.fao.org/fi/body/rfb/GFCM/gfcm_home.htm</a></b></p>	<p>The Mediterranean, the Black Sea and connecting waters. This area coincides with FAO Statistical Area 37. Overlapping mandate with ICCAT for Highly Migratory Fish Stocks.</p>	<p>To promote development, conservation and management of living marine resources; to formulate and recommend conservation measures; and to encourage training cooperative projects (includes aquaculture).</p>	<p>Commission, Scientific Advisory Committee (SAC) 4 sub-Committees, Committee on Aquaculture (CAQ) (4 Networks). In 2006, agreed to Terms of Reference (TOR) for Compliance Committee. Ad-Hoc Technical Panels and Working Groups (WG). Secretariat (Secretary). (FAO provided Secretariat until 2005).</p>	<p>SAC was established in 1997, meets annually and provides advice to Commission. Advice on aquaculture is provided by CAQ. SAC sub-Committees (SC) include: SC Stock Assessment (SCSA). Stock assessments are done for sub-Areas. Assessment of large pelagic species is done in cooperation with ICCAT. SC Statistics and Information (SCSI), SC Economics and Social Sciences (SCESS), SC Marine Environment and Ecosystem (SCMEE). Several WGs including: WG-Operational Units; GFCM/ICCAT WGSustainable Tuna Farming; and GFCM/ICCAT WG-Large Pelagics. Permanent Working Group on Stock Assessment Methodology (PWSAM) - established in 2005, first meeting in March 2006. Frequently organizes scientific workshops, e.g., Measurement of Fishing Effort (2005); and Gear Selectivity (2005). CAQ has 4 networks: Social, Economic and Legal Aspects of Aquaculture (SELAM), Technology and Aquaculture (TECAM), Environment and Aquaculture (EAM) and Information Systems for the Promotion of Aquaculture (SIPAM).</p>



The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p><b>Transboundary stocks:</b> Hake, red mullet, striped mullet, blue and red shrimp, Norway lobster, anchovy, sardine, dolphinfish.</p> <p><b>Highly Migratory Fish Stocks:</b> Eastern Atlantic bluefin tuna, albacore, bonito, swordfish.</p> <p><b>Gear:</b> bottom trawl, dredge, purse seine, surface longline, gillnet, artisanal gear.</p>	<p><b>Highly Migratory Fish Stocks:</b> <b>Above BMSY:</b> Eastern Atlantic bluefin</p> <p><b>Declining:</b> Swordfish</p> <p><b>Demersal:</b> Many stocks fully exploited.</p>	<p>Sharks, juveniles of target species. Mitigation measures include gear restrictions for certain vessels, bycatch limits, minimum size for landed fish, and measures to limit fishing mortality. 2004 ICCAT Recommendation prohibits catch of Atlantic bluefin &lt; 10kg in Mediterranean. GFCM adheres to ICCAT Recommendation on shark bycatch including 2005 amendment requiring CPs to report on implementation of mitigation measures. Protocol for mitigating shark bycatch included in Mediterranean Large Elasmobranchs Monitoring (MEDLEM) program.</p>	<p>SCMEE mandate includes EA and reported on Ecosystem Effects of Fishing in 2004. Created Ad-Hoc WG on EA in 2005. 2005 Workshop on Ecosystem Approach to Fisheries (EAF) included essential &amp; sensitive habitats, ecosystem indicators, gear selectivity, bycatch of vulnerable &amp; protected species. In 2005, Commission prohibited towed dredges and trawl fisheries below 1000m protecting deep water habitat. In 2006, applied these gear prohibitions to specific areas to protect cold seeps, corals and seamounts; and, established closed season (1 Jan.-14 Aug.) for dolphinfish fisheries on FADs (SAC to assess effect of measure in 2010). In 2006, GFCM endorsed 2005 Technical Guidelines from GFCM/ICCAT WG – Sustainable Tuna Farming for capture, transport, transfer, farming, harvesting and marketing of bluefin; and invited CAQ to expand Guidelines as required through EAM.</p>	<p>PA implementation is addressed in Article III.2 of the 1997 amended Agreement. SAC is in the process of defining reference points for specific stocks.</p>

Participation	Members/Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	<p>Albania, Algeria, Bulgaria, Croatia, <i>Cyprus</i>, <i>Egypt</i>, <i>EC</i>, <b>France</b>, <b>Greece</b>, Israel, <b>Italy</b>, <i>Japan</i>, Lebanon, Libya, <b>Malta</b>, <b>Monaco</b>, <i>Morocco</i>, Romania, Serbia and Montenegro, Slovenia, <b>Spain</b>, <i>Syria</i>, Tunisia, Turkey (24 members).</p> <p><b>Bold:</b> UNFA <i>Italics:</i> FAO Compliance Agreement</p>	<p>None at this time. 2006 Recommendation establishes Cooperating Non-Contracting Party (Cooperating NCP) status and encourages States fishing in Area to become CPs or Cooperating NCPs. Status Cooperating NCPs reviewed annually.</p>	<p>Membership is open to Member nations and Associate Members of the FAO. Other States that are Members of the UN, or its specialized agencies may be admitted as members by a 2/3 majority. 1997 GFCM Agreement provides for membership of REIOs and States or Associate Members whose vessels engage in fishing in Region for stocks covered by Agreement.</p>	<p>Members must contribute to budget and have voting privileges. Each Member is represented on the Commission by one delegate and advisors. Members are obligated to report and submit required data.</p>	<p>Publicly accessible website. Plenary meetings of Commission are held in public unless otherwise decided by the Commission. Russian Federation has permanent observer status. GFCM grants observer status for these plenary and Committee (SAC and CAQ) meetings to IGOs and NGOs based on the GFCM Rules of Procedure (now being amended). Medisamak, the Mediterranean fishing association (an industry organization) and, as of 2006 CIPS (Confédération internationale de la pêche sportive) are official observers. All other Commission meetings are open to scientific experts, IGOs, and NGOs.</p>

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/Trade Schemes
	<p>Data collected through GFCM/FAO regional projects and by CPs. Data include catch, effort, scientific trawl and acoustic survey data. Collaboration with Mediterranean International Trawl Survey Program (MEDITS) organized by EC. The Mediterranean Fishery Statistics Information System (MEDFISIS) serves Commission's statistical arm, reformatting and aggregating submitted data. Data on aquaculture activities submitted through SIPAM. In 2006, agreed to data confidentiality policy and procedures with regards to electronic data transmission.</p>	<p>No regional observer program. In 2005, adopted general guidelines for the establishment of a control scheme which envisages an observer program and VMS, to be further examined and discussed at next GFCM session scheduled in January 2006.</p>	<p>No VMS at this time however VMS is currently under consideration.</p>	<p>No at sea boarding or inspection. In 2005, adopted binding Recommendation to establish register for vessels &gt;15m authorized to fish in Area. In 2006, agreed to establish IUU vessel list. CPs and Cooperating NCPs to annually transmit to Secretariat list of NCP vessels presumed to be carrying out IUU fishing in Area. Secretariat to compile and publish IUU list. As of 2006, GFCM cooperating with ICCAT on transshipment measures for large-scale longline fishing vessels. Enforcement essentially rests with CPs.</p>	<p>None in place at this time. As of 2006, Japan will prohibit imports of farmed bluefin tuna not in compliance with requirement under GFCM/ ICCAT Recommendations.</p>

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	<p>Management decisions are typically taken by consensus. Other decisions, when taken by vote, require a majority. A majority of the Membership constitutes quorum. Each Member has 1 vote. Whenever vote occurs, there is a declaration of competency made by the EC and its member states. Commission may adopt and amend its own rules of procedure, by a 2/3 majority, provided consistent with General Rules of FAO. Only Recommendations adopted pursuant to Article V are binding. Resolutions are nonbinding. An objection procedure exists whereby Members submit objection within 120 days of notification of a Recommendation, after which period decisions become binding.</p>	<p>Article XVII provides a mechanism for the establishment of a committee to which disputes may be referred. The committee is composed of 1 member of each of the parties to the dispute and an independent chairman chosen by members of the committee. If the dispute is not settled at the committee level, it shall be referred to the International Court of Justice (ICJ). To date, Article XVII establishing a committee has never been invoked.</p>	<p>Collaborates with ICCAT: e.g., GFCM/ICCAT WG on Large Pelagics has met annually since 1990; GFCM/ICCAT WG on Sustainable Tuna Farming (to define guidelines for bluefin tuna farming). Supported by sub-regional projects e.g., Responsible Fisheries in the Adriatic Sea (ADRIAMED); Advice, Technical Support and Establishment of Cooperation Networks to Facilitate Coordination to Support Fisheries Management in the Western and Central Mediterranean (COPEMED); and, Assessment and Monitoring of the Fishery Resources and the Ecosystems in the Straits of Sicily (MedSudMed). Incorporates fisheries data into FIRMS as FAO partner. Cooperates with Medisamak, exchanging information and attending meetings. Partnerships with IGOs e.g., UNEP, IUCN, CIHEAM, ACCOBAMS, and tuna RFMOs.</p>	<p>Amended Agreement in 1997 to establish autonomous budget (in force 2004). In 2005, agreed to establish independent Commission headquarters in Rome, Italy. In 2005, established Ad Hoc WG on EA. In 2005, closed area below 1000 m to protect deep water fish, (habitat and spawning grounds). In 2006, prohibited towed dredges and bottom trawls from sensitive areas and established closed season for fishing on FADs. Strengthened participation in SCSA and WGs in 2004. Increased participation of less developed countries in projects. Assessed PA, EA and IUU for Commission work plan. Established vessel register. In 2006, created IUU vessel list. In 2006, re-established EAM under CAQ. In 2006, adopted recommendation establishing Cooperating NCP status. Cooperating with ICCAT to control transshipment. Conducted independent evaluation in 2003 of SAC and CAQ.</p>	<p>Avoiding overfishing. Achieving sustainable fisheries. Strengthening capacity of Secretariat to fulfill RFMO functions and responsibilities. Controlling IUU Fishing. Ensuring timely and reliable data on catch and effort is submitted to Secretariat. Ensuring continued active participation in all SCs and WGs. Effective implementation and enforcement of decisions and measures by Member States. Increasing Membership of States with “real interest”, (including all Black Sea States). Addressing management of small-scale fisheries. Regulating tuna farming.</p>

## Inter-American Tropical Tuna Commission (IATTC)

RFMO Structure	IATTC	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>Inter-American Tropical Tuna Commission (IATTC)</b></p> <p><b>Headquarters:</b> La Jolla, California, USA.</p> <p><b>Convention:</b> Convention for the Establishment of an Inter-American Tropical Tuna Commission (IATTC Convention). 1999 Protocol to Permit REIO Membership (not in force).</p> <p><b>Signed:</b> May 31, 1949, Washington DC, USA.</p> <p><b>In Force:</b> March 3, 1950. Associated with 1997 Agreement on the International Dolphin Conservation Program (AIDCP) in force in 1999.</p> <p><i>Amended by 2003 Convention for the Strengthening of the Inter-American Tropical Tuna Convention (Antigua Convention) (closed for signature December 31, 2004 not yet in force).</i></p> <p><b>www.iattc.org</b></p>	<p>Generally considered to be the Eastern Pacific Ocean (EPO).</p> <p><i>Precisely defined under Antigua Convention to be: along the 50° N parallel from the coast of North America to the intersection with 150° W, and from that line to the intersection with 50° S and from that line to its intersection with the coast of South America (extends the notional IATTC boundaries by 10° both N and S).</i></p>	<p>To maintain populations of yellowfin and skipjack tuna as well as other species taken by tuna vessels in EPO and to cooperate in gathering and interpreting data to facilitate management of stocks at levels permitting MSY year after year.</p> <p><i>Antigua Convention: to ensure long-term conservation and sustainable use of tunas and tuna-like species, and other species taken by tuna-fishing vessels in the EPO, in accordance with relevant rules of international law.</i></p> <p>AIDCP key objectives are to: progressively reduce and eliminate incidental dolphin mortalities in tuna purse-seine fishery in Area; seek ecologically sound means of capturing large yellowfin tunas not in association with dolphins; ensure long-term sustainability in Area; avoid, reduce and minimize bycatch and discards of juvenile tunas and non-target species.</p>	<p>IATTC: Commission (Work Plan includes Tuna-Billfish Program and Tuna-Dolphin Program); National Sections; Permanent Working Group on Fleet Capacity; Permanent Working Group on Compliance; Joint Working Group on Fishing by Non-Parties; Working Group on By-Catch (WG-Bycatch); Working Group on Stock Assessments (WG-SA); WG-Limit Reference Points (WG-LRP); permanent independent Scientific Staff; and, Secretariat (Director).</p> <p>AIDCP: International Review Panel (IRP); Scientific Advisory Board; Tuna Tracking WG; WG to Promote and Publicize the AIDCP Dolphin-Safe Certification Program; WG on Financing and Vessel Assessments; Joint WG on Fishing by Non-Parties.</p> <p>IATTC provides Secretariat for AIDCP. Working Group-Limit Reference Points (WG-LRP)</p>	<p>Large Permanent independent Scientific Staff with offices in major fishing ports. WG- Bycatch; WG-Limit Reference Points (WG-LRP); and WG-SA. Director and Scientific Staff provide advice to Commission after review by WG-SA.</p> <p>IATTC collaborates on stock assessment with: SPC (for bigeye and billfish), and ISC; with EC and Chile for swordfish pursuant to Southeast Pacific Swordfish Arrangement (SPSA). All Members have equal access to scientific information.</p> <p><i>Antigua Convention includes a Scientific Advisory Committee to review research programs, stock assessments, research and recommendations of Scientific Staff (Annex 4).</i></p>

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p><b>Highly Migratory Fish</b>  <b>Stocks:</b> Yellowfin, bigeye, albacore, skipjack, bonito, Pacific bluefin tuna, sailfish, billfishes including marlin and swordfish.</p> <p><b>Gear:</b> Purse-seine, longline, pole-and-line, trolling and others.</p>	<p><b>Above BMSY:</b> Skipjack (F&lt; FMSY, stock abundant); Southern albacore (catches &lt; MSY); striped marlin; swordfish</p> <p><b>At AMSY:</b> Yellowfin</p> <p><b>Below BMSY:</b> Bigeye (2003 biomass at lowest levels since 1975)</p> <p><b>Fully Exploited:</b> Northern albacore (F&gt; FMSY)</p> <p><b>Status Uncertain:</b> Blue marlin (appears to be fully exploited); black marlin or sailfish (no recent assessment).</p> <p>(Yellowfin and bigeye purse-seine fisheries are managed by closed seasons; bigeye longline fishery managed by quota limits).</p>	<p>Dolphins, turtles, seabirds, sharks, other non-target species, and juvenile target species. 2004 Resolution on bycatch requires CPCs to reduce incidental mortality of juvenile tuna, release unharmed non-target species and reduce turtle bycatch. Under 2004 Resolution, adopted 3 year program to mitigate turtle bycatch. In 1999, AIDCP replaced voluntary La Jolla Agreement to provide measures to mitigate the effect of purseseining on dolphin stocks. 2005 Resolution on seabird bycatch, requires CPCs to report bycatch data and inform Commission on status of NPOAs. 2005 Resolution on sharks requires CPCs to collect data for stock assessments, reduce shark finning and limit fins to &gt; 5% of total landed catch.</p>	<p>EA is envisaged in Article II. Advice to Commission now includes information on ecosystem effects of fishing. For yellowfin and bigeye, Commission adopted Resolutions to reduce bycatch of target and non-target species in purse seine and longline fisheries; improve longline technology; develop ecosystem models for tropical EPO; and investigate how habitat affects juvenile tuna.</p> <p><i>EA is envisaged in Article VII of Antigua Convention.</i></p>	<p>Since 1980s, has included precaution in absence of information; and, adaptive management approach when assessing impacts of expanded fisheries on stocks. Interprets MSY as limit reference point. If catches for target species reach MSY limit, management measures are imposed. WG-LRP was established to suggest PA limits and targets. Fleet capacity was limited to precautionary level by Resolution (2002).</p> <p><i>PA is included in Article IV of Antigua Convention consistent with UNFA.</i></p>



Participation	Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	<p>IATTC: <b>Costa Rica</b>, Ecuador, El Salvador, <b>France</b>, Guatemala, <i>Japan, Korea, Mexico</i>, Nicaragua, Panama, <i>Peru</i>, <b>Spain, USA</b>, Vanuatu, Venezuela.</p> <p>AIDCP: <b>Costa Rica</b>, Ecuador, El Salvador, <b>EC</b>, Guatemala, Honduras, <i>Mexico</i>, Nicaragua, Panama, <i>Peru, USA</i>, Vanuatu, Venezuela. Bolivia and Columbia are applying the AIDCP provisionally.</p> <p><b>Bold: ratified</b> UNFA <i>Italics: ratified</i> FAO Compliance Agreement</p>	<p>IATTC Cooperating Non-Contracting Parties (Cooperating NCPs) or Cooperating Fishing Entities: <b>Canada</b>, China, Chinese Taipei, the <b>EC</b>, and Honduras. Contracting Parties, Cooperating Non-Contracting Parties, Fishing Entities and REIOs are collectively referred to as CPCs.</p>	<p>Membership is open to States (not REIOs) whose nationals participate in fisheries in Area upon CPs' unanimous consent. Members pay dues, participate in data collection and research. States may become Cooperating NCPs to Convention as well as to AIDCP.</p> <p><i>Antigua Convention is open to all coastal States and fishing nations, including Chinese Taipei and REIOs and does not require unanimous approval for new membership.</i></p>	<p>Each CP may establish Advisory Committee (AC) for its National Section; AC may attend non-Executive sessions and address sessions at Chair's discretion. Each CP is member of all WGs. Cooperating NCPs Fishing Entities participate in meetings as observers; must report fisheries statistics &amp; research programs in Area; comply with all conservation measures &amp; resolutions; and, inform IATTC of compliance measures (VMS, Observer Programs, Inspections). Status is reviewed annually. Purse-seine capacity Resolution prohibits new vessels without corresponding reduction of existing fleet; and, new entrants to the purse-seine fishery must make arrangement with existing participants to enter.</p>	<p>Publicly accessible website. Meeting minutes, reports and scientific information available online. NCPs, IGOs, NGOs, and owners of tuna vessels fishing in EPO under jurisdiction of any CP can participate as observers with 120 days prior notice and upon unanimous decision of Parties. Observers may present orally at Commission meetings subject to Chair's discretion, provided no Member objects. Chair must give prior approval for circulation of documents by observers. 2005 Resolution on Financing, invites NGOs to make contribution to budget.</p> <p><i>Under Antigua Convention, NGOs must give 50 days notice to participate in meetings and may attend provided less than 1/3 of Members object.</i></p>

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/Trade Schemes
	<p>Fishery dependent data (from vessels, observers, managers and processing facilities) is provided to IATTC scientific staff. 2003 Resolution on data provisions outlines specific data requirements to be submitted to the Commission. 2004 Resolution on catch reporting requires Director to report annual catches of Convention species by flag and gear type to Parties by June 30th of following year. Purse seine vessels required to report weekly to Commission. Tagging program in place to collect data on tuna populations.</p>	<p>Since 1994, 100% observer coverage on purse seine vessels (&gt; 363 Mt) with at-sea reporting by observers and weekly data submission to Secretariat. No observers on longline and small purse-seine vessels. 70% of observers are employed by IATTC, the remainder by national Observer Programs. Observer effectiveness monitored through comparison of national and IATTC Programs to identify possible discrepancies. AIDCP Parties may maintain own national Observer Programs (e.g. Colombia, Ecuador, EU, Mexico, and Venezuela), provided they collect and report information in same standard as IATTC observers. IATTC runs Observer Program on cost- recovery basis for AIDCP.</p>	<p>As of January 1, 2005 where possible, CPCs must establish VMS. Each CPC provided progress reports to Director by May 31, 2005. Based on CPC reports, at June 2005 Meeting, Commission discussed, but did not agree on measures for enhanced use of VMS for compliance and data collection, e.g. a more comprehensive and timely data reporting system could be established using VMS (potential pilot program under consideration with Vanuatu).</p>	<p>IATTC established: Register of tuna fishing vessels active in Area (1999); Register for large purse seine vessels authorized to fish in Area, including capacity limits and vessel replacement rules (2002); "positive" list of longline vessels &gt; 24 m authorized to fish in Area (2003); and List of IUU vessels. In 2005, adopted measures prohibiting interaction with IUU listed vessels. There is also a sighting and reporting system for vessels operating in Area (2004). Director notifies flag States of non-compliant vessels. Flag States then order vessel to withdraw from Area. There is no at-sea inspection scheme for non-flag States. On board observers report possible infractions, which are investigated by the flag States and reviewed by Compliance Committee. (IRP reviews AIDCP infractions.)</p>	<p>In 2003, introduced bigeye tuna Statistical Documentation Program (SDP). All bigeye imported into CPs must have statistical document, which must be validated by flag State. Documents are not required for purse seiners and baitboats delivering bigeye directly to canneries. Trade Measure Resolution adopted in 2005 requires CPCs importing / receiving landings to submit data to IATTC. CPCs and non-parties identified annually for non-compliance / failure to cooperate with IATTC measures. Commission can adopt trade restrictive measures where other efforts ineffective in obtaining compliance. IATTC maintains list of those subject to trade restrictive measures.</p>

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	<p>Convention provides for unanimous voting procedure. In practice, decisions, resolutions, recommendations and publications are approved by consensus. There is no objection or opting out procedure. All Resolutions are binding (recommendations are non-binding). All management measures apply inside EEZ and on high seas i.e. throughout the range of the Agreement area.</p> <p>AIDCP: All decisions are made by consensus.</p> <p><i>Antigua Convention adopts consensus based decision making, contains no opting out clause and includes provisions to contact / obtain consent from CPs not in attendance at Annual Meetings.</i></p>	<p>There is no formal dispute settlement mechanism.</p> <p><i>Article XXV of Antigua Convention outlines dispute settlement: Member may consult with another Member to resolve a dispute</i></p> <p><i>related to the interpretation or application of the provisions of the Convention; disputes unable to be resolved by Members may be referred by mutual consent to a non-binding ad hoc expert panel.</i></p>	<p>Since 2000 meets yearly with tuna RFMOs to discuss common concerns. Cooperates with other tuna RFMOs on: vessel register; big eye tuna review (2004); and ad hoc consultations on fleet capacity and effort reduction (N. albacore) with WCPFC. Consultation with CCAMLR on seabird bycatch (2005).</p> <p>Secretariat chaired RFB meeting for 2 years and is actively involved in FIRMS to provide comprehensive global reporting system. Collaborates on stock assessments and scientific research with other organizations and countries (e.g. SPC, ISC, SPSA, PICES and CPPS), as well as oceanic information and training (CPPS). Secretariat monitors international initiatives and attends meetings of other RFMOs as appropriate.</p> <p><i>Article XXIV of Antigua Convention obligates Commission to cooperate where necessary with other fishery organizations / arrangements in order to achieve Convention objectives. Such arrangements are being discussed with WCPFC.</i></p>	<p>Modernized 1949 Convention adopting Antigua Convention in 2003 (if ratified, would address most UNFA provisions). Ratified and successfully implemented AIDCP. Improved transparency. Included ecosystem effects of fishery in science mandate and developed biological reference points (BRPs). Considered MSY a catch limit, rather than target. Established time-area closures and 2005 catch limits for bigeye. Implemented capacity reduction Resolution for purse seine fleet (capacity frozen at 2002 levels). In 2004, established 3 year program to reduce sea turtle bycatch and mitigate impact of tuna fishing. In 2005 established measures to mitigate seabird bycatch and reduce shark finning. In 2005, introduced trade measures and further improved compliance and enforcement framework including vessel sighting and reporting and prohibiting all interactions with IUU listed vessels, e.g. IPOA IUU. Maintains vessel register for large purseseine, large longline vessels and IUU vessel list. Improved NCP flag-State enforcement of unauthorized fishing in Area. Established 2003 bigeye SDP. Expanded data collection / analysis through Observer Program, FIRMS and tagging programs. Implemented at-sea observer reporting on large purse-seine vessels. Improved data provision data by CPs. Inter-RMFO cooperation.</p>	<p>Obtaining necessary ratifications to bring Antigua Convention into force. IUU fishing for bigeye and other species. Avoiding overfishing and rebuilding bigeye stocks. Implementing PA (e.g. Scientific Staff recommended stricter bigeye fishery controls than adopted by Commission) and operationalizing EA. Mitigating seabird bycatch in longline fishery (particularly with extended Southern boundary under Antigua Convention). Implementing observer program on longline &amp; small purse seine vessels. Standardizing national Observer Programs. Reducing capacity for purse seine &amp; longline fleets commensurate with resource. Ensuring compliance with vessel replacement rules under Regional Vessel Register. Coordinating IUU lists, Statistical documents and VMS data with other RFMOs. Monitoring flag State action on violations. Budgetary constraints and payment difficulties for some States. Implementing 2005 Resolution on financing and funding formula. Several NCPs fishing in EPO derive benefit, but do not contribute to budget, and are therefore requested to make voluntary contributions. Achieving NCP participation. Geopolitical sensitivities.</p>

## International Commission for the Conservation of Atlantic Tunas (ICCAT)

RFMO Structure	ICCAT	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>International Commission for the Conservation of Atlantic Tunas (ICCAT)</b></p> <p><b>Headquarters:</b> Madrid, Spain.</p> <p><b>Convention:</b> International Convention for the Conservation of Atlantic Tunas (ICCAT Convention). Amended by the 1984 Paris Protocol (in force 1997) and the 1992 Madrid Protocol (in force 2005).</p> <p><b>Signed:</b> May 14, 1966 Rio de Janeiro, Brazil.</p> <p><b>In Force:</b> March 21, 1969.</p> <p><b>www.iccat.int</b></p>	<p>The Atlantic Ocean, including adjacent seas. There is no precise definition for area. The longitude of 20° E is used for scientific and compliance purposes as the border with the Indian Ocean.</p>	<p>To maintain populations of tuna and tuna-like fishes found in the Atlantic Ocean at levels which permit the maximum sustainable catch for food and other purposes.</p>	<p>Commission, Council (now inactive), Species Panels (4), Standing Committee on Research and Statistics (SCRS), Standing Committee on Finance and Administration (STACFAD), Conservation and Management Measures Compliance Committee, Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG), and various ad hoc Working Groups (WGs) (Integrated Monitoring and Control Measures, to Develop Integrated and Coordinated Atlantic Bluefin Tuna Management Strategies. Secretariat (Executive Secretary).</p>	<p>Small permanent scientific staff. SCRS consists of scientists from Contracting Parties &amp; Cooperating non-Contracting Parties, Entity and Fishing Entity (CPCs) mandated to: advise on conservation and management measures; address specific ICCAT requests; meet annually; produce annual report on stock status and research topics serving as scientific basis for ICCAT decisions; coordinate national research activities; and develop plans for cooperative research programs. SCRS has sub-Committees on Statistics, and, Ecosystems (in 2006 Environment, and Bycatch rolled into Ecosystems); Species Groups (sharks) and WGs: (e.g. Stock Assessment Methods, Joint GFCM-ICCAT on Large Pelagic Fishes in the Mediterranean; on SCRS Organization) and ad hoc WG on SCRS Organization. Relies on CPCs for fishery dependent data.</p>

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p>About 30 key highly migratory fish stocks including: yellowfin, bigeye, albacore (North and South Atlantic, Mediterranean stocks), skipjack tuna, bonito, Atlantic bluefin tuna (East and West Atlantic stocks), swordfish (North and South Atlantic, Mediterranean), blue marlin and white marlin, shortfin mako, blue shark, porbeagle.</p> <p><b>Gear:</b> Purse seine (36%), longline (30%), and bait boats major gears. The use of airplanes or helicopters supporting bluefin fishing operations in Mediterranean is prohibited. Since 1999, seasonal moratoria on FADs in Gulf of Guinea. Use of driftnets for large pelagic fisheries in Mediterranean prohibited.</p>	<p><b>Above FMSY</b> (overfishing): North Atlantic (NA) albacore, West Atlantic (WA) bluefin, blue marlin, white marlin.</p> <p><b>Near FMSY:</b> Bigeye, NA swordfish, yellowfin.</p> <p><b>Below FMSY:</b> South Atlantic (SA) albacore.</p> <p><b>Above BMSY:</b> SA albacore, NA and SA blue shark.</p> <p><b>Near BMSY:</b> Bigeye, NA swordfish, yellowfin.</p> <p><b>Below BMSY</b> (overfished): NA albacore, WA bluefin, blue marlin, white marlin.</p> <p><b>Under Recovery Plan:</b> WA bluefin tuna (by 2018), NA swordfish (by 2009), blue marlin and white marlin (by 2006).</p> <p><b>Uncertain:</b> Skipjack, East Atlantic bluefin, sailfish, SA swordfish, Mediterranean swordfish, Mediterranean albacore (never assessed), NA shortfin mako, small tunas (never assessed).</p>	<p>Seabirds, turtles, sharks, juveniles of target species. Bycatch sub-Committee met yearly and in 2006 rolled into Ecosystems sub-Committee. 2005 Tropical Species Workshop evaluated alternative to minimum size to reduce juvenile tuna bycatch. Minimum size and time/area closure Recommendations for several species (yellowfin, bluefin, and swordfish). ICCAT encourages submission of bycatch and interaction statistics as well as development of NPOAs for sharks and seabirds. In 2005 mandatory reporting requirement for shark catch was adopted. 2005 resolution encourages CPCs to conduct research on circle hook use for sea turtle mortality reduction.</p>	<p>2005 Recommendation on Bluefin tuna farming in cooperation with GFCM, requires tracking farmed tuna, identification and record of tuna farming operations and submission of data to Commission. 2005 Resolution on Sargassum, requires data collection on sargassum given importance to juveniles and feeding grounds for highly migratory species. In 2006 SCRS will establish Ecosystem Sub-Committee, which includes EAF in terms of reference.</p>	<p>In 1997, SCRS created Ad Hoc Working Group on PA which last met in conjunction with 2001 SCRS Plenary. In 2004, draft Recommendation on PA was introduced not adopted. The ICCAT Convention implies that MSY is a target, not a limit.</p>

Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	<p>Algeria, Angola, <b>Barbados</b>, <b>Belize</b>, <b>Brazil</b>, <b>Canada</b>, Cape Verde, China, Côte d'Ivoire, Croatia, Equatorial Guinea, <b>EC</b>, <b>France</b> (St. Pierre and Miquelon), Gabon, <i>Ghana</i>, Guatemala, Guinea Conakry, Honduras, <b>Iceland</b>, <i>Japan</i>, <i>Republic of Korea</i>, Libya, <i>Mexico</i>, <i>Morocco</i>, <b>Namibia</b>, Nicaragua, <b>Norway</b>, Panama, Philippines, <b>Russian Federation</b>, Sao Tomé and Principe, <b>Senegal</b>, <b>South Africa</b>, <i>Syria</i>, Trinidad and Tobago, Tunisia, Turkey, <b>United Kingdom</b> (Overseas Territories), <b>USA</b>, <b>Uruguay</b>, Vanuatu, Venezuela (42 members from 5 continents).</p> <p><b>Bold:</b> UNFA <i>Italics:</i> FAO Compliance Agreement</p>	<p>Created special status known as Cooperating Non-Contracting Party, Entity or Fishing Entity i.e., Non-Contracting Cooperating Party (NCC): Guyana, <b>Netherlands Antilles</b>, and Chinese Taipei.</p>	<p>Membership in ICCAT is open to any State which is a member of the UN, specialized UN agency and through 1984 Paris Protocol (in force 1997) includes REIOs (i.e. EC). In 1994 established Cooperating Non-Contracting Party Status: revised in 1997 to be NCC ( to include Chinese Taipei). Annually, ICCAT contacts all NCPs fishing species under ICCAT competence in Area to urge them to become a new member or NCC. Since 1995, 23 new members have joined. Contracting Parties, Fishing Entities and Cooperating Non-Contracting Parties are collectively referred to as CPCs.</p>	<p>CPs vote and contribute to budget. The revised contribution formula in force as of March 2005 reflects economic development status of CPs and will apply to 2006 budget. Flag States to maintain vessel records, control those authorized to fish in Area and ensure compliance with ICCAT measures. CPCs are entitled to allocations under 2001 ICCAT Allocation of Fishing Possibilities using historical catch as main criterion. Some members are also seeking access to tuna stocks within their EEZs based on adjacency. ICCAT controls access and fishing capacity by: TACs; quotas; and, vessel effort limitations.</p>	<p>Publicly accessible website. Meeting minutes and background papers are available on line. IGOs and NGOs can attend meetings (with 50 days prior notice) unless 1/3 of members object in writing 30 days prior to meeting. NGOs may make oral statements by invitation and distribute documents through Secretariat. Atlantic coastal State NCPs in Area may attend meetings as observers. There is a participation fee for all observers.</p>



Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/ Trade Schemes
	<p>Scientific data (primarily fishery-dependent) are collected by CPCs. SCRS relies on CPCs to submit current and complete data by July 31 prior to Annual Meeting. Data submitted to the SCRS must be separated into 2 groups: Task I (annual catch by species, gear, region and flag); and, Task II (monthly catch and fishing effort statistics for each species by small area). SCRS advice is based on these and tagging data. Tagging data are used for growth rate, movement and abundance estimates. 1999 Resolution calls for provision of recreational fishery data. Tuna farming data required as of 2006. Standardized National Reports, and therefore ICCAT Reporting Tables (used by the Compliance Committee) are to be submitted 1 month prior to annual meeting. Data in ICCAT Reporting Table (for monitoring) may differ from Task I data (scientific). Compliance Committee decisions are based on ICCAT Reporting Tables. Partial, late (or no) data are often submitted (usually without penalty), compromising stock assessments and scientific advice. 2005 Recommendations requires CPCs to provide explanations for reporting deficiencies and plans for corrective actions; PWG to identify data gaps affecting stock assessments.</p>	<p>Recommendation 04-01 introduced limited regional observer program requiring that there be observers on board at least 5% of longline vessels over 24m fishing for bigeye. 2003 Ad Hoc Data Workshop concluded comprehensive at-sea observer data is essential. Observer Program (and associated data) coverage since 1996 has ranged from nil to 100% depending on CPC.</p> <p>In 2005, Regional Observer Program established for large scale tuna longline fishing vessels (LSTLVs) for transshipment. All CPC vessels authorized to receive transshipments must have ICCAT observer on board during all transshipments in Convention Area. Observers appointed and deployed on carrier vessels by Secretariat. Standards and training have been developed. Observer Program paid by CPCs for LSTLVs engaged in transshipment. No observer assigned to vessels where fees are unpaid, potentially compromising compliance scheme.</p>	<p>2003 Recommendation calling for CPCs to implement VMS no later than November 1, 2005 for commercial vessels &gt; 24m. VMS data, when available, to be transmitted to flag State and then to ICCAT.</p>	<p>Convention obliges CPCs to establish high seas international enforcement system; currently, no at-sea boarding or inspection. PWG monitors activities of NCPs and NCCs. Compliance Committee considers noncompliance by CPs. In cases of quota overruns, subject to Commission approved "payback" plans, CPs may transfer some quota to other CPs. In 2005, adopted Recommendation for monitoring at sea and in port transshipment by LSTLVs, including regional observer program. 1997 Port Inspection Scheme provides for inspections of flag and non-flag State vessels during off-loading and in-port transshipment. Not all CPCs implement Scheme. In 1999, established "negative" list of vessels believed to be IUU. Established in 2002 "positive" list of authorized fishing vessels building on 1998 and 2000 Recommendations. Vessels not recorded are deemed not authorized to fish, transship or land tuna or tuna-like species.</p> <p>CPCs are to enforce compliance through domestic measures prohibiting landing or transshipment from unauthorized vessels. In cases of violation, report sent to flag State for follow-up action. Flag States failing to comply with ICCAT measures may be subject to trade restrictions and/or having vessel removed from positive list. At 2005 meeting, Chinese Taipei subject to significant quota cuts for bigeye and required to reduce capacity to 15 vessels (&gt;24m) in order to control bigeye fishery in ICCAT area.</p>	<p>ICCAT was first RFMO to introduce Statistical Documentation Program (SDP) in 1994 for Atlantic bluefin, then extended to swordfish and bigeye. ICCAT now implements multi-lateral, transparent trade measures against parties who undermine effectiveness of conservation measures. 2003 resolution Concerning Trade Measures replaced 1994 Bluefin Tuna Action Plan, 1995 Swordfish Action Plan and 1998 IUU Catches resolution to include CPCs and NCPs. In 2005, trade restrictive measures maintained on Bolivia and Georgia, and Chinese Taipei given one year to comply before triggering trade measure resolution (03-15). Several States have been identified under 2003 trade measure resolution.</p>

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	<p>Many decisions are made by consensus. Resolutions are nonbinding. Binding Recommendations are adopted by a simple majority vote with a quorum of 2/3 of CPs, and enter into force 6 months later. Each CP has 1 vote. Voting rights may be suspended if CP is in arrears for 2 years or more (voting rights have never been suspended, though many are in arrears). In 2004, requested CPs in arrears to present payment plan before 2005 annual meeting. There is a detailed objection procedure. CPs are not bound by Recommendations to which they have registered an objection. Resolution to amend objection procedure proposed (not adopted) requiring CPs to provide reasons for objection, and alternative conservation and management measures. Recommendations adopted by ICCAT apply throughout Area (implemented domestically by CPCs for fishing inside and outside their EEZs).</p>	<p>No mechanism exists at this time.</p>	<p>Consistent with Article XI of Convention, ICCAT cooperates with FAO (e.g., partner in FIRMS, endorsed IPOAs &amp; Compliance Agreement, and is a member of CWP); and, coordinates and exchanges data with other organizations (e.g., Joint GFCM-ICCAT Ad Hoc Working Group on Large Pelagic Fishes in the Mediterranean; SBT management with CCSBT; seabird bycatch with CCAMLR, shark data collection and assessment with ICES). Secreatariat : works closely and meets annually with other tuna RFMOs; participates in RFB biennial meetings; is part of efforts to establish global vessel register for tuna RFMOs; hosts workshops (e.g. 2004 Bigeye tuna review, and in 2005 Reduced Mortality of Juvenile Tuna); and assists CPCs meet data collection, quality assurance and reporting obligations.</p>	<p>Amended Convention to include REIOs. Created CPC Status to include Chinese Taipei and other NCPs. Increased ICCAT membership of many former NCPs fishing in Area. Adopted in 2001 Criteria for Allocation of Fishing Possibilities (first RFMO) to address new entrants and limit capacity. Pioneered use of SDP and continual refinement of trade measures to address noncompliance of vessels undermining conservation regime. Established List of vessels permitted to fish; and List of IUU fishing vessels. Implemented timearea closures throughout Area. Established rebuilding plans for key species (e.g. NA swordfish, WA bluefin, and marlin). Strengthened CPC data reporting requirements, accountability, and corrective action. Increased transparency at Commission meetings. Reformed budget contribution formula with Madrid Protocol. Established special fund to provide capacity building as needed. In 2006, will establish Regional Observer Program for transshipment, and develop workplan to strengthen and modernize ICCAT in line with international legal instruments.</p>	<p>Avoiding overfishing and preventing further decline of target species. Rebuilding overfished and depleted stocks. Reducing bycatch, addressing gear issues and dealing with overcapacity. Setting PA limits, given data inadequacies, IUU fishing and status of many key stocks. Strengthening data quality and collection. Managing access, allocation and redistribution expectations of large membership. Amending objection procedure. Controlling IUU fishing and transshipments. Implementing Regional Observer Program for transshipments. Lacking at-sea boarding or inspection scheme. Strengthening port State inspection scheme. Increasing MCS by Atlantic coastal States within EEZs. Increasing NCP coastal State participation in ICCAT. Increasing and standardizing observer coverage throughout Area. Standardizing and integrating catch and trade measures with other RMFOs, port States and CPCs. Ensuring payment of budget contributions. Modernizing Convention and RFMO practice.</p>

## Indian Ocean Tuna Commission (IOTC)

RFMO Structure	IOTC	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>Indian Ocean Tuna Commission</b></p> <p><b>Headquarters:</b> Victoria, Seychelles.</p> <p><b>Agreement:</b> Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC Agreement). (FAO Article XIV body).</p> <p><b>Signed:</b> November 25, 1993 Rome, Italy.</p> <p><b>In force:</b> March 27, 1996.</p> <p><b>www.iotc.org</b></p>	<p>The Indian Ocean. Defined for the purpose of the Agreement as FAO areas 51 and 57, and adjacent seas, north of the Antarctic Convergence. There is an overlap on the western boundary with WCPFC. In 1999, it was agreed that area of competence be extended to 20° E.</p>	<p>To promote cooperation among Members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks covered by the Agreement and encouraging sustainable development of fisheries based on such stocks. IOTC has competency for SBT but, by agreement CCSBT manages SBT in IOTC Convention Area.</p>	<p>Commission, Scientific Committee (SC), Compliance Committee, Standing Committee on Administration and Finance, Sub-Commissions (stock-specific, to be convened only if necessary), Working Party on Tropical Tunas (WPTT), Working Party on Tagging (WPT), Working Party on Billfish (WPB), Working Party on Temperate Tunas(WPTMT), Working Party on Neritic Tunas, Working Party on Bycatch (WPB) - met in 2005, Working Party on Methods (WPM), and in 2005 agreed to establish Working Party on Management Options. Secretariat (Executive Secretary).</p>	<p>Scientific Committee (SC) is comprised of representatives of CPs and reviews work of WPs and advises Commission (and sub-Commissions, if established) on research, data collection, stock status and management issues. SC meetings have been held conjointly with Commission meetings. Sub-Commissions will examine management options and recommend to Commission appropriate management measures for particular stocks, WPs are meetings of scientists (in their individual capacity) who conduct stock assessment and proposes management recommendations.</p>

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p><b>Highly Migratory Species:</b> Yellowfin tuna, skipjack, bigeye tuna, albacore tuna, longtail tuna, kawakawa, frigate tuna, bullet tuna, narrow barred Spanish mackerel, Indo-Pacific king mackerel, Indo-Pacific blue marlin, black marlin, striped marlin, Indo-Pacific sailfish, swordfish (also southern bluefin tuna but CCSBT has primary responsibility).</p> <p><b>Gear:</b> Purse seine, bait boat, gillnet, troll line, handline, and trawl.</p>	<p><b>Above MSY:</b> Yellowfin (further increase in effort and catch above 2000 levels should be avoided, uncertainties in stock status); bigeye (possible overfishing occurring)</p> <p><b>Stable:</b> Skipjack; swordfish (current catch level unsustainable) possible overfishing in SW Indian Ocean).</p> <p><b>Uncertain:</b> Albacore (no reliable assessment, catch increases to consider PA if adopted).</p> <p>Assessments not available for other target species.</p>	<p>Sea turtles, sharks, seabirds and juveniles of target species, particularly swordfish. Established Working Party on Bycatch (WPB) in 2002, first in-person meeting of WPB in July 2005.</p> <p>2005 recommendation for sea turtle data collection and bycatch mitigation guidelines for purse seine &amp; longline vessels. In 2002, IOTC agreed to implement IPOA-Sharks. 2005 Resolution requires CPCs to: collect catch data; fully utilize shark catch; ensure fins be &lt; 5% of total shark weight onboard; release live, to the extent possible sharks caught in non-target fisheries; increase gear selectivity; and identify shark nursery areas. 2005 seabird recommendation calls for CPCs to submit bycatch data; and report on NPOA-Seabirds implementation.</p>	<p>EA is pursued through requesting data on non-target, associated and dependent species (NTADs) (Data is often not available). While IOTC endeavouring to understand impacts on fisheries, organizational and research capacity of some CPs has been further compromised.</p>	<p>In 1999, SC invoked PA in its recommendation to reduce bigeye catches. IOTC has adopted PA recognizing the need to incorporate uncertainty in stock assessments.</p>

Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	<p><i>Australia</i>, China, Comoros, <i>Eritrea</i>, <b>EC</b>, <b>France</b>, <b>Guinea</b>, <b>India</b>, <b>Iran</b>, <b>Japan</b>, <b>Kenya</b>, <i>Republic of Korea</i>, <i>Madagascar</i>, Malaysia, <i>Mauritius</i>, Oman, Pakistan, Philippines, <i>Seychelles</i>, <b>Sri Lanka</b>, Sudan, Thailand, <b>UK</b> and Vanuatu. France and UK are CPs on behalf of their Indian Ocean territories. (24 members)</p> <p><b>Bold:</b> UNFA <i>Italics:</i> FAO Compliance Agreement</p>	<p>Cooperating Non-Contracting Parties (NCPs): Indonesia and <b>South Africa</b>, status renewed for both in 2005. 2005 application by <b>Belize</b> rejected. One Senegalese vessel on approved vessel registry; IOTC awaiting Cooperating NCP application.</p>	<p>Membership is open to Members of FAO that are Indian Ocean coastal States or REIOs, or whose vessels fish in the IOTC Agreement Area. The Commission may (by a 2/3 vote) admit States that are members of the UN or one of its specialized agencies or the IAEA. IOTC encourages Cooperating NCPs (Res 03/02). Contracting Parties and Cooperating Non-Contracting Parties collectively referred to as CPCs.</p>	<p>CPs can vote and must contribute to budget. Sub-Commissions will be open to those CP coastal States lying on migratory path of stocks concerned in Sub-Commission or are States whose vessels participate in fisheries of these stocks. To date, no Sub-Commissions have been constituted, but possible management actions have been discussed in the context of the full Commission.</p>	<p>Publicly accessible website. Meeting minutes are published online. NCPs may attend meetings. IGOs and NGOs, upon request, may be invited to participate as observers. A list of observers must be submitted 30 days prior to meeting. The fishing entity of Taiwan attends as “invited experts”.</p>

<b>Monitoring, Control and Surveillance</b>	<b>Data Collecting and Reporting</b>	<b>Observer Program</b>	<b>Vessel Monitoring System (VMS)</b>	<b>Enforcement</b>	<b>Catch Documentation/ Trade Schemes</b>
	<p>CPs are subject to mandatory statistical reporting and confidentiality procedures. Stock assessment is peer reviewed through species working parties. The Secretariat maintains a capability in stock assessment in order to ensure that parties without scientific capabilities have access to relevant information. On going Indian Ocean tuna tagging project (IOTTP). As the fishing entity of Taiwan is not a FAO member, information from fishing vessels from Taiwan is supplied through the Japanese Organization for Promotion of Responsible Fisheries to China and then to the Commission.</p>	<p>IOTC has encouraged members to implement National Observer Programs, covering at least 10% vessels.</p>	<p>In 2002, passed binding Resolution to establish pilot program to implement VMS on 10% CP and NCP vessels &gt; 24 m. Pilot project to run 2-year schemes. Project to be reviewed in 2006. Information is to be sent to land based Fisheries Monitoring Centre (FMC) every 6 hours.</p>	<p>In 2002, established IOTC Vessel Record ("positive" list of authorized vessels &gt; 24m). Since 2005, all vessels (including &lt;24m fishing outside EEZs) fishing in Regulatory Area must be on IOTC Record. Unlisted vessels cannot fish for, retain or transship tuna or tuna like-species. In 2002, established IUU Vessel List. Since 1998 vessel registration &amp; information exchange required for NCP vessels fishing in Regulatory Area (since 2005, includes vessels &lt;24m fishing outside EEZs). CPCs require prior authorization for at-sea or in-port transshipment, consistent with reported catch validating Statistical Documents. Measures addressing transshipment challenges and non-compliance (eg. banning transshipment, observers on carrier vessels) to be further discussed at 2006 IOTC Meeting. There are currently no provisions for at-sea boarding and inspection. 2001 Resolution on Scheme of Control and Inspection for NCPs; phased implementation in place. 2002 Port Inspection Scheme binding on CPCs. Resolution in 2005 on in-port inspection requires landings data to be submitted annually to Commission by July 1.</p>	<p>In 2001, implemented Bigeye Statistical Documentation Scheme (SDS) (applies only to frozen bigeye). Statistical documents and prior authorization are required for atsea or in-port transshipment by CPCs and NCPs. 2003 Resolution Concerning Trade Measures requires monitoring of non-compliance, identifying CPCs and NCPs in violation of IOTC measures and applying trade restrictive measures.</p>



Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decisions are generally reached through consensus. Each CP has one vote. Commission can adopt binding measures by 2/3 majority. CPs may object in which case the decision is not binding on them. Resolutions are binding and non-binding recommendations can be adopted by majority.	Disputes, if not settled by Commission, will be referred for settlement to a conciliation procedure. If the dispute is not settled, it may be referred to the ICJ unless parties to the dispute agree to another method of settlement.	Cooperates with CCSBT in SBT management and monitoring of Indonesian catches. In 2001, established 5-year project with Overseas Fisheries Cooperation Foundation of Japan to improve data collection in Regulatory Area. Cooperates with various countries in regions in small-scale tuna tagging program funded by EC, Japan and the People's Republic of China. Has MOU with Indian Ocean Commission (IOC) to conduct largescale tropical tuna tagging program with EC funding. In 2004, joined FIRMS to report and share information on status and trends of fishery resources. IOTC to attend 2007 meeting of tuna RFBs.	Established IOTC as an Article XIV FAO body. Improved enforcement through establishment of Compliance Committee to review annual report of compliance by CPCs. Established IOTC Record for "positive" list of vessels and IUU List. Expanded MCS to vessels <24m fishing on high seas. Established Statistical Documentation Scheme (SDS). Ongoing efforts to control transshipment. Efforts to address bycatch, especially non-target species through IPOAs and mitigation measures. Ongoing discussions to enable participation of Taiwan as Fishing Entity. Established WP for Management Options. Meeting to improve effectiveness and efficiency of IOTC to be held May 2006.	Avoiding and reducing overfishing (especially bigeye). Reducing and eliminating IUU fishing. Addressing transshipment. Reducing excess fishing capacity. Implementing bycatch mitigation measures. Developing and implementing EA and PA. Improving and expanding the SDS. Implementing at- sea and in-port NCP inspection schemes. Establishing effective mechanism for participation of fishing entity of Taiwan. Ensuring timely and accurate collection of scientific data from CPCs. Strengthening RFMO effectiveness. Addressing organizational capacity concerns of CPCs, given tsunami devastation. Administrative efficiency. Members in arrears.

## Northwest Atlantic Fisheries Organization (NAFO)

RFMO Structure	NAFO	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>Northwest Atlantic Fisheries Organization</b></p> <p><b>Headquarters:</b> Dartmouth, Nova Scotia, Canada</p> <p><b>Convention:</b> Convention on Future of Multilateral Cooperation in the Northwest Atlantic Fisheries (NAFO Convention).</p> <p><b>Signed:</b> October 24, 1978, Ottawa, Canada.</p> <p><b>In force:</b> January 1, 1979.</p> <p><b>www.nafo.int</b></p>	<p>The Northwest Atlantic Ocean. North of 35°N latitude and west of a line extending north from 35°N latitude and 42°W longitude to 59°N latitude, then west to 44° W longitude, and then north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10'N latitude.</p>	<p>To contribute through consultation and cooperation to the optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area (NCA) . The NAFO Regulatory Area (NRA) is high seas component of NCA.</p>	<p>General Council (GC) has 2 Standing Committees: Finance and Administration (STACFAD); and, Non-Contracting Party Fishing Activities (STACFAC). Scientific Council (SC) has 4 Standing Committees: Fisheries Science (STACFIS); Publications (STACPUB); Research Coordination (STACREC); and, Fisheries Environment (STACFEN). Fisheries Commission (FC) has 1 Standing Committee: International Control (STACTIC). Secretariat (Executive Secretary).</p>	<p>SC is comprised of scientists of CPs. The SC has 4 standing committees: fisheries science (STACFIS), publications (STACPUB), research coordination (STACREC) and fisheries environment (STACFEN).</p> <p>SC acts upon annual requests from FC and coastal States for advice on stock assessments. Work of SC forms foundation upon which FC determines management measures for NRA. FC also reviews information and scientific advice from the SC, establishes TACs for different species as well as national quota allocations, and establishes conservation measures.</p>

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p><b>Straddling Stocks:</b> Cod, Greenland halibut, redfish, skates, American plaice, yellowtail flounder, white hake, witch flounder, capelin, squid, shrimp.</p> <p><b>Discrete Stocks:</b> 3M cod, 3M American plaice and 3M redfish, 3M shrimp.</p> <p><b>Gear:</b> Bottom trawling (including otter and shrimp trawls), mid-water trawls, longlines and gillnets.</p>	<p><b>Collapsed:</b> 9 stocks under moratoria: Since 1993 – 3NO capelin, 3L cod. Since 1995 – 3NO cod, 3M cod, 3LNO American plaice, 3M American plaice, 3NO witch flounder, 3L witch flounder. Since 1998 – 3LN redfish. <b>Status uncertain:</b> 3LNO thorny skates, 3O redfish, 3NO white hake (current TAC unsustainable); 3LMNO Greenland halibut (15 yr rebuilding plan, 2004 catches exceeded TAC by 27%).</p> <p><b>Recovering:</b> 3LNO Yellowtail (moratorium lifted in 1998, in 2005 Blim set at 30% BMSY)</p> <p><b>Other:</b> 3M shrimp (under effort regulation, 2005 biomass &gt; Blim); 3M redfish, (spawning biomass increasing as of 2005)</p>	<p>All non-target species. Bycatch mitigation measures include gear mesh size; minimum fish size; time area closures; use of sorting grates in shrimp fisheries; and percentage bycatch limits for contents of vessel holds and on a per set (haul) basis (lower bycatch limits for moratoria species). In 2005, adopted measures banning shark finning as well as transshipment and landing of shark fins in NAFO Convention Area.</p>	<p>NAFO included EA in 2005 workplan. Following 2005 meeting, CPs decided to collect data on seamounts in Convention Area. Northwest Atlantic Ecosystem Workshop planned for 2006. NAFO fisheries generally managed on an annual stock-by-stock basis. As of 2005, newly regulated species have multi-year (3 year) TACs. Since 2003, Greenland halibut under (15 year) rebuilding plan – poor progress as 2004 TAC exceeded.</p>	<p>NAFO established PA Working Group in 1997. In 2004, FC adopted PA Framework <i>in toto</i> and adopted separate proposal to apply PA Framework initially to 3LNO yellowtail flounder and 3M shrimp. FC requested that additional stocks be considered under PA Framework in the future.</p>

Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	<p>Bulgaria, <b>Canada</b>, Cuba, <b>Denmark</b> (Faroe Islands and Greenland), <b>EU</b>, <b>France</b> (St. Pierre-et-Miquelon), <b>Iceland</b>, <i>Japan</i>, <i>Republic of Korea</i>, <b>Norway</b>, <b>Russian Federation</b>, <b>Ukraine</b>, <b>USA</b> (13 Members).</p> <p><b>Bold:</b> UNFA  <i>Italics:</i> FAO Compliance Agreement</p>	<p>There is no cooperating status for Non-Contracting Parties (NCPs).</p>	<p>Membership in NAFO GC is open to each CP. Membership in FC is only open to CPs who participate in NRA fisheries, or who provide satisfactory evidence that they expect to participate in such fisheries. Membership is reviewed annually by General Council. 60% of annual individual CP contribution to budget based on nominal catches in NCA.</p>	<p>1999 Resolution clarifies stocks are fully allocated and fishing opportunities for new members are likely to be limited to new fisheries (including stocks currently not allocated), shared stocks. NAFO annually sets aside an allocation of regulated species called “Other” in part for States not included in list of CP allocations or for exceptional arrangements. Article XIX provides for CPs to draw the attention of (i.e. contact) NCPs regarding fishing activities of nationals that may adversely effect NAFO conservation and management objectives. NCP vessels engaged in fishing in the NRA are presumed to be IUU and undermining effectiveness of NAFO measures.</p>	<p>Publicly accessible website. NAFO proceedings, scientific documents and reports are available online. Meetings are open to all IGOs upon notification. NGOs and industry have participated as members of CP delegations. SC may invite NGOs and others. To date, one NGO has participated in SC meeting. Procedures were agreed in 2002 facilitating NGO participation as observers at FC plenary meetings with 100 days prior notice. NGOs may make oral statements upon invitation of Chair and distribute materials through Secretariat. Media policy prepared in 2004 to allow coverage of opening session.</p>

Monitoring, Control and Surveillance	Data Collecting and Reporting	Observer Program	Vessel Monitoring System (VMS)	Enforcement	Catch Documentation/Trade Schemes
	<p>Data collection by NAFO via CPs includes: catch and effort data; reports from port inspection, at-sea inspection and observer program; VMS messages and aerial surveillance data.</p> <p>Data from CPs scientific surveys is used by members of SC in developing stock assessments and other scientific advice.</p>	<p>Since 1998, 100% observer coverage on all CP vessels fishing in NRA is required (for monitoring and compliance purposes). Reports made to flag State and copied to NAFO Secretariat.</p> <p>NAFO has introduced Pilot Project on Observer, Satellite Tracking and Electronic Reporting to test real time electronic reporting system by observers and vessel masters.</p>	<p>Since 2001, CPs fishing in NRA must be equipped with VMS. Vessels transmit every 2 hours automatic positional and other reports to national Fisheries Monitoring Centres (FMC), which, in turn, forward to NAFO Secretariat. NAFO and NEAFC are developing North Atlantic Format (NAF) for harmonized, comprehensive electronic messaging transmitted through VMS. As of 2005, NAF website available.</p>	<p>NAFO Scheme of Joint International Inspection and Surveillance applies to all vessels fishing in NRA. NAFO requires CPs to perform in-port inspections on vessels having fished in NRA.</p> <p>In 1997, adopted Scheme to Promote Compliance by NCPs; presumption that NCP vessels fishing in NRA are undermining conservation regime and are IUU. In 2005, NAFO created IUU list for NCP vessels. All NCP vessels in NRA can be inspected with prior consent of vessel/flag State ("courtesy boarding"). Information on NCP vessels is immediately communicated to NAFO Secretariat, all CPs and to flag State. Secretariat sends information on IUU activity to other RFMOs. There is a Canadian air surveillance program dedicated to NAFO surveillance. CPs shall deny port access and transshipment for non-compliance pending vessel inspection. Vessel must demonstrate that species were caught outside NRA or consistent with NAFO rules.</p>	<p>As of 2005, all processed fish products from NRA must be labelled as caught in NRA with species and product category identified. Other than labelling, there is no formal catch or trade documentation scheme.</p>

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	<p>Decisions are reached by consensus whenever possible; otherwise by majority vote (last vote 2002). Each CP has one vote. CPs in arrears for a period of more than 2 years cannot vote.</p> <p>Objection procedure enables CPs to formally object up to 60 days following decision.</p>	NAFO does not have a dispute settlement mechanism.	<p>NEAFC, NAFO, CCAMLR and other RFBs cooperating to expand NAF (common data communications standard and other fisheries data - electronic logbooks). Has MOU with ICES for joint stock assessments and other scientific matters. Cooperates with NEAFC on oceanic redfish management. Secretariat attends RFB Network, since inception in 1999 and meets regularly with Executive Secretaries of North Atlantic RFMOs. NAFO is a partner in FIRMS to report and share information on status and trends of fishery resources (posted on FIGIS). NAFO is longstanding member of CWP. Cooperating with other RFMOs and FAO on IUU NCP vessel listing.</p>	<p>Overhaul of Conservation and Enforcement Measures. Improved website for public access to information. Increased institutional transparency with 2002 provisions for NGO participation. Development of EA included in 2005 work plan. Established IUU NCP vessel list in 2005. Beginning in 2006, voluntary submission of data collected from seamounts. In 2004, adopted PA Framework with initial application for 3LNO yellowtail flounder and 3M shrimp; also adopted multi-year TACs for newly regulated species; first RFMO to introduce management measures for elasmobranchs (skates regulated in 2005). Since 2003, Greenland halibut rebuilding plan; TAC exceeded in 2004; rebuilding prospects poor. In 2004, prepared first official compliance report. Implemented VMS and 100% observer coverage for NRA. At 2005 Annual meeting adopted EU/Canada proposal for NAFO Reform and established Working Group on Reform (first meeting in April 2006).</p>	<p>Avoiding overfishing. Respecting pre-agreed TACs. Rebuilding and maintaining stocks, particularly given poor recovery of 9 moratoria stocks and continued overfishing of Greenland halibut. Reducing and mitigating bycatch (urgent concern for incidental catch of moratoria species). Developing EA. Broadening scope to include marine biodiversity and habitat conservation concerns. Amending objection provisions to ensure conservation regime respected. Improving CP compliance. Improving timely and effective follow-up by flag States to violations of NAFO measures. Introducing effective deterrents for non-compliance. Funding the increasing management, research and enforcement costs. CPs in arrears. Establishing global standards for observers and inspectors. Increasing collaboration with other RFBs, IGOs and NGOs to strengthen marine conservation and integrated management in Atlantic Ocean. Modernizing Convention to be consistent with UNFA. Reducing and managing fishing capacity.</p>

## North East Atlantic Fisheries Commission (NEAFC)

RFMO Structure	NEAFC	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>North East Atlantic Fisheries Commission</b></p> <p><b>Headquarters:</b> London, England</p> <p><b>Convention:</b> The Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries (NEAFC Convention).</p> <p><b>Signed:</b> November 18, 1980 London, England.</p> <p><b>In force:</b> March 17, 1982.</p> <p><b>www.neafc.org</b></p>	<p>The Northeast Atlantic and Arctic Oceans. East of a line south of Cape Farewell - the southern tip of Greenland, at 42° W, north of a line to the west of Cape Hatteras - the southern tip of Spain at 36° N and west of a line touching the western tip of Novya Semlya at 51° E. Three high seas areas constitute NEAFC Regulatory Area: The Irminger Sea – Reykjanes – Azores Area; the Norwegian Sea “Banana Hole”; and the Barents Sea “Loophole”. NEAFC does not regulate demersal fisheries in the “Loophole”.</p>	<p>To promote conservation and optimum utilization of fishery resources of Convention area within a framework appropriate to regime of extended coastal State jurisdiction over fisheries, and to encourage international cooperation and consultation with respect to these resources.</p> <p><i>In 2005, CPs agreed in principle to update Convention. Proposed objectives are to promote the long term conservation and optimum utilization of fishery resources of NE Atlantic area; safeguard marine ecosystems in which resources occur; and encourage international cooperation and consultation with respect to these resources.</i></p>	<p>Commission; 3 Permanent Committees: Permanent Committee on Control and Enforcement (PECCOE); Finance and Administration Committee; and new 2005 Permanent Committee on Management and Science. 4 working groups: Working Group on the Future of NEAFC, Working Group on Deep-Sea Species, Working Group on Blue Whiting (not met since 2000), Advisory Group on Data Communications; Secretariat (Executive Secretary).</p>	<p>NEAFC receives scientific advice from ICES (Article 14 of Convention). In 1999, NEAFC formalized cooperative arrangement under MOU for all stocks under NEAFC. New MOU (2004-2006) is in place. ICES is compensated for these services.</p>

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p><b>Straddling Stocks:</b> Redfish (pelagic), blue whiting, mackerel, Atlanto-Scandian (Norwegian spring-spawning) herring, Rockall haddock. As of November 2004, several deep sea species are also regulated by NEAFC, including blue ling, black scabbardfish and orange roughy.</p> <p><b>Gear:</b> Purse seine, pelagic trawl, demersal trawl, bottom longline and bottom gill nets.</p>	<p><b>Status uncertain:</b> Redfish, Rockall haddock.</p> <p><b>Full reproductive capacity, may be harvested unsustainably:</b> Blue whiting.</p> <p><b>At risk of reduced reproductive capacity:</b> Mackerel.</p> <p><b>Full reproductive capacity:</b> Atlanto-Scandian (Norwegian spring-spawning) herring.</p> <p><b>Generally unknown:</b> Deep-sea species, but according to ICES, many are beyond safe biological limits.</p>	<p>In 2005, adopted Recommendation, effective February 2006, to temporarily prohibit use of gillnets, entangling nets and trammel nets in depths greater than 200m in Regulatory Area to reduce discards and ghost fishing.</p>	<p>Working Group on the Future of NEAFC is examining how to strengthen NEAFC's role in addressing overall ocean management. EA now permanent agenda item at Annual Meetings. Closed area adjacent to Rockall Bank to trawl fishing in 2001; implemented temporary freeze in deep sea fisheries in Regulatory Area in 2003; closed 5 vulnerable habitats to demersal fishing gear for 2005-2007; agreed to 30% reduction in deep sea fisheries effort for 2005 onwards following ICES advice. In 2005 CPs agreed in principle to update NEAFC Convention to be consistent with UNFA for EA.</p>	<p>In 1996, requested that ICES include PA in advice provided to Commission. Annual ICES advice includes management recommendations on PA reference points. Long-term PA management plans exist for mackerel and Atlanto-Scandian (Norwegian spring-spawning) herring and blue whiting. In 2004, decided to close 5 high seas areas for 2005-2007 period. In 2005, established ban on targeting basking shark and ban on gill nets below 200m.</p>



Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	<p><b>Denmark</b> (Faroe Islands and Greenland), Estonia, <b>EC</b>, <b>Iceland</b>, <b>Norway</b>, Poland, <b>Russian Federation</b> (7 members). (Latvia and Lithuania are part of the EC as of May 1, 2004. As of May 2006, Estonia and Poland will be included in the EC.)</p> <p><b>Bold:</b> UNFA <i>Italics:</i> FAO Compliance Agreement</p>	<p><b>Canada</b>, <b>Japan</b> and <b>New Zealand</b>. <b>Belize</b> applied in 2005 for Non-Contracting Party (NCP) status. Application under consideration.</p>	<p>NEAFC is not considered an open organization (new entrant applications have been denied). States may accede to the Convention (except an EC member State) if application is approved by 3/4 of Contracting Parties (CPs). In May 2003, Working Group on the Future of NEAFC agreed to develop guidelines for new Members and allocations. The Guidelines were adopted in 2003.</p>	<p>In November 2003, NEAFC agreed that stocks regulated by NEAFC are fully allocated and fishing opportunities for new Members are likely to be limited to new fisheries. New Contracting Parties (CPs) will participate on same basis as existing CPs in future allocation of stocks unregulated at time of application. In addition, new CPs that were previously Cooperating Non-Contracting Parties (NCPs) may request part of relevant cooperative quota. Allocations will be considered on case-by-case basis.</p>	<p>Publicly accessible website. In 2001, NEAFC adopted rules to allow NGOs to participate in meetings. Secretary reviews NGO applications and notifies CPs. If one or more CPs object in writing within 30 days, participation by NGO will be put to vote. NGOs who attend Commission meetings may make oral statement upon invitation of Chairman, distribute documents, and engage in other activities approved by Chairman. IGOs and NCPs are also invited to Annual Meeting.</p>

<b>Monitoring, Control and Surveillance</b>	<b>Data Collecting and Reporting</b>	<b>Observer Program</b>	<b>Vessel Monitoring System (VMS)</b>	<b>Enforcement</b>	<b>Catch Documentation/ Trade Schemes</b>
	1999 Scheme of Control and Enforcement requires each CP to report to Secretary monthly catches of regulated species landed or transshipped. Data collection via CPs includes: infringement data, port inspection, at-sea inspection and boarding, and VMS data. Scientific and survey data is collected by ICES. 2005 Recommendation requires CPs to provide information on management measures for deep-sea species in Convention Area, develop sampling programs for deep sea fisheries and submit logbook data via NEAFC to ICES.	NEAFC does not have an Observer Program.	Since January 2000, all vessels fishing outside EEZs require VMS. Secretariat supplies CPs with an inspection presence, with information about ongoing fishing activities (24 hours a day, 365 days a year). Frequency of position reports from fishing vessels has increased from 6 hours to 2 hours. VMS operating successfully. NEAFC and NAFO are leading development of North Atlantic Format (NAF) of a comprehensive table of message types that can be transmitted through VMS.	In 1999 implemented Scheme of Control and Enforcement for CPs, as well as Scheme to Promote NCP Compliance. In case of infringement, CP flag State is notified and vessel to be examined by its inspectors within 72 hrs. Flag State where warranted can require vessel to proceed to port for further inspection. CPs are to ensure legal action taken and penalties imposed to remove economic benefit derived from infringements. Info on NCP vessels in Regulatory Area circulated by Secretariat to CPs and RFMOs. In 2000, established committee (PECCOE) to advise Commission. Adopted 2003 Resolution on actions against IUU NCP vessels, including vessel lists. In 2005 agreed to consider strengthening system of port State control. Naming and shaming of IUU NCP vessels on provisional A-list and permanent B-list is deterring IUU landings in CP ports. Key Flag of Convenience (FOC) has deflagged and delisted vessels.	CPs are to refuse landing of catches deemed taken in contravention of NEAFC management recommendations.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	Decisions are made by simple majority or, where Convention requires qualified majority, by 2/3 majority of votes of all CPs present and casting affirmative or negative votes. Each CP has 1 vote. A quorum of 2/3 of CPs is required. In even split of votes on any matter subject to simple majority, the proposal is rejected. Recommendations become binding on date determined by Commission. In emergency, votes may be taken by post or other means of communication. Any CP may object to a recommendation (for management measures only) within 50 days of date of notification. Since 2004 (amended Convention) Parties are required to provide written statement identifying: reason for objection; their intentions; and, alternative conservation and management measures. Management of all stocks discussed in plenary meeting. In 2005, due to lack of consensus at meeting on oceanic redfish, management measures agreed in subsequent postal vote. In recent years, no agreement on allocations for Atlanto-Scandian herring and blue whiting. Blue whiting quotas agreed for 2006. Herring allocations still unresolved.	At 2004 Annual Meeting, Commission unanimously adopted amendments to Convention establishing fast track dispute settlement mechanism. Ratification is expected in due course, however, Parties have agreed to immediately make use of this fast track mechanism on a voluntary basis.	NEAFC sets TAC for oceanic redfish for both NAFO and NEAFC. NEAFC Secretariat actively participates in RFB Secretariats Network biannual meetings. NEAFC Secretariat initiated North Atlantic Regional Fisheries Management Organization (NARFMO) and has organized annual meetings since 2001; in an effort to develop NAF, invited NAFO and CCAMLR to meet to discuss common data communication and standards for VMS and electronic log books (with the objective to engage other RFMOs to utilize this format as a common standard globally); established Advisory Group for Data Communication in April 2005 open to all RFBs. Group met again in October 2005. NEAFC performance review process involves members appointed by FAO, UNDOALOS, and an independent scientific institution not involved in NEAFC area.	Reactivated NEAFC following UNFA in 1995. Tasked working groups with modernizing NEAFC. Incorporated PA references. Set TAC and allocations for oceanic redfish and Atlanto-Scandian herring in 1997 and mackerel in 2000. Implemented Scheme of Control and Enforcement and NCP Scheme in 1999. Expanded Scheme in 2003 and introduced NCP IUU lists. Identification of IUU NCP vessels has resulted in decline of IUU landings in CP ports as CPs prohibit landings from IUU fishing. Amended objection procedure in 2004. Established dispute settlement mechanism. Adopted sophisticated VMS system. Discussing new port State scheme, based on FAO model. Agreed to close five areas with vulnerable habitats to demersal fishing gear. Set up arrangement whereby NEAFC sets TAC and allocation for oceanic redfish for NAFO. Created a publicly accessible website. Working to accommodate new entrants. In 2005, CPs agreed to text modernizing Convention to include PA, EA and biodiversity protection and to apply amendments on voluntary basis, pending ratification. In 2005, agreed to conduct independent performance review to ensure NEAFC alignment with UNFA and related instruments. Most CPs are State Parties to UNFA.	Reaching agreements on TACs and management measures. Sustainable development of deep-sea stocks. Clarifying ICES advice on stock status for mackerel and redfish. Considering new entrants. Ongoing modernization of RFMO. Implementation of Convention amendments updating EA, PA, biodiversity provisions and dispute settlement. Need to improve decision making process to ensure coherent, compatible and effective management throughout Convention Area (e.g. blue whiting allocations). Reviewing and possibly revising Convention to incorporate broader ocean management perspectives including ecosystem approach as agreed in principle by CPs at 2005 Annual Meeting.

## South East Atlantic Fisheries Organisation (SEAFO)

RFMO Structure	(SEAFO)	Areas of competence	Objectives	Organizational Structure	Scientific Regime
	<p><b>South East Atlantic Fishery Organisation</b></p> <p><b>Headquarters:</b> Walvis Bay, Namibia.</p> <p><b>Convention:</b> Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (SEAFO Convention).</p> <p><b>Signed:</b> April 20, 2001 Windhoek, Namibia.</p> <p><b>In Force:</b> April 13, 2003. (First meeting of Commission held March 2004 in Swakopmund, Namibia. Second meeting held October 2005 in Windhoek, Namibia.)</p> <p><b>www.seafo.org</b></p>	<p>The Southeast Atlantic Ocean. Beyond national jurisdiction in areas bounded by a line beginning at the outer limit of waters under national jurisdiction at 6°S, then west along 6°S to 10°W, then north along 10°W to the equator, then west to 20°W, then south along 20°W to 50°S, then east along 50°S to 30°E, then north along 30°E to the coast of the African continent. Northern limit of Area under review to reflect inclusion of Cabinda, Angola.</p>	<p>To ensure the long-term conservation and sustainable use of fishery resources on the high seas, other than highly migratory stocks, found in the Southeast Atlantic Ocean beyond the limits of national jurisdiction taking into account other living marine resources and the protection of the marine environment. Includes discrete stocks.</p>	<p>Commission, Scientific Committee (SC), Compliance Committee (establishment to be addressed at 2006 meeting), Secretariat (Executive Secretary).</p>	<p>The Scientific Committee (SC) provides advice to Commission and is comprised of one representative appointed by each Contracting Party (CP). SC may establish any subsidiary body and submit to Commission for approval. Provisional Working Group (PWG) established in 2005 to collect and analyse catch and environmental data.</p>

The Fishery EA and PA	Key Species and Gear	Stock Status	Bycatch	Ecosystem Approach (EA)	Precautionary Approach (PA)
	<p>Alphonsino, armourhead, deep sea red crab, orange roughy, Patagonian toothfish, sharks (blue and short finned mako), swordfish.</p> <p>Discrete stocks: deep sea red crab</p> <p><b>Gear:</b> Bottom trawl, purse-seine, and traps used in crab fisheries.</p>	<p>Stock status is generally unknown. Uncertainties exist on reported catches and stock assessments have not been undertaken for high seas fisheries. SC in process of gathering existing data, in cooperation with flag States and related organizations.</p>	<p>CPs are to take into account the impact of fishing operations on ecologically related species, including seabirds, cetaceans, seals and sea turtles (Article 3). Deep sea shrimp are caught as bycatch in trawl fishery.</p>	<p>Convention provides for adoption of measures to: conserve non-target species belonging to the same ecosystem as associated or dependent species; minimize harmful impacts on living marine resources; and, protect marine biodiversity. First meeting of SC in 2005 addressed ecosystem considerations. SC to make recommendations to Commission on wider ecosystem impacts of fishing including overexploitation, bycatch, dumping, gear effects, habitat destruction, impacts on adjacent EEZ.</p>	<p>No formal adoption of PA to date. PA is included in Commission mandate. In implementing PA, the Commission must consider international best practices regarding its application, including Annex II of UNFA and the FAO Code of Conduct. In 2005, SC recommended no increase beyond current levels of fishing for 2006 for all species.</p>

Participation	Members/ Contracting Parties	Cooperating Non-members	Membership	Participation Criteria	Transparency
	<p>Parties: Angola, <i>EC</i>, <i>Nambia</i>, and <i>Norway</i>.</p> <p>Non-Member signatories: <b>South Africa, United Kingdom</b> (on behalf of St. Helena and its dependencies of Tristan da Cuhna and Ascension Island), <b>Iceland</b>, <i>Republic of Korea</i> and <b>USA</b>.</p> <p><b>Bold:</b> UNFA <i>Italics:</i> FAO Compliance Agreement</p>	None at this time.	Membership is open to all States having an interest in the Convention area as well as to States and REIOs who participated in the SEAFO Conference, or whose vessels fish for stocks covered by the Convention or had done so in the four years prior to adoption of the Convention. CPs are to request Non-Contracting Parties (NCPs) whose vessels fish in the area to cooperate fully by becoming parties to the Convention.	Each CP contributes to the budget. CPs must take measures to ensure that its <b>nationals and industries</b> fishing in the Convention Area comply with Convention provisions. NCP vessels are to cooperate fully by agreeing to apply conservation and management measures. NCPs will enjoy benefits from participation in the fishery commensurate with their commitment to compliance.	Publicly accessible website. Meeting minutes are available. NGOs and IGOs may be invited to meetings of the Commission and other Committees as observers. The financial activities of the Organization are subject to an annual audit by independent auditors. Information can also be obtained directly from the Secretariat.

<b>Monitoring, Control and Surveillance</b>	<b>Data Collecting and Reporting</b>	<b>Observer Program</b>	<b>Vessel Monitoring System (VMS)</b>	<b>Enforcement</b>	<b>Catch Documentation/ Trade Schemes</b>
	CPs must collect and exchange scientific, technical and statistical data and forward to SEAFO. Each Party must also provide information concerning fishing activities, including fishing areas and fishing vessels in order to facilitate compilation of reliable catch and effort statistics. SC requested to develop log sheets and data forms for each fishery. In January 2006, sampling forms developed by SC made available to CPs.	Observer Program is based on common standards, including: placing with prior consent observers on a reciprocal basis on vessels flying the flag of another CP; an appropriate level of coverage for different types and sizes of fishing vessels and fishery research vessels; and ensuring the safety of vessels and observers. In the event that a port State suspects a violation by a CP, the port State will notify the flag State and the Commission. In 2005, adopted measure requiring all vessels operating in Area and targeting species not under jurisdiction of other RFMOs, to carry scientific observers as of January 1, 2006. SC is developing format for Observer data; date to be transmitted to SEAFO Secretariat.	Convention requires near-to-real time reporting of vessel movements including by satellite surveillance. In 2005, adopted minimum standards for establishment of VMS. As of April 1, 2006 all vessels authorized to fish in Area shall implement VMS, with data transmitted to flag State Fisheries Monitoring Centre (FMC). FMC required to submit data to SEAFO Secretariat within 24 hours of receipt.	Convention provides broad guidelines on enforcement, specifically for at-sea and in-port inspection, including boarding and inspection of vessels on a reciprocal basis. Commission is in process of establishing specific measures. In 2005, adopted measure on interim port State control, with each CP to maintain effective system. Measure provides guidelines for port State inspections. Information to be shared with other CPs and transmitted to Secretariat.	None at this time.

Other Governance Efforts and Challenges	Decision Making	Dispute Settlement Mechanism	Cooperative Efforts	Efforts to Strengthen RFMO	Challenges
	<p>Decisions on all matters of substance are by consensus. Whether a matter is one of substance is treated as a matter of substance. Other decisions may be determined by a simple majority. Conservation and management measures adopted by the Commission become binding on all CPs 60 days after notice is given by the Secretariat.</p> <p>Objection procedure exists: if CP notifies Commission that it is unable to accept a measure, the measure is then not binding on that CP but remains binding on all other CPs.</p>	<p>Article 24 of the Convention urges CPs to resolve disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means. Technical disputes may be referred to an ad hoc expert panel established by the Commission who will resolve the dispute expeditiously without resorting to binding procedures. Where a dispute is not referred for settlement within a reasonable time, or where a dispute is not resolved, the dispute, at the request of one party to the dispute, may be submitted for a binding decision.</p>	<p>Convention provides that Commission will cooperate with FAO, IUCN and other organizations on issues of mutual interest. Letters of introduction sent to NAFO, ICCAT, CCAMLR, NEAFC, CITES and FAO. SEAFO Executive Secretary participated in 2005 biennial RFB meeting. In 2005, SC recommended to Commission that a formal relationship with the Benguela Current Large Marine Ecosystem (BCLME) Project be established. SC cooperating with numerous organizations to gather necessary data for SEAFO Area, related ecosystem and relevant fisheries. Executive Secretary visited NEAFC in 2005 to gather information on data handling and VMS.</p>	<p>First post-UNFA RFMO for straddling stocks. SEAFO Convention in force in 2003; has competence over discrete stocks. Recognizes special requirements for developing States in the region. CPs to ensure effective control over nationals and industries fishing in SEAFO Area. Created website. Established permanent Secretariat with Executive Secretary and staff. Opened permanent office in March 2005. Adopted Headquarters Agreement with Namibia. Cooperating with relevant organizations to collect required information on ecosystem and fisheries. In 2005, agreed to establish scientific observer scheme, satellite-based VMS, and interim port State control measures. In 2006, Angola became a CP. Several signatories completing legislative process to ratify Convention. At 2005 Annual Meeting, informally discussed extent to which CPs are meeting their responsibilities within SEAFO.</p>	<p>Need to ensure full participation (ratification, accession, etc.) by all States and Entities having “real interest” in fishing in SEAFO Area. Many coastal States in SEAFO Area are developing nations that require assistance to fully participate in RFMO. No Cooperating Non-Contracting Party (NCP) status. Other challenges include addressing IUU; obtaining reliable data for stock assessment and fisheries management; determining Northern limit of Convention Area; increasing fisheries monitoring and data collection; and, establishing and adopting complete MCS system.</p>