



General Assembly

Distr.: General
13 February 2023

Original: English

Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
New York, 22–26 May 2023

Report submitted to the resumed Review Conference in accordance with paragraph 60 of General Assembly resolution [74/18](#) to assist it in discharging its mandate under article 36 (2) of the Agreement

Report of the Secretary-General

Summary

The present report has been prepared in response to the request made to the Secretary-General in General Assembly resolution [74/18](#) of 10 December 2019, to submit to the resumed Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks an updated report, prepared in cooperation with the Food and Agriculture Organization of the United Nations, to assist the Review Conference in discharging its mandate under article 36 (2) of the Agreement. The report is also based on information provided by States and regional fisheries management organizations and arrangements and other related bodies in response to a questionnaire circulated in May 2022. It provides an update of information contained in the reports of the Secretary-General to the Review Conference in 2006 ([A/CONF.210/2006/1](#)), 2010 ([A/CONF.210/2010/1](#)) and 2016 ([A/CONF.210/2016/1](#)).



Contents

	<i>Page</i>
Abbreviations	3
I. Introduction	4
II. Overview of the status and trends of straddling fish stocks and highly migratory fish stocks, discrete high seas stocks and non-target, associated and dependent species	5
A. Introduction	5
B. Highly migratory fish stocks	7
C. Selected straddling fish stocks	8
D. Other high seas fish stocks	9
E. Associated and dependent species	9
F. Straddling fish stocks, highly migratory fish stocks and other high seas fish stocks for which no measures have been adopted by regional fisheries management organizations and arrangements	10
G. Conclusions	10
III. Review of the implementation of the recommendations of the Review Conference	11
A. Conservation and management of stocks	12
B. Mechanisms for international cooperation and non-members	34
C. Monitoring, control and surveillance, and compliance and enforcement	47
D. Developing States and non-parties to the Agreement	59
IV. General conclusions	66

Abbreviations

CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
FAO	Food and Agriculture Organization of the United Nations
GFCM	General Fisheries Commission for the Mediterranean
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
NAFO	Northwest Atlantic Fisheries Organization
NEAFC	North-East Atlantic Fisheries Commission
NPAFC	North Pacific Anadromous Fish Commission
NPFC	North Pacific Fisheries Commission
SEAFO	South-East Atlantic Fisheries Organization
SIOFA	Southern Indian Ocean Fisheries Agreement
SPRFMO	South Pacific Regional Fisheries Management Organization
WCPFC	Western and Central Pacific Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission
WTO	World Trade Organization

I. Introduction

1. Pursuant to article 36 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the Review Conference was convened from 22 to 26 May 2006 (see [A/CONF.210/2006/15](#)). It was then resumed from 24 to 28 May 2010 (see [A/CONF.210/2010/7](#)) and 23 to 27 May 2016 ([A/CONF.210/2016/5](#)). Following the fifteenth round of informal consultations of States parties to the Agreement, in March 2022, the General Assembly, in its resolution [77/118](#), requested the Secretary-General to resume the Review Conference again, from 22 to 26 May 2023. The present report is submitted pursuant to the request contained in paragraph 60 of Assembly resolution [74/18](#) with a view to assisting the Review Conference in discharging its mandate.

2. Over the past seven years, there have been numerous important developments that are relevant to the implementation of the Agreement. These include the entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) and the Work in Fishing Convention of the International Labour Organization (ILO); the adoption of the Agreement on Fisheries Subsidies of the World Trade Organization (WTO); the adoption of amendments to the Maritime Labour Convention in 2018 and 2022; the holding of the United Nations Ocean Conference in 2017 and 2022; the review by the General Assembly of actions taken to address the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks in 2016 and 2022; the launching of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction; the issuance of the second *World Ocean Assessment*; the launch of the United Nations Decade of Ocean Science for Sustainable Development (2021–2030); and the finalization of various important guidance documents on fisheries management under the auspices of the Food and Agriculture Organization of the United Nations (FAO). Also important have been the thirteenth, fourteenth and fifteenth rounds of informal consultations of States parties to the Agreement, focusing on specific issues in relation to the implementation of the Agreement.¹ While these developments are not extensively addressed in the present report, they are mutually reinforcing of the actions highlighted in the report aimed at strengthening the implementation of the Agreement and demonstrate the important synergies between the implementation of the Agreement and other global goals, processes and initiatives on oceans.

3. However, despite the commitment in the 2030 Agenda for Sustainable Development to effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics by 2020 (General Assembly resolution [70/1](#)), the state of the world's fish stocks continues to deteriorate. Overfishing, illegal, unreported and unregulated fishing (IUU fishing) and destructive fishing practices continue to undermine the sustainability of the world's fisheries. Moreover, fisheries are increasingly being affected by ecosystem degradation and biodiversity loss resulting from a combination of stressors, including climate change, ocean acidification, pollution and destructive fishing practices.

¹ See www.un.org/depts/los/convention_agreements/fish_stocks_agreement_states_parties.htm.

4. The resumption of the Review Conference thus comes at a pivotal moment for global fisheries. The Review Conference is mandated under article 36 of the Agreement to assess the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions to better address any continuing problems in the conservation and management of those stocks. In doing so, the participants will have an opportunity to build on the policy developments reflected in the annual General Assembly resolutions on sustainable fisheries. In that context, the Assembly has repeatedly called upon States that have not done so to become parties to the Agreement in order to achieve the goal of universal participation. Since the most recent report of the Secretary-General, published in 2016, 10 additional States have become parties (Benin, Cambodia, Chile, Ecuador, Ghana, Saint Kitts and Nevis, Thailand, Togo, Vanuatu, Viet Nam), raising the total number to 92, including the European Union.

5. The present report, prepared in cooperation with FAO and with the assistance of an expert consultant hired to provide information and analysis on relevant technical and scientific issues, is an update to the previous reports of the Secretary-General to the Review Conference.² The participants in the Review Conference will also benefit from the information contained in other reports of the Secretary-General on oceans and the law of the sea and sustainable fisheries submitted to the General Assembly under the agenda item entitled “Oceans and the law of the sea”.³

6. Following the approach taken in the past, the present report is based primarily on information provided in response to a questionnaire circulated by the Secretariat in May 2022. Responses were received from 13 States parties, including the European Union,⁴ and one non-party.⁵ Responses were also received from nine regional fisheries management organizations and arrangements (RFMO/As) and other related organizations,⁶ in addition to FAO. The Secretary-General expresses his appreciation for all the contributions.

II. Overview of the status and trends of straddling fish stocks and highly migratory fish stocks, discrete high seas stocks and non-target, associated and dependent species

A. Introduction

7. The present section provides an update on trends in the status of highly migratory fish stocks and straddling fish stocks, discrete high seas stocks and non-target, associated and dependent species, highlighting trends since 2006, 2010

² A/CONF.210/2006/1, A/CONF.210/2010/1 and A/CONF.210/2016/1.

³ Available from www.un.org/Depts/los/general_assembly/general_assembly_reports.htm.

⁴ Australia, Bulgaria, Canada, Chile, European Union, Iceland, Japan, Mauritius, Norway, Philippines, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America; Iceland indicated that it considered the answers to the voluntary questionnaire by the regional fisheries management organizations to which it was a party sufficient and would not be submitting additional answers.

⁵ Saudi Arabia.

⁶ General Fisheries Commission for the Mediterranean (GFCM), International Commission for the Conservation of Atlantic Tuna (ICCAT), North Pacific Anadromous Fish Commission (NPAFC), North Pacific Fisheries Commission (NPFCC), Northwest Atlantic Fisheries Organization (NAFO), North-East Atlantic Fisheries Commission (NEAFC), South Pacific Regional Fisheries Management Organization (SPRFMO), Southern Indian Ocean Fisheries Agreement (SIOFA), Western and Central Pacific Fisheries Commission (WCPFC).

and 2016. It is based on data provided by the FAO overview of the subject.⁷ More detailed information on the current status of specific stocks reported in 2006, 2010 and 2016 is provided in two information tables that are available online.⁸

8. According to FAO, its overview was based on the best available scientific information, but data limitations continued to exist and the state of exploitation of some stocks might be unknown, uncertain to fall within the designated classification or considered to vary between classifications depending on the area.

9. In evaluating the status of stock and trends, the present report uses the 2011 classification scheme of FAO,⁹ but with the updated designations and refined definitions below:

(a) “Overfished” includes stocks whose abundance is below that which would, on average and in the long term, produce the maximum sustainable yield. They have in general been exploited at above optimal rates for some time and include stocks that are depleted or recovering from a depletion or collapse (previously “overexploited”);

(b) “Maximally sustainably fished” includes stocks whose abundance is close to that which would, on average and in the long term, produce the maximum sustainable yield (previously “fully exploited”);

(c) “Non-maximally sustainably fished/Underfished” includes stocks whose abundance is above that which would, on average and in the long-term, produce the maximum sustainable yield. They are in general stocks exploited by undeveloped or new fisheries, with a significant potential for expansion in total production, or stocks that have been exploited with a low fishing effort, with some limited potential for expansion (previously “underexploited”).¹⁰

10. The species and stock terminology used herein corresponds to that used by FAO¹¹ and the terminology of previous reports ([A/CONF.210/2006/1](#), paras. 12–15, [A/CONF.210/2010/1](#), para. 9 and [A/CONF.210/2016/1](#), para. 11).

11. In addition, while the species (or species group) statistical area combinations reviewed are referred to as stocks, in many cases they are a collection of several stocks from a management or biological perspective. Information on associated species and the availability of information on the biological characteristics and geographic distribution of the species remain unchanged from the 2006, 2010 and 2016 reports ([A/CONF.210/2006/1](#), paras. 118–134, [A/CONF.210/2010/1](#), paras. 10–12 and [A/CONF.210/2016/1](#), para. 12).

⁷ Available at www.un.org/Depts/los/convention_agreements/ICSP16/2023_FAOinputSTOCKS_UNFSARRC.pdf.

⁸ See www.un.org/depts/los/2023StockStatusTables.pdf.

⁹ Food and Agriculture Organization of the United Nations (FAO), *Review of the State of World Marine Fishery Resources*, FAO Fisheries and Aquaculture Technical Paper No. 569 (Rome, 2011). The six categories were subsequently aggregated into three levels.

¹⁰ Previous reports utilized the classification systems and terms previously used by FAO. Where possible, references to the previous status of stocks have been updated into the new classification scheme.

¹¹ FAO, *World Review of Highly Migratory Species and Straddling Stocks*, FAO Fisheries Technical Paper, No. 337 (Rome, 1994).

B. Highly migratory fish stocks¹²

1. Background

12. Highly migratory fish species are listed in annex I to the United Nations Convention on the Law of the Sea and include tuna and tuna-like species, oceanic sharks, pomfrets, sauries and dolphinfish. Biological information on tuna and tuna-like species, their geographical distribution and a historic account of the development of tuna fisheries appear in the 2006 report (A/CONF.210/2006/1, paras. 19–21 and 30–35).

13. The available global database does not distinguish between occurrences of the species or catches in areas under national jurisdiction and on the high seas, and they are addressed accordingly.¹³

14. According to FAO statistics, in 2020, landings of tuna and tuna-like species included in annex I to the Convention accounted for about 6 million tons, an increase of about 1 million tons since 2003. Two species, skipjack tuna and yellowfin tuna, accounted for more 73 per cent of the catch (4 million tons) in that year. A substantial portion of this was caught within exclusive economic zones.

2. Trends in the status of the stocks

FAO overview

15. Since the previous assessment, in 2016, (see A/CONF.210/2016/1, para. 16) and on the basis of scientific information from the work of FAO on the assessment of the *State of World Fisheries and Aquaculture*, reflected in FAO statistics, there has been a 4 per cent increase in overfished stocks, with 40 per cent of assessed stocks considered to be overfished, up from 36 per cent, and 60 per cent sustainably fished (underfished plus maximally sustainably fished), down from 64 per cent. While there have been substantial improvements in Atlantic bluefin tuna management, the status of the rest of the fisheries has primarily remained the same or deteriorated. Information was not known and no assessment was provided for about one quarter of the stocks. As noted in the previous assessment, there are probably few opportunities to increase the exploitation of tuna and tuna-like species, except in some areas of the Pacific Ocean and Indian Ocean, where increases in catches of skipjack tuna may be sustainable. However, if current fishing techniques are used, this can only be done at the expense of undesired increases of catches of other species.

16. In the overview, FAO indicated that the state of exploitation of many tuna and tuna-like species is highly uncertain or unknown, other than bluefin, albacore, bigeye, yellowfin and skipjack tuna. As to shark species, no comprehensive assessment of their exploitation was possible because of the paucity of information, which is available only for some stocks of 10 species. In particular, no assessment could be provided for the following shark species on a global basis: wing head, scalloped bonnethead, whitefin hammerhead, scoophead, small eye hammerhead and great white (see also paras. 19–22). Information was known for the shortfin mako shark only in the north and south Atlantic Ocean and the north Pacific Ocean, but the stock status is unknown in the Indian Ocean. Information is needed for the longfin mako shark, as catches have only been recorded in the Atlantic Ocean, as well as for the porbeagle shark in the Southern Ocean.

¹² The use of the term “highly migratory fish stocks” remains the same as in the 2006, 2010 and 2016 reports.

¹³ See the FAO global capture production database, available from <https://firms.fao.org/firms/en>.

17. However, about 65 per cent of shark species for which information is available continue to be overfished. In the absence of stock-specific information, shark populations continue to be considered at least maximally sustainably fished.

Species protected under international instruments

18. As indicated in annex I to the present report, some species of highly migratory fish stocks are protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on the Conservation of Migratory Species of Wild Animals, also known as the Convention on Migratory Species (CMS) and/or the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention).

19. Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora¹⁴ includes species that, although not necessarily now threatened with extinction, may become so unless trade in specimens of such species is subject to strict regulation to avoid utilization incompatible with their survival. It also includes species that resemble other listed species and need to be regulated to effectively control the trade in those other listed species. Listed marine species include the following shark species: great white, whitetip, scalloped hammerhead (with great hammerhead and smooth hammerhead included for look-alike reasons), basking, porbeagle, thresher, silky, shortfin and longfin mako sharks.

20. Appendix II to the Convention on Migratory Species¹⁵ includes migratory species that have an unfavourable conservation state and that require international agreements for their conservation and management as well as migratory species that would significantly benefit from international cooperation. Listed species include the great white shark, three species of thresher shark, and the whale, basking, scalloped hammerhead (with great hammerhead and smooth hammerhead included for look-alike reasons), porbeagle, silky, shortfin and longfin mako sharks.

21. Annex II to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean to the Barcelona Convention deals with endangered or threatened species and lists the great white, porbeagle, basking and shortfin mako sharks.

C. Selected straddling fish stocks

1. Background

22. The main straddling stock species are generally well studied compared with several highly migratory species, in particular the non-tuna species. Nevertheless, it was not possible to ascertain the status of fish stocks in some areas because of lack of information and/or insignificant fisheries outside exclusive economic zones. Those areas included the western central Pacific Ocean, the eastern and western central Atlantic Ocean and the Indian Ocean.

2. Trends in the status of the stocks

23. It is considered that the quality, detail and consistency of the information concerning straddling fish stocks does not permit a reliable assessment of the trends in the status of the straddling stocks.

¹⁴ Available at <https://cites.org/sites/default/files/eng/app/2022/E-Appendices-2022-06-22.pdf>.

¹⁵ For that instrument, “endangered species” means any species that is in danger of extinction throughout all or part of its range and “threatened species” means any species that is likely to become extinct within the foreseeable future throughout all or part of its range and whose survival is unlikely if the factors causing numerical decline or habitat degradation continue to operate.

24. As noted above, information was not known for a range of areas and species and therefore no assessment was provided. For the south-east and south-west Atlantic Ocean, the FAO overview referred to 12 and 8 relevant species respectively for which information was not available. Further information was needed for horse mackerel in the north-east Atlantic Ocean, grenadiers in the north-west Atlantic Ocean, several species in the north-west and south-west Pacific Ocean and sevenstar flying squid and crab in the Southern Ocean.

D. Other high seas fish stocks

25. Most discrete high seas fish stocks comprise deep-water species, but several stocks may exist for pelagic species. The information contained in the FAO overview regarding those stocks remains substantially unchanged from the information provided by FAO for the 2010 report (A/CONF.210/2010/1, paras. 68–70) and the 2016 report (A/CONF.210/2016/1, para. 26). Relatively little continues to be known about many of the species and most of the fisheries (see A/CONF.210/2006/1, paras. 104–115), although knowledge on the fisheries has accumulated over the past 20 years and now all, or almost all, are managed by regional fisheries management organizations.¹⁶

E. Associated and dependent species

26. Associated and dependent species are caught and/or impacted in fisheries for straddling fish stocks, highly migratory fish stocks and other high seas fish stocks. Associated species are considered to be species impacted by fishing activities, but are not part of the landed catch. Such impacts to associated species may occur as a result of discards, physical contact of fishing gear with habitats and organisms that are not caught and indirect processes. There has been no global review of the impacts of fisheries on associated species since the 2006 report (ibid., paras. 118–134), except in the context of reviews by the General Assembly of actions taken to address the impacts of bottom fishing in 2016 and 2022.¹⁷

27. The information on discards of associated species at the global level contained in the 2006, 2010 and 2016 reports (A/CONF.210/2006/1, paras. 118–128, A/CONF.210/2010/1, paras. 72–74 and A/CONF.210/2016/1, para. 28) remains generally unchanged. The highest discard rates are associated with shrimp and trawl fisheries. Discard rates are estimated at 30.9 per cent for bottom trawlers using otter trawls (for all fisheries), 23.9 per cent for demersal longlining in the Southern Ocean and 7.5 per cent overall for the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) area. FAO suggests that 1 million seabirds and 8.5 million sea turtles are discarded annually, with most probably captured in exclusive economic zones.

¹⁶ See also the reports of the Secretary-General on the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks, available at www.un.org/depts/los/general_assembly/general_assembly_reports.htm.

¹⁷ See www.un.org/depts/los/bottom_fishing_workshop.htm.

F. Straddling fish stocks, highly migratory fish stocks and other high seas fish stocks for which no measures have been adopted by regional fisheries management organizations and arrangements

28. Fisheries for tuna and tuna-like highly migratory species all remain under some form of management. However, the global operations of some fishing fleets targeting such species and the global nature of associated markets make it more difficult for regional fisheries management organizations and arrangements to manage those fisheries compared with fisheries that are less global.

29. The management of fisheries for oceanic sharks and other highly migratory species continues to be incomplete and uneven (see [A/CONF.210/2010/1](#), para. 77 and [A/CONF.210/2016/1](#), para. 30). Regional fisheries management organizations and arrangements have adopted a range of measures, but data collection and research are lacking in many regions. In recent years, several regional fisheries management organizations and arrangements have adopted measures to combat the finning of sharks and to prevent the capture and landing of shark species for which conservation is a concern. Conventions that classify endangered species continue to consider new proposals for listing additional shark species.¹⁸

30. In general, with the exception of a few species producing large catches, knowledge of the biology and state of exploitation of highly migratory species, such as billfish and sailfish, remains scarce. Fisheries on pomfrets, sauries and dolphinfish are sometimes included in national fishery management plans, but a more systematic approach to their management is generally necessary before the fisheries exploiting them can be considered to be properly managed.

31. Most fisheries for straddling fish stocks are covered or becoming covered by regional fisheries management organizations and arrangements. The situation is more variable for fisheries for other high seas fish stocks. The management of high seas deep-sea fisheries is addressed by several regional fisheries management organizations and arrangements. Additional organizations and agreements are being considered in regions in which coverage gaps previously existed, including an initiative by FAO to establish the Red Sea and Gulf of Aden Aquaculture and Fisheries Organization (RAAFO) and the 2021 Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean. In addition, several regional fisheries management organizations and arrangements have either recently adopted spatial measures to protect vulnerable marine ecosystems or are in the process of doing so.

G. Conclusions

32. The overall status of highly migratory fish stocks and straddling fish stocks has not improved since 2016, despite improvements for some stocks and in some regions. Indeed, there were no major changes in the overall state of stocks and fisheries catches since the first review prepared by FAO in 2005. The majority of the species for which information is available are considered either maximally sustainably fished or overfished. With a few exceptions (mainly tuna), most of the species exploited on the high seas have low productivity and low resilience to exploitation. The status of around 18 stocks has improved since the previous report, with 14 stocks assessed as having deteriorated. The others have stayed the same since the last assessment or were

¹⁸ For example, in 2022, FAO reviewed a proposal to add further species of shark to appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). FAO, *Report of the Seventh FAO Expert Advisory Panel for the Assessment of Proposals to Amend Appendices I and II of CITES Concerning Commercially-exploited Aquatic Species – Rome, 18–22 July 2022* (Rome, 2022).

unassessed or not known. An analysis of the causes of the fluctuations in the status of specific stocks, in particular those that have recovered from overfishing, may hold lessons for the identification of successful management approaches.

33. One of the main impediments to assessing the state of exploitation of highly migratory species, straddling stocks and other high seas fish stocks continues to be the considerable limitations in fisheries and biological data. Around 30 per cent of stocks were not assessed or information was not known, up from a quarter of the stocks as reported in 2016.

34. Challenges remain, as noted by the Secretary-General in 2016, such as the lack of a global data set that allows the data on the catch and the state of straddling and other high seas fish stocks to be separated from data on such from fisheries in the exclusive economic zones. Likewise, evaluating the protection afforded to associated species is difficult owing to the lack of available data on by-catch and state of exploitation. Furthermore, the link between high seas fishing and the state of associated species is difficult to determine because many associated species are impacted by fisheries in exclusive economic zones (often more so than in high seas fisheries), coastal development and other human activities. In addition, stock status data standards among regional fisheries management organizations and arrangements and with FAO are not always compatible, making global analyses challenging.

35. Progress has been made in improving the reporting of catches of some highly migratory shark species in recent years, but with rare exceptions, the information available does not allow a comprehensive evaluation of their status. The quality of future evaluations of performance under the Agreement continues to hinge on substantial improvements in the availability of data on high seas stocks and fisheries.

36. Information gaps for some species or stocks and for some areas can have a negative impact on the effective development and implementation of science-based conservation and management measures. In such cases, the application of the precautionary approach, as set out in article 6 of the Agreement, is particularly relevant.

37. The situation continues to reinforce the need for countries fishing on the high seas to cooperate directly or through regional fisheries management organizations and arrangements to implement effective measures to sustainably manage fisheries, conserve stocks already overfished and monitor high seas fisheries.

38. In the light of the increased pressures expected to be faced by fish stocks in the near future, including from stressors such as climate change, ocean acidification, marine pollution and continued overfishing, it is important to protect biodiversity in the marine environment and improve the resilience of fish stocks and the ecosystems of which they form an integral part, including through the application of precautionary and ecosystem approaches to fisheries.

III. Review of the implementation of the recommendations of the Review Conference

39. The present section provides information on the implementation of the recommendations of the Review Conference made in 2016.¹⁹ It is based primarily on information received from States and regional fisheries management organizations and arrangements in response to the questionnaire referred to in paragraph 6 above, supplemented by information drawn from various sources, as referenced herein. It

¹⁹ [A/CONF.210/2016/5](#), annex.

should be noted that the limited number of contributions to the report, in particular from developing States, renders it difficult to draw firm conclusions from the information received. Information regarding measures taken by non-parties to the Agreement was also limited. Moreover, the responses received to the questionnaire also tended to focus on areas in which progress had been achieved rather than on implementation gaps.

40. Information was also received from the North Pacific Anadromous Fish Commission (NPAFC) regarding the de facto application of the recommendations of the Review Conference to anadromous stocks not covered by the Agreement. That information was incorporated as appropriate to show that some procedures, concepts and principles recommended in relation to the implementation of the Agreement may have a broader impact.

41. For ease of reference, the present part is divided into four sections, corresponding to the categories of the recommendations agreed in 2016. They are conservation and management of stocks; mechanisms for international cooperation and non-members; monitoring, control and surveillance, and compliance and enforcement; and developing States and non-parties to the Agreement.²⁰

A. Conservation and management of stocks

42. The Agreement sets out principles for the conservation and management of straddling fish stocks and highly migratory fish stocks, based on the precautionary approach and the best available scientific information, through the effective implementation of the relevant provisions of the Convention. Following the recommendations from the 2006 and 2010 Review Conference, in 2016 the Conference expanded the recommendations concerning the conservation and management of these fish stocks, as set out below.

1. Measures taken at the national and international levels

Adoption and implementation of measures

43. At the Review Conference in 2016, States parties committed to improve, through the adoption and implementation of effective conservation and management measures, the current status of fish stocks and, by 2020, to effectively regulate harvesting, end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield. This commitment, consistent with the 2030 Agenda,²¹ was likewise echoed at the 2022 Ocean Conference.²²

44. Some States reported on actions taken to adopt and fully implement effective conservation and management measures through legislation, policies and plans.²³

45. The European Union reported that significant progress had been made in the past 10 years to bring fishing pressure to sustainable levels, with the number of stocks managed at maximum sustainable yield in the north-east Atlantic Ocean increasing from five in 2009 to 62 in 2020, including through multi-year and multispecies plans,

²⁰ Recommendations relating to developing States and non-parties in separate sections of the 2016 recommendations have been merged into a single section here to follow previous reports.

²¹ See 2030 Agenda, target 14.4.

²² See the outcome of the 2022 Ocean Conference, entitled “Our ocean, our future, our responsibility” (General Assembly resolution 76/296, annex, para. 13 (b)).

²³ Bulgaria, Canada, Chile, European Union, Japan, Philippines, Togo, United Kingdom, United States.

landing obligations and the regionalization of measures under its common fisheries policy.

46. The United Kingdom of Great Britain and Northern Ireland noted its participation in regional and global initiatives to improve the status of fish stocks, including the IUU (illegal, unreported and unregulated) Fishing Action Alliance. Mauritius noted it was party to international instruments aimed at the long-term conservation and sustainable use of fish stocks.

47. Some States reported on their commitment to improve the status of relevant stocks through participation in and cooperation with regional fisheries management organizations and arrangements²⁴ and to fully implement the conservation and management measures adopted by those organizations.²⁵

48. The European Union sponsored the establishment of new fisheries governance mechanisms for fisheries sustainability and enhanced regional cooperation in the Mediterranean Sea and the Black Sea in 2017. The General Fisheries Commission for the Mediterranean (GFCM) subsequently adopted a midterm strategy (2017–2020) followed by a 2030 Strategy in 2021 to promote the sustainability of fisheries through five targets. Dedicated regional action plans were subsequently adopted and are being implemented. Related conservation and management of stocks and multi-year management plans were also adopted between 2015 and 2021.

49. Saudi Arabia reported on cooperation and coordination through the Regional Commission for Fisheries (RECOFI) and the Permanent Committee for Fisheries in the General Secretariat of the Gulf Cooperation Council. It was also seeking to establish a regional fishery body for the countries bordering the Red Sea through FAO to strengthen cooperation in the management of stocks.

50. Regional fisheries management organizations also reported on measures taken to improve the status of straddling fish stocks and highly migratory fish stocks, including through cooperation and collaboration between management organizations on the exchange of information on vessels involved in illegal, unreported and unregulated fishing. The North-East Atlantic Fisheries Commission (NEAFC) indicated that it continued to review its measures in the light of developing science and policy, including the recommendations of the Review Conference. The Western and Central Pacific Fisheries Commission (WCPFC) reported that it was developing harvest strategies for its four major tuna stocks and recently adopted a revised harvest strategy for Pacific bluefin tuna fisheries, including new harvest control rules.

Application of the precautionary and ecosystem approaches

51. The importance of applying the precautionary and ecosystem approaches to fisheries management has been emphasized by the Review Conference in each of its meetings as well as in many other international instruments and forums.²⁶

52. States and regional fisheries management organizations and arrangements reported on progress made in applying the precautionary and ecosystem approaches to fisheries management and sustainably managing and protecting marine and coastal ecosystems in order to avoid significant adverse impacts, as called for in the 2030

²⁴ Japan.

²⁵ Australia, European Union, Philippines.

²⁶ See e.g. resolution [76/296](#), paras. 13 and 13(f) and resolution [76/71](#), paras. 17 and 18.

Agenda,²⁷ including through legislation, policies and conservation and management measures.²⁸

53. The European Union applied the precautionary approach in setting annual fishing opportunities for fish stocks by seeking to ensure maximum sustainable yield exploitation rates based on biological advice that incorporated precautionary considerations. When such advice was not available, a precautionary buffer in the scientific assessments was introduced to avoid as much as possible the risk of unsustainable stock dynamics or stock collapse.

54. Some States also reported on specific measures taken, for example, harvest strategies,²⁹ prohibitions based on breeding period, area or gear type, including prohibitions on beam and bottom trawling,³⁰ fishing gear limitations,³¹ alerting devices to reduce by-catches,³² monitoring, control and surveillance measures,³³ national plans of action,³⁴ integrated fisheries management plans,³⁵ multi-year management plans³⁶ and closed and marine protected areas.³⁷

55. Australia will review its fisheries policy framework in 2023 after a comprehensive review of its existing harvest strategy and by-catch policies. The European Union and its member States reported on working towards comprehensive marine environmental protection based on 11 quantitative descriptors of anthropogenic pressures and impacts on the marine ecosystem.

56. Some States also reported on efforts to ensure the application of the precautionary and ecosystem approaches in decision-making in the regional fisheries management organizations and arrangements in which they participated,³⁸ including through measures to reduce and mitigate incidental catches of protected species.³⁹ The European Union supported the development of management procedures and harvest strategies in regional fisheries management organizations compatible with the principles of the precautionary approach. In the South Pacific Regional Fisheries Management Organization (SPRFMO), the European Union proposed a new conservation and management measure to regulate a squid fishery, including the introduction of an effort limit. It also continued to push for the establishment of new marine protected areas in CCAMLR. The ecosystem monitoring programme of CCAMLR, established in 1989, aims to detect and record significant changes in critical components of the marine ecosystem and their principal causes.⁴⁰

57. The International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted an amendment to its convention to enshrine these approaches and the amendment will enter into force once ratified by the sufficient number of parties. The Northwest Atlantic Fisheries Organization (NAFO) conducted a comprehensive review of its precautionary approach framework, with changes expected to be

²⁷ See 2030 Agenda, target 14.2.

²⁸ Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, United States, GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC.

²⁹ Australia.

³⁰ Bulgaria.

³¹ European Union.

³² European Union.

³³ Bulgaria.

³⁴ Mauritius.

³⁵ Canada.

³⁶ European Union.

³⁷ Australia, European Union.

³⁸ Canada, European Union, United Kingdom.

³⁹ European Union.

⁴⁰ Available at www.ccamlr.org/en/science/ccamlr-ecosystem-monitoring-program-cemp.

implemented by 2024. Its scientific council developed an ecosystem road map that applies a three-tier approach to ecosystem management, namely, the state of the ecosystem, multispecies assessment and individual stock assessments. In 2020, NAFO also adopted in principle an ecosystem productivity reference point to complement single stock assessments and to help inform management decisions regarding the potential risk of ecosystem overfishing. NAFO closed approximately 14 per cent of its regulatory area to bottom fishing to protect vulnerable marine ecosystems and vulnerable seamounts.

58. The International Council for the Exploration of the Sea (ICES) has provided NEAFC with an annual review on progress made on science and advice related to multispecies issues and climate change effects for ecosystems and relevant stocks. ICES was requested to apply the ecosystem approach to fisheries in providing its scientific advice. It also built in a precautionary element in its advice and increasing precaution was applied to those stocks that are data poor. The NEAFC recommendation on deep-sea fisheries in 2018 was based on the precautionary approach and required its contracting parties to effectively manage the deep-sea fisheries stocks not subject to other conservation and management measures.

59. The North Pacific Fisheries Commission (NPFC) adopted conservation and management measures for all priority species that prevent its members from expanding fisheries from historical levels until a stock assessment has been completed.

60. A comprehensive shark measure adopted in 2019 by WCPFC provided for the conservation of shark species, including safe release requirements.⁴¹

61. Some States and regional fisheries management organizations and arrangements reported on actions to improve scientific research in support of fisheries management.⁴² The European Union provided substantial funding to regional fisheries management organizations and arrangements to conduct scientific research for the definition and operationalization of an ecosystem approach to fisheries management. GFCM established a permanent working group on vulnerable marine ecosystems and essential fish habitats to strengthen the implementation of an ecosystem approach by promoting and conducting scientific research in support of fisheries management.

62. The Southern Indian Ocean Fisheries Agreement (SIOFA) conducted scientific research in support of fisheries management, including stock assessments and risk assessments, resulting in a ban on targeting sharks. It also assessed the impact of bottom fisheries and improved its scientific knowledge for the management of bottom impacts on vulnerable marine ecosystems.

63. FAO supported member countries and regional fisheries management organizations and arrangements in developing their capacity to plan, develop and implement fisheries management, applying the ecosystem approach to fisheries, aiming at reinforcing the resilience of fisheries systems in support of food and nutritional security for current and future generations. FAO also undertook capacity-building to assist States in implementing an ecosystem approach to fisheries through national policy and legal frameworks.⁴³

⁴¹ Document CMM 2019-04.

⁴² Australia, Bulgaria, European Union, SIOFA, WCPFC.

⁴³ Also see Terje Løbach and others, *Regional Fisheries Management Organizations and Advisory Bodies: Activities and Developments, 2000–2017*, FAO Fisheries and Aquaculture Technical Paper No. 651 (Rome, FAO, 2020).

Determination of reference points or provisional reference points for specific stocks

64. The Review Conference in 2016 called upon States parties to apply the guidelines in annex II of the Agreement and in this regard, inter alia, determine precautionary target and limit reference points for specific stocks and provisional reference points when information for a fishery was poor or absent.

65. A number of States reported on actions taken in accordance with the precautionary approach and the guidelines in annex II of the Agreement to determine precautionary target and limit reference points for specific stocks as well as provisional reference points,⁴⁴ including in the regional fisheries management organizations and arrangements to which they were a party.⁴⁵

66. Australia was instrumental in the adoption of revised reference points for Indian Ocean tuna fisheries. It also reported on working with other members of CCAMLR to ensure that target stocks were maintained at levels that took account of the sustainability of harvested species and to ensure that ecological relationships between harvested and dependent and related species were maintained.

67. Canada reported that it was managing key harvested fish stocks through the adoption of target and limit reference points as well as harvest control rules and pre-agreed decision rules in the event that fish stocks breached predetermined reference points. Canada had complete precautionary approach frameworks for 50 key harvested stocks.

68. The European Union reported that the objective of progressively restoring populations of fish stocks above biomass levels capable of producing maximum sustainable yield was achieved for 62 stocks in the north-east Atlantic by 2020. ICES reviewed over 100 stocks for European Union fisheries and set reference points for sustainable management for most where they were available. It also updated reference points for regular benchmarks. The Philippines has adopted interim measures based on the current limits adopted in WCPFC.

69. Regional fisheries management organizations and arrangements also reported on actions to determine precautionary target and limit reference points for specific stocks as well as provisional reference points.⁴⁶ GFCM reported on its recommendations, including on the definition of a minimum conservation reference size for priority stocks in the Mediterranean Sea. Nearly 80 stocks were assessed and analyses of most of the key fisheries were carried out in 2021–2022. Management strategies and reference points were determined in ICCAT for Atlantic northern albacore and Atlantic bluefin tuna and similar programmes were in development for north Atlantic swordfish and Atlantic tropical tunas. Precautionary reference points were established for 10 stocks managed by NAFO and work was ongoing to revise its precautionary approach framework by 2023.

70. The South-East Atlantic Fisheries Organization (SEAFO) Commission published total allowable catch reports with stock-specific reference points for several species.⁴⁷ The Indian Ocean Tuna Commission (IOTC) was generally in line with best practices identified through the Kobe Process. However, advice was often based on limited information due to insufficient compliance with data-collection and reporting

⁴⁴ Australia, Bulgaria, Canada, Chile, European Union, Japan, Philippines, Togo, United Kingdom, United States.

⁴⁵ Australia, Bulgaria, European Union, Japan, Mauritius.

⁴⁶ GFCM, ICCAT, NAFO, NEAFC, NPFC, SIOFA, SPRFMO, WCPFC.

⁴⁷ South-East Atlantic Fisheries Organization (SEAFO); available at www.seafo.org/Management/TACs.

obligations and, in some cases, limited involvement of developing coastal States in the science processes.⁴⁸

71. Several States reported on activities, including capacity-building to improve science in the determination of reference points,⁴⁹ contributions to the scientific work of regional fisheries management organizations and arrangements or financing necessary research.⁵⁰ The United Kingdom continued to fund research into reference points and stock assessment methods and provided a significant scientific contribution to ICES.

Environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification

72. The importance of strengthening efforts to study and address environmental factors affecting marine ecosystems and fish stocks, including adverse impacts of climate change and ocean acidification, was emphasized at the Review Conference in 2016 as well as in other forums.⁵¹

73. Several States and regional fisheries management organizations and arrangements reported on these efforts, including specific projects and programmes relating to climate change and ocean acidification.⁵² Australia undertook a programme to ensure climate impacts were incorporated into fisheries management, including through improved integration of climate research into decision-making, tracking of climate indicators relevant to priority fisheries and working with stakeholders to identify adaptation options. The national fisheries plan for Australia for 2022–2030 included a key theme of adaptation to climate change and associated actions.

74. Canada reported that it was working to develop a national framework to operationalize an ecosystem approach to fisheries management through the integration of environmental variables broadly into stock assessments and fisheries science advice. A national adaptation strategy provided a whole-of-Canada approach to reducing climate change risks, increasing adaptive capacity, delivering multiple co-benefits and accelerating the pace and scope of adaptation action. Canada also noted that it was undertaking activities to understand the state and extent of ocean acidification.

75. Chile indicated that it was expanding protection over marine and coastal areas to increase the resilience of ecosystems and the contribution from biological diversity to carbon stocks through conservation and restoration. The European Union supported the integration of climate change considerations into the scientific work and conservation and management measures of regional fisheries management organizations and arrangements, funded ocean research initiatives through financial instruments and supported an action plan of FAO for enhancing climate action and a set of actions focused on climate-resilient fisheries and aquaculture. The Philippines developed a fisheries vulnerability assessment tool to determine the vulnerabilities of fishery commodities or sectors of local municipal or commercial landing sites.

⁴⁸ See status summary for species of tuna and tuna-like species under the Indian Ocean Tuna Commission (IOTC) mandate as well as other species impacted by IOTC fisheries, available at: <https://iotc.org/science/status-summary-species-tuna-and-tuna-species-under-iotc-mandate-well-other-species-impacted-iotc>, and the 2016 Report of the Second IOTC Performance Review, available at: <https://iotc.org/documents/report-26th-session-indian-ocean-tuna-commission>.

⁴⁹ European Union, Saudi Arabia, United Kingdom.

⁵⁰ European Union.

⁵¹ See, e.g. General Assembly resolution 76/71, paras. 11, 15–16 and 189.

⁵² Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, United States, GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SPRFMO, WCPFC.

76. Japan promoted sustainable food and fishing vessel electrification as forms of mitigation and implemented an adaptation plan for agriculture, forestry and fisheries. The United Kingdom funded the Marine Climate Change Impacts Partnership to provide independent evidence and adaptation advice on marine coastal climate change impacts. It was also a partner in the Global Ocean Acidification Observing Network to share scientific information and best practices for detecting the drivers and impacts of ocean acidification. Togo and the United States of America also reported taking action to strengthen efforts to study and address environmental factors affecting marine ecosystems and fish stocks.

77. GFCM launched a Global Environment Facility-funded project for 2023 that includes activities on the formulation of adaptation strategies to climate change. GFCM also addressed climate change through its 2030 Strategy, in its target on threats to fisheries and the marine environment.

78. To strengthen efforts to study and address environmental factors affecting marine ecosystems, the scientific council of NAFO advised on climatic conditions of the north-west Atlantic and their influences on fisheries. A review on progress made in science and advice related to multispecies issues and climate change effects for ecosystems and stocks was provided on an annual basis by ICES.

79. NPFC cooperated with the North Pacific Marine Science Organization (PICES) and conducted collaborative activities on stock assessment and vulnerable marine ecosystems, including analyses of the impacts of climate change on target stocks and marine ecosystems.

80. The impact of climate change was incorporated into the objectives of a WCPFC capacity-building project in Indonesia, the Philippines and Viet Nam that would enhance adaptive capacity to manage oceanic fisheries under climate change conditions.

81. FAO has implemented a range of activities to support effective adaptation and mitigation concerning the impacts of climate change,⁵³ including an adaptation programme to implement projects for the fisheries and aquaculture sectors in different regions. FAO also carried out awareness-raising and training activities, including through publicly available e-learning courses.⁵⁴ Its mitigation work focused on identifying opportunities for renewable energy in small-scale fisheries value chains and accounting for fuel use and carbon emissions in industrial fisheries.

Achievement of compatible measures

82. On the basis of the compatibility provisions set out in article 7 of the Agreement, the Review Conference in 2016 called upon States parties to, inter alia, strengthen efforts to improve cooperation between flag States and coastal States, including within regional fisheries management organizations and arrangements, to ensure the compatibility of measures for the high seas and for areas under national jurisdiction.

83. A number of States reported on actions to achieve compatibility of measures, including through regional fisheries management organizations and arrangements in which they were members.⁵⁵ Canada reported that measures taken within NAFO

⁵³ See e.g. Manuel Barange and others, eds., *Impacts of Climate Change on Fisheries and Aquaculture – Synthesis of Current Knowledge, Adaptation and Mitigation Options*, FAO Fisheries and Aquaculture Technical Paper 627 (Rome, FAO, 2018).

⁵⁴ See FAO e-learning on “Fisheries and aquaculture responses to emergencies (FARE)”; FAO e-learning on “Climate change adaptation and mitigation in fisheries and aquaculture”; and FAO e-learning on “Climate-smart fisheries and aquaculture”.

⁵⁵ Australia, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United States.

concerning the identification and protection of vulnerable marine ecosystems were complementary to its domestic approach. Chile made efforts to cooperate with distant-water fishing States to adopt conservation and management measures for straddling jack mackerel. Mauritius reported on fishing agreements with distant-water fishing nations that included clauses to ensure the compatibility of measures.

84. Regional fisheries management organizations and arrangements also reported taking such actions, including practical options for promoting the compatibility of measures.⁵⁶ ICCAT measures and management recommendations were compulsory for territorial waters as well as for areas beyond national jurisdiction for all contracting parties; national measures needed to be at least as restrictive as ICCAT recommendations.

85. The binding scheme of control and enforcement of the North-East Atlantic Fisheries Commission includes arrangements for shared monitoring, control and enforcement measures, joint at-sea patrols and extensive arrangements to regulate trans-shipment. NPFC, in its conservation and management measures, requested members fishing inside national jurisdiction to take measures compatible with those of the Commission. SIOFA was developing a common framework for scientific observation on board vessels to increase cooperation between flag States. It was also working on practical solutions to operationalize information-sharing, including through strengthening the cooperation and coordination between overlapping and adjacent regional fisheries management organizations and arrangements. WCPFC measures were in place to manage exclusive economic zones and high seas areas in its convention area in a complementary manner, including for bigeye, skipjack and yellowfin tuna stocks.

Development of area-based management tools

86. The importance of developing area-based management tools, including closed areas, marine protected areas and marine reserves, to effectively conserve and manage fish stocks and protect habitats, marine biodiversity and vulnerable marine ecosystems has been emphasized in numerous forums, including at the Review Conference in 2016.⁵⁷

87. Several States reported taking action to develop area-based management tools, including area-based closures, marine protected areas, marine reserves, spawning closures, fishing gear restrictions, harvest strategies, by-catch reduction measures, vessel management plans and ecological risk management strategies,⁵⁸ for a variety of aims, including to protect vulnerable marine ecosystems and endangered species. In addition, States reported on monitoring, control and surveillance measures to support the implementation of area-based management tools, including aerial and vessel surveillance, surveys and acoustic monitoring.

88. Some States also reported on actions to support the implementation of area-based management tools in regional fisheries management organizations in which they participated, including through the management of fish aggregating devices, temporary closures of fishing grounds and the protection of vulnerable marine ecosystems.⁵⁹

89. Canada reported protecting 14.66 per cent of its ocean, including 14 marine protected areas and 59 marine refuges, and noted its commitment to increasing the

⁵⁶ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC.

⁵⁷ See, e.g. 2030 Agenda, target 14.5.

⁵⁸ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, United States.

⁵⁹ Japan, European Union, United Kingdom.

protection of marine and coastal areas to 25 per cent by 2025 and 30 per cent by 2030. Canada developed strategies that outlined conservation objectives and the use of area-based management to protect cold-water coral and sponge areas. Chile established four types of marine protected areas, which together covered more than 40 per cent of its exclusive economic zone.

90. The overall marine protected area network of the European Union covered 12 per cent of its marine waters in 2020, in accordance with its international commitments, and further designations were expected. The European Union also supported protection by 2030 of at least 30 per cent of the oceans and seas through ecologically representative, well-connected networks of highly and fully protected marine areas and area-based management tools.

91. The Philippines reported establishing over 1,800 marine protected areas, including 1,620 locally managed marine protected areas. The United Kingdom designated 374 marine protected areas, protecting 38 per cent of its waters, and noted that it used a range of tools to manage and restrict fishing to protect vulnerable species and environments. The United Kingdom proposed to produce 43 fisheries management plans covering its main stocks and geographic areas

92. Regional fisheries management organizations and arrangements also reported on area-based management tools as well as monitoring, control and surveillance tools for the implementation of area-based management tools, including, for example, mandatory fisheries observers.⁶⁰

93. CCAMLR approved a general framework for establishing marine protected areas that were representative of the marine ecosystems in its convention area and could include restricted, prohibited or managed activities. It planned to hold a special meeting in 2023 to consider three proposals for the development of new marine protected areas. In addition to the measures it adopted, GFCM organized an ad hoc technical seminar on fisheries restricted areas in 2022 to share experiences on the management and control of such areas and identify minimum conservation measures and monitoring, control and surveillance standards. Several time and area closures were implemented in ICCAT, specifically, closed seasons for certain gear in the bluefin fishery, fish aggregating device closures in the tropical tuna fisheries and closed seasons for Mediterranean albacore and swordfish. SEAFO area closures for the protection of vulnerable marine ecosystems entered into force in 2016.⁶¹ SEAFO also introduced ongoing moratoriums on the exploitation of the Patagonian toothfish.⁶²

94. Closures in the Northwest Atlantic Fisheries Organization area were based on analyses of historic survey data, dedicated research cruises and species habitat modelling to ensure they were appropriately located and sized. NAFO currently implements 14 closures to protect corals, sponges and seapens as well as 12 closures to protect all seamounts of fishable depth. The North-East Atlantic Fisheries Commission has been using area-based management tools for the protection of stocks and spawning grounds for certain stocks. It reported that bottom fishing has not been occurring in the majority of its regulatory area owing to the exploratory fishing requirement in restricted areas.

95. FAO worked to ensure that area-based management tools were dynamic and flexible to account for ecological connectivity, responsive to stakeholder needs and effective in achieving their objectives. From 2014 to 2022, its Deep Seas Project

⁶⁰ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC.

⁶¹ Available at www.seafo.org/media/8933d489-854c-4c99-895e-66573c7010a4/SEAFOweb/CM/open/eng/CM30-15_pdf, Annex 2.

⁶² SEAFO TACs (see footnote 50).

focused on, inter alia, improving the implementation of existing policy and legal frameworks in areas beyond national jurisdiction, reducing adverse impacts on vulnerable marine ecosystems, improving planning and adaptive management for deep-sea fisheries and developing and testing methods for area-based planning. The project team worked closely with the Secretariat of the Permanent Commission for the South Pacific in the South-East Pacific Ocean and the Nairobi Convention Secretariat in the Western Indian Ocean to develop a framework to support cross-sectoral area-based planning in areas beyond national jurisdiction and contributed to the establishment of 18 new vulnerable marine ecosystem sites in the areas of CCAMLR, GFCM, NPFC, SEAFO and SIOFA.⁶³

96. FAO also supported the implementation of spatial management measures, with a particular focus on other effective area-based conservation measures and the long-term conservation and sustainable use of fisheries resources in the context of the Convention on Biological Diversity (CBD). It published practical guidance for identifying, evaluating and reporting other effective area-based conservation measures in the marine fisheries sector in December 2022.

Reduction of fishing capacity to levels commensurate with the sustainability of fish stocks

97. The reduction of fishing capacity has been a recurrent theme at the Review Conference, with the outcome in 2016 reaffirming the commitment to urgently reduce the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks.⁶⁴

98. Many States reported on actions taken or measures in place to reduce or limit capacity.⁶⁵ A number of approaches were indicated, including transferable quotas,⁶⁶ closures,⁶⁷ moratoriums on fishing vessel licences,⁶⁸ the development of national action plans for fishing capacity,⁶⁹ policy flexibility and licence retirement programmes,⁷⁰ registries,⁷¹ adjustment targets,⁷² licence withdrawal,⁷³ reduction in the number of licences issued to foreign vessels⁷⁴ and the promotion of and financial support for capacity management at regional fisheries management organizations and arrangements.⁷⁵ The European Union noted an increase in profitability connected to the reduction of capacity.

99. Some States reported on measures to improve transparency, which included information-sharing with the global record of fishing vessels, regional registries and

⁶³ A vulnerable marine ecosystem portal was created and is maintained in collaboration with regional fisheries management organizations to serve as a hub to document measures taken to manage bottom fisheries and to establish vulnerable marine ecosystems at www.fao.org/in-action/vulnerable-marine-ecosystems/vme-database/en/vme.html.

⁶⁴ See also 2030 Agenda, target 14.6.

⁶⁵ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United States.

⁶⁶ Australia.

⁶⁷ Canada, Philippines, Saudi Arabia.

⁶⁸ Philippines, Saudi Arabia.

⁶⁹ Philippines.

⁷⁰ Canada.

⁷¹ Chile.

⁷² European Union.

⁷³ Togo.

⁷⁴ Mauritius.

⁷⁵ European Union.

regional fisheries management organization records of fishing vessels⁷⁶ as well as the publication of aggregate data on commercial fishing licences.⁷⁷

100. Several regional fisheries management organizations and arrangements reported having taken action in relation to fishing capacity,⁷⁸ including closures,⁷⁹ recommendations and guidelines on the management of fishing capacity,⁸⁰ expansion limitation⁸¹ and capacity and catch limits for certain species⁸² or limits on certain types of vessels⁸³ as well as authorized vessel lists.⁸⁴

Elimination of subsidies that contribute to illegal, unreported and unregulated fishing, overfishing and overcapacity

101. In addition to the recommendations made by the Review Conference, the 2030 Agenda included a call for Member States to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies.⁸⁵ This commitment was also echoed in General Assembly resolutions on sustainable fisheries.

102. Several States highlighted the adoption by WTO of the Agreement on Fisheries Subsidies,⁸⁶ which prohibits subsidies for illegal, unregulated and unreported fishing, fishing of overfished stocks and unregulated high seas fishing. This Agreement, the outcome of more than 20 years of negotiations, was adopted following a call by the Secretary-General to make progress towards the commitment enshrined in the 2030 Agenda.⁸⁷ Australia noted that this landmark achievement was the first WTO agreement to address ocean sustainability and deliver on Sustainable Development Goal target 14.6. In addition, WTO members committed to continue negotiations to develop further disciplines to address overcapacity and overfishing. The European Union committed 1 million euros to the WTO Fisheries Funding Mechanism to provide technical assistance and capacity-building with respect to commitments and derivation of benefits under the Agreement on Fisheries Subsidies.

103. FAO collaborated closely with WTO on fishing subsidies, including providing technical advice to the negotiations concerning the application of international instruments designed to combat illegal, unreported and unregulated fishing as well as on approaches towards stock assessment and issues related to overcapacity. FAO further indicated that it would continue to offer support during the implementation phase of the recently approved Agreement.

104. A number of States reported on the absence of, elimination of, or actions taken towards the elimination of subsidies that contribute to illegal, unreported and unregulated fishing, overfishing and overcapacity.⁸⁸ Several States noted that financial support provided to fishers was only for limited purposes that would not subsidize

⁷⁶ Philippines.

⁷⁷ Canada.

⁷⁸ GFCM, ICCAT, NPFC, SPRFMO, WCPFC.

⁷⁹ ICCAT. See also SEAFO TACs (see footnote 50).

⁸⁰ GFCM.

⁸¹ ICCAT, NPFC.

⁸² ICCAT, SPRFMO, WCPFC. Also see the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) <https://www.ccamlr.org/en/document/publications/ccamlr-brochure>, p. 9.

⁸³ WCPFC.

⁸⁴ SEAFO. See the SEAFO Authorized Vessel List.

⁸⁵ See 2030 Agenda, target 14.6.

⁸⁶ Australia, European Union, Japan, Saudi Arabia.

⁸⁷ See www.reuters.com/business/environment/un-chief-urges-world-leaders-clinch-wto-fisheries-deal-document-shows-2021-10-11/.

⁸⁸ Canada, Chile, European Union, Philippines, United States.

illegal, unreported and unregulated fishing or industrial fishing.⁸⁹ The European Union overhauled its programme of financial assistance for fishing-related investment. The programme is governed by a new regulation that became effective in July 2021 and contains strong safeguards to prevent investment in overcapacity or illegal, unreported and unregulated fishing.

Lost, abandoned or otherwise discarded fishing gear, including marine debris

105. The impact of lost, abandoned or otherwise discarded fishing gear on the marine environment and its living resources has been significant. Such gear can continue to fish as so-called “ghost gear”, with long-term damaging effects on fish stocks and may also cause navigational and associated safety hazards. Lost, abandoned or otherwise discarded fishing gear also contributes to plastic pollution in the ocean.

106. A wider range of actions to address marine debris have been taken, including in the 2030 Agenda, in the context of the Convention on Migratory Species and in regional forums. In 2022, the International Maritime Organization (IMO) committed to developing a mandatory goal-based requirement for marking fishing gear under annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL). The intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, convened under the United Nations Environment Assembly, also began its work in 2022.

107. Several States reported on efforts to prevent and mitigate the impacts of lost, abandoned or otherwise discarded fishing gear,⁹⁰ including concerning collection, disposal, quarantine and recycling;⁹¹ clean-up efforts;⁹² recovery or retrieval;⁹³ reception facilities;⁹⁴ reporting;⁹⁵ marking;⁹⁶ mandatory tagging;⁹⁷ funding programmes;⁹⁸ gear characteristics;⁹⁹ prohibitions on certain types of gear;¹⁰⁰ and recycling.¹⁰¹ Several regional fisheries management organizations and arrangements reported on measures to prevent and mitigate the impacts of lost, abandoned or otherwise discarded fishing gear,¹⁰² including reporting,¹⁰³ gear marking¹⁰⁴ and retrieval¹⁰⁵ requirements. CCAMLR prohibited the use of certain types of fishing gear and required members to report any accidental loss of fishing gear.¹⁰⁶ GFCM adopted measures that include a prohibition on abandoning or discarding gear except in conditions of force majeure. ICCAT promoted biodegradable materials for fishing gear. IOTC adopted measures in relation to fish aggregating devices to reduce marine

⁸⁹ Canada, Chile, European Union, Togo.

⁹⁰ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United States.

⁹¹ Australia.

⁹² Bulgaria.

⁹³ European Union, Japan, Philippines.

⁹⁴ Bulgaria, Philippines.

⁹⁵ Canada, European Union.

⁹⁶ European Union.

⁹⁷ Canada.

⁹⁸ Canada, European Union.

⁹⁹ Chile.

¹⁰⁰ European Union.

¹⁰¹ Philippines.

¹⁰² GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC.

¹⁰³ NAFO, NPFC, SIOFA, WCPFC.

¹⁰⁴ GFCM, NEAFC.

¹⁰⁵ ICCAT, NEAFC, NPFC.

¹⁰⁶ CCAMLR brochure, p. 11.

debris.¹⁰⁷ SEAFO has conservation measures concerning gear retrieval and reporting lost gear as well as a prohibition on abandonment.¹⁰⁸ WCPFC reported on measures concerning the responsible management of drifting fish aggregating devices, such as carrying equipment to facilitate their retrieval, the prohibition of mesh netting on fish aggregating devices and the encouragement of use or transition to non-plastic and biodegradable materials in the construction of fish aggregating devices.

108. Several States reported on efforts to improve cooperation concerning lost, abandoned or otherwise discarded fishing gear, including marine debris, including in the context of regional fisheries management organizations and arrangements.¹⁰⁹ These efforts included supporting the adoption of relevant measures, including regarding pollution and marine debris, promoting information-sharing and transparency concerning lost gear,¹¹⁰ and participation in workshops and trials on gear marking technology.¹¹¹

109. Several States also reported on the wider problems of pollution of the marine environment and the challenge of marine debris, including plastics and microplastics, including measures and efforts undertaken¹¹² and efforts towards a new global agreement on plastic pollution.¹¹³

110. FAO developed the Voluntary Guidelines on the Marking of Fishing Gear in 2018 and a comprehensive global strategy to tackle issues relating to abandoned, lost and otherwise discarded fishing gear and to support the implementation of the guidelines. It also developed a manual for the marking of fishing gear, a framework for risk-based assessment for the implementation of gear marking and guidelines for the operationalization of the Voluntary Guidelines in the IOTC area of competence. FAO highlighted its work with IMO, funded by Norway, Australia and Saudi Arabia, in the GloLitter Partnerships project. It also highlighted its collaboration with IMO to co-sponsor the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection Working Group 43 on Sea-based Sources of Marine Litter with the support of the United Nations Environment Programme (UNEP). Based on its recommendations, FAO developed a global survey on gear loss and published a study in 2022 examining the legal aspects of abandoned, lost or otherwise discarded fishing gear in the context of marine fisheries. FAO also reported on the work of the EAF-Nansen project on marine litter and microplastics.

Data collection and sharing of information

111. Calls to improve data collection and the sharing of information have been emphasized in the recommendations of the Review Conference, General Assembly resolutions on sustainable fisheries and commitments announced at the 2022 United Nations Ocean Conference.¹¹⁴

112. Many States and regional fisheries management organizations and arrangements reported on their data collection and sharing systems and programmes,¹¹⁵ or noted that

¹⁰⁷ See <https://iotc.org/cmms>.

¹⁰⁸ See the SEAFO 2019 System of Observation, Inspection, Compliance and Enforcement at www.seafo.org/media/cd9e3911-2a7f-4db4-ba17-e8a74ba12021/SEAFOweb/pdf/System/SEAFOSYSTEM2019_pdf.

¹⁰⁹ Australia, Chile, European Union.

¹¹⁰ Australia.

¹¹¹ Chile.

¹¹² Australia, European Union, Philippines.

¹¹³ Australia.

¹¹⁴ See resolution 76/296, annex, para. 14 (a).

¹¹⁵ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, GFCM, ICCAT, NAFO, NEAFC, NPFC, SIOFA, SPRFMO, WCPFC. NPAFC highlighted its reporting obligations, publications and open data as relevant measures.

action had been taken in this regard,¹¹⁶ including by highlighting relevant national¹¹⁷ or regional legislation.¹¹⁸ Regional fisheries management organizations and arrangements also reported on specific recommendations, requirements and resolutions relevant to data collection and information-sharing.¹¹⁹ These included recommendations and requirements regarding data collection and information-sharing concerning catch data and fishing effort;¹²⁰ access to data and information related to monitoring, control and surveillance;¹²¹ data management and dissemination;¹²² reporting;¹²³ and data standards.¹²⁴ NEAFC also noted that its contracting parties implemented national data-collection programmes that contributed to the work of ICES.

113. Several States highlighted actions or mechanisms to improve the collection and sharing of data,¹²⁵ also within the context of regional fisheries management organizations and arrangements,¹²⁶ including the implementation of electronic logbooks,¹²⁷ on-board camera systems to control discard,¹²⁸ mandatory electronic reporting systems,¹²⁹ compliance monitoring,¹³⁰ fines for non-compliance,¹³¹ points systems to address consistent offending,¹³² performance assessments,¹³³ publicity obligations,¹³⁴ regional coordination,¹³⁵ and the development of agreements and arrangements between regional fisheries management organizations and arrangements to share information where there are linkages or overlap in fish species or areas of competence.¹³⁶

114. Regional fisheries management organizations highlighted programmes and measures to improve data collection and information-sharing.¹³⁷ Since 2017, the catch estimate advisory strategy group of NAFO has transmitted annual catch estimates derived from various data sources to its scientific council for consideration in fish stock assessments. The NAFO joint advisory group on data management and the North-East Atlantic Fisheries Commission aimed to promote harmonization in fishing vessel reporting. The North-East Atlantic Fisheries Commission improved data collection concerning bans on targeting fishing and by-catch through its new electronic reporting system. SIOFA worked to improve data collection. The scientific committee of WCPFC regularly discussed improvements to data collection from different sources.

¹¹⁶ United States.

¹¹⁷ Chile, Philippines, Togo.

¹¹⁸ European Union.

¹¹⁹ GFCM, ICCAT, IOTC, NAFO, NEAFC, NPFC, SIOFA, SPRFMO, WCPFC.

¹²⁰ GFCM, ICCAT, IOTC, NAFO, WCPFC.

¹²¹ GFCM, NPFC.

¹²² IOTC, SIOFA, WCPFC.

¹²³ GFCM, NAFO, NPFC, SIOFA.

¹²⁴ SPRFMO.

¹²⁵ Canada, Chile, European Union.

¹²⁶ Australia, Canada, European Union.

¹²⁷ Canada.

¹²⁸ Chile.

¹²⁹ Philippines.

¹³⁰ European Union.

¹³¹ United Kingdom.

¹³² United Kingdom.

¹³³ European Union.

¹³⁴ European Union.

¹³⁵ European Union.

¹³⁶ Australia.

¹³⁷ NPAFC also established a study group to develop common standards for salmon and their ocean ecosystems.

115. Several States and regional fisheries management organizations and arrangements reported on various efforts to improve cooperation concerning data collection and information-sharing. Australia promoted the development of agreements and arrangements between regional fisheries management organizations and arrangements to share information where there were linkages or overlaps in fish species or areas of competence. Canada shared the largest data set of any government member of the Global Ghost Gear Initiative. The European Union highlighted regional coordination efforts, including regional work plans on issues related to data collection, handling, storage and transmission. Japan highlighted its support for the improvement of data capacity for developing countries, including through FAO. The United Kingdom reported on its commitment to improving cooperation on data-sharing. ICCAT participated with FAO and other organizations in efforts towards the standardization of protocols for data exchange and the sharing of information. It also started an Internet-based data submission project to report data provision requirements and other management obligations.

FAO data arrangements and the global fisheries statistics database

116. In 2016, the Review Conference recommended that States parties and regional fisheries management organizations and arrangements fulfil their obligations in connection with the collection and submission of data and information on fisheries to FAO and consider ways to improve both the collection of data and information on fisheries both within and beyond areas of national jurisdiction and their dissemination to FAO, recognizing confidentiality requirements in national law.

117. Many States reported taking action or providing relevant information to FAO,¹³⁸ or recognized a commitment to do so.¹³⁹ Some States highlighted their publications¹⁴⁰ or legislation¹⁴¹ concerning data-sharing. The European Union highlighted an administrative arrangement signed with FAO that aimed to provide a framework for strategic cooperation to strengthen collaboration in data-sharing.

118. Several regional fisheries management organizations and arrangements reported cooperating with FAO in relation to data-sharing,¹⁴² while others noted that members provided fishery statistics and other information on fisheries directly to FAO.¹⁴³ WCPFC presented annual catch estimates in its Tuna Fishery Yearbook. Some regional fisheries management organizations and arrangements also highlighted their participation in FAO initiatives to improve data collection and dissemination¹⁴⁴ or mentioned possible future collaboration.¹⁴⁵

119. FAO reported on its statistics programme, established to monitor the contribution of fisheries and aquaculture to food security and other socioeconomic factors. Through a coordinating mechanism on fishery statistics, FAO could help to coordinate among regional fisheries management organizations and arrangements the adoption of common concepts, data types and formats to facilitate data exchange at the global level. FAO noted that the best approach towards achieving the global statistics database would be for all relevant organizations or arrangements to agree to collect and disseminate such information. FAO collaborated with regional fisheries

¹³⁸ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, United Kingdom, United States.

¹³⁹ Saudi Arabia.

¹⁴⁰ Philippines.

¹⁴¹ Togo.

¹⁴² GFCM, ICCAT, NAFO, NEAFC, SIOFA, SPRFMO.

¹⁴³ NPAFC, NPFC.

¹⁴⁴ NAFO, NEAFC, SIOFA, SPRFMO. See also SEAFO Fisheries and Resources Monitoring System (FIRMS).

¹⁴⁵ NPFC.

management organizations and arrangements¹⁴⁶ on the modification of the boundaries of statistical divisions, with the aims of obtaining separate data between catches taken inside and outside the exclusive economic zones of coastal States and building capacity.

Conservation and management of sharks

120. The need to improve the conservation and management of sharks has received increasing attention since it was first addressed at the Review Conference in 2010. Taking into account the FAO International Plan of Action for the Conservation and Management of Sharks and the precautionary approach, the 2016 Review Conference further encouraged cooperation in the conservation and management of shark species through participation under appropriate instruments as well as strengthened conservation and management.

121. Many States reported on existing national conservation and management measures in relation to sharks,¹⁴⁷ while several noted action taken or the adoption of new or updated legislation.¹⁴⁸ Since the 2016 Review Conference, three States have reported establishing national plans of action in line with the International Plan of Action,¹⁴⁹ while others have reported on the continued implementation of such plans.¹⁵⁰ Several regional fisheries management organizations reported on action or proposed action to strengthen the conservation and management of sharks.¹⁵¹ NPFC reported that it was considering a proposal for shark protection in its convention area. It was noted that CCAMLR had existing conservation measures, including a prohibition in its conservation area and rules on accidental by-catch, while IOTC had four existing measures concerning whale sharks, ocean whitetip sharks, thresher sharks and a general shark by-catch mitigation.

122. Concerning stock assessments, Bulgaria reported on the use of data collected on piked dogfish in biological assessments, on the basis of which recommendations were issued. The Philippines maintained an ongoing “red list” assessment of certain species of sharks. Some regional fisheries management organizations and arrangements reported that stock assessments¹⁵² and risk assessments¹⁵³ were undertaken on various shark stocks.

123. Several States provided information regarding their science-based conservation and management measures.¹⁵⁴ For example, the European Union set catch limits for select shark species that could be fished sustainably on the basis of scientific advice. Chile participated in the Memorandum of Understanding on the Conservation of Migratory Sharks, which aims to conserve migratory shark species, inter alia, on the basis of the best available scientific information.

¹⁴⁶ Caribbean Regional Fisheries Mechanism (CRFM), Central American Fisheries and Aquaculture Organization (OSPESCA), Fisheries Committee for the West Central Gulf of Guinea (FCWC), Fishery Committee for the Eastern Central Atlantic (CECAF), NEAFC, Regional Commission for Fisheries (RECOFI), SEAFO, Western Central Atlantic Fishery Commission (WECAFC).

¹⁴⁷ Australia, Canada, Chile, European Union, Japan, Mauritius, Philippines, United Kingdom.

¹⁴⁸ Bulgaria, Canada, European Union, Mauritius Togo, United States.

¹⁴⁹ Chile, Mauritius, Philippines.

¹⁵⁰ Australia, European Union.

¹⁵¹ GFCM, ICCAT, NAFO, NEAFC, NPFC, SIOFA, SPRFMO, WCPFC. See also CCAMLR at <https://cm.ccamlr.org/en/measure-32-18-2006> and IOTC at <https://iotc.org/documents/report-26th-session-indian-ocean-tuna-commission>.

¹⁵² WCPFC. Also IOTC at <https://iotc.org/documents/report-26th-session-indian-ocean-tuna-commission>, pp. 14–15.

¹⁵³ SPRFMO.

¹⁵⁴ Canada, European Union, United Kingdom.

124. ICCAT noted that conservation and protection measures based on scientific evaluations had been adopted for the various pelagic rays and shark species that interacted with its main fisheries. The SIOFA scientific committee has provided advice on the need to adopt appropriate by-catch limits for relevant deep-sea shark species, including on scientific and data needs in this regard.

125. Several States reported on existing¹⁵⁵ or strengthened¹⁵⁶ domestic legislation that prohibited shark finning. Canada also prohibited the import and export of shark fins that were not naturally attached to the carcass. The United Kingdom was in the process of enacting an import/export prohibition. Saudi Arabia issued penalties in relation to by-catch and shark finning. Some States described actions to ban finning at sea,¹⁵⁷ or to promote “100 per cent retrieval”¹⁵⁸ or “shark fins-attached”¹⁵⁹ policies at the global or regional levels.

126. Some regional fisheries management organizations and arrangements reported on existing measures that prevented or prohibited shark finning¹⁶⁰ or prohibited the removal of fins at sea.¹⁶¹

127. With regard to the conservation and management of sharks, FAO played a leading role in providing technical support and assisting its member States in sustainably managing shark resources. From 2001 to 2021, 45 countries developed national plans of action and a further 14 were in progress. Moreover, nine regional plans of action were developed, and two were in progress. FAO also surveyed work by regional fisheries management organizations and arrangements in assessing impacts on deep-water sharks through its Deep Seas Project, with a follow-up project that will support those organizations and arrangements in collecting data and assessing impacts. FAO also reported on its work and strengthened its collaboration with the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora under a 2006 memorandum of understanding, including on the listing of shark species.

128. Concerning enforcement related to shark finning, FAO developed the iSharkFin software to identify shark species in trade from shark fin images, with the latest version released in 2021.

Conservation and management measures for deep-sea fisheries

129. The Review Conference addressed the issue of conservation and management measures for deep-sea fisheries in 2006, 2010 and 2016, given that several deep-water species are considered to be straddling fish stocks or discrete high seas fish stocks. This issue has also since received increased attention by the General Assembly in its reviews of action taken by States and regional fisheries management organizations and arrangements to address the impacts of bottom fishing on vulnerable marine ecosystems and the sustainability of deep-sea fish stocks.¹⁶²

130. Measures taken by regional fisheries management organizations and arrangements to regulate bottom fishing in areas beyond national jurisdiction and their implementation¹⁶³ as well as additional measures voluntarily taken in areas covered

¹⁵⁵ Chile, European Union, United Kingdom.

¹⁵⁶ Canada.

¹⁵⁷ Australia.

¹⁵⁸ Japan.

¹⁵⁹ European Union.

¹⁶⁰ NAFO, WCPFC.

¹⁶¹ NEAFC.

¹⁶² See www.un.org/depts/los/bottom_fishing_workshop.htm.

¹⁶³ Australia, Canada, European Union, Japan, Saudi Arabia, Togo, United Kingdom, United States.

by such organizations and arrangements were highlighted in the contributions by States.¹⁶⁴

131. Several regional fisheries management organizations and arrangements also reported taking action to establish long-term conservation and management measures for deep-sea fisheries, including the establishment of fisheries restricted areas, the enforcement of strict vessel protocols and the receipt of scientific advice on deep-sea stocks, in accordance with the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.¹⁶⁵

132. FAO highlighted key activities delivered under its deep-sea project which include, among others, two guidance documents developed on the implementation of international legal and policy instruments related to deep-sea fisheries and biodiversity conservation in the marine areas beyond national jurisdiction.¹⁶⁶

Strengthening of the science-policy interface

133. The Review Conference explicitly addressed the issue of the science-policy interface in 2010 and 2016. The issue was also underlined at the 2022 Ocean Conference in the declaration entitled “Our ocean, our future, our responsibility” which highlighted the importance of relevant processes, such as the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, to ensure that policy is informed by the best-available science.¹⁶⁷ The thirteenth round of informal consultations of parties to the Agreement focused on the topic “Science-policy interface”.¹⁶⁸

134. Several States reported on actions taken to strengthen interaction between fisheries managers and scientists to ensure that conservation and management measures were based on the best available scientific evidence and met the management objectives set by regional fisheries management organizations and arrangements.¹⁶⁹ Some States underlined their continued support for enhanced dialogue between managers and scientists to foster a better understanding of their respective functions and how they could work more effectively, including for the development of management procedures and harvest strategies¹⁷⁰ as well as for the work of scientific committees.¹⁷¹

¹⁶⁴ Canada, Chile, European Union, United Kingdom.

¹⁶⁵ GFCM, NAFO, NEAFC, NPFC, SIOFA, SPRFMO. See also CCAMLR, Conservation Measure 22-06 (2019); and SEAFO, appendix IV, procedures and standards for exploratory fishing, available at <http://www.seafo.org/media/a70ddf0d-1b1a-4d7e-bfd8-46914a5f0aa8/SEAFOweb/pdf/SC/open/eng/SCProceduresandStandardsAppendixIV.pdf>. See further A/75/157, A/77/155 and www.un.org/depts/los/bfwcontrib.htm.

¹⁶⁶ See also James Harrison, Terje Løbach and Elisa Morgera, *Review and Analysis of International Legal and Policy Instruments Related to Deep-Sea Fisheries and Biodiversity Conservation in Areas Beyond National Jurisdiction* (Rome, FAO, 2017).

¹⁶⁷ See resolution 76/296, annex, para. 14 (h), wherein Member States committed to strengthening the science-policy interface for implementing Goal 14 and its targets, to ensure that policy is informed by the best-available science and relevant Indigenous, traditional and local knowledge, and to highlight policies and actions that may be scalable, through processes such as the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects.

¹⁶⁸ See the report of the thirteenth round of informal consultations of States parties to the Agreement (ICSP13/UNFSA/INF.2), available at https://www.un.org/depts/los/convention_agreements/ICSP13/ICSP13_final_report.pdf.

¹⁶⁹ Australia, Bulgaria, Canada, Chile, European Union, Philippines, Saudi Arabia, Togo, United Kingdom, United States.

¹⁷⁰ Canada, European Union, United Kingdom.

¹⁷¹ Mauritius.

135. Several regional fisheries management organizations and arrangements indicated that they addressed the science-policy interface through, among other means, the implementation of management procedures,¹⁷² scientific councils, committees and working groups¹⁷³ or institutionalized dialogues.¹⁷⁴ GFCM drew attention to the second Forum on Fisheries Science in the Mediterranean and the Black Sea, to be held in February 2024. NAFO established joint science-management working groups to explore more complex issues when drafting recommendations for management measures.

136. Some organizations and arrangements reported actions to strengthen the work of internal bodies providing scientific advice to jointly develop management strategies informed by science,¹⁷⁵ while highlighting the need for further improvement. SIOFA noted the need for a regular review that took into account the adverse impacts of climate change and ocean acidification, as called for in the recommendation of the 2016 Review Conference on strengthening the science-policy interface.

137. FAO reported on its international symposium on strengthening the science-policy nexus, held in November 2019, and on recommendations that confirmed the need to implement small-scale fisheries guidelines and to promote a human rights-based approach in securing sustainable fisheries livelihoods, including with respect to their social, cultural and equity dimensions.

Establishment of rebuilding and recovery strategies

138. The need to establish rebuilding and recovery strategies for stocks identified as being overfished, with time frames and probabilities of recovery, guided by scientific assessments and periodic evaluation of progress made, was explicitly addressed at the Review Conference in 2016.¹⁷⁶

139. Most States reported on efforts to establish rebuilding and recovery strategies¹⁷⁷ with measures including, among others, application of the precautionary approach,¹⁷⁸ implementation of threat abatement and recovery plans¹⁷⁹ and the conduct of review and research studies to determine the status of fish stocks.¹⁸⁰ The European Union also reported on the establishment of clear rules covering principles and objectives, among others, under its Common Fisheries Policy where multi-year plans were foreseen as a major tool for progressively restoring populations of fish stocks above biomass levels capable of producing maximum sustainable yield.

140. Several regional fisheries management organizations and arrangements reported on efforts towards the establishment of rebuilding and recovery strategies¹⁸¹ through the development of specific rebuilding plans and related harvest control rules,¹⁸² the adoption of harvest strategies,¹⁸³ the application of total allowable catches and

¹⁷² ICCAT.

¹⁷³ NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO. See also IOTC, <https://iotc.org/science>.

¹⁷⁴ GFCM, WCPFC.

¹⁷⁵ NPAFC, NPFC, SIOFA.

¹⁷⁶ See also 2030 Agenda, target 14.4; General Assembly resolution 76/296, annex, para. 13 (b).

¹⁷⁷ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, United States.

¹⁷⁸ Canada, European Union, Philippines.

¹⁷⁹ Australia, Chile.

¹⁸⁰ Saudi Arabia, United Kingdom.

¹⁸¹ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC. See also Commission for the Conservation of Southern Bluefin Tuna (CCSBT) Management Procedure.

¹⁸² SPRFMO.

¹⁸³ WCPFC.

quotas,¹⁸⁴ the development of adaptive management strategies¹⁸⁵ and the setting of moratoriums on fish stocks.¹⁸⁶ NEAFC had several bans in place for targeted fishing on several species; however, for certain other stocks, such as Irminger Sea redfish, that were subject to zero-total allowable catch advice from ICES, fishing continued owing to disagreement among contracting parties about the appropriateness of that scientific advice.

By-catch management and discards

141. By-catch management and discards have been an ongoing issue at the Review Conference since 2006. Following the Review Conference recommendation in 2010, FAO endorsed the International Guidelines on Bycatch Management and Reduction of Discards in 2011.¹⁸⁷

142. Several States reported taking action relating to by-catch management, including for specific species (e.g., sharks, marine mammals, reptiles, penguins and other seabirds), and making efforts to establish mechanisms to monitor and reduce discards.¹⁸⁸ Examples of reported actions include policy and management strategies to manage the impacts of commercial fishing on non-target and protected species, the application of landing obligations, integrated fisheries management plans, the diagnosis and reduction of discard practices and by-catch, commissioning relevant scientific studies, regulations requiring the instalment of juvenile and trash fish excluder devices in trawls, the issuance of special regulations for using nets and special tools to avoid accidental by-catch to preserve marine species, the prohibition of mesh nets in fishing, and developing and trialling by-catch monitoring and mitigation measures.¹⁸⁹ Chile reported that all industrial fleets must report discards and by-catch by haul in electronic fishing logs under its information regulation.

143. Several regional fisheries management organizations and arrangements reported on measures for by-catch management and discards,¹⁹⁰ including for sea turtles and seabirds.¹⁹¹ The Commission for the Conservation of Southern Bluefin Tuna (CCSBT) adopted binding measures and recommendations related to the mitigation of by-catch¹⁹² and SEAFO published an annual landing table featuring figures on retained and discarded catches of various species to monitor the non-target catch in its convention area.¹⁹³

Compliance with obligations as members or cooperating non-members of regional fisheries management organizations and arrangements

144. Improving compliance with the obligations of members or cooperating non-members of regional fisheries management organizations and arrangements and strengthening mechanisms for promoting compliance have been addressed by the

¹⁸⁴ SIOFA. See also SEAFO TACs.

¹⁸⁵ NPFC.

¹⁸⁶ NAFO.

¹⁸⁷ See A/CONF.210/2010/7, annex, recommendation I (I).

¹⁸⁸ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, United States.

¹⁸⁹ Australia, Bulgaria, Canada, Chile, European Union, Philippines, Saudi Arabia, Togo, United Kingdom.

¹⁹⁰ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC. See also CCAMLR, Conservation Measure 33-02 (2022); and IOTC, “Bycatch management in IOTC fisheries”, available at <https://iotc.org/documents/bycatch-management-iotc-fisheries>.

¹⁹¹ GFCM, ICCAT.

¹⁹² See <https://www.ccsbt.org/en/content/bycatch-mitigation>.

¹⁹³ See www.seafo.org/media/ac79b435-f429-4216-94cd-de7371790220/SEAFOweb/pdf/MeetingFiles/2021/SC/DOC_SC_05_2021-LandingTablesV1_doc.

Review Conference in each of its meetings. The recommendation in 2016 for fully applying conservation and management measures adopted, including through the timely, complete and accurate submission of fisheries data, was also linked to creating compliance incentives by promoting the provision of enhanced capacity-building support to developing States, with a view to taking steps to address the persistent failure to fulfil those obligations.

145. A number of States underlined efforts to ensure and improve compliance with such obligations, including through regional fisheries management organizations and arrangements.¹⁹⁴ The importance of developing compliance monitoring schemes, identifying potential areas of non-compliance, seeking ways to address them and reinforcing focus with respect to data reporting, as well as robust and regular compliance review processes, was emphasized by several States.¹⁹⁵ Some States indicated that the implementation of fisheries management, control and enforcement obligations via legislation and licence conditions also played a role.¹⁹⁶

146. Regional fisheries management organizations and arrangements undertook actions to promote enhanced compliance, including through the establishment and strengthening of regular review processes.¹⁹⁷ Other approaches to compliance included the designation of compliance committees,¹⁹⁸ the provision of advice and technical assistance in relation to national legislation,¹⁹⁹ action plans,²⁰⁰ annual compliance reports or compliance monitoring review processes,²⁰¹ the sharing of best practice processes on existing conservation and management measures and the provision of more effective and efficient means of sharing relevant data and information.²⁰²

Establishment of new regional fisheries management organizations or arrangements

147. Recognizing the importance of promoting the sustainable management of fisheries, the Review Conference in 2016 called for States parties to close remaining geographical or species gaps through the establishment of new organizations and arrangements and to agree on interim measures underpinned by the best scientific information available and the precautionary approach.

148. Several States reported on their implementation of actions to establish new organizations and arrangements or expand existing geographical or species coverage, in addition to reviewing geographical or species gaps among regional fisheries management organizations and arrangements to which they were parties.²⁰³ The need was noted for a new regional authority in the Red Sea for promoting the sustainable management of highly migratory fisheries and shared stocks and international organizations were called to support the establishment of such an authority.²⁰⁴ In addition, the 2021 Agreement to Prevent Unregulated High Seas Fisheries in the

¹⁹⁴ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, United States.

¹⁹⁵ Australia, Canada, European Union.

¹⁹⁶ Chile, Japan, Togo, United Kingdom.

¹⁹⁷ GFCM, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC. See also SEAFO compliance committee documents, available at www.seafo.org/Documents/Compliance-Committee.

¹⁹⁸ GFCM, NEAFC. See also CCAMLR compliance documents, available at <https://www.ccamlr.org/en/compliance/conformite>.

¹⁹⁹ GFCM.

²⁰⁰ See CCSBT, www.ccsbt.org/en/content/monitoring-control-and-surveillance.

²⁰¹ NEAFC, NPFC, SIOFA.

²⁰² NPAFC.

²⁰³ Australia, Canada, Chile, European Union, Japan, Philippines, Togo, United Kingdom, United States.

²⁰⁴ Saudi Arabia.

Central Arctic Ocean, while not establishing a regional fisheries management organization or arrangement, sets out a moratorium on commercial fishing in the region and requires parties to establish conservation and management measures for exploratory fishing within three years of the entry into force of the Agreement.²⁰⁵

149. Some regional fisheries management organizations and arrangements noted their continuing cooperation with multiple stakeholders and relevant partners in the conservation and sustainable use of oceans and their resources, the bridging of gaps in regional fisheries management of deep-sea fish and the protection of marine ecosystems.²⁰⁶

150. FAO underlined its technical support to develop a zero draft of a regional fisheries management organization for the Red Sea and Gulf of Aden in coordination with the Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA), Egypt, Saudi Arabia and the Sudan. FAO is also supporting the ongoing discussions for the possible transformation of the Fishery Committee for the Eastern Central Atlantic (CECAF) and the Western Central Atlantic Fishery Commission (WECAFC) into regional fisheries management organizations and arrangements.

2. Conclusions

151. While it is difficult to draw firm conclusions from the limited number of contributions to the present report, this review of the actions taken by States and regional fisheries management organizations and arrangements in connection with the conservation and management of straddling fish stocks and highly migratory fish stocks suggests that the recommendations from the 2016 Review Conference have contributed to highlighting the need for additional and urgent action to ensure the sustainable use of these resources and to galvanize and coordinate these efforts, including through the adoption and implementation of conservation and management measures at the national and regional levels.

152. Regarding the precautionary and ecosystem approaches, States parties and regional fisheries management organizations and arrangements continue to make progress by incorporating these approaches into management frameworks, but more work is needed to ensure their consistent application, including identifying and coordinating the exchange of best practices. More attention is also needed to clarify the actions to be taken when reference points and provisional reference points for stocks are exceeded and to clarify the effective management strategies required to ensure stock-specific reference points are not exceeded in the first instance.

153. Concerning area-based management tools, States and regional fisheries management organizations and arrangements have made concerted efforts to utilize such tools to improve the sustainability of stocks and ecosystem health and resilience. Insufficient data was available to assess whether area-based measures were uniformly based on the best available scientific information taking into account ecological connectivity, whether periodic review of such tools to assess their effectiveness was in place or whether sufficient resources were allocated for related monitoring, control and surveillance of their implementation.

154. Improving data collection and information-sharing remains critical, as knowledge gaps can undermine the efficacy of management measures. The provision of stock-specific scientific assessments remains a challenge and greater investment is

²⁰⁵ Available at <https://faolex.fao.org/docs/pdf/mul199323.pdf>.

²⁰⁶ GFCM, NPAFC, NPFC.

needed in marine scientific research, data collection and information-sharing to ensure effective fisheries management.

155. Additional actions are also needed with regard to assessment of the risks and potential impacts of environmental factors affecting fish stocks, including climate change, to better inform policies and planning at all levels. While States and regional fisheries management organizations and arrangements appear to be increasingly aware of the potential impacts on fisheries of such factors, in particular climate change, identifying effective adaptation strategies based on these assessments will help to reduce vulnerabilities, particularly in coastal communities and small island developing States.

156. To close geographical and species gaps, States are also encouraged to limit fishing effort levels when adequate conservation and management measures have not been agreed on or lack effective implementation. When regional fisheries management organizations and arrangements have not been established, it is imperative that States parties take action to ensure the long-term conservation, management and sustainable use of the relevant fish stocks and to prevent significant adverse impacts on vulnerable marine ecosystems.

157. Further progress is also needed in ensuring compliance with the obligations of members and cooperating non-members of regional fisheries management organizations and arrangements, including through the timely submission of fisheries data, by creating compliance incentives and by supporting capacity-building for developing States in fulfilling these obligations. It is, likewise, important for regional fisheries management organizations and arrangements to ensure the regular review and strengthening of such compliance mechanisms.

B. Mechanisms for international cooperation and non-members

158. International cooperation, based on the framework set out in the Convention and the Agreement, is essential to ensuring the effective and long-term conservation and management of straddling fish stocks and highly migratory fish stocks. The Review Conference in 2016 made important recommendations in this context to promote international cooperation through regional fisheries management organizations and arrangements and to increase their effectiveness. The actions taken to implement these recommendations are as set out below.

1. Measures taken at the national and international levels

Strengthening mandates and measures in regional fisheries management organizations and arrangements

159. The Review Conference called for the modernization of mandates where this had not yet occurred, including with respect to the aspirations of developing States, particularly the least developed among them and small island developing States, and to promote the early entry into force of agreements for regional fisheries management organizations and arrangements.

160. Many States reported on efforts to strengthen the mandates and/or measures of the organizations and arrangements to which they belonged,²⁰⁷ including by expanding the scope of constitutive instruments to include additional species,²⁰⁸ delegating additional powers to regional fisheries management organizations and

²⁰⁷ Australia, Canada, Chile, Japan, Philippines, Saudi Arabia, Togo, United Kingdom, United States.

²⁰⁸ Canada, Japan.

arrangements,²⁰⁹ modifying institutional decision-making procedures²¹⁰ and enhancing conservation and/or management measures²¹¹ by adopting modern best practices and practices based on best available science,²¹² employing ecosystem-based²¹³ and science-based approaches,²¹⁴ introducing precautionary management and decision-making frameworks,²¹⁵ enhancing the regulation of trans-shipment²¹⁶ and implementing boarding and inspection measures,²¹⁷ as well as improving catch statistics and the monitoring of fish stocks.²¹⁸ A group of States reported that it had a policy to promote the strengthening of compliance mechanisms and reliance upon scientific knowledge and advice in regional fisheries management organizations and arrangements, while contributing to the introduction of control measures and the re-enforcement of mandates.²¹⁹ Some States further indicated that they had contributed to the integration of modern approaches in new or amended constitutive instruments of regional fisheries management organizations and arrangements.²²⁰

161. Some regional fisheries management organizations and arrangements reported on modern conservation and management measures, indicating that they had considered their adoption²²¹ or regularly reviewed their application in order to strengthen them.²²² Referencing its commitment to the ecosystem and precautionary approaches, NEAFC noted that it would continue to conduct performance reviews every 10 years, with the next review scheduled for 2024. NPAFC reported that it had updated its institutional terms of reference to implement performance review recommendations. SPRFMO reported that 22 out of 23 current conservation and management measures had been adopted or updated since 2016. Some regional fisheries management organizations and arrangements also pointed to steps to promote participation in the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, as well as to strengthen the implementation thereof, as measures to reinforce regional fisheries management organizations and arrangements.²²³

162. FAO reported that it was committed to bolstering regional cooperation through the Regional Fishery Body Secretariats Network, which provided a forum for promoting consultation and regional dialogue, including the exchange of lessons learned.²²⁴

Performance reviews and best practice guidelines

163. In 2016, the Review Conference reiterated its recommendation that regular performance reviews be undertaken by regional fisheries management organizations and arrangements and further noted that relevant information should be sought from all stakeholders. It also recommended that regional fisheries management

²⁰⁹ Togo.

²¹⁰ Canada.

²¹¹ Australia, Canada, Chile, Saudi Arabia, United Kingdom.

²¹² Australia.

²¹³ Canada, Japan, United Kingdom.

²¹⁴ Australia, United Kingdom.

²¹⁵ Australia, Japan, Canada.

²¹⁶ Mauritius, United Kingdom.

²¹⁷ Canada.

²¹⁸ Philippines.

²¹⁹ European Union.

²²⁰ Australia, Canada.

²²¹ SIOFA.

²²² NPFC.

²²³ GFCM, NEAFC, NPAFC.

²²⁴ See www.fao.org/policy-support/mechanisms/mechanisms-details/ar/c/448782.

organizations and arrangements develop best practice guidelines for conducting performance reviews and implementing their results, including, where appropriate, through the use of “Kobe-like” processes,²²⁵ to establish mechanisms for follow-up actions and to ensure that information on action taken is made publicly available.

164. Many States, including a group of States, emphasized their support for and participation in performance review processes in regional fisheries management organizations and arrangements.²²⁶ Some States also highlighted the significance of the effective implementation of outstanding recommendations.²²⁷ A group of States suggested that the results of reviews and corresponding follow-up actions be publicly available and that implementation be monitored at annual meetings as a best practice.²²⁸

165. In 2019, the fourteenth round of informal consultations of States parties to the Agreement focused on the topic of performance reviews of regional fisheries management organizations and arrangements. At the conclusion of the informal consultations, the Chairperson summarized 15 key points that had emerged from the relevant presentations and discussions.²²⁹

166. Since 2016, two regional fisheries management organizations and arrangements have conducted their first performance reviews: SPRFMO (2019) and NPFC (2022). Several regional fisheries management organizations and arrangements undertook their second performance reviews since 2016: SEAFO (2016), CCAMLR (2017), ICCAT (2017), NAFO (2018), GFCM (2019) and the International Pacific Halibut Commission (IPHC) (2019). CCSBT undertook its third performance review in 2021. Some regional fisheries management organizations and arrangements noted that they had scheduled performance reviews or their initiation in the near future. SIOFA will conduct its first performance review in 2022–2023. NPAFC and SPRFMO will conduct their second performance reviews in 2023, while NEAFC will conduct its third performance review in 2024.

167. FAO reported that it had published a technical paper in 2020 assessing the performance reviews carried out by regional fisheries management organizations and arrangements.²³⁰ It noted that at the time of publication, 15 of the 22 organizations and arrangements had undertaken at least one performance review and that by 2017, seven of them had undergone a second such review.²³¹ Those reviews had generally applied four types of criteria relating to the assessment of the conservation and management of fish stocks, the level of compliance with international obligations, the status of legal frameworks and organizational and financial affairs, and the level of cooperation with other international organizations and non-member States. FAO further observed that performance reviews had become institutionalized and were carried out with increasing regularity and frequency.

168. With a view to ensuring transparency, regional fisheries management organizations and arrangements reported that various elements of performance review

²²⁵ See www.tuna-org.org/index.htm.

²²⁶ Australia, Canada, Chile, European Union, Japan, Saudi Arabia, United Kingdom.

²²⁷ Australia, Canada, Saudi Arabia.

²²⁸ European Union.

²²⁹ See the report of the fourteenth round of informal consultations of States parties to the Agreement (ICSP14/UNFSA/INF.3), available at www.un.org/depts/los/convention_agreements/ICSP14/ReportICSP14.pdf.

²³⁰ Løbach and others, *Regional Fisheries Management Organizations and Advisory Bodies*.

²³¹ It should be noted that not all of these regional fisheries management organizations and arrangements address stocks governed by the Agreement.

processes were publicly available.²³² SPRFMO noted that information on the process and outcome of its first performance review in 2019 was made publicly available. WCPFC reported that following its first performance review in 2012, the report on a review of its compliance monitoring scheme in 2017–2018 was made public. SIOFA indicated that the terms of reference of its upcoming first performance review were publicly available. CCAMLR and NAFO published their recent performance reviews of 2017 and 2018, respectively. Some regional fisheries management organizations and arrangements shared specific information regarding recommendations received. GFCM reported that its first performance review had recommended enhanced cooperation with States and relevant organizations and NEAFC emphasized that it was open to proposals suggesting participation in Kobe-like joint meetings of general regional fisheries management organizations and arrangements.

169. In terms of progress made towards realizing the outcome of review processes, several regional fisheries management organizations and arrangements reported on the status of follow-up actions. NPAFC indicated that it had implemented 53 of 54 recommendations of its first performance review, which was concluded in 2010. NAFO reported that as of 2022, one third of the relevant recommendations had been implemented and the remaining recommendations were being addressed. GFCM indicated that it had adopted a resolution in 2021 implementing recommendations of its second performance review. NEAFC reported that its performance review in 2024 would be informed by key findings developed at the informal consultations of States parties. ICCAT reported that it had established a working group to consider the recommendations of its two previous performance reviews and to monitor their implementation. Subsequent to its performance review, in 2019, SPRFMO formed a working group to consider the recommendations received, responded to them and established a chronogram of actions that would guide implementation until 2020.²³³ On an annual basis, IOTC reviews and publishes progress made towards implementing performance review recommendations.²³⁴

170. With regard to the promotion of best practices, it may be noted that some possible best practices emerged both from a study by FAO and discussions at the fourteenth round of informal consultations of States parties to the Agreement.²³⁵

Strengthening and enhancing cooperation among regional fisheries management organizations and arrangements

171. In 2016, the Review Conference reiterated its encouragement for regional fisheries management organizations and arrangements to strengthen cooperation, particularly with regard to data collection and sharing; mitigating and managing the by-catch of non-target and associated and dependent species; implementing an ecosystem approach; promoting the effective and consistent implementation of monitoring, control and surveillance tools; and sharing positive and negative lists of vessels. Regional fisheries management organizations and arrangements were also recommended to strengthen cooperation and coordination with the regional seas conventions and action plans.

²³² SIOFA, SPRFMO, WCPFC.

²³³ See the report of the fourteenth round of informal consultations of States parties to the Agreement.

²³⁴ See <https://iotc.org/about-iotc/performance-review>.

²³⁵ Løbach and others, *Regional Fisheries Management Organizations and Advisory Bodies*. See also the report of the fourteenth round of informal consultations of States parties to the Agreement.

172. Several States, including a group of States, emphasized that they sought to further strengthen cooperation both across and among regional fisheries management organizations and arrangements and other relevant entities.²³⁶ A group of States highlighted its active involvement in the Kobe process, including with respect to implementing recommendations and the widening of the process to include emerging issues such as fish aggregating device management.²³⁷ Another State highlighted that cooperation between regional fisheries management organizations and arrangements with a shared geographic area or shared stocks was particularly conducive to the implementation of an ecosystem approach.²³⁸ States noted that cooperation was pursued through various means including cooperation agreements,²³⁹ memorandums of cooperation,²⁴⁰ joint advisory groups,²⁴¹ working groups²⁴² and joint meetings²⁴³ to accomplish shared objectives such as data-sharing,²⁴⁴ the standardization of catch reporting requirements²⁴⁵ and other harmonization efforts,²⁴⁶ as well as incidental catch and electronic monitoring.²⁴⁷

173. Many regional fisheries management organizations and arrangements indicated that they had entered into memorandums of understanding and other cooperation mechanisms with other regional fisheries management organizations and arrangements and a variety of other entities.²⁴⁸ Some regional fisheries management organizations and arrangements also reported that they cooperated with the secretariats of partner organizations with a view to implementing such arrangements.²⁴⁹ NEAFC was in close contact with NAFO and GFCM, with whom it pursued joint projects and cooperated on joint initiatives on monitoring, control and surveillance and on data management. CCAMLR cooperates with several intergovernmental and non-governmental organizations, including through participation as observers in one another's meetings.²⁵⁰ IOTC has entered into arrangements, generally of a technical nature, with other institutions, including through memorandums of understanding, either to conduct joint activities or exchange information.²⁵¹

174. Inviting other regional fisheries management organizations and arrangements to meetings and participating in cooperative initiatives created further opportunities for cooperation. NPAFC indicated that it cooperated closely with PICES and regularly invited other relevant organizations to its meetings.

175. FAO reported that in June 2022, it had convened a regional consultation for the development of a coordination framework among regional fisheries bodies in the Indian Ocean. The consultation had followed a recent FAO recommendation to ensure common approaches to cross-cutting topics and had brought together regional fisheries management organizations and arrangements and regional economic bodies.

²³⁶ Australia, European Union, Japan, Saudi Arabia.

²³⁷ European Union.

²³⁸ Canada.

²³⁹ Australia.

²⁴⁰ Canada, European Union.

²⁴¹ Canada, European Union.

²⁴² Chile, European Union.

²⁴³ Mauritius, European Union.

²⁴⁴ Australia, Canada, Saudi Arabia, United Kingdom.

²⁴⁵ Canada.

²⁴⁶ Australia.

²⁴⁷ Chile.

²⁴⁸ GFCM, ICCAT, NAFO, NEAFC, NPAFC, SIOFA, SPRFMO.

²⁴⁹ GFCM, NEAFC.

²⁵⁰ See <https://www.ccamlr.org/en/organisation/cooperation-others>.

²⁵¹ See <https://iotc.org/about-iotc/cooperation-other-organisations>.

The consultation had focused on information-sharing to facilitate the sustainable use and conservation of shared living marine resources, with a view to developing a regional coordination framework in the Indian Ocean. The topics discussed included geographical connections and overlaps, target and by-catch species of common interest, the conservation of biodiversity and the lack of cohesion in terms of measures and advice. A particular emphasis was placed on addressing illegal, unreported and unregulated fishing. A second similar initiative for the Eastern Central Atlantic Ocean region was planned for the end of 2022. FAO also reported that the Deep Seas Project had strengthened cooperation and knowledge-sharing among the eight management bodies responsible for deep-sea fisheries. Finally, FAO noted that it provides a venue and secretariat services for meetings of the Regional Fishery Body Secretariats Network, an initiative to facilitate information exchange between regional fisheries management organizations and arrangements both within and without the FAO framework.

176. NAFO actively participated in several cooperative initiatives, such as a vulnerable marine ecosystem database, and sought to enhance cooperation with regional fisheries management organizations by sharing information on illegal, unreported and unregulated fishing vessels and establishing an advisory group with NEAFC to seek standardization of catch reporting requirements and establish a mechanism for data-sharing. SIOFA worked closely with CCAMLR on shared species, such as the Patagonian toothfish, and pursued cooperation agreements with other neighbouring regional fisheries management organizations. SIOFA indicated that it had harmonized its seabird by-catch measures to align with those of IOTC. SPRFMO referenced several avenues for cooperation with organizations on matters of mutual interest, including memorandums of understanding and other arrangements and attendance at meetings of other organizations.

177. CCSBT works closely with ICCAT, IOTC and WCPFC through formal and informal mechanisms to enhance effectiveness across the respective fisheries with respect to southern bluefin tuna.²⁵² It also frequently communicates with a variety of entities, including other regional fisheries management organizations and arrangements through arrangements and networks, including with respect to administration, compliance and data management.²⁵³ SEAFO regularly participates in the meetings of other regional fisheries management organizations and arrangements and similar organizations, including ICCAT, NAFO, CCAMLR, NEAFC, the North Atlantic Marine Mammal Commission (NAMMCO), CECAF, the Benguela Current Large Marine Ecosystem (BCLME) secretariat and SIOFA.²⁵⁴

178. With a view to cooperation between regional fisheries management organizations and arrangements and the regional seas conventions and action plans, a group of States indicated that it was supportive of such cooperation.²⁵⁵ WCPFC reported that in addition to engaging in memorandums of understanding with regional fisheries management organizations and arrangements, it had also engaged in similar arrangements with entities such as the secretariat of the Pacific Regional Environment Programme in the context of the Regional Seas Programme of the United Nations Environment Programme. NAFO further referred to cooperation with the Sustainable

²⁵² See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, para. 114.

²⁵³ *Ibid.*, paras. 115–118.

²⁵⁴ See, e.g. www.un.org/Depts/los/bfw/SEAFO_2022.pdf; www.seafo.org/media/423c66b4-d913-484e-88f3-0af7f7e9e51e/SEAFOweb/pdf/Meeting%20Files/2021/COM/COM%20Report%202021_.pdf; and www.seafo.org/media/695a3c93-33ea-4a20-8a7f-67cc29204a34/SEAFOweb/pdf/Meeting%20Files/2019/COM/COM%20Report%202019_.pdf.

²⁵⁵ European Union.

Ocean Initiative Global Dialogue with Regional Seas Organizations and Regional Fisheries Bodies on Accelerating Progress Towards the Aichi Biodiversity Targets and Sustainable Development Goals. This initiative of the secretariat of the Convention on Biological Diversity, the United Nations Environment Programme and FAO, which first convened in 2016, seeks to provide a platform for cross-sectoral collaboration in the pursuit of achieving global biodiversity targets and the corresponding Sustainable Development Goals.²⁵⁶

Promoting participation in regional fisheries management organizations and arrangements

179. In 2016, the Review Conference recommended that mechanisms be developed through which to invite States to join regional fisheries management organizations and arrangements and commit to providing incentives to encourage non-members to join; that efforts be strengthened to agree on participatory rights and allocation criteria, with due regard to the aspirations of small island developing States and the status of the stocks; and ensure that all States exhibiting a real interest are able to become members of regional fisheries management organizations and arrangements, provided that they have demonstrated their interest and capacity to comply with the relevant measures, including the effective exercise of flag State control.

180. Many States, including a group of States, indicated that they actively participated in the work of regional fisheries management organizations and arrangements as members²⁵⁷ or as cooperating non-members.²⁵⁸ One State noted that it was pursuing membership in a regional fisheries management organization and arrangement.²⁵⁹ Several States further reported that they supported, where appropriate, the participation of non-members in regional fisheries management organizations and arrangements²⁶⁰ or that the regional fisheries management organizations and arrangements to which they belonged would consider appropriate applications for membership from non-member States.²⁶¹ A group of States reported that it continued to provide funding to promote the participation of developing States in regional fisheries management organizations.²⁶²

181. Some regional fisheries management organizations and arrangements reported the addition of new parties since the 2016 Review Conference.²⁶³ NEAFC and NAFO noted that the United Kingdom had joined those organizations in 2020. ICCAT reported that its constitutive treaty was, in principle, open to all States Members of the United Nations or States members of its specialized agencies and cited its recommendation that non-members fishing within its geographic scope be invited to become members. SIOFA reported that its secretariat regularly invited coastal States and parties interested in relevant fisheries in the region to join SIOFA.

182. Several regional fisheries management organizations and arrangements reported on the participation of non-member States in their work.²⁶⁴ SIOFA reported that India had joined as a cooperating non-contracting party in 2022. NPFC noted that Panama was currently a cooperating non-contracting party. NPAFC regularly invited

²⁵⁶ www.cbd.int/marine/soi/booklet-soi-10years-en.pdf, p. 16.

²⁵⁷ Australia, Canada, European Union, Japan, Philippines, Saudi Arabia, United Kingdom.

²⁵⁸ Chile.

²⁵⁹ Chile.

²⁶⁰ Australia, European Union.

²⁶¹ Mauritius.

²⁶² European Union.

²⁶³ NAFO, NEAFC, SIOFA.

²⁶⁴ ICCAT, NEAFC, NPAFC, NPFC, WCPFC.

non-member States to participate in annual meetings, in response to which States had sent observers. NEAFC reported that its rules included provisions governing cooperating non-contracting party membership. WCPFC indicated that it had a mechanism to consider applications for the granting of cooperating non-member status and that such applications were subject to participatory rights as granted by the Commission. While individual applications for full membership had also been received, none had so far been successful owing to a lack of consensus. WCPFC also indicated that decisions regarding allocations of fishing opportunities proved challenging due to the similar need for consensus, but that it was committed to transitioning to a more equitable allocation framework in 2023.

183. CCSBT sought to enhance engagement with non-cooperating non-members through outreach activities, in particular by encouraging participation in its meetings as observers, with such efforts resulting in limited engagement but with some action taken by non-members upon its request.²⁶⁵ The Commission indicated that the development of more detailed guidance on allocations could further incentivize the participation of members and non-members.²⁶⁶

Improving decision-making rules and procedures in regional fisheries management organizations and arrangements

184. In 2016, the Review Conference recommended addressing participatory rights through, inter alia, the development of transparent criteria for allocating fishing opportunities; ensuring that post opt-out behaviour is constrained by rules preventing opting-out parties from undermining conservation, by establishing clear processes for dispute resolution and for the adoption of alternative measures with equivalent effect that would be implemented in the interim; improving the transparency of regional fisheries management organizations and arrangements; and providing for the reasonable participation of intergovernmental and non-governmental organizations. It further encouraged regional fisheries management organizations and arrangements to review their decision-making procedures.

185. Some States expressed support for improving rules of procedure, including decision-making rules, in regional fisheries management organizations and arrangements.²⁶⁷ Several States, including a group of States, reported that they had contributed to or favoured greater transparency in this context.²⁶⁸ A group of States noted that such procedures were important to prevent States from undermining conservation.²⁶⁹ States also highlighted the significance of effective decision-making, accountability and the application of regional fisheries management organization and arrangement rules, procedures and measures in good faith.²⁷⁰ One State reported that SIOFA had drafted rules of procedure that were modelled on the best practices of other regional fisheries management organizations and arrangements and that an upcoming performance review was expected to entail further improvements in this respect.²⁷¹ States also noted the modification of rules of procedure to accommodate virtual or hybrid meetings.²⁷² One State indicated that the relevant organizations in which it participated applied a set of assignment criteria that took, among other

²⁶⁵ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, paras. 112–113.

²⁶⁶ *Ibid.*, paras. 105–108 and 113.

²⁶⁷ Australia, Canada, Japan, Saudi Arabia.

²⁶⁸ Australia, Canada, European Union, Japan.

²⁶⁹ European Union.

²⁷⁰ Australia.

²⁷¹ Australia.

²⁷² Canada.

things, the needs of developing States into account.²⁷³ A group of States noted that in the context of a recent revision of the constitutive agreement and rules of procedure of a regional fisheries management organization of which it was a member, it had promoted clear procedures, transparency, a participative approach and the creation of a culture of compliance.²⁷⁴ In practice, despite often intensive negotiations, decisions were taken unanimously within that regional fisheries management organization.

186. Several regional fisheries management organizations and arrangements reported on their decision-making procedures, although no information was received regarding measures to constrain post opt-out behaviour.²⁷⁵ Some regional fisheries management organizations and arrangements indicated that they generally adopted or were in favour of adopting decisions by consensus,²⁷⁶ allowed the participation of observers²⁷⁷ and included a certain level of transparency.²⁷⁸

187. NEAFC indicated that it had amended its rules of procedure in 2021 to extend the participation of observers to subsidiary bodies and had shortened deadlines for relevant applications. NPAFC emphasized that its meetings were generally open to the public and that it made significant efforts to publicly disseminate information about its activities. NAFO reported that all decisions and meeting information were publicly available and that accredited observers were permitted to attend meetings.

188. CCSBT made efforts to improve transparency with reports of all meetings available to the public.²⁷⁹ As required by its constitutive instrument, it takes decisions by unanimous vote of members present, which has previously resulted in deadlocks.²⁸⁰ The CCSBT rules of procedure provide for the participation of observers in its meetings. While its decision-making procedure means that a single member could potentially block such participation, this has not occurred in practice.²⁸¹ In 2018, SEAFO updated the rules of procedure for its Commission, Standing Committee on Administration and Finance, Scientific Committee and Compliance Committee.²⁸²

189. Individual regional fisheries management organizations and arrangements described particular procedures that would apply if a member lodged an objection. In this respect, ICCAT indicated that in such a case, the objecting member would be required to propose alternative measures. SPRFMO reported that voting was used as a last resort only and, to date, employed only in the context of the adoption of a fishing measure. WCPFC indicated that it employed a system of chambered voting, that there was a no objection procedure and that although members who were absent from a vote or cast a negative vote could request a review, none had been requested to date. With respect to the objection procedure at IOTC, the second performance review of IOTC in 2016 indicated that its contracting parties enjoyed an unrestricted right to object to conservation and management measures. In the absence of a process for reviewing or verifying the validity of an objection, the option to opt out of any

²⁷³ Chile.

²⁷⁴ European Union.

²⁷⁵ GFCM, ICCAT, NAFO, NEAFC, NPFC, SPRFMO, WCPFC.

²⁷⁶ ICCAT, NEAFC, SPRFMO.

²⁷⁷ GFCM, NAFO, NEAFC, NPAFC, NPFC.

²⁷⁸ NAFO, NEAFC, NPAFC, SIOFA.

²⁷⁹ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, para. 61.

²⁸⁰ *Ibid.*, para. 60. See also www.ccsbt.org/en/system/files/resource/en/53fd82cd72480/EC21_11_PerformanceReview.pdf.

²⁸¹ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, para. 61.

²⁸² See www.seafo.org/Documents/Rules-of-Procedure.

measure without justification or consequence was deemed to potentially weaken implementation and compliance mechanisms.

190. In terms of dispute resolution, NPFC reported that its relevant procedures followed those envisaged under the Agreement. Similarly, NAFO indicated that amendments to its constitutive instruments in 2007 had streamlined decision-making and incorporated a dispute settlement procedure. NEAFC indicated that an amendment effecting a dispute resolution procedure in 2004 had not entered into force owing to a lack of ratification by one member. It also reported that a working group on allocation criteria that had been established in 2015 was discontinued in 2019, without having reached any conclusions, and that negotiations continued among coastal States on the allocation criteria.

Implementation of interim measures

191. In 2016, the Review Conference recommended ensuring the implementation of interim measures adopted by the participants in negotiations on developing new regional fisheries management organizations and arrangements that were not yet in force and providing interim bodies with complete and accurate fisheries data so as to facilitate the effective implementation of those interim measures and provide for a periodic review of such measures.

192. Few States had information to report with respect to interim bodies and measures. States reported that interim measures for regional fisheries management organizations and arrangements of which they were members had been applied prior to the entry into force of the relevant agreements.²⁸³ One State reported that it had agreed to the implementation of measures and the exchange of fisheries information when setting up the aforementioned proposed fisheries and aquaculture authority in the Red Sea.²⁸⁴ Another State indicated that it had recently signed a Declaration Concerning the Prevention of Unregulated High Seas Fishing in the Central Arctic Ocean together with four other States.²⁸⁵ It also noted that with the recent entry into force of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean, an initial 16-year moratorium on fishing in the treaty area had been activated and that within two and three years, respectively, the parties were required to establish a joint scientific research and monitoring programme as well as conservation and management measures for exploratory fishing. A group of States noted that it had complied with interim measures of regional fisheries management organizations and arrangements of which it was a member and that the corresponding processes constituted positive examples of voluntary interim measures and preparatory conferences leading to adoption of an agreement.²⁸⁶

193. NPFC, which was established in 2015, indicated that an interim trans-shipment measure was currently in place while a more permanent measure was subject to ongoing negotiations. SIOFA indicated that its meeting of States parties had adopted several interim measures, including on the management of bottom fishing. CCAMLR has taken steps to ensure the implementation of interim measures adopted by its participants, such as an interim krill management approach.²⁸⁷

194. Other regional fisheries management organizations and arrangements reported on interim measures that were no longer applicable. NPAFC reported that its

²⁸³ Australia, Japan.

²⁸⁴ Saudi Arabia.

²⁸⁵ Canada.

²⁸⁶ European Union.

²⁸⁷ See <https://meetings.ccamlr.org/en/ccamlr-41>.

constitutive instrument, which was signed on 11 February 1992 and entered into force on 16 February 1993, had established an interim measure to enforce the legal status of anadromous stocks prior to the entry into force of the Convention on 16 November 1994. NAFO reported that it had resolved to give effect to the objectives of a 2007 amendment of its constitutive instrument prior to its entry into force in 2017. These had included, among others, adopting measures based upon the best available scientific evidence, applying a precautionary approach and taking due account of the impact of fisheries on other species and marine ecosystems as well as the need to preserve marine biological diversity. SPRFMO reported that it had adopted interim measures prior to 2016.

Effective control by flag States as members of regional fisheries management organizations and arrangements

195. In 2016, the Review Conference recommended strengthening the effective control of flag States and ensuring that their flagged vessels comply with and do not undermine conservation and management measures adopted by regional fisheries management organizations and arrangements, developing the capacity of the members of regional fisheries management organizations and arrangements to comply with conservation and management measures and ensuring that flag States have the ability to fulfil their responsibilities before granting the right to fly their flag to fishing vessels or issuing authorization for fishing to such vessels.

196. Several States reported on measures taken to ensure effective control of vessels flying their flag, including technical measures.²⁸⁸ The European Union indicated that its fisheries control system was directly applicable to all its member States, wherever they fished, and that it required the exercise of effective control by flag States. Australia indicated that its domestic framework ensured effective flag State control and that it sought cooperation with other flag States in regional fisheries management organizations and arrangements with a view to deregistering vessels known to engage in illegal, unreported and unregulated fishing. It had requested authorization from other States to board their flagged vessels to verify compliance with regional fisheries management organization and arrangement measures. Canada indicated that it controlled its fishing vessels through a suite of measures, including licences used to list all measures to which a vessel was subject, comprising quotas, gear restrictions, time/area closures and reporting and monitoring requirements.

197. Chile reported that it strictly enforced the CCAMLR framework through a control system that included inspection procedures, satellite monitoring, sending data with operational results in a timely manner and full implementation of the procedures for the relevant catch documentation system. Japan indicated that its obligations under regional fisheries management organizations and arrangements were implemented through domestic regulations, whose violation could result in penalties including the suspension of licences and the detention of vessels. The Philippines indicated that it employed a system to monitor its vessels in regional fisheries management organization and arrangement areas in close coordination with WCPFC, with a view to ensuring compliance with conservation and management measures. The United Kingdom reported that it had enhanced monitoring, control and surveillance measures in its fleet to gain better and more timely data flows, submitted reports pursuant to regional fisheries management organization and arrangement obligations and worked with cooperating contracting parties to improve measures,

²⁸⁸ Australia, Canada, Chile, European Union, Japan, Philippines, United Kingdom.

including with a view to FAO trans-shipment guidelines and catch document schemes under ICCAT and IOTC.

198. Many regional fisheries management organizations and arrangements reported on technical, legal and cooperative measures taken to establish or strengthen effective control by flag States.²⁸⁹ ICCAT adopted several mechanisms to ensure that flag States did not undermine its conservation and management measures and that capacity-building initiatives were under way to assist developing countries in meeting their obligations. GFCM reported on its constant support of its contracting parties to enhance control of their vessels. It recently established subregional observation and inspection programmes to ensure that fishing vessels complied with its measures against illegal, unreported and unregulated fishing. NEAFC reported that it routinely assessed the compliance of parties with its control and enforcement scheme; parties were also required to conduct regular self-assessments. It fully implemented the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, going beyond its obligations by requiring flag State validation before entry into port was authorized. NEAFC also noted that it had an electronic system allowing for the rapid exchange of information among vessels, port States and flag States.

199. NPAFC noted that it had established a committee through which enforcement agencies could coordinate and exchange information. While NPAFC had developed a set of proposals for effective enforcement measures against flag States of vessels engaged in illegal, unreported and unregulated fishing, it reported that the lack of a vessel-listing procedure of vessels engaged in illegal, unreported and unregulated fishing had been the main obstacle to their implementation. A relevant list was expected to be launched at the next annual meeting of NPAFC. NAFO indicated that its parties were required to notify its secretariat of vessels authorized to fish certain fish stocks. SPRFMO reported that it had embedded a series of flag State requirements in its constitutive instrument, including the establishment of a list of authorized vessels. SIOFA reported that its members were responsible for ensuring that their vessels complied with SIOFA conservation measures, and that compliance was monitored annually by a compliance committee. WCPFC noted that it had enacted a compliance monitoring scheme to bolster the ability of flag States to satisfy their relevant obligations.

200. FAO reported that it had promoted the implementation of its Voluntary Guidelines for Flag State Performance since their adoption in 2015, including through regional fisheries management organizations and arrangements. In this context, regional fisheries management organizations and arrangements were encouraged to establish frameworks for regular performance assessments by their contracting parties. Moreover, FAO noted that a second version of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels had been released in 2022 and that the record included 40 per cent of the global eligible fleet as of November 2022.

2. Conclusions

201. In recognition of the obligation of all States to cooperate in the long-term conservation, management and sustainable use of living marine resources and the need for enhanced cooperation at all levels, the General Assembly has urged States to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate regional fisheries management

²⁸⁹ GFCM, ICCAT, NAFO, NEAFC, NPAFC, SIOFA, SPRFMO, WCPFC.

organizations and arrangements.²⁹⁰ It has further urged States to give effect to the duty to cooperate either by becoming members of such bodies or agreeing to apply the measures established by such bodies and arrangements.²⁹¹ Progress by regional fisheries management organizations and arrangements is therefore vital in accomplishing what the Agreement sets out to achieve.

202. As recommended by the Review Conference and urged by the General Assembly, regional fisheries management organizations and arrangements have made further advances towards strengthening and modernizing their mandates, including by adopting modern approaches to fisheries conservation and management. Almost all have conducted performance reviews, with some organizations having concluded their second or subsequent such review. Indeed, it appears that periodic performance reviews are now a well-established component of regional fisheries management organization and arrangement operations. Significant progress has been made towards following up on recommendations received and monitoring the status of their implementation. While there have also been improvements with respect to the publication and implementation of recommendations received as well as increased stakeholder involvement, additional efforts are required, as emphasized by the General Assembly and recommended by the Review Conference in 2016. Similarly, there is a continued need to cooperate to develop best practices and apply them in regional fisheries management organizations and arrangements to the extent possible.²⁹²

203. The responses received suggest that there is a significant awareness on the part of regional fisheries management organizations and arrangements of the benefits of cooperation among and between such organizations and arrangements and other relevant entities. These organizations and arrangements have enhanced mutual cooperation and cooperation with other relevant entities, employing memorandums of understanding and similar arrangements, working groups, joint meetings and other mechanisms. New initiatives have sought to enhance cooperation between regional fisheries management organizations and arrangements and regional seas conventions and action plans. Yet, as outlined by the Review Conference, greater harmonization and consistency across regional fisheries management organizations and arrangements, with respect to specific measures, such as the exchange of lists of vessels, and objectives, such as mitigating and managing by-catch, remains necessary if the full potential of such cooperation is to be attained. With the exception of data-sharing, other specific objectives of cooperation proposed by the Review Conference were infrequently mentioned in the reports received.

204. Several States and regional fisheries management organizations and arrangements have expressed support for the participation of additional States in their organizations and arrangements. With a view to facilitating the integration of additional States, several organizations and arrangements have adopted avenues for the participation of non-members. Nonetheless, few concrete steps appear to have been taken to modify their constitutive instruments and rules to facilitate such participation. Moreover, efforts to render allocation frameworks more equitable, which would serve as an incentive for additional States to join or participate in regional fisheries management organizations and arrangements could be enhanced.

205. Since the Review Conference last convened, several regional fisheries management organizations and arrangements have sought to improve their decision-

²⁹⁰ Resolution [77/118](#).

²⁹¹ *Ibid.*

²⁹² *Ibid.*

making procedures, in particular by streamlining decisions and restricting objection procedures. There has also been an increase in efforts to foster transparency by making decisions and other documents publicly available and facilitating the participation of observers. Yet, as the General Assembly recently emphasized, further efforts are needed, including with a view to improving transparency and addressing participatory rights, including through the development of transparent criteria for allocating fishing opportunities.²⁹³ Similarly, mechanisms for effective dispute resolution and inhibiting counterproductive post opt-out behaviour could be further developed.

206. With most constitutive instruments of regional fisheries management organizations and arrangements having entered into force, interim bodies and measures have become less of a pressing concern. Currently, efforts to establish a new regional fisheries management organization and arrangement in the Red Sea and Gulf of Aden are under way, as are discussions on the potential conversion of CECAF and WECAFC into regional fisheries management organizations and arrangements. Mechanisms to combat illegal, unreported and unregulated fishing have gained momentum as have efforts to strengthen effective control by flag States. Several measures were established to prevent and deter illegal, unreported and unregulated fishing, including through enhanced technical, cooperative and legal mechanisms. Nevertheless, few of the contributions received provided information related to capacity-building. There thus remains a need in particular for flag States and regional fisheries management organizations and arrangements to conduct capacity-building and ensure that flag States are able to fulfil their responsibilities before granting the right to fly their flag or authorize fishing.

C. Monitoring, control and surveillance, and compliance and enforcement

207. The Review Conference in 2016 reaffirmed the importance of the matters of monitoring, control and surveillance, as well as compliance and enforcement, to the effective implementation of the Agreement, and made recommendations thereon.

1. Measures taken at the national and international levels

Strengthening flag State responsibility

208. The Review Conference emphasized the duty of flag States to exercise effective control over their vessels and made recommendations concerning the strengthening of flag State responsibility and the capacity of such States to take action against delinquent vessels.

209. Several States pointed to national legal frameworks pursuant to which they aimed to exercise effective control over vessels flying their flag.²⁹⁴ The frameworks include access and licensing requirements.²⁹⁵ For example, Canada modernized its Fisheries Act in 2019 to ensure a robust regulatory framework. The European Union reported that it was considering a proposal to revise its fisheries control system, following a review in 2017, for possible adoption in 2023. Japan noted that it had

²⁹³ Ibid.

²⁹⁴ Australia, Canada, European Union, Togo, United Kingdom. The United States indicated that it had taken actions regarding each of the recommendations in sections C.1 to C.12 of the outcome of the 2016 Review Conference (A/CONF.210/2016/5, annex).

²⁹⁵ Canada, Chile, Mauritius.

implemented a limited entry licence system for all its fishing vessels operating on the high seas.

210. While one State noted that it had no commercial fishing vessels operating on the high seas,²⁹⁶ others outlined details of the monitoring, control and surveillance tools used to control vessels flying their flag.²⁹⁷ States also pointed to requirements to cooperate with other flag States in taking appropriate action with respect to illegal, unreported and unregulated fishing,²⁹⁸ including by sharing information on activities, verifying compliance with measures of regional fisheries management organizations and arrangements and deregistering vessels known to undertake illegal, unreported and unregulated fishing activities.²⁹⁹ The European Union reported that systematic data exchanges happen in real time between its member States, with automatic computerized data validation.

211. Several regional fisheries management organizations and arrangements reported on the adoption of specific measures to strengthen flag State responsibilities,³⁰⁰ including measures relating to inspection and licensing,³⁰¹ monitoring and data-sharing,³⁰² the safety of observers at sea³⁰³ and the establishment of illegal, unreported and unregulated vessel lists.³⁰⁴ For example, WCPFC developed an online compliance case file system and NEAFC noted that it was putting in place an electronic reporting system. SIOFA noted that it was recruiting a compliance officer to help flag States comply with conservation and management measures. CCAMLR and SPRFMO reported on the establishment of annual compliance review procedures.

212. In 2018, WCPFC adopted a non-binding resolution on labour standards for crew on fishing vessels. WECAFC made a recommendation regarding decent working conditions in specific fisheries in 2019,³⁰⁵ while the Central American Fisheries and Aquaculture Organization (OSPESCA) includes fishing safety in its fishing and aquaculture integration policy for the period 2015–2025.³⁰⁶

Assessment of flag State performance

213. As a means to strengthen the compliance by flag States with their duties and obligations, the Review Conference recommended the promotion and implementation of the Voluntary Guidelines for Flag State Performance, a call that was echoed recently by the FAO Committee on Fisheries.³⁰⁷ The Review Conference also recommended that regional or global guidelines be developed for fisheries sanctions to be applied by flag States, in order that existing sanctions systems might be evaluated.

214. The European Union noted that its regulations on illegal, unreported and unregulated fishing³⁰⁸ fulfil the performance criteria laid down in the Voluntary

²⁹⁶ Saudi Arabia.

²⁹⁷ Canada, Chile, European Union, Mauritius, Philippines.

²⁹⁸ Australia, European Union, Togo.

²⁹⁹ Australia.

³⁰⁰ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, WCPFC.

³⁰¹ CCAMLR.

³⁰² NAFO, NEAFC, SPRFMO.

³⁰³ Inter-American Tropical Tuna Commission (IATTC), SPRFMO.

³⁰⁴ GFCM.

³⁰⁵ See Elda Belja, Raymon van Anrooy and Daniela Kalikoski, “Regional Fisheries Bodies and Their Role in Improving Safety and Decent Work on Fishing Vessels”, FAO Fisheries and Aquaculture Circular No. 1260. (Rome, FAO, 2022).

³⁰⁶ Ibid.

³⁰⁷ General Assembly resolution 77/118, para. 118.

³⁰⁸ A/CONF.210/2016/1, para 235.

Guidelines for Flag State Performance and that it took action to promote the aims and goals of those Guidelines in cooperating with third States.

215. A number of States reported on their implementation of the Voluntary Guidelines. Canada observed that it was compliant with the vast majority of the Guidelines and that it had conducted partial reviews to ensure its implementation of best practices aimed at preventing, deterring and eliminating illegal, unreported and unregulated fishing. Japan noted that its basic plan for fisheries, adopted in 2022, aimed at eliminating illegal, unreported and unregulated fishing. The Philippines noted that its fisheries policies were aligned with the Guidelines. The United Kingdom noted that it had completed a flag State assessment and that it continued to strive to improve flag State performance.

216. FAO noted that it promoted the implementation of the Voluntary Guidelines, including by encouraging regional fisheries management organizations and arrangements to establish applicable frameworks for periodic performance assessments by their contracting parties. In addition, flag State performance was included as one principal component in Sustainable Development Goal indicator 14.6.1, under the custodianship of FAO.

217. Several regional fisheries management organizations and arrangements noted that they regularly assess and report on flag State performance³⁰⁹ and that they encouraged self-assessments by their parties in line with the Voluntary Guidelines.³¹⁰ GFCM provides technical assistance to its parties in the regular self-assessment of their performance.³¹¹

Fishing vessels without nationality

218. Recognizing the role of fishing vessels without nationality in undermining the objectives of the Agreement and measures adopted by regional fisheries management organizations and arrangements, the Review Conference encouraged States to take necessary measures to prevent fishing vessels without nationality from engaging in fishing or fishing-related activities and to take effective enforcement action.

219. States highlighted legislation allowing authorities to respond to and take effective enforcement action to curb illegal, unreported and unregulated fishing activities, including those conducted by vessels without nationality,³¹² as well as actions more generally to share information and inspect such vessels pursuant to the Convention.³¹³ Some States pointed to port State measures preventing entry to ships without a flag,³¹⁴ electronic monitoring systems³¹⁵ and illegal, unreported and unregulated vessel lists.³¹⁶ Several respondents noted that under their respective regulations, stateless vessels were presumed to be engaged in illegal, unreported and unregulated fishing.³¹⁷

³⁰⁹ NAFO, NEAFC, NPAFC, SIOFA, SPRFMO. See also the SEAFO 2021 annual compliance review, available at www.seafo.org/media/4123e58d-d591-487a-ae44-9fce74d4fa59/SEAFOweb/pdf/MeetingFiles/2021/CC/DOC_CC_03_2021-ComplianceReview2021_pdf; and IOTC reports on the monitoring of compliance, available at <https://iotc.org/compliance/monitoring>.

³¹⁰ GFCM, NEAFC.

³¹¹ European Union. See also GFCM.

³¹² Canada, Japan, Philippines, Saudi Arabia.

³¹³ Australia.

³¹⁴ Chile, Mauritius.

³¹⁵ Chile.

³¹⁶ United Kingdom.

³¹⁷ European Union, NPAFC, SPRFMO, WCPFC.

220. A number of regional fisheries management organizations and arrangements noted measures to control vessels without nationality.³¹⁸ For example, under the GFCM regional plan of action for the fight against illegal, unreported and unregulated fishing, parties and cooperating non-contracting parties were requested to take measures consistent with international law, including national regulation. ICCAT set out procedures for action with respect to fishing vessels without nationality in 2019. NAFO reported that there had not been vessels without nationality fishing in its area of application for over two decades. NEAFC set out provisions for the identification of illegal, unreported and unregulated fishing activity and publishes illegal, unreported and unregulated fishing vessel lists. SIOFA and IOTC³¹⁹ adopted measures on vessels without nationality in 2016 and NPFC did so in 2017.

Participation in the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported And Unregulated Fishing and the adoption of port State measures

221. The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was adopted in 2009 and entered into force in 2016. As of November 2022, it had 74 parties, 53 of these having joined in or since 2016. The Review Conference encouraged States to become parties to and fully implement the Agreement and, in the meantime, to adopt and apply consistent port State measures. It also called for contributions to funding mechanisms and for the provision of other financial and technical assistance and capacity-building to assist developing States with the implementation of the Agreement.

222. Several States noted that they had ratified the Agreement on Port State Measures³²⁰ and supported efforts within regional fisheries management organizations and arrangements to implement effective port State measures.³²¹ Other States noted that legal frameworks were in place to implement port State measures with respect to illegal, unreported and unregulated fishing, including through regional fisheries management organizations and arrangements,³²² and to regulate the access of foreign-flagged vessels to their ports.³²³

223. FAO indicated that it continued to promote participation in the Agreement on Port State Measures. Upon request of the parties, FAO developed a prototype of the Global Information Exchange System of the Agreement and launched a pilot phase of the system in 2022. Parties also established a number of subsidiary working groups to support aspects of the implementation of the Agreement. Four regional meetings were held, the outputs of which will inform the process of drawing up a strategy to improve the effectiveness of the Agreement; the strategy is expected to be adopted by the parties at their fourth meeting in May 2023. Through its Global Programme to support the implementation of international fisheries instruments, launched in 2017, FAO has provided technical assistance to 48 developing States to strengthen their capacity to implement port State measures and to fulfil other State responsibilities defined in these international instruments.

224. Several regional fisheries management organizations and arrangements noted that all or many of their members and cooperative non-contracting parties were parties to the Agreement on Port State Measures.³²⁴ A number also reported that they

³¹⁸ GFCM, ICAAT, NAFO, NPAFC, NPFC, SIOFA.

³¹⁹ IOTC resolution 16/05, available at www.fao.org/faolex/results/details/es/c/LEX-FAOC165148/.

³²⁰ Australia, Canada, European Union, Japan, Philippines, Saudi Arabia, Togo, United Kingdom.

³²¹ Australia.

³²² Mauritius. See also Philippines.

³²³ Chile, Japan.

³²⁴ GFCM, ICCAT, NEAFC, NPAFC.

had taken measures to strengthen port State measures.³²⁵ NEAFC noted that the port State control measures in its scheme of control went beyond the requirements of the Agreement, including by requiring flag State validation before entry into port. NEAFC also noted that it had a fully functional electronic system to allow the rapid exchange of information between vessels, port States and flag States.

225. On the other hand, NPFC noted that while article 14 of its Convention reflects obligations regarding port State measures, these had not yet been implemented.

226. On the regional level, a regional plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing in South-East Asia has focused on the strengthened implementation and enforcement of port State measures in the South-East Asian region.³²⁶

227. One State noted the need for assistance in building the capacity of developing countries with respect to the Agreement on Port State Measures, especially with regard to monitoring, control, information exchange and the use of specific programmes and technologies.³²⁷ Several States noted their active promotion of both the ratification of the Agreement on Port State Measures by other States and its implementation by parties, in particular by developing States parties.³²⁸ Australia observed that prior to the coronavirus disease (COVID-19) pandemic, it had provided training to implement the Agreement on Port State Measures to developing port States, including Malaysia and South Africa. NEAFC is also supporting FAO as it develops the Global Information Exchange System, while the Commission and members of WCPFC are to cooperate to establish appropriate mechanisms to assist developing countries, in particular small island developing States. GFCM provides support to cooperative non-contracting parties to implement the Agreement on Port State Measures and the relevant GFCM recommendation.

Control over fishing activities of nationals

228. The Review Conference recommended that States strengthen domestic and other mechanisms for identifying and deterring nationals and beneficial owners from engaging in illegal, unreported and unregulated fishing activities and facilitate cooperation to ensure investigations and adequate sanctions. It also recommended that States control the fishing activities of nationals to avoid the undermining of conservation and management measures, deter illegal, unreported and unregulated fishing and improve cooperation and coordination with regional fisheries management organizations and arrangements to this end.

229. Several States pointed to domestic laws and regulations that serve, within the limits of the relevant legislative and enforcement jurisdiction, to deter nationals from undertaking illegal, unreported and unregulated fishing activities, impose sanctions on such activities and take enforcement action.³²⁹ These include requirements for vessels to comply with applicable international conservation and enforcement measures.³³⁰ The European Union outlined the obligations of its member States to take measures against nationals involved in illegal, unreported and unregulated fishing; its provisions relating to the selling or exporting of fishing vessels to those involved in the operation of illegal, unreported and unregulated fishing vessels; and

³²⁵ GFCM, ICCAT, Inter-American Tropical Tuna Commission (IATTC), NAFO, NEAFC, SPRFMO, WFPFC.

³²⁶ Australia.

³²⁷ Saudi Arabia.

³²⁸ European Union, United Kingdom.

³²⁹ Australia, Canada, Chile, European Union, Japan, Togo, United Kingdom. See also Mauritius, Saudi Arabia.

³³⁰ Canada.

its restrictions on funding to operators involved in the operation, management or ownership of fishing vessels on its illegal, unreported and unregulated fishing vessel list. Several States also pointed to provisions for international cooperation to assist with the identification of nationals involved in illegal, unreported and unregulated fishing.³³¹ One State outlined particular measures taken to control the fishing activity of nationals, notably vessel monitoring systems employed for a large part of the fleet as well as the inclusion of vessels on the official lists of relevant regional fisheries management organizations and arrangements.³³²

230. Several regional fisheries management organizations and arrangements had measures in place concerning control over the fishing activities of nationals.³³³ For example, the regional plan of action to fight against illegal, unreported and unregulated fishing adopted by GFCM in 2017³³⁴ contains provisions pursuant to which its parties are to take measures ensuring that their nationals do not support or engage in illegal, unreported and unregulated fishing.³³⁵

231. ICCAT noted that in 2022 it had updated a recommendation to promote compliance by nationals of contracting parties, cooperating non-contracting parties, entities or fishing entities. SPRFMO indicated that it had strengthened its measures against nationals involved in illegal, unreported and unregulated fishing in 2020. WCPFC noted that measures taken in 2019 authorized the Commission to monitor the activities of nationals and fishing vessels of cooperating non-members. It also established an illegal, unreported and unregulated fishing vessel list which specified that details of owners, including beneficial owners, if any, had to be included in the draft, provisional and final lists.

Strengthening compliance, cooperation and enforcement schemes in regional fisheries management organizations and arrangements

232. The 2016 Review Conference recommended, inter alia, that States adopt, strengthen and implement compliance and enforcement schemes in all regional fisheries management organizations and arrangements; enhance or develop mechanisms for the coordination of monitoring, control and surveillance measures; and ensure the fullest possible exchange of monitoring, control and surveillance information related to illegal, unreported and unregulated fishing activities. It also recommended the deployment of vessel monitoring systems, the conduct of annual compliance assessments and follow-up and the utilization of a wide range of tools and new and emerging technologies to strengthen compliance, cooperation and enforcement schemes. It further called for improved cooperation and coordination between regional fisheries management organizations and arrangements as well as between flag, port, coastal and market States. Noting the importance of the development of a global record of fishing vessels and unique vessel identifiers for strengthening compliance, it encouraged the use of the IMO Ship Identification Number Scheme for fishing vessels of 100 gross tonnage and above.

233. Several States reported on activities to promote compliance and enforcement at a regional level, including through compliance committees of regional fisheries management organizations and arrangements.³³⁶ Canada noted its promotion and

³³¹ European Union, Japan, Togo.

³³² Chile.

³³³ GFCM, ICCAT, NEAFC, SIOFA, SPRFMO, WCPFC.

³³⁴ See [https://gfcmsitestorage.blob.core.windows.net/website/Events & Initiatives/High-level Meeting/Updated_GFCM_strategy-e.pdf](https://gfcmsitestorage.blob.core.windows.net/website/Events%20&%20Initiatives/High-level%20Meeting/Updated_GFCM_strategy-e.pdf).

³³⁵ European Union. See also GFCM.

³³⁶ Australia, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, United Kingdom.

implementation of high seas boarding and inspection frameworks across various regional fisheries management organizations and arrangements as well as its use of aerial surveillance to ensure compliance with binding measures. Chile reported that regional cooperation between members of the Permanent Commission for the South Pacific (CPPS) had been strengthened. Mauritius noted its participation in the regional surveillance programme of the Indian Ocean Commission. The Philippines strengthened compliance through a national technical working group. The United Kingdom stated that it had concluded several agreements with coastal States to strengthen monitoring, control and surveillance measures. The European Union drew attention to successful efforts to cross-list vessels engaged in illegal, unreported and unregulated fishing across several regional fisheries management organizations and arrangements.

234. Several regional fisheries management organizations and arrangements reported updates and improvements to their compliance and enforcement schemes.³³⁷ NPAFC indicated that a vessel list regarding illegal, unreported and unregulated fishing would be launched at its next annual meeting.

235. Several regional fisheries management organizations and arrangements noted that they reported annually on compliance.³³⁸ SIOFA noted that it was recruiting a compliance officer to facilitate the review of the compliance report. A toolkit and recommendations aimed at evaluating and strengthening regional fisheries management organization compliance processes and performance, developed by an expert group as part of a civil society initiative, was presented at a number of regional fisheries management organization meetings.³³⁹

236. Several responses noted support for or the implementation of new and emerging technologies to strengthen compliance, cooperation and enforcement schemes, including electronic schemes for monitoring, compliance and surveillance³⁴⁰ as well as reporting.³⁴¹ GFCM provided technical assistance to encourage contracting parties to utilize innovative tools, including electronic logbooks and winch sensors. The United Kingdom indicated that as a member of five regional fisheries management organizations and arrangements as well as CCAMLR, it promoted the use of innovation to advance compliance schemes. IATTC adopted a scheme for a minimum standard for port inspections, which entered into force on 1 January 2022.³⁴²

237. Some States and organizations reported on assistance provided to strengthen enforcement regimes and build enforcement capacity in developing States.³⁴³ Australia noted that it was delivering a monitoring, control and surveillance training programme in South-East Asia. FAO reported that it had developed a guidance document on monitoring, control and surveillance of deep-sea fisheries and had provided training on the implementation of monitoring, control and surveillance requirements to two regional organizations.

³³⁷ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC. See also CCAMLR brochure, p. 11, and www.ccsbt.org/index.php/en/content/monitoring-control-and-surveillance.

³³⁸ NAFO, NEAFC, NPFC.

³³⁹ Approaches to evaluate and strengthen RFMO compliance processes and performance – a toolkit and recommendations, available at <https://meetings.wcpfc.int/node/18217>.

³⁴⁰ European Union.

³⁴¹ NEAFC.

³⁴² IATTC Resolution C-21-07 (22 November 2021), available at www.iattc.org/getattachment/f68ac134-db13-4463-b4d6-fe7d902c987b/C-21-07PortStatemeasures.

³⁴³ Australia, Japan, FAO, GFCM.

Development of alternative mechanisms for compliance and enforcement in regional fisheries management organizations and arrangements

238. The Review Conference recognized, in 2006 and 2016, that the development within regional fisheries management organizations and arrangements of alternative mechanisms for compliance and enforcement in accordance with article 21 (15) of the Agreement, including other elements of a comprehensive monitoring, control and surveillance regime which effectively ensures compliance with the conservation and management measures adopted by the regional fisheries management organizations and arrangements, could facilitate accession to the Agreement by some States.

239. A number of States and a number of regional fisheries management organizations and arrangements shared initiatives to develop such alternative mechanisms.³⁴⁴ For example, Australia noted that it funded a subregional aerial surveillance service and launched information campaigns to communicate the potential dangers of working on fishing boats engaged in illegal, unreported and unregulated fishing. Canada indicated that it encouraged intelligence-led and risk-based decision-making by regional fisheries management organizations and arrangements. Chile reported that it shared data from its vessel monitoring systems with relevant regional fisheries management organizations and arrangements.

240. GFCM provided technical assistance to parties on the implementation of vessel monitoring systems, including the tailoring of technical specifications to specificities of national fleets. ICCAT highlighted its regional observer programmes. NPAFC actively cooperated with academia, non-governmental organizations and industries that were developing innovative technologies which could be helpful in combating illegal, unreported and unregulated fishing, including through workshops, symposiums and joint research. SIOFA indicated that it was considering the implementation of a vessel monitoring system in its area of application.

241. Several responses highlighted the role of high seas boarding and inspection schemes as an alternative means of compliance and enforcement.³⁴⁵ For example, Australia noted its joint operations with other States in the WCPFC area and its contribution to the development of harmonized schemes for boarding and inspection in the areas of several regional fisheries management organizations and arrangements. The European Union noted that it participated in several regional fisheries management organizations and arrangements that had adopted multilateral schemes of inspection.

Regulation of trans-shipment, supply and refuelling vessels

242. In 2016, the Review Conference recommended that States and regional fisheries management organizations and arrangements, to the extent possible, encourage trans-shipment to occur in port and adopt clear and stringent measures for monitoring and regulating any trans-shipment at sea. The Conference also recommended the development of measures to prevent trans-shipment operations involving vessels engaged in illegal, unreported and unregulated fishing and improve cooperation and coordination relating to trans-shipment at sea. It noted the work of FAO towards guidelines on trans-shipment.

243. Support was expressed for strong regulation of trans-shipment.³⁴⁶ Several States and the European Union provided examples of regulation they had adopted on trans-shipment, which included restricting trans-shipment activities to ports and

³⁴⁴ Australia, Canada, Chile, European Union, Mauritius, Saudi Arabia, GFCM, ICCAT, NAFO, NEAFC, NPAFC, SIOFA.

³⁴⁵ Australia, European Union, ICCAT, NAFO.

³⁴⁶ Australia, Canada, European Union, United Kingdom.

placing any trans-shipment at sea, whether in areas under national jurisdiction or on the high seas, under strict conditions.³⁴⁷ Australia noted that it participated in catch documentation schemes, while Mauritius stated that it had joined a regional observer programme. The European Union observed that it was negotiating a general prohibition on trans-shipment at sea on the high seas in the GFCM area of application. Japan noted that all its vessels had to comply with relevant regional fisheries management organization and arrangement measures on trans-shipment.

244. Several States and organizations noted that they had supported the development of the Voluntary Guidelines for Trans-shipment, which were adopted in 2022 under the auspices of FAO.³⁴⁸ The Voluntary Guidelines are aimed at providing assistance to States, regional fisheries management organizations and arrangements, as well as other organizations for their development of new trans-shipment regulations or review of existing regulations. The European Union indicated that it would provide funding to FAO in 2023 to support the implementation of the guidelines, in particular by developing countries.

245. Several regional fisheries management organizations and arrangements specified applicable regulations regarding trans-shipment in their areas of application,³⁴⁹ with some noting ongoing work aimed at strengthening measures to control such activity.³⁵⁰

Strengthening fisheries access agreements

246. In 2016, the Review Conference recommended that States strengthen fisheries access agreements for monitoring, control and surveillance as well as for compliance and enforcement, and encourage greater transparency regarding such agreements.

247. Japan, Mauritius, the Philippines and the United Kingdom provided examples of their practice regarding fisheries access agreements. Saudi Arabia indicated that it promoted such agreements through regional bodies and organizations. Australia and Chile indicated that they did not permit foreign vessels to fish in waters under their jurisdiction, and Canada only permitted such fishing activities under strict controls.

248. The European Union and GFCM noted the need to implement fisheries access agreements in a transparent and non-discriminatory manner. ICCAT stated that it reported annually on access arrangements. SIOFA indicated that it maintained a list of vessels authorized to fish in its Agreement area on its website. The FAO noted that it had recently mapped distant-water fisheries access arrangements.

Market-related measures

249. The Review Conference in 2016 recommended that States take measures, consistent with international law, to ensure that only fish that have been taken in accordance with applicable conservation and management measures reach their markets. It also recommended that States take steps consistent with national and international law to require those involved in fish trade to cooperate fully to this end. At the same time, it recommended that States recognize the importance of market

³⁴⁷ Australia, Canada, Chile, European Union, Togo, United Kingdom.

³⁴⁸ Canada, European Union, United Kingdom, FAO, NEAFC.

³⁴⁹ ICCAT, NAFO, NEAFC, NPAFC, NPFC, SPRFMO, WCPFC. See also CCAMLR brochure; <https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>; IOTC Resolution 22/02 on establishing a programme for trans-shipment by large-scale fishing vessels available at https://iotc.org/sites/default/files/documents/compliance/cmm/iotc_cmm_2202.pdf; and SEAFO, System of Observation, Inspection, Compliance and Enforcement (2019), available at www.seafo.org/media/cd9e3911-2a7f-4db4-ba17-e8a74ba12021/SEAFOweb/pdf/System/SEAFO%20SYSTEM%202019_.pdf.

³⁵⁰ GFCM, NPFC, SIOFA, WCPFC.

access for fishery products and fish caught in a manner in conformity with the applicable conservation and management measures. The Conference also recommended that States prevent illegally harvested fish or fish products from entering into commerce through the greater use and better coordination of catch documentation schemes and other market-related measures, strengthen law enforcement cooperation and facilitate the commerce in fish or fish products caught in a sustainable manner. It called for the timely finalization of FAO voluntary guidelines on catch documentation schemes and other market-related measures.

250. Several States provided examples of market-related measures that they had implemented, including catch verification, documentation or certification schemes and traceability systems.³⁵¹ Australia indicated that it was funding work with Pacific island countries to assist in the development of a regional traceability scheme for highly migratory species. Canada stated that it conducted inspections of seafood processing facilities and ensured the importation of lawful seafood products. Chile indicated that it was implementing a traceability system to determine the legal origin and destination of fish products in addition to its capture documentation systems implemented to comply with requirements imposed by the European Union and the United States. Japan highlighted its market-related measures around tuna and tuna products, as well as its new regulations on catch certification for its domestic market and for imports. The United Kingdom noted that it only allowed the import of fish from third States after prior authorization.

251. The European Union reiterated its support for the introduction of global catch certificates, the improvement of catch documentation schemes under regional fisheries management organizations and arrangements and the introduction of certification schemes thereunder.

252. FAO reported that following the adoption in 2017 of the Voluntary Guidelines for Catch Documentation Schemes, in 2022 it published a handbook on understanding and implementing such schemes to guide national authorities. It also continued to support national processes for the effective implementation of catch documentation schemes and published a report on the use of catch documentation schemes for deep-sea fisheries in areas beyond national jurisdiction.³⁵²

253. Several regional fisheries management organizations and arrangements reported on their work regarding market-related measures.³⁵³ While CCAMLR had market-related measures in place, a 2017 performance review noted that such measures could be strengthened.³⁵⁴ ICCAT reported a catch documentation scheme for bluefin tuna and statistical document programmes for swordfish and bigeye tuna. GFCM reported that it was working on catch documentation schemes for red coral and turbot, among other species.³⁵⁵ SIOFA adopted a port inspection scheme in 2020 that requires parties to designate the port of entry for foreign vessels and ensure sufficient capacity to conduct inspections. CCSBT was exploring the use of an electronic catch documentation scheme to facilitate compliance by members, while

³⁵¹ Australia, Canada, Chile, European Union, Mauritius, Philippines, Togo, United Kingdom.

³⁵² Gilles Hosch, *Catch Documentation Schemes for Deep-sea Fisheries in the ABNJ – Their Value, and Options for Implementation*, FAO Fisheries and Aquaculture Technical Paper No. 629 (Rome, FAO, 2018).

³⁵³ GFCM, ICCAT, SIOFA. See also Second CCAMLR Performance Review, para. 52, available at <https://www.ccamlr.org/en/organisation/second-ccamlr-performance-review>, and the 2021 CCSBT Performance Review, available at https://www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf.

³⁵⁴ Second CCAMLR Performance Review, para. 52.

³⁵⁵ European Union, GFCM.

drawing attention to the need to communicate with non-members to track southern bluefin tuna products in their markets.³⁵⁶

254. Some regional fisheries management organizations and arrangements noted that while they had the ability to adopt market-related measures, no such measures had yet been taken.³⁵⁷ NEAFC specified that such measures had not been necessary given the success in combating illegal, unreported and unregulated fishing.

Participation in and support of the International Monitoring, Control and Surveillance Network for Fisheries-Related Activities

255. In 2016, the Review Conference recommended that States join the International Monitoring, Control and Surveillance Network for Fisheries-Related Activities and share information and practices that would strengthen the enforcement of fisheries conservation and management measures, as well as support the enhancement of the Network, including through the provision of funding.

256. Several States noted their active participation in the Network.³⁵⁸ Canada indicated that it had funded virtual forums and was planning to host the first post-pandemic conference of the Network, in 2023 in Halifax. Saudi Arabia expressed its intention to join efforts to combat illegal, unreported and unregulated fishing and requested capacity-building assistance in this regard.

257. While some regional fisheries management organizations and arrangements indicated that they were members of the Network,³⁵⁹ others noted that they were considering joining.³⁶⁰ Several organizations indicated that they cooperated with the Network on the exchange of information regarding illegal, unreported and unregulated vessel lists.³⁶¹ NPAFC and SPRFMO noted their participation in the Pan-Pacific Fisheries Compliance Network. ICCAT stated that it had participated in the Tuna Compliance Network. WCPFC noted that the International Monitoring, Control and Surveillance Network for Fisheries-Related Activities had applied for observer status in WCPFC.

258. Some respondents further noted participation in relevant regional networks.³⁶² For example, the European Union observed that it participated in the Ecofish Regional Fisheries Surveillance Plan. Togo noted that it engaged in patrols and information-sharing on illegal, unreported and unregulated fishing in the context of the Fisheries Committee for the West Central Gulf of Guinea (FCWC).

Participation in the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and cooperation on the development of a global record of fishing vessels

259. In 2016, the Review Conference recommended the promotion of the universal acceptance of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; cooperation with FAO to develop a comprehensive global record of fishing vessels, refrigerated transport vessels and supply vessels; and that efforts be expedited through FAO, in

³⁵⁶ See the 2021 CCSBT Performance Review, available at https://www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf.

³⁵⁷ NEAFC, NPAFC, NPFC.

³⁵⁸ Australia, Canada, Chile, United Kingdom.

³⁵⁹ See <https://imcsnet.org/membership/network-members/>. Members include CCAMLR, CCSBT, NEAFC and SPRFMO.

³⁶⁰ NAFO, NPFC.

³⁶¹ GFCM, NAFO, NEAFC, SIOFA.

³⁶² Chile, European Union, Togo.

cooperation with IMO, to create a unique vessel identifier system. The Review Conference also stressed the need for further cooperation among regional fisheries management organizations and arrangements, including for the preparation of the Consolidated List of Authorized Vessels and the List of Vessels Presumed to Have Carried out Illegal, Unreported and Unregulated Fishing Activities.

260. Some States³⁶³ noted their support for and participation in the Compliance Agreement, which as of 1 November 2022 had 45 parties. A report on the implementation of the Agreement, funded by the European Union, noted that the Agreement suffered from low participation and implementation rates and found that some of its provisions had been overtaken by developments, including in relation to later agreements and the establishment of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.³⁶⁴

261. FAO reported that a second version of the Global Record, originally launched in 2017, was released in 2022. As of November 2022, it included 40 per cent of the global eligible fleet (vessels with IMO ship identification numbers), with contributions from 66 FAO members. FAO also established a help desk to support its members in uploading vessel data. Several States confirmed that they had provided information on their vessels to the Global Record³⁶⁵ as well as to relevant regional fisheries management organizations and arrangements.³⁶⁶

262. Australia expressed its support for extending the voluntary IMO Ship Identification Number Scheme to cover fishing vessels of 100 gross tonnage and above. The European Union confirmed that as of 1 January 2016, an IMO ship identification number was mandatory for all vessels operating in European Union waters and for all European Union vessels or fishing vessels longer than 15 metres in length controlled by European Union operators and operating under a chartering arrangement outside European Union waters.

263. Several regional fisheries management organizations and arrangements noted their participation in regional or sectoral vessel listing initiatives as well as the sharing of information across such organizations and arrangements.³⁶⁷ For example, CCAMLR established vessel lists based on available information, including sighting reports from its members, for contracting parties and for non-contracting parties.³⁶⁸ NPAFC did not maintain vessel listings. Australia highlighted its efforts to ensure the harmonization of vessel data in the regional fisheries management organizations and arrangements to which it was a party.

2. Conclusions

264. While the number of responses makes it difficult to draw firm conclusions, it would appear that progress has been made by States and regional fisheries management organizations and arrangements in implementing the recommendations relating to monitoring, control and surveillance. Contributions suggest that significant progress is being made in strengthening the capacity of flag States to exercise effective control over vessels flying their flag, at the domestic and regional levels. Some action has also been taken to strengthen existing measures to control the fishing activities of nationals.

³⁶³ Australia, Canada, European Union, Japan.

³⁶⁴ FAO Committee on Fisheries, *Study on the Implementation of the 1993 FAO Compliance Agreement* (FAO, 2022). Available at www.fao.org/3/cc1871en/cc1871en.pdf.

³⁶⁵ Canada, Chile, Philippines.

³⁶⁶ Philippines.

³⁶⁷ ICCAT, NEAFC, NPFC, SIOFA. See also www.ccamlr.org/en/compliance/iuu.

³⁶⁸ See www.ccamlr.org/en/compliance/iuu.

265. On the basis of the responses submitted, it seems that regional fisheries management organizations and arrangements have made some advancements in the implementation of vessel monitoring systems and compliance assessment mechanisms, in line with the recommendations of the 2016 Review Conference. Progress appears also to have been made with regard to vessel cross-listing, although WCPFC observed that this posed an additional burden on small fisheries administrations, for example in small island developing States. The responses submitted also indicate efforts to reach beyond traditional mechanisms for compliance and enforcement, including through the use of communication campaigns and the involvement of diverse stakeholders.

266. The adoption of the Voluntary Guidelines for Trans-shipment signified an important step forward in addressing issues of trans-shipment. Based on the responses submitted, it also appears that States and regional fisheries management organizations and arrangements continue to strengthen market-related measures to prevent illegally caught fish from entering commerce, in particular through the implementation of traceability systems and catch documentation schemes. The adoption of the FAO Voluntary Guidelines for Catch Documentation Schemes appears to have marked a milestone in this regard. Ongoing efforts could be further strengthened through capacity-building measures to assist developing countries in implementing such schemes and other market-related measures.

267. While the Compliance Agreement still enjoyed support by some States, it continued to suffer from low levels of accession and implementation. Alternative compliance measures such as the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, however, resulted in marked progress being made on the sharing of vessel data.

D. Developing States and non-parties to the Agreement

268. Part VII of the Agreement addresses the requirements of developing States, including recognition of the special requirements of developing States, forms of cooperation with developing States and special assistance to them in the implementation of the Agreement. The Agreement also contains provisions regarding the encouragement of non-parties to become parties and the deterrence of activities by vessels flying the flag of non-parties which undermine the effective implementation of the Agreement, as well as non-members of, and non-participants to regional fisheries management organizations and arrangements. In 2016, the Review Conference adopted recommendations aimed at improving the implementation of these provisions. It also called for the promotion of wider participation in the Agreement among non-parties.

1. Measures taken at the national and international levels

Enhancing the participation of developing States in high seas fisheries

269. In 2016, the Review Conference adopted recommendations aimed at enhancing the participation of developing States in regional fisheries management organizations and arrangements as well as facilitating their access to and greater participation in high seas fisheries. It also recommended the creation of mechanisms to assist developing States within regional fisheries management organizations and arrangements. It further recommended that concrete measures be taken to enhance the ability of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks.

270. The importance of the participation of developing States in regional fisheries management organizations and arrangements and other treaty arrangements was highlighted by some States,³⁶⁹ and some developing States highlighted their participation.³⁷⁰

271. Some measures were taken by States to facilitate the participation of developing States in the work of regional fisheries management organizations and arrangements, including financial contributions.³⁷¹ Australia worked to ensure that measures adopted by regional fisheries management organizations and arrangements, including those relating to access and allocation, took into account the rights and aspirations of developing States, and genuinely considered potential impacts on them.

272. Several regional fisheries management organizations and arrangements have also taken measures to enhance the participation of developing States in their work, including by providing assistance in strengthening national and regional regulatory fisheries policies,³⁷² inviting non-members to observe meetings,³⁷³ and promoting dialogue with non-members.³⁷⁴ SPRFMO sends coastal States and States with an interest in its fisheries annual invitations to join as members. Furthermore, some regional fisheries management organizations and arrangements have established dedicated funds to promote inclusiveness in decision-making by facilitating the participation of developing States in meetings.³⁷⁵ For example, CCSBT established a special meeting participation fund aimed at supporting scientists and representatives from its developing States members to participate in its scientific meetings.³⁷⁶

273. Several States and a regional fisheries management organization reported on specific measures to facilitate the fisheries of developing States, including training and the provision of vessels and equipment.³⁷⁷

Strengthening the capacity of developing States

274. In 2016, the Review Conference recommended building the capacity of developing States to participate in high seas fisheries, including by the mainstreaming of strategies to assist developing States in doing so. The Review Conference also recommended cooperating with developing States to strengthen national and regional fisheries management, promoting coherence in the provision of capacity-building assistance and ensuring that the compilation of available sources of funding for developing States is kept readily available and up to date. It also recommended the identification of challenges to building the capacity of developing States to implement the Agreement.

275. Several States reported on activities that build the capacity of developing States to participate in high seas fisheries.³⁷⁸ Canada made voluntary contributions to the special requirement fund of WCPFC to help build fisheries capacity for developing State members. Australia provided support through regional fisheries management organizations and arrangements to ensure all Pacific island countries benefited from

³⁶⁹ Australia, Saudi Arabia.

³⁷⁰ Chile, Philippines, Togo.

³⁷¹ Australia, European Union, Japan, United Kingdom.

³⁷² GFCM, NEAFC.

³⁷³ NPAFC.

³⁷⁴ NPAFC.

³⁷⁵ GFCM, ICCAT, SPRFMO, WCPFC; see CCSBT, “Resolution on the establishment of a meeting participation fund for developing States of CCSBT members” (2022).

³⁷⁶ See CCSBT, “Resolution on the establishment of a meeting participation fund for developing States of CCSBT members” (2022).

³⁷⁷ Australia, European Union, Japan, WCPFC.

³⁷⁸ Australia, Canada, European Union, Japan.

the sustainable use of tuna and for fisheries to continue to operate during the COVID-19 pandemic. The European Union contributed funds to the development of the blue economy in developing countries, including to projects that supported the sustainable development of fisheries and aquaculture.

276. Some regional fisheries management organizations and arrangements reported mainstreaming strategies to assist developing States in participating in high seas fisheries.³⁷⁹ The strategic investment plan of WCPFC is updated annually and targets investment to address priority needs as identified by developing States, including effective participation. It also sets out thematic capacity development needs and funding sources, including an annual budget line for regional capacity-building workshops. GFCM reported that almost all of its projects and programmes include capacity-building for member States.

277. Several States reported providing support for developing States and cooperating with them to strengthen national and regional fisheries management.³⁸⁰ The European Union has been promoting ocean governance in developing countries, including reinforcement of their scientific, administrative and technical capacity for fisheries management and control and regular funding of FAO capacity-building and technical assistance.

278. Australia reported regularly providing capacity development to developing States through bilateral and multilateral arrangements, including with the Pacific Islands Forum Fisheries Agency (FFA), to strengthen fisheries management in the Pacific. Canada also provided technical assistance to a number of developing States through FFA to help build capacity for monitoring and surveillance. The United Kingdom noted its support to developing States in strengthening their fisheries management to deliver sustainable stocks and healthy marine ecosystems, provide inclusive livelihoods and reduce overfishing through its Blue Planet Fund. Spain had 22 memorandums of understanding on capacity-building with countries in Africa and Latin America.

279. Some regional fisheries management organizations and arrangements also reported providing support to developing States and cooperating with them to strengthen national and regional fisheries management.³⁸¹ GFCM provided assistance, including through bilateral consultations, to strengthen the capacities of national research institutions, including in the field of data collection, stock assessment and fisheries management. While it had no developing State members, NEAFC contributed to capacity-building in other regions by sharing its expertise and experience, both in direct cooperation and through FAO. SIOFA provided financial assistance, human resource development, technical assistance and technology transfer to developing States bordering the SIOFA area, as well as enabling their participation in its various committees. SEAFO operated its voluntary special requirements fund, which is used to support capacity-building for developing States' delegates.³⁸² IOTC implemented a capacity-building programme to improve the compliance of developing States with its conservation and management measures from January 2018 to June 2020.³⁸³

³⁷⁹ GFCM, WCPFC.

³⁸⁰ Australia, Canada, European Union, United Kingdom

³⁸¹ GFCM, NEAFC, SIOFA.

³⁸² See www.seafo.org/media/eb315a44-80a4-4ab6-9f59-70c2c4a0f16f/SEAFOweb/pdf/SCAF/open/eng/SpecialRequirementsFund_pdf.

³⁸³ See <https://iotc.org/projects/improving-developing-countries-compliance-iotc-conservation-and-management-measures>.

280. Several States reported providing assistance to developing States in the fight against illegal, unreported and unregulated fishing.³⁸⁴

281. FAO reported providing legal assistance to a number of States for the implementation of the Agreement and other related international fisheries instruments, including for national policy and legislation development. In 2017, to support the implementation of international fisheries instruments, it launched the Global Programme, which has thus far provided technical assistance and training to a total of 48 developing States. It also supported the development and implementation of related global information exchange tools. FAO has also been working to build capacity in relation to the safety of fisheries.

282. The compilation of sources of available assistance for developing States and the needs of developing States for capacity-building and assistance in the conservation and management of straddling fish stocks and highly migratory fish stocks was last updated in 2009.³⁸⁵ No subsequent request for updates was made by the General Assembly.

Strengthening capacity-building mechanisms and programmes, including the Assistance Fund under Part VII of the Agreement

283. Part VII of the Agreement requires States parties to recognize the special requirements of developing States, cooperate with developing States and provide special assistance in the implementation of the Agreement. In 2006, 2010 and 2016, the Review Conference recommended that States contribute to the Assistance Fund and other mechanisms to assist developing States with the implementation of the Agreement. In 2016, the Review Conference recommended that State contributions to the Assistance Fund support targeted areas. It also invited the FAO and the Division for Ocean Affairs and the Law of the Sea to further publicize the availability of assistance through the Assistance Fund, solicit the views of developing States parties and consider changes aimed at improving the process. The Review Conference further recommended that States collectively, through their regional fisheries management organizations and arrangements, establish a link to the Assistance Fund home page on the websites of those organizations and arrangements.

284. The Assistance Fund under Part VII of the Agreement, administered jointly by the Division and FAO, plays an important role in facilitating the participation in and the effective implementation of the Agreement by developing States. However, owing to a lack of recent contributions, the Assistance Fund has been effectively depleted for a number of years. The Division has made repeated appeals for contributions and has also sought to publicize the Assistance Fund, including through its new capacity-building website.³⁸⁶ With FAO, the Division continues to draw attention to the Fund directly with States at intergovernmental meetings and through the Regional Fishery Body Secretariats Network. Although none of the regional fisheries management organizations and arrangements reported establishing a link to the Assistance Fund home page on their websites, the link appears on the websites of some, albeit not in a prominent position.³⁸⁷

285. Following the Review Conference, FAO and the Division undertook a review of the terms of reference of the Assistance Fund under Part VII of the Agreement, which resulted in the terms of reference being revised at the fourteenth round of informal consultations of States parties to the Agreement, with the aim of improving

³⁸⁴ Australia, Canada, European Union, Japan.

³⁸⁵ See www.un.org/Depts/los/convention_agreements/fishstocksmmeetings/compilation2009updated.pdf.

³⁸⁶ See <https://www.un.org/oceancapacity/>.

³⁸⁷ See www.ccsbt.org/en/content/links and www.sprfmo.int/cooperation/other-organisations/.

the functioning of the Assistance Fund, from contributions to applications and awards. Within the framework of the revised terms of reference, the European Union funded a project to increase awareness and implementation of, and participation in, the Agreement; the project is being implemented by FAO and the Division.³⁸⁸

286. Some regional fisheries management organizations and arrangements reported providing relevant assistance to developing States.³⁸⁹ SEAFO conducted training for port inspectors in South Africa and Namibia on its port inspection procedures. CCSBT had specifically earmarked funds within its budget for assistance to developing States, but that practice ceased in 2016 because those funds were largely unused.³⁹⁰ IOTC established a specific capacity-building fund in 2016 that for the first five years focused on, inter alia, improving data collection among developing State members and developing capacity in the implementation of management measures.³⁹¹

287. Several States reported on efforts to strengthen capacity-building mechanisms and programmes.³⁹² The European Union continued its support of capacity-building mechanisms in regional fisheries management organizations and arrangements, such as the general science capacity fund of CCAMLR. It also provided targeted funding through sustainable fisheries partnership agreements that contributed to most of the priority areas that the Review Conference had requested be targeted by the Assistance Fund. Australia reported its support for several capacity-building mechanisms and programmes through FFA, including by providing legal and operational support to address illegal, unreported and unregulated fishing, funding the implementation of the regional monitoring, control and surveillance strategy of FFA and providing assets to enhance developing country capacity for the protection and surveillance of their resources.

Avoiding adverse impacts on, and ensuring access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, in addition to Indigenous Peoples in developing States

288. In 2010 and 2016, the Review Conference recommended avoiding adverse impacts on vulnerable groups when establishing conservation and management measures and ensuring that these groups had access to fisheries. In 2016, it also encouraged States to implement the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, as appropriate, while ensuring that important management principles are respected, such as maximum sustainable yield management, ecosystem and precautionary approaches, and science-based management.

289. The importance of artisanal and small-scale fisheries in developing States was highlighted by some States³⁹³ and several States reported on measures taken to avoid adverse impacts on subsistence, small-scale and artisanal fishers and women fishworkers, in addition to Indigenous Peoples in developing States, and ensure their access to fisheries.³⁹⁴

290. Australia continued to provide access to its waters to traditional small-scale fishers through a memorandum of understanding concluded with Indonesia. It reported

³⁸⁸ See the website of the Division: www.un.org/oceancapacity/UNFSAproject.

³⁸⁹ CCSBT; see also response from SEAFO regarding General Assembly resolutions 64/72, 66/68 and 71/123, available at www.un.org/Depts/los/bfw/SEAFO__2022.pdf.

³⁹⁰ See the 2021 CCSBT Performance Review, para. 128, available at https://www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf.

³⁹¹ See <https://faolex.fao.org/docs/pdf/mul165153.pdf>.

³⁹² Australia, European Union.

³⁹³ Australia, Chile, Japan, Philippines, Togo.

³⁹⁴ Australia, Chile, European Union, Japan, Philippines, Saudi Arabia, Togo, United Kingdom.

scaling up support for community-based fisheries management and aquaculture assistance to enhance food security and nutrition and improve livelihoods in Kiribati, Solomon Islands and Vanuatu. Australia also noted that it was extending the framework across the region.

291. The Philippines reported that its Constitution and Amended Fisheries Code provide priority and preferential use of fishing resources to small-scale fisheries. Togo indicated that its law regulating fisheries and aquaculture provides for the recognition of artisanal fishing. Saudi Arabia noted that it encouraged rural development for subsistence fishers and along the value chain. In Chile, certain fishing quotas and exclusive operating areas are reserved, by law, to the artisanal sector, and certain coastal marine spaces are set aside for Indigenous Peoples. Bilateral agreements between the European Union and coastal States contain provisions to avoid any interference by the long-distance fishing fleet of the European Union with small-scale and artisanal fishing activities. The European Union also reported directly supporting small-scale fishers, including by providing training, equipment and funding.

292. FAO undertook a large number of activities to implement its Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, as well as to support efforts to avoid adverse impacts on subsistence, small-scale and artisanal fishers and women fishworkers, as well as Indigenous Peoples in developing States, and to ensure their access to fisheries. These activities included leading the International Year of Artisanal Fisheries and Aquaculture in 2022 and supporting States in achieving and reporting on Sustainable Development Goal indicator 14.b.1.

293. Some regional fisheries management organizations and arrangements also reported on measures with respect to subsistence, small-scale and artisanal fishers and fishworkers.³⁹⁵ WCPFC provided examples of measures designed to avoid adverse impacts on subsistence, small-scale and artisanal fishers and fishworkers and ensure their access to fisheries.³⁹⁶ SPRFMO indicated that it had modified its measures to support artisanal fishing, in particular regarding its lists of authorized vessels. Artisanal fishing vessels from coastal developing States of no more than 15 metres in length were exempt from providing otherwise required information until 1 January 2026.³⁹⁷ GFCM noted that it actively promoted the inclusion and strengthening of small-scale and artisanal fishers and women fishworkers and indicated that it took concerted action to promote the sustainability of small-scale fisheries in the Mediterranean and Black Sea.

Avoiding the transfer of a disproportionate burden of conservation action onto developing States

294. In 2016, the Review Conference recommended further developing and implementing the common understanding of the concept of “disproportionate burden”, including by better defining the concept quantitatively and qualitatively.

295. Australia indicated recognizing the need to ensure that measures foreseen in article 24 of the Agreement do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States. Japan and Saudi Arabia noted making efforts to avoid such effects, including when measures were being adopted at regional fisheries management organizations.

³⁹⁵ GFCM, SPRFMO, WCPFC.

³⁹⁶ See, e.g. the WCPFC measure on the conservation and management of bigeye, yellowfin and skipjack tuna (CMM 2021-01).

³⁹⁷ See the SPRFMO measures on the establishment of the commission record of vessels authorized to fish in the convention area (CMM 05-2022).

296. The European Union reported that it had actively promoted the participative approach, the culture of ownership and the mitigation of any eventual burden from conservation actions within the GFCM, in particular through technical assistance. It also indicated taking into account the socioeconomic impacts of fisheries in the establishment of its multi-year plans for fisheries.

297. Several regional fisheries management organizations and arrangements reported that the need to avoid such transfer is embedded in their decision-making and conservation and management measures.³⁹⁸ However, ICCAT indicated that no definition of the concept of “disproportionate burden” had been developed.

Activities to promote wider participation in the Agreement

298. In 2006, 2010 and 2016, the Review Conference adopted recommendations calling upon States with an interest in fisheries for straddling fish stocks and highly migratory fish stocks to become parties to the Agreement, in particular those that are already members of or participants in regional fisheries management organizations and agreements. It also recommended disseminating information on the Agreement, including the potential benefits of the Agreement to non-parties. Furthermore, the Review Conference recommended exchanging ideas on ways to promote further ratifications and addressing concerns that impede such ratifications through a continuing dialogue with non-parties.

299. Several States emphasized the importance they attached to the conservation and management of straddling fish stocks and highly migratory fish stocks and indicated that they were encouraging others to become parties to the Agreement³⁹⁹ using bilateral or multilateral channels, including through regional fisheries management organizations and arrangements. In addition, one State expressed its intention to become a party to the Agreement⁴⁰⁰ and another reported that it had recently become party to it.⁴⁰¹ The United States hosted the “Our Ocean” Conference in 2016 and co-hosted the Conference with Palau in 2022 as an international, multidisciplinary conference to draw attention to pressing international oceans and fisheries issues.

300. SIOFA and SPRFMO reported that they disseminated information relevant to the Agreement, including through their websites. Active participation in the Review Conference and in the informal consultations of States parties to the Agreement were presented as actions aimed at promoting the Agreement.⁴⁰²

301. Reference was made to the intergovernmental consultation on regional cooperation for sustainable fisheries and aquaculture in the Red Sea and Gulf of Aden, in particular to the ongoing discussions on the establishment of a regional fisheries management body in the area, considering that most of the States therein are not yet parties to the Agreement.⁴⁰³

2. Conclusions

302. The overall effectiveness of the Agreement continues to depend on broad participation in this instrument and its effective implementation, together with participation in the work of regional fisheries management organizations and arrangements that implement its provisions. Assistance to developing States and

³⁹⁸ ICCAT, SPRFMO, WCPFC.

³⁹⁹ Australia, Canada, Japan, Philippines.

⁴⁰⁰ Saudi Arabia.

⁴⁰¹ Togo.

⁴⁰² Philippines, NEAFC, SPRFMO.

⁴⁰³ Saudi Arabia, FAO.

cooperation with them are necessary to promote their adherence to its provisions and their effective implementation.⁴⁰⁴ The realization of the recommendations of the Review Conference relating to developing States and non-parties therefore remains vital to the success of the Agreement. While significant, it appears that progress made by States and regional fisheries management organizations and arrangements remains uneven and that some recommendations are not being implemented.

303. While it appears that some progress has been made, more needs to be done to mainstream capacity-building measures to assist developing States in participating in high seas fisheries. A lack of capacity among developing States also continues to be a challenge to their implementation of the Agreement; therefore, the identification of challenges to building the capacity of developing States needs to be prioritized.

304. Important measures continue to be put into place to strengthen capacity-building mechanisms and programmes; however, the current level of funding for capacity-building initiatives, in particular the Assistance Fund under Part VII of the Agreement, remains insufficient and irregular. There remains a critical need for sustained voluntary contributions to the Assistance Fund in order to maintain its availability and effectiveness.

305. The overall scope and level of assistance provided to developing States should be sufficient to promote the effective implementation of all aspects of the Agreement, consistent with Part VII of the Agreement. A wide range of assistance is being provided to developing States, in particular small island developing States, through a variety of channels that consider the specific characteristics and needs of those States. Nevertheless, it is worth noting that recommendations of the Review Conference related to the necessity to avoid adverse impacts on subsistence, small-scale and artisanal fishers and women fishworkers as well as Indigenous Peoples in developing States; ensure their access to fisheries; and avoid the transfer of a disproportionate burden of conservation action onto developing States do not appear to have been widely implemented.

306. The General Assembly has repeatedly called upon States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement. While 10 additional States have become parties to the Agreement since 2016, substantial additional efforts by States, regional fisheries management organizations and arrangements and other stakeholders continue to be needed to achieve that goal. Encouraging non-parties to become parties to the Agreement necessarily involves identifying the reasons that impede further ratifications and the role of regional fisheries management organizations and arrangements.

IV. General conclusions

307. Some 28 years after its adoption, the Agreement remains a fundamental building block of the international legal framework for the conservation and management of marine living resources. Building on the provisions of the Convention, it provides a framework for enhanced cooperation to conserve and manage some of the world's most commercially significant high seas fish stocks, including through regional fisheries management organizations and arrangements.

⁴⁰⁴ The General Assembly has called upon States to promote, through continuing dialogue and the assistance and cooperation provided in accordance with articles 24 to 26 of the Agreement, further ratifications of or accessions to the Agreement by seeking to address, among other things, the issue of lack of capacity and resources that might stand in the way of developing States becoming parties.

308. The Agreement sets out ambitious minimum standards for the functions and performance of regional fisheries management organizations and arrangements and defines the rights and obligations of coastal States, flag States and port States for the conservation and management of covered stocks. Its implementation requires States and regional fisheries management organizations and arrangements to put in place effective measures to ensure the long-term conservation and sustainable management of straddling fish stocks and highly migratory fish stocks. The Agreement also requires that these measures incorporate modern approaches, such as an ecosystem approach and the precautionary approach, which also support the health and resilience of the marine ecosystems that the fisheries rely on.

309. The full and effective implementation of the Agreement thus remains critical to achieving the long-term sustainability of straddling fish stocks and highly migratory fish stocks as well as to meeting global goals and commitments, including those reflected in the 2030 Agenda. While the COVID-19 pandemic and other factors resulted in challenges and delays for States and regional fisheries management organizations and arrangements in the implementation of the Agreement over the course of the period under review,⁴⁰⁵ the emerging of a “new normal” provides rich opportunities for strengthening collaboration on fisheries management under the aegis of the Agreement and related instruments.

310. Over the past seven years, States and regional fisheries management organizations and arrangements have made considerable progress in implementing the recommendations adopted by the Review Conference in 2016. While the limited responses from States to the questionnaire do not enable a complete analysis of progress achieved, it appears from the responses received that the overall level of implementation has improved, albeit unevenly. The implementation of some recommendations has progressed more swiftly than others, and some States and regional fisheries management organizations and arrangements have proceeded more expeditiously than others.

311. In particular, progress seems to have been achieved in the holding of performance reviews by many regional fisheries management organizations and arrangements, which have in some cases led to their improved functioning, the strengthening of measures and increased transparency. There have also been efforts to improve the integration of precautionary and ecosystems approaches into fisheries management. The entry into force and rapid growth of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing has strengthened the implementation of port State measures. The adoption of guidance by FAO on trans-shipment, catch documentation schemes and the marking of fishing gear has also contributed to improving cooperation and implementation in these respective fields. There has also been a notable increase in cooperation among regional fisheries management organizations and arrangements and with other organizations, including through mechanisms such as the Regional Fishery Body Secretariats Network and the Sustainable Ocean Initiative as well as through the topical discussions at the informal consultations of States parties to the Agreement. Moreover, the adoption of the WTO Agreement on Fisheries Subsidies, while not yet in force, is an important achievement that promises to reduce harmful subsidies while also improving transparency in the fisheries sector. All efforts should be made to bring the Agreement on Fisheries Subsidies into force as early as possible, with a view to effectively

⁴⁰⁵ FAO, *The Impact of COVID-19 on Fisheries and Aquaculture – A Global Assessment from the Perspective of Regional Fishery Bodies: Second assessment – November 2020* (Rome, 2021).

eliminating those subsidies which are most harmful to the sustainability of fish stocks and to complete negotiations on outstanding issues within the framework of WTO.

312. In other areas, the progress made has been less marked. For example, there continue to be coverage gaps in some regions and for some stocks. The introduction of science-based measures is complicated by the lack of scientific knowledge and data regarding numerous species, including associated and dependent species, as well as in some cases, a disconnect between scientific bodies and management bodies. Illegal, unreported and unregulated fishing continues to have detrimental impacts on fish stocks, despite efforts to strengthen monitoring, control and enforcement. While increased attention has been given to addressing climate change and other stressors to the marine environment that have an impact on fisheries, the scope and depth of such attention could be reinforced. Little information was received regarding concerted assistance provided to developing States to strengthen their capacity to participate in fisheries for straddling fish stocks and highly migratory fish stocks, nor was progress reported in addressing fishing allocation issues. Moreover, despite progress made on the revision of the terms of reference of the Assistance Fund under Part VII of the Agreement and the establishment of a significant capacity-building project under the terms of reference, the Fund remains depleted and unable to dispense assistance for the purposes set out in its terms of reference.

313. Despite the action taken to strengthen implementation of the Agreement, the overall status of straddling fish stocks and highly migratory fish stocks has continued to decline in line with the general global trend. While there have been improvements in some regions and for some stocks, there is a need to continue to reinforce measures and ensure that they are fully and uniformly implemented. In the light of the triple planetary crisis that the international community is facing with climate change, biodiversity loss and pollution, there is an increasing urgency to build up the health and resilience of marine ecosystems, including those that sustain the world's fisheries.

314. The Review Conference on the Agreement provides a meaningful opportunity to review and assess the adequacy of the provisions of the Agreement and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions in order to better address any continuing problems in the conservation and management of straddling fish stocks and highly migratory fish stocks. The recommendations adopted in 2006, 2010 and 2016 have played a vital role in strengthening the implementation of the Agreement by setting out a road map for further progress by States and regional fisheries management organizations and arrangements, with specific steps to be taken. These recommendations have spurred action at the global, regional and national levels, including through the General Assembly and its annual resolutions on sustainable fisheries. The resumption of the Review Conference provides a further opportunity for States and other stakeholders to guide and improve the implementation of the Agreement and to evaluate the need to refine and expand on the current recommendations.