
**Advance and unedited reporting material for 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
(New York, 23-27 May 2016)**

(English only)

Summary

The present report has been prepared in response to the request made to the Secretary-General, in paragraph 41 of General Assembly resolution 69/109, 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 (the Agreement) an updated comprehensive report, prepared in cooperation with the Food and Agriculture Organization of the United Nations (FAO), to assist the Conference in discharging its mandate under article 36, paragraph 2, of the Agreement. It 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 March 2015. The report provides an update of information contained in the reports of the Secretary-General to the Review Conference in 2006¹ and 2010.²

¹ A/CONF.210/2006/1.

² A/CONF.210/2010/1.

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Table of Abbreviations

APFIC	Asia-Pacific Fisheries Commission
APEC	Asia-Pacific Economic Cooperation
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
EAF	Ecosystem approach to fisheries
EEZ	Exclusive economic zone
EMFF	European Maritime and Fisheries Fund
FAO	Food and Agriculture Organization of the United Nations
FFA	Pacific Islands Forum Fisheries Agency
FIRMS	FAO Fishery Resources Monitoring System
GEF	Global Environment Facility
GFCM	General Fisheries Commission for the Mediterranean
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
IMCS Network	International Monitoring, Control and Surveillance Network
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
IPOA	International Plan of Action
ISC	International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean
IUU Fishing	Illegal, unreported and unregulated fishing
MCS	Monitoring, control and surveillance
NAFO	Northwest Atlantic Fisheries Organization
NASCO	North Atlantic Salmon Conservation Organization
NEAFC	North East Atlantic Fisheries Commission
NPAFC	North Pacific Anadromous Fish Commission
OSPESCA	Central American Fisheries and Aquaculture Organization

PICES	North Pacific Marine Science Organization
PSM Agreement	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
RECOFI	Regional Commission for Fisheries
RFMO/A	Regional fisheries management organization and arrangement
SADC	Southern African Development Community
SEAFDEC	Southeast Asian Fisheries Development Center
SEAFO	South East Atlantic Fisheries Organization
SIOFA	South Indian Ocean Fisheries Agreement
SIDS	Small island developing States
SPC	Secretariat of the Pacific Community
SPRFMO	South Pacific Regional Fisheries Management Organisation
SSF Guidelines	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
SWIOFC	Southwest Indian Ocean Fisheries Commission
TAC	Total allowable catch
VME	Vulnerable marine ecosystems
VMS	Vessel monitoring system
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 Agreement), the Review Conference was convened from 22 to 26 May 2006.³ It was then resumed from 24 to 28 May 2010.⁴ Following the tenth round of informal consultations of States Parties to the Agreement in March 2014, the General Assembly, in resolution 70/75, requested the Secretary-General to resume the Review Conference again, from 23 to 27 May 2016. The present updated report is submitted to the resumed Review Conference pursuant to the request contained in the General Assembly resolution 69/109 with a view to assisting the Conference in discharging its mandate.

2. The resumption of the Review Conference comes at a pivotal moment for global fisheries. The First Global Integrated Marine Assessment⁵ painted a disturbing picture of the current state of the marine environment, including the state of the world's fisheries. It indicated that the world's ocean was facing major pressures simultaneously with such great impacts that the limits of its carrying capacity were being, (or, in some cases, had been) reached. The sustainability and productivity of global capture fisheries continued to suffer the impacts of overfishing and, in some cases, poor management, as the demand for fish and fish products continued to rise, particularly in light of their important contribution to food security and nutrition. Moreover, fisheries were increasingly impacted by ecosystem degradation and biodiversity loss resulting from a combination of stressors, including climate change, ocean acidification, pollution and destructive fishing practices.

3. A number of important developments have signalled a heightened awareness of the magnitude of the threats currently faced by the oceans and the need to address these threats, taking into account the critical contribution of the oceans to sustainable development.⁶ In the 2030 Agenda for Sustainable Development, the international community committed to achieve 17 Sustainable Development Goals, including Goal 14: "Conserve and sustainably use the oceans, seas and marine resources for sustainable development."⁷ This goal sets out important targets regarding the conservation and sustainable use of marine living resources, which will depend in great part on the implementation of the Agreement. The conservation and sustainable use of highly migratory fish stocks and straddling fish stocks can also contribute tangibly to the achievement of the other Sustainable Development Goals, including those relating to food security.⁸ The 2030 Agenda built on, inter alia, the vision set out in "The future we want", the outcome document of the 2012 United Nations Conference on Sustainable Development,⁹ and the 2014 SIDS Accelerated Modalities of Action (SAMOA) Pathway (SAMOA Pathway),¹⁰ which also included significant commitments on sustainable fisheries.

4. In other developments, the General Assembly, through its resolutions on oceans and the law of the sea and sustainable fisheries, has continued to develop the policy framework for the conservation and management of marine living resources. In 2015, the General Assembly also took the decision to develop

³ A/CONF.210/2006/15.

⁴ A/CONF.210/2010/7.

⁵ See http://www.un.org/depts/los/global_reporting/WOA_RegProcess.htm.

⁶ Due to space limitations, it is not possible to deal with these and other important developments in detail, however, additional information may be found, inter alia, in the reports of the Secretary-General on oceans and the law of the sea and sustainable fisheries. See www.un.org/Depts/los/index.htm.

⁷ A/RES/70/1.

⁸ A/70/74, para. 34.

⁹ A/RES/66/288, annex.

¹⁰ A/RES/69/15, annex.

an international legally binding instrument under the 1982 United Nations Convention on the Law of the Sea (the Convention) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.¹¹ Oceans also featured in the discussions surrounding the negotiation of the Paris Agreement.

5. The resumed Review Conference presents an important opportunity for States Parties to the Agreement, as well as States non-parties, intergovernmental organizations, the fishing industry, civil society and other stakeholders, to contribute to the ongoing efforts to improve the state of the oceans and its resources. The meeting is mandated in article 36 of the Agreement to assess the effectiveness of the Agreement in securing the conservation and management of straddling 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 in order better to 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 this context, the General Assembly has repeatedly called on States that have not done so, to become parties to the Agreement in order to achieve the goal of universal participation. Since 2010, however, only five States have become parties to the Agreement,¹² raising the total number of States Parties to 82, including the European Union.

6. 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 two previous reports of the Secretary-General to the Review Conference, in 2006¹³ and 2010.¹⁴ Participants to the resumed 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”.¹⁵

7. Following the approach taken in the two previous reports of the Secretary-General to the Review Conference, the present report is based on information provided in response to a questionnaire circulated by the Secretariat in March 2015. Responses were received from 12 States Parties, including the European Union,¹⁶ and four States non-Parties,¹⁷ as well as the members of the FFA. Responses were also received from 17 RFMO/As and other related organizations,¹⁸ in addition to the FAO. Two non-governmental organizations also provided contributions.¹⁹ The Secretary-General wishes to express his appreciation for all these 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

¹¹ A/RES/69/292.

¹² Bangladesh, Croatia, Morocco, Philippines and Saint Vincent and the Grenadines.

¹³ A/CONF.210/2006/1. All references to the 2006 Secretary-General’s report refer to this document.

¹⁴ A/CONF.210/2010/1. All references to the 2010 Secretary-General’s report refer to this document.

¹⁵ www.un.org/Depts/los/general_assembly/general_assembly_reports.htm.

¹⁶ Australia, Brazil, Canada, Costa Rica, European Union, Japan, Mauritius, Mozambique, New Zealand, Norway, Philippines, United States of America.

¹⁷ Pakistan, Qatar, Togo, Zambia.

¹⁸ ACPIC, CCAMLR, CCSBT, GFCM, ICCAT, IPHC, NAFO, NASCO, NEAFC, NPAFC, NPFC, OSPESCA, PICES, SEAFO, SPRFMO, WECAFC, WCPFC.

¹⁹ In accordance with the wish expressed during the eleventh round of Informal Consultations of States Parties to the Agreement in March 2015, these contributions (from Greenpeace and Pew Charitable Trusts) will be circulated to States electronically by the Chair of that meeting, but have not been incorporated in the present report.

8. This chapter provides an update on the trends in the status of highly migratory fish stocks and straddling fish stocks, as well as other high seas stocks and non-target and associated and dependent species, highlighting trends since the Review Conference in 2006 and 2010. It is based on data provided by FAO's Overview of the state and trends of straddling fish stocks and highly migratory fish stocks, discrete high seas stocks and non-target, associated and dependent species (FAO Overview).²⁰ More detailed information on the status of specific stocks reported in 2006, 2010 and 2016 is summarized in annexes to the present report: annex I in respect of highly migratory fish stocks and annex II in respect of straddling fish stocks.

9. 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 may be unknown, uncertain to fall within the designated classification or considered to vary between classifications depending on the area.

10. In evaluating the status of stock and trends, the present report uses the new 2011 classification scheme of the FAO,²¹ which aggregated six previous categories into three levels:

“Overexploited” refers to stocks that are: being exploited above an optimal yield/effort level which is believed to be sustainable in the long term; depleted; or recovering from a depletion or collapse (previously overexploited, recovering and depleted).

“Fully exploited” refers to stocks that are exploited at or close to an optimal yield/effort level, with no expected room for further expansion.

“Non-fully exploited” includes stocks that are exploited: by undeveloped or new fishery, with a significant potential for expansion in total production; or with a low fishing effort, with some limited potential for expansion (previously moderately exploited and underexploited).²²

11. The species and stock terminology used in this report corresponds to that used by FAO²³ and the terminology of the 2006 and 2010 reports of the Secretary-General.²⁴

12. 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 remained unchanged from the 2006 and 2010 reports of the Secretary-General.²⁵

B. Highly migratory fish stocks²⁶

1. Background

²⁰ Available at: www.un.org/Depts/los/2016_FAO_Overview.pdf. The FAO Overview was based on information from regional fishery bodies, including RFMO/As, national authorities and FAO sources. The most recent complete year of data is 2013.

²¹ FAO Fisheries and Aquaculture Technical Paper 569 *Review of the state of world marine fishery resources* (Rome, 2011). <http://www.fao.org/docrep/015/i2389e/i2389e.pdf>.

²² It should be noted that previous reports utilized FAO's previous six category classification system. Where possible, references to the previous status of stocks have been updated into the new classification scheme.

²³ FAO Fisheries Technical Paper 337, *World review of highly migratory species and straddling stocks* (Rome, 1994).

²⁴ A/CONF.210/2006/1, paras. 12-15; A/CONF.210/2010/1, para.9.

²⁵ A/CONF.210/2006/1, paras. 118-134; A/CONF.210/2010/1, paras 10-12.

²⁶ The use of the term “highly migratory fish stocks” remains the same as in the 2006 and 2010 reports of the Secretary-General. See note 24.

13. Highly migratory fish species include tuna and tuna-like species, oceanic sharks, pomfrets, sauries, and dolphinfish. Biological information on tuna and tuna-like species, their geographic distribution and an historic account on the development of tuna fisheries appear in the 2006 report of the Secretary-General.²⁷

14. The available global database does not distinguish between occurrence of the species or catches in areas under national jurisdiction and on the high seas, and they are addressed accordingly.²⁸

15. According to FAO statistics, in 2013, catches of tuna and tuna-like species included in Annex I to the Convention accounted for about 6 million tonnes, an increase in 1 million tonnes since 2003. These tuna and tuna-like species continued to constitute nearly 80 per cent of the total reported catches of all tunas and tuna-like species. Skipjack tuna and yellowfin tuna, accounted for more than 60 per cent of the catch in 2013. A substantial portion of this was caught within exclusive economic zones (EEZs).

2. Trends in the status of the stocks

16. *FAO Overview.* Since the last assessment in 2010 and based on the FAO statistics presented in annex I to this report, it can be concluded that there was a decline in the overall status of highly migratory fish stocks, despite improvement in the status of some stocks. Trends in exploitation of individual highly migratory fish stocks since the last assessment²⁹ show that, for 69 per cent of the stocks there has been no change, for 20 per cent there was deterioration and for 11 per cent improvements were noted. Information was not known, and no assessment provided for approximately a quarter of the stocks. Since the 2010 assessment, the percentage of non-fully exploited tuna and tuna-like species stocks has decreased from 17 to 14 per cent; the percentage of fully exploited stocks has decreased from 53 to 49 per cent; and the percentage of overexploited stocks has increased from 30 to 37 per cent. There are probably few opportunities to increase exploitation of tunas and tuna-like species, except in some areas of the Pacific and Indian Oceans where increases in catches of skipjack tuna might be sustainable.

17. The FAO Overview indicated that information was not known for a range of species, and therefore no assessment was provided. The species included Mediterranean Sea albacore and Indian Ocean billfishes. As to the shark species, no comprehensive assessment of their exploitation was possible because of the paucity of information, which is only available for some stocks of seven species. In particular, no assessment could be provided for certain shark species on a global basis: wing head, scalloped bonnethead, whitefin hammerhead, scoophead, great hammerhead, bonnethead, smalleye hammerhead, smooth hammerhead and great white shark (but see also paras. 19-22). Information was known for shortfin mako sharks only in the north and south Atlantic and eastern Pacific Ocean, and needed for longfin mako shark in the western Atlantic and possibly the central Pacific, as well as for the porbeagle shark in the Southern Ocean.

18. However, about 60 per cent of shark species, for which information is available, continued to be potentially overexploited or depleted. In the absence of stock specific information, shark populations continue to be considered at least fully exploited.

19. *Species protected under international instruments.* As indicated in annex I to this 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 (CMS) and/or the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention).

²⁷ A/CONF.210/2006/1, paras. 19-21 and 30-35.

²⁸ FAO Global Capture Production Database, downloadable at: www.fao.org/fishery/statistics/software/fishstatj/en.

²⁹ A/CONF.210/2010/1, para. 23.

20. Appendix II of CITES includes species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival. It also includes species that resemble other listed species and need to be regulated in order 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 the smooth hammerhead included for look-alike reasons), basking, porbeagle and whale shark.

21. Appendix II of CMS includes migratory species which have an unfavourable conservation state and which require international agreements for their conservation and management, as well as those which would significantly benefit from international cooperation. Listed species include the great white shark, three species of thresher sharks, whale sharks, silky sharks, shortfin and longfin mako sharks, and porbeagle sharks.

22. The Barcelona Convention's Endangered or Threatened Species Annex to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean lists great white sharks and basking sharks.³⁰

C. Selected Straddling Fish Stocks³¹

1. Background

23. The main straddling stock species are generally well-studied compared to several highly migratory species, particularly 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 EEZs. These areas included the western central Pacific, eastern and western central Atlantic, and the Indian Ocean.

2. Trends in the status of the stocks

24. Since the last assessment in 2010, and based on the FAO statistics presented in annex II to this report, it can be concluded that there was a decline in the overall status of straddling fish stocks, despite improvement in the status of some stocks. The percentage of non-fully exploited stocks decreased from 21 to 16 per cent; the percentage of fully exploited stocks increased from 41 to 44 per cent; and the percentage of overexploited stocks increased from 38 to 40 per cent. Trends in the exploitation of selected straddling fish stocks included in the FAO Overview since the last assessment show that the status of 59 per cent of the stocks remained unchanged, 16 per cent of stocks showed improvement and 25 per cent of stocks showed some deterioration. In addition, the status of approximately half of the stocks described in the FAO Overview was considered unknown due to lack of sufficient information.

25. As noted above, information was not known for a range of areas and species, and therefore no assessment was provided for those. For the eastern central and western central Atlantic, the FAO overview referred, respectively, to 18 and nine relevant species for which information was not available. Further information was needed for northwest Atlantic grenadiers, and Southern Ocean sevenstar flying squid and crab and for several species in the southwest and southeast Atlantic.

D. Other high seas fish stocks³²

³⁰ 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.

³¹ See note 24.

³² Note 24.

26. Most discrete high seas fish stocks are comprised of deep water species, but several stocks may exist for pelagic species. The information contained in the FAO Overview regarding these stocks remains substantially unchanged from that provided by FAO for the 2010 Secretary-General's report.³³ Relatively little continues to be known about many of these species and most of the fisheries.³⁴

E. Associated and dependent species

27. 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 that are not part of the landed catch. Fisheries for straddling, highly migratory and other high seas fish stocks impact associated species as a result of discards, physical contact of fishing gear with habitat and organisms that are not caught, and indirect processes. There has been no comprehensive global review of the impacts of fisheries on the associated species since the 2006 Secretary-General's report.³⁵

28. The information on discards of associated species at the global level contained in the 2006/2010 reports of the Secretary-General³⁶ remains generally unchanged.

F. Straddling fish stocks, highly migratory fish stocks and other high seas fish stocks for which no measures have been adopted by RFMO/As

29. Fisheries for tuna and tuna-like highly migratory species are all under some form of management. However, the global operation of some fishing fleets targeting such species and the global nature of associated markets makes it more difficult for RFMO/As to manage these fisheries compared to those fisheries that are less global.

30. Management of fisheries for oceanic sharks and other highly migratory species continues to be incomplete and uneven.³⁷ A 2012 FAO review³⁸ notes that overall, the reporting of shark catches to FAO has improved in the last decade and RFMO/As have adopted a range of measures, but data collection and research were lacking in many regions.

31. 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 billfishes and sailfishes, remains scarce. A more systematic approach to management of pomfrets, sauries and dolphinfish is generally necessary before the fisheries exploiting them could be considered as properly managed.

32. Most fisheries for straddling fish stocks are covered or becoming covered by RFMO/As. 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 RFMO/As. Additional RFMO/As or other cooperation arrangements are currently under consideration in regions where coverage gaps previously existed.

G. Conclusions

33. The overall status of highly migratory fish stocks and straddling fish stocks has not improved since 2006 and 2010. The status of a significant number of stocks has deteriorated even as it has improved

³³ A/CONF.210/2010/1, paras. 68-70.

³⁴ A/CONF.210/2006/1, paras. 104-115.

³⁵ Ibid., paras. 118-134.

³⁶ A/CONF.210/2006/1, paras. 120-128, A/CONF.210/2010/1, paras. 72-74.

³⁷ A/CONF.210/2010/1, para. 77.

³⁸ FAO Fisheries and Aquaculture Circular 1076, *Review of the Implementation of the International Plan of Action for the Conservation and Management of Sharks* (Rome, 2012).

http://www.fao.org/fi/oldsite/eims_search/1_dett.asp?calling=simple_s_result&lang=en&pub_id=308384

for a smaller number of stocks. An analysis of the causes of the fluctuations in the status of specific stocks, particularly stocks which have recovered from overexploitation, may hold lessons for the identification of successful management approaches.

34. 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 limitation in fisheries and biological data. Challenges remain as noted in the 2010 report of the Secretary-General. 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.

35. Information gaps for certain species/stocks and for certain 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.

36. This situation continues to reinforce the need for countries fishing on the high seas to cooperate directly or through RFMO/As to implement effective measures to sustainably manage fisheries, conserve stocks already overfished and monitor high seas fisheries.

37. In 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 improve the resilience of fish stocks and the ecosystems of which they form an integral part, including through the application of precautionary and ecosystems approaches to fisheries.

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

38. The present chapter provides information on the implementation of the recommendations of the Review Conference in 2006 and 2010. It is based primarily on information received from States and RFMO/As in response to the questionnaire referred to in paragraph 7, above, supplemented by other information drawn from a variety of sources, as referenced in the report. It should be noted that the limited number of contributions to the report, particularly from developing States, render difficult the drawing of firm conclusions from the information received. Information regarding measures taken by States non-parties to the Agreement was also limited. Moreover, the responses received to the questionnaire also tended to focus on areas where progress had been achieved rather than implementation gaps.

39. Information was also received regarding the de facto application of the recommendations of the Review Conference to stocks not covered by the Agreement, such as anadromous stocks³⁹ and transboundary freshwater stocks.⁴⁰ While not extensively covered in the section below, this information shows that some procedures, concepts and principles recommended in relation to the implementation of the Agreement, such as the incorporation of precautionary and ecosystems approaches, the use of performance reviews and measures to strengthen compliance and enforcement may have broader impact.

40. For ease of reference, the actions of States and RFMO/As to implement the recommendations of the Review Conference and major developments relevant to the implementation of the Agreement are divided into four sections, corresponding to the categories of the recommendations adopted by the Review Conference. These are: conservation and management of stocks; mechanisms for international cooperation and non-members; monitoring, control and surveillance (MCS), and compliance and enforcement; and developing States and non-Parties to the Agreement.

A. Conservation and management of stocks

³⁹ NASCO, NPAFC.

⁴⁰ Zambia.

41. The objective of the Agreement is to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through effective implementation of the relevant provisions of the Convention. The Review Conference in 2006 and 2010 agreed on a wide number of recommendations concerning the conservation and management of stocks, covering issues such as: application of precautionary and ecosystem approaches; environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification; achievement of compatible measures; development of area-based management tools; reduction of fishing capacity; elimination of subsidies that contribute to illegal, unreported and unregulated (IUU) fishing; overfishing and overcapacity; data collection and sharing of information; conservation and management of sharks; conservation and management measures for deep-sea fisheries; determination of reference points and rebuilding and recovery strategies; science-policy interface; and by-catch management, including actions addressing lost or abandoned gear and discards.⁴¹

1. Measures taken at the national and international levels

42. Subsequent to the Review Conference in 2006 and 2010, which addressed in particular the adoption and implementation of measures for conservation and management of the straddling fish stocks and highly migratory fish stocks, important related commitments were reflected, inter alia, in “The future we want” and under several targets under in Sustainable Development Goal 14 of the 2030 Agenda for Sustainable Development, as well as in General Assembly resolutions on sustainable fisheries.

43. Most of the responding States reported on a range of actions taken to adopt and fully implement effective conservation and management measures,⁴² including the adoption of new or revised national legislation, policies and plans.⁴³ Similarly, responding RFMO/As with the competence to manage these fish stocks reported on their measures taken to improve the status of straddling fish stocks and highly migratory fish stocks.⁴⁴ The important role of scientific advice from scientific organizations in this process was highlighted.

44. Notwithstanding the adoption of strengthened commitments to improve the status of overexploited or depleted stocks and the adoption of a wide range of conservation and management measures since the Review Conference in 2010, the status of straddling fish stocks and highly migratory fish stocks has not generally improved, even though some specific fisheries have shown improvement. A large percentage of stocks covered under the Agreement remains overexploited, while an ever smaller percentage is underexploited.

45. *Application of precautionary and ecosystem approaches.* The Review Conference in 2006 and 2010 emphasized the need for implementation of these approaches. Subsequently, States made important commitments in this regard, inter alia, in “The future we want” and the 2030 Agenda for Sustainable Development, as well as General Assembly resolutions on sustainable fisheries.

46. Most responding States reported on their progress in incorporating the precautionary and ecosystem approaches in fisheries management, including through fisheries legislation and policies, as well as conservation and management measures.⁴⁵ The role of RFMO/As was highlighted in this regard.⁴⁶

⁴¹ A/CONF.210/2006/15, annex, paras. 18(a) to (k), 19 and 20; A/CONF.210/2010/7, annex, para. I(a) to (o).

⁴² Australia, Brazil, Canada, Costa Rica, European Union, FFA members, Japan, Mauritius, Mozambique, New Zealand, Norway, Pakistan, Qatar, United States.

⁴³ Canada, European Union, New Zealand, Philippines, Qatar, United States.

⁴⁴ CCAMLR, CCSBT, IATTC, ICCAT, NAFO, NEAFC, NPFC, SPRFMO, WCPFC. Other RFMOs, including NASCO and NPAFC, also noted their actions concerning the conservation and management of fish stocks covered by them, consistent with the Agreement and the recommendations of the Review Conference.

⁴⁵ Australia, Brazil, Canada, Costa Rica, European Union, FFA members, Japan, Mozambique, New Zealand, Norway, Pakistan, Philippines, Qatar, United States.

⁴⁶ Mauritius, New Zealand, United States.

Precautionary and ecosystem approaches were used to protect species, such as marine turtles, seabirds and sharks, including through national plans of action.⁴⁷ The incorporation of both approaches in different management tools was highlighted, including marine protected areas (MPAs), benthic protection areas⁴⁸ and the regulation of bottom fishing gear.⁴⁹

47. Some responding States indicated how they implemented the precautionary approach through harvest control rules, applicable rules when reference points were breached, and stock rebuilding strategies.⁵⁰

48. A number of responding RFMO/As reported that they had incorporated precautionary and ecosystem approaches in their recently adopted or amended constitutive instruments,⁵¹ or through policy decisions.⁵² For example, the amended Convention on Future Multilateral Cooperation in North-East Atlantic Fisheries, which entered into force in 2013, required the application of the precautionary approach and consideration of the impact of fisheries on other species and marine ecosystems. In that regard, the importance of collecting data regarding effects of fishing on dependent species was emphasized.⁵³

49. Several responding RFMO/As also reflected the precautionary and ecosystem approaches in their management decisions, including in various forms of conservation and management measures.⁵⁴ For example, WCPFC and IATTC reported on their management strategy evaluation process. The use of precautionary reference points was noted by the WCPFC, NAFO, SPRFMO and CCAMLR. NAFO established the Working Group on Risk-based Management Strategies in 2014.⁵⁵ NEAFC noted that advice received from ICES was based, inter alia, on the precautionary approach, including assessments of draft long-term management plans. ICCAT pointed to its use of the Kobe Matrix (which provides alternative risk-based options for meeting management targets)⁵⁶ and development of harvest control rules, and noted the work of the Management Strategy Evaluation Working Group involving all tuna RFMOs.⁵⁷

50. In 2015, NAFO adopted terms of reference for a technical working group to review its implementation of the precautionary approach.⁵⁸ CCSBT reported that, in addition to its inherently precautionary Management Procedure, it had been conducting risk assessments for seabirds and been cooperating on an assessment of southern hemisphere porbeagle shark stocks.

51. To implement the ecosystem approach, NAFO developed a comprehensive ecosystem roadmap applying a three-tier approach to ecosystem management.⁵⁹

52. Several responding RFMO/As pointed to the application of the precautionary and ecosystem approaches in addressing the impacts of bottom fisheries on vulnerable marine ecosystems (VMEs), including the closure of areas to protect such ecosystems.⁶⁰

⁴⁷ Japan, Mauritius, New Zealand.

⁴⁸ Japan, New Zealand.

⁴⁹ Qatar.

⁵⁰ Australia, New Zealand.

⁵¹ GFCM, IATTC, NAFO, NEAFC, NPFC, SPRFMO.

⁵² In its resolutions in 2015, ICCAT decided to apply the ecosystem-based approach and the precautionary approach.

⁵³ CCAMLR.

⁵⁴ CCAMLR, IATTC, ICCAT, NAFO, SPRFMO, WCPFC. See also IOTC resolutions 12/01, 12/03, 12/04 and 13/04; IPHC, OSPESCA, WECAFC.

⁵⁵ Canada.

⁵⁶ <http://www.tuna-org.org/>.

⁵⁷ <http://rscloud.iccat.int/mse/mse.html>.

⁵⁸ <http://archive.nafo.int/open/fc/2015/fcdoc15-23.pdf>.

⁵⁹ <http://archive.nafo.int/open/fc-sc/2015/fc-scdoc15-03.pdf>.

53. FAO finalized the Ecosystem Approach to Fisheries (EAF) toolbox in 2012⁶¹ and had a number of projects aimed at assisting States in introducing principles and methodologies for EAF implementation. It also supported regional fisheries bodies to formally adopt the EAF and its integrated principles as part of their mandate.

54. In light of the foregoing, it appears that progress has been made in strengthening the implementation of precautionary and ecosystem approaches. However, with regard to the specific issues addressed by the Review Conference in 2010 in relation to an ecosystem approach, it was not possible to assess progress in the application of risk assessment tools or measures for commercially traded by-catch due to insufficient information. Challenges relating to the impact of unregulated fisheries on marine ecosystems have been partially addressed by the establishment of new RFMO/As (see paras. 199-205) and strengthened control of States over their nationals (paras. 243-245).

55. *Environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification.* These factors were one of the topics of focus at the Review Conference in 2010. Subsequently, States made important commitments in this regard, inter alia, in “The future we want” and the 2030 Agenda for Sustainable Development, as well as General Assembly resolutions on sustainable fisheries. The First Global Integrated Marine Assessment made an important contribution to understanding of these environmental factors⁶² (see also para. 2). Its summary, inter alia, noted that: “[a]s seawater temperatures increase, the distribution of many fish stocks and the fisheries that depend upon them is shifting. [...] The result is changes in ecosystems occurring at various rates [...]. Research on those effects is scattered, with diverse results, but as ocean climate continues to change, those considerations are of increasing concern for food production. Greater uncertainty for fisheries results in social, economic and food security impacts, complicating sustainable management”.⁶³

56. Several responding States and RFMO/As and related bodies reported on their efforts to study and address environmental factors,⁶⁴ including specific projects and programmes related to ecosystem approaches,⁶⁵ climate change⁶⁶ and ocean acidification.⁶⁷ For example, WCPFC was developing a spatial ecosystem and population dynamics model and general guidelines on adaptive management and monitoring of highly migratory species in relation to climate change. PICES reported on how marine ecosystems in the North Pacific responded to climate change and human activities, in order to forecast ecosystem status and communicate new insights to a range of stakeholders.⁶⁸

57. At the North Atlantic Fisheries Ministers Conference in 2014, participants called for coordinated efforts in research and monitoring to better understand and respond to changes in the marine environment and stressed cooperation between relevant stakeholders.⁶⁹

⁶⁰ CCAMLR, NAFO, NEAFC, NPFC, SEAFO. WECAFC also noted the proposed closure of VMEs in 2016. See also sub-sections on deep-sea fisheries as well as on area-based management tools.

⁶¹ <http://www.fao.org/fishery/eaf-net/en>.

⁶² http://www.un.org/Depts/los/global_reporting/global_reporting.htm. For additional information on the effects of climate change on the oceans and ocean acidification, see also the report of the Secretary-General on oceans and the law of the sea, A/69/71/Add.1, paras. 101-104.

⁶³ A/70/112, para. 62.

⁶⁴ Brazil, Canada, European Union, FFA members, Japan, Mozambique, New Zealand, Norway, Philippines, Qatar, Togo, United States. CCAMLR, GFCM, IATTC, ICCAT, NAFO, PICES, SPRFMO, WCPFC, WECAFC.

⁶⁵ Qatar.

⁶⁶ Canada, Japan, Mozambique, Norway, Philippines.

⁶⁷ New Zealand, Norway, United States.

⁶⁸ See http://www.pices.int/members/scientific_programs/FUTURE/FUTURE-main.aspx

⁶⁹ Canada.

58. Some responding States also reported on the consideration of environmental factors in establishing conservation and management measures for straddling fish stocks and highly migratory fish stocks.⁷⁰ It was, however, noted that the lack of resources prevented effective actions in this regard.⁷¹ CCAMLR indicated that it was using a precautionary approach to management to take into account uncertainties, including those associated with climate change.

59. In view of the foregoing, it appears that progress has been made by several responding States and RFMO/As in establishing projects and carrying out programmes related to ecosystem approaches, climate change and ocean acidification and cooperation among States has also strengthened in this regard.

60. However, it is unclear to which extent environmental factors are being taken into consideration in the establishment of conservation and management measures. Lack of resources was highlighted as an impediment to the implementation of the recommendation of the Review Conference in this regard.

61. *Achievement of compatible measures.* One of the cornerstone features of the Agreement, the compatibility of measures, was addressed by the Review Conference in both 2006 and 2010. The requirement for compatible measures in the Agreement aims to ensure that conservation and management measures adopted within, and those adopted beyond, areas under national jurisdiction for the same stock are not undermined by differences in approaches.

62. Responding States underlined efforts undertaken to ensure compatibility of measures on the high seas and in areas under national jurisdiction,⁷² including through RFMO/As.⁷³ In this regard, the importance of sharing data with RFMO/As, as well as FAO, was emphasized.⁷⁴ Some responding States indicated that fishing agreements between high seas fishing States and coastal States or among coastal States also played a role.⁷⁵

63. Also most responding RFMO/As addressed the requirement for compatibility of measures.⁷⁶ Several RFMOs have included such requirement in their constitutive instruments.⁷⁷ Some examples of approaches to achieving the compatibility of measures included: the complementing measures taken by Canada and NAFO for the protection of VMEs;⁷⁸ Chile's consent for SPRFMO to establish a total allowable catch (TAC) for jack mackerel throughout the range of the fishery resource, including in areas under its jurisdiction;⁷⁹ SEAFO's consideration of Namibia's assessment for orange roughy in setting the TAC;⁸⁰ and how WCPFC's consideration of conservation and management measures took into account measures agreed and implemented in Pacific Island countries. NEAFC indicated that it achieved compatibility either by basing measures on agreements reached by relevant coastal States or by adopting measures applicable both to EEZs and the high seas.

64. Although some progress appears to have been made, the inputs received did not allow for an assessment of the extent to which compatible measures had been achieved in accordance with article 7 of

⁷⁰ Australia, New Zealand, Norway.

⁷¹ Costa Rica.

⁷² Australia, Canada, Costa Rica, European Union, FFA members, Japan, Mauritius, New Zealand, Norway, Philippines, United States.

⁷³ Australia, Canada, Costa Rica, European Union, FFA members, New Zealand, Norway, United States.

⁷⁴ New Zealand.

⁷⁵ European Union, Mauritius.

⁷⁶ CCSBT, GFCM, IATTC, NAFO, NEAFC, NPFC, SPRFMO, WCPFC. In addition, States reported on the contribution of ICCAT, in this regard.

⁷⁷ For example, NAFO, NPFC, SPRFMO, WCPFC.

⁷⁸ Canada.

⁷⁹ SPRFMO.

⁸⁰ SEAFO. Namibia is a member and borders the convention area.

the Agreement, and how widespread the practice has become. Some RFMO/A performance reviews have recommended mechanisms to strengthen the exchange of data and other information to support the development of compatible measures.⁸¹

65. *Development of area-based management tools.* The development of these tools was addressed at the Review Conference in 2006. Among other developments, both “The future we want” and the 2030 Agenda for Sustainable Development, as well as General Assembly resolutions on oceans and the law of the sea, contain important commitments on this issue.

66. Most responding States reported on their actions to develop different types of area-based management tools,⁸² including MPAs, “marine reserves”, “no-take zones” and “benthic protection areas”,⁸³ as well as “large ocean management areas”.⁸⁴ Area closures for fisheries were established for various purposes, including the protection of spawning areas, benthic habitats, coral and sponges, juveniles, biodiversity, VMEs, endangered species, fish stocks below certain size and recovering stocks. Zoning by sub-sectors, such as indigenous fisheries, was also noted.⁸⁵ There have been an increasing number of areas within national jurisdiction closed for fisheries.⁸⁶

67. FFA members indicated that they considered their EEZs as MPAs for highly migratory species, given the higher standards of monitoring, management and enforcement in such zones as opposed to the surrounding high seas areas, referring to the Palau Arrangement and its Vessel Days Management Scheme⁸⁷ and the Nauru Agreement and its three Implementing Arrangements.

68. The role of RFMO/As in developing high seas area-based management tools was highlighted.⁸⁸ The European Union was of the view that a new implementing agreement under the Convention should facilitate the establishment of a universally recognized network of MPAs for areas beyond national jurisdiction.⁸⁹

69. A number of responding RFMO/As used area-based management tools⁹⁰ for the purpose of, inter alia, protection of VMEs⁹¹ and rebuilding of depleted fish stocks. Such tools could also be combined with seasonal closures.⁹²

⁸¹ Péter D. Szigeti and Gail L. Lugten, *The implementation of performance review reports by regional fishery bodies, 2004–2014*, FAO Fisheries and Aquaculture Circular No. 1108. Rome, Italy.

⁸² Australia, Brazil, Canada, Costa Rica, European Union, FFA members, Mauritius, Mozambique, New Zealand, Norway, Philippines, United States. Brazil noted that it did not implement area restrictions or special management as tools for fisheries management, yet it implemented marine protected areas as a tool for the conservation of the marine ecosystem.

⁸³ Canada, Mozambique, New Zealand, Norway, United States.

⁸⁴ Canada.

⁸⁵ Mozambique.

⁸⁶ Australia, European Union, United States. See also <http://www.nuestrooceano2015.gob.cl/wp-content/uploads/2015/10/Our-Ocean-2015-Initiatives.pdf>; http://mfe.govt.nz/sites/default/files/media/Marine/MFE7910_A4_Brochure_LR.pdf; <http://palau.gov.org/wp-content/uploads/2015/10/RPPL-No.-9-49-Palau-National-Marine-Sanctuary-Act.pdf>.

⁸⁷ <https://www.ffa.int/vds>.

⁸⁸ Norway.

⁸⁹ European Union. See also A/RES/69/292.

⁹⁰ CCAMLR, GFCM, IATTC, ICCAT, NAFO, NEAFC, NPFC, SEAFO, SPRFMO, WCPFC.

⁹¹ CCAMLR, NAFO, NEAFC, NPFC, SEAFO, SPRFMO (CMM 2.03). The European Union also reported on actions taken by GFCM in this regard.

⁹² NEAFC, ICCAT.

70. It was noted that many of the constitutive instruments of RFMOs incorporated, or confirmed, the use of area-based management tools (e.g., NAFO and GFCM).⁹³ Furthermore, in 2013, GFCM adopted a resolution on area-based management of fisheries.⁹⁴ Following the establishment of a high seas MPA in 2009, CCAMLR adopted a general framework for the establishment of MPAs in 2011,⁹⁵ and a measure to promote the awareness of MPAs among fishing vessels.⁹⁶

71. The importance of scientific information and capacity-building in the application of area-based management tools was highlighted.⁹⁷

72. FAO reported that it had held regional workshops to assist States and regional bodies to utilize the FAO Technical Guidelines for Responsible Fisheries on marine protected areas and fisheries.⁹⁸ FAO launched a database in 2014 containing comprehensive information on VME-related measures in areas beyond national jurisdiction.⁹⁹

73. The information received has demonstrated that considerable attention is being paid at national and international levels to the development of area-based management tools. The importance of capacity-building in this regard was highlighted.

74. *Reduction of fishing capacity.* A recurrent theme at the Review Conference in both 2006 and 2010, this issue was also the object of important commitments, inter alia, in “The future we want” and the 2030 Agenda for Sustainable Development, as well as in General Assembly resolutions on sustainable fisheries.

75. Almost all responding States reported on measures to reduce the capacity of fishing fleets.¹⁰⁰ Various approaches to this problem were noted, including bilateral and regional efforts, in particular RFMO-mandated reductions,¹⁰¹ as well as support for a global fleet register.¹⁰² The 2014 Joint Statement on Efforts to Promote Sustainable Fishing Capacity Management on the Global Scale was highlighted.¹⁰³ The reduction of fishing capacity based on the International Plan of Action (IPOA) for the Management of Fishing Capacity was also suggested.¹⁰⁴

76. Several responding States reported that they had introduced a number of schemes to reduce excess capacity, including market-based measures, such as individual vessel quotas, a structural quota system and decommissioning scheme,¹⁰⁵ licencing,¹⁰⁶ individual transferable quota,¹⁰⁷ a quota management system based on output control giving economic incentives,¹⁰⁸ policy flexibility, as well as retirement

⁹³ European Union.

⁹⁴ Available at: <http://www.fao.org/3/a-ax392e.pdf>.

⁹⁵ CM 91-02.

⁹⁶ See <https://www.ccamlr.org/en/news/2015/34th-annual-meetings-ccamlr-conclude>.

⁹⁷ PICES.

⁹⁸ Fisheries management. 4. Marine protected areas and fisheries. *FAO Technical Guidelines for Responsible Fisheries*. No. 4, Suppl. 4. Rome, FAO. 2011. 198p.

⁹⁹ <http://www.fao.org/in-action/vulnerable-marine-ecosystems/en/>

¹⁰⁰ Australia, Brazil, Canada, Costa Rica, European Union, FFA members, Japan, Mauritius, Mozambique, New Zealand, Norway, Pakistan, Philippines, Qatar, Togo, United States.

¹⁰¹ Japan, New Zealand, United States.

¹⁰² European Union.

¹⁰³ Ibid.

¹⁰⁴ Japan.

¹⁰⁵ Norway.

¹⁰⁶ Mauritius.

¹⁰⁷ Australia.

¹⁰⁸ New Zealand.

programmes¹⁰⁹ and Limited Access Privilege programmes.¹¹⁰ Qatar also noted gear regulations in this regard.¹¹¹ The United States noted its 25 per cent overcapacity reduction target, while Norway reported that it did not set target levels. The European Union noted the increase in profitability connected to reduction of capacity and the possibility of permanent cessation of fishing activities under the European Maritime and Fisheries Fund (EMFF) starting in 2017.

77. FFA members reported on the reduction of fishing capacity to levels commensurate with the sustainability of fish stocks through subregional cooperation. They also noted the need for flag States to take account of the special requirements of SIDS in the WCPFC convention area.

78. Several responding RFMO/As took actions to control fishing capacity for fisheries managed by them.¹¹² ICCAT adopted Criteria for the Allocation of Fishing Possibilities in 2015. GFCM adopted Guidelines on the management of fishing capacity in the GFCM area in 2013, based on the IPOA for the Management of Fishing Capacity.¹¹³ NPFC reported that the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean (NPFC Convention) addressed excess fishing capacity.

79. Significant efforts therefore appear to have been made by some responding States and RFMO/As to manage fishing capacity. Fishing capacity reduction has been recommended in several RFMO/A performance reviews, indicating an ongoing need for efforts to address the issue.¹¹⁴

80. *Elimination of subsidies that contribute to IUU fishing, overfishing and overcapacity.* In addition to the recommendations made by the Review Conference in 2006 and 2010, the 2030 Agenda for Sustainable Development contains a commitment to address such subsidies by 2020 (target 14.6), following the “The future we want”, as well as General Assembly resolutions on sustainable fisheries.

81. Several responding States reported that they had eliminated, or did not have, subsidies that contributed to IUU fishing, overfishing and overcapacity.¹¹⁵ Some responding States which still provided financial support indicated limited purposes for which such support could be provided.¹¹⁶ In this regard, the European Union noted safeguards under the EMFF and the need to comply with new State aid rules. The Philippines reported that its national plan of action on IUU fishing obliged the Government to revoke incentives to entities found to have engaged in IUU fishing. The importance of transparency and the elimination of harmful subsidies was underscored.¹¹⁷

82. Some responding States noted the ongoing WTO negotiations to strengthen fisheries subsidies.¹¹⁸ The United States was also promoting transparency in, and the ultimate elimination of, fisheries subsidies in the Asia-Pacific Economic Cooperation forum, and also pursuing ambitious commitments to discipline harmful fisheries subsidies in negotiations for a Trans-Pacific Partnership agreement and a Transatlantic Trade and Investment Partnership agreement.

¹⁰⁹ Canada.

¹¹⁰ United States.

¹¹¹ Qatar.

¹¹² GFCM, IATTC, ICCAT, NAFO, NPFC, SEAFO, SPRFMO, WCPFC. OSPESCA also noted its measures in this regard.

¹¹³ Available at: <http://www.fao.org/3/a-ax393e.pdf>.

¹¹⁴ Note 81.

¹¹⁵ Brazil, Canada, European Union, FFA members (no subsidies), Japan, Norway, New Zealand, Togo,

¹¹⁶ Canada, Norway, New Zealand.

¹¹⁷ Australia, United States.

¹¹⁸ Japan, New Zealand, United States.

83. At the global level, States committed themselves to, by 2020, prohibiting certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to IUU fishing and refraining from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiation in the 2030 Agenda for Sustainable Development (target 14.6).

84. From the information provided, it appears that at least partial progress has been made in the elimination of harmful subsidies, however, it was not possible to assess the degree of progress in relevant efforts.

85. *Data collection and sharing of information.* In addition to the recommendations from the Review Conference in 2006 and 2010, the importance of scientific knowledge, which is closely linked to the need for enhanced data collection and sharing of information, was also underlined, inter alia, in “The future we want” and the 2030 Agenda for Sustainable Development, as well as General Assembly resolutions on sustainable fisheries.

86. Most responding States and RFMO/As reported on their data collection and sharing systems and programmes,¹¹⁹ including requirements under national legislation.¹²⁰ FFA members noted that their reporting standards were more stringent than WCPFC rules. Several responding States emphasized their compliance with obligations to submit timely, complete and accurate fisheries data.¹²¹

87. Mechanisms to promote data collection included the use of the vessel monitoring system (VMS),¹²² mandatory logbook and dock-side monitoring,¹²³ and observers.¹²⁴

88. The important role of RFMO/As and FAO in data collection and sharing was noted.¹²⁵ Support was expressed for efforts in RFMO/As to address data gaps and assist developing countries in meeting their reporting obligations.¹²⁶

89. Mechanisms to review compliance with the obligations concerning data collection and reporting had been put in place by some responding RFMO/As.¹²⁷ Possible consequences for the failure to report included a request for rectification,¹²⁸ exclusion from fishery until the data was provided¹²⁹ and the prohibition of retaining species for which data was not provided.¹³⁰ GFCM also provided technical assistance where non-compliance resulted from lack of capacity.

90. FAO’s support in enhancing the capacity of States in providing catch and effort data and fishery-related information related to: (a) setting standards and guidelines; (b) providing direct capacity enhancement support to the States; and (c) providing a platform for improved data and sharing. The Fisheries and Resources Monitoring System (FIRMS) partnership aims to facilitate access by decision-

¹¹⁹ Australia, Brazil, Costa Rica, European Union, FFA members, Japan, Mauritius, Mozambique, Norway, Philippines, Togo, United States. CCAMLR, CCSBT, GFCM, IATTC, ICCAT, NAFO, NEAFC, NPFC, SEAFO, SPRFMO, WCPFC.

¹²⁰ European Union, FFA members, Japan, United States.

¹²¹ European Union, Japan, New Zealand, Norway, Qatar.

¹²² Canada, FFA members, New Zealand, Norway, Qatar.

¹²³ Canada.

¹²⁴ Canada, FFA members, New Zealand.

¹²⁵ Canada, Pakistan.

¹²⁶ United States.

¹²⁷ CCAMLR, GFCM, ICCAT, NAFO.

¹²⁸ GFCM.

¹²⁹ NPFC.

¹³⁰ ICCAT.

makers to a wide range of high-quality information on the status and trends of global marine fishery resources, fisheries and their management.¹³¹ Efforts to strengthen the FIRMS are underway.¹³²

91. In 2012, FAO, through RECOFI, also established catch and effort data reporting and sharing mechanisms among eight countries surrounding the Persian Gulf.

92. With regard to the revision of FAO global fisheries statistics database¹³³ to provide information for the stocks to which the Agreement applies and for discrete high seas stocks on the basis of where the catch was taken, FAO collaborated with regional fishery bodies on the modification of the statistical divisions' boundaries, with the aim of obtaining separate data between catches taken inside and outside EEZs of coastal States, in relation to the northeast Atlantic, southeast Atlantic and the eastern Central Atlantic. In 2009, FAO's 2009 Worldwide Review of Bottom Fisheries in the High Seas provided data on such fisheries (see also para. 110).¹³⁴

93. In 2011, the Secretariat of the IOTC produced estimates of historical catches of tuna and tuna-like species in the EEZ and the high seas, to be used in tests of proposed allocation mechanisms.

94. The contributions to the report did not allow for an assessment of progress in compliance with the requirements for RFMO/As or agreements to collect and submit timely, complete and accurate fisheries data. In some instances, assistance was provided when non-compliance resulted from lack of capacity. Measures, such as non-participation in relevant fisheries and prohibitions on the retention of catch have also been used to address non-compliance. However, progress in creating effective incentives to promote compliance has been limited. Efforts to improve the sharing of data among RFMO/As and with FAO have been strengthened, but there is scope for further improvement, particularly in data collection.

95. Improvement is also needed in reporting information to FAO on associated species. A significant part of catches of these species is discarded at sea, but it cannot be quantified, as neither countries nor FAO collect and compile this information routinely. In recent years, two tuna RFMOs (i.e. ICCAT and IOTC) have expanded their coverage of catch data to several associated species (e.g. oceanic sharks, dolphinfish, bonitos, etc.) and this is reflected also in the FAO capture database. However, the information available still does not allow a comprehensive evaluation of the state of exploitation for some species of this group (see also section II).¹³⁵

96. Difficulties by FAO and regional fisheries management organizations in obtaining catch data separated between fish caught within and outside areas of national jurisdiction from fishing nations remains a particularly limiting factor to implement the relevant recommendations of the Review Conference.

97. *Conservation and management of sharks.* Since this issue was addressed at the Review Conference in 2010, increasing attention has been given to the need to improve the conservation and management of sharks at various international fora, including the General Assembly, through its resolutions on sustainable fisheries, CITES and CMS.

98. Almost all responding States reported on their actions to strengthen the conservation and management of sharks, nationally and through RFMO/As.¹³⁶ Various actions at the domestic level

¹³¹ <http://firms.fao.org/firms/en>.

¹³² European Union, Japan.

¹³³ <http://www.fao.org/fishery/statistics/en>.

¹³⁴ Bensch, A.; Gianni, M.; Gréboval, D.; Sanders, J.S.; Hjort, *A Worldwide review of bottom fisheries in the high seas*. FAO Fisheries and Aquaculture Technical Paper. No. 522, Rev.1. Rome, FAO. 2009. 145p.

¹³⁵ Based on information provided by FAO.

¹³⁶ Australia, Brazil, Canada, Costa Rica, European Union, FFA members, Japan, Mozambique, New Zealand, Norway, Pakistan, Philippines, Qatar, Togo, United States.

included the regulation of directed fishing and finning.¹³⁷ In particular, in line with the IPOA for Conservation and Management of Sharks, several responding States adopted and implemented national plans of action.¹³⁸ Some States declared maritime zones under their national jurisdiction as shark sanctuaries, and put in place legislation to prohibit the targeting of sharks and the possession of sharks.¹³⁹

99. Several responding RFMO/As adopted measures aimed at regulating directed fisheries for sharks and/or by-catches of sharks,¹⁴⁰ including prohibiting or controlling the retention of sharks on board to regulate shark finning.¹⁴¹ WECAFC supported the development of national plans of action on sharks while WCPFC cooperated on shark conservation with the IATTC and the Secretariat of the Pacific Community (SPC). Support was expressed for revising the constitutive instruments of RFMOs (e.g., ICCAT) to enable them to directly manage fisheries for sharks.¹⁴²

100. Measures for the protection of sharks had also been taken by CITES and CMS, including the Memorandum of Understanding on Sharks under CMS signed by nearly 40 States (see paras. 19-22). FAO cooperated with the CITES Secretariat in this regard.

101. Since the development of the IPOA for Conservation and Management of Sharks, FAO conducted a series of activities to support States in its implementation. FAO compiled a report on the extent of the implementation of the IPOA and the challenges faced by members in 2012, which concluded that the main problems hindering successful implementation of the IPOA were linked to problems with fisheries management in general, such as institutional weaknesses, lack of trained personnel, and deficits in fisheries research and MCS.¹⁴³

102. FAO also supported the development and implementation of regional and national plans of action by providing specific regional and in-country technical assistance, including legal and policy support. FAO furthermore collaborated with other international bodies, such as the World Customs Organization, and developed a database on shark management measures.

103. To address data problems including unavailability and inconsistencies, FAO periodically undertook an analysis of international shark trade data. A recent report provided an updated picture of the world market for shark products.¹⁴⁴

104. The FAO catch statistics depend entirely on the collaboration of FAO members. The taxonomic detail of shark and ray catches reported to FAO, although still highly deficient, had improved in the last decade, which is evidence of increased attention to data collection. A number of new FAO species identification guides produced recently focused on shark species including deep-sea cartilaginous fishes.¹⁴⁵ FAO also supported hands-on training of scientists, on-board observers, fishers and fishery officers on the identification of shark species and products.

¹³⁷ European Union, FFA members.

¹³⁸ Australia, Brazil, Costa Rica, Japan, New Zealand, Philippines. The European Union adopted the European Community Action Plan for the Conservation and Management of Sharks.

¹³⁹ FFA members.

¹⁴⁰ CCAMLR, GFCM, IATTC, ICCAT, NAFO, NEAFC, OSPESCA, SEAFO, SPRFMO, WCPFC. CCSBT also reported on their recommendation relating to Ecologically Related Species, which includes sharks. See also IOTC resolutions 12/09, 13/05 and 13/06.

¹⁴¹ ICCAT, NAFO, NEAFC, OSPESCA.

¹⁴² Canada.

¹⁴³ Fischer, J., Erikstein, K., D'Offay, B., Guggisberg, S. & Barone, M. 2012. *Review of the Implementation of the International Plan of Action for the Conservation and Management of Sharks*. FAO Fisheries and Aquaculture Circular No. 1076. Rome, FAO. 120 pp.

¹⁴⁴ Dent, F. & Clarke, S. 2015. *State of the global market for shark products*. FAO Fisheries and Aquaculture Technical Paper No. 590. Rome, FAO. 187 pp.

¹⁴⁵ For example, <http://www.fao.org/fishery/ipoa-sharks/iSharkFin/en>.

105. While FAO has developed a database on shark management measures, data collection, particularly concerning shark by-catch, remains problematic (see paras 17 and 30).

106. In sum, progress in strengthening measures to conserve and manage shark by-catch was reported by most responding States and RFMO/As, but detailed information was not provided on the enforcement of prohibitions on finning. Nor was there sufficient information on the impact of measures concerning shark by-catch and on the implementation of the IPOA.

107. *Conservation and management measures for deep-sea fisheries.* In view of the fact that a number of deep-water species are considered to be straddling fish stocks or discrete high seas fish stocks,¹⁴⁶ the Review Conference in both 2006 and 2010 addressed this issue. Since then, this issue has received increased attention by the General Assembly in its review of actions taken by States and RFMO/As to address the sustainability of bottom fisheries and impacts on VMEs.

108. A number of measures taken by RFMO/As to regulate bottom fishing in areas beyond national jurisdiction and their implementation,¹⁴⁷ as well as additional measures voluntarily taken in areas covered by RFMO/As, were highlighted.¹⁴⁸

109. Several responding RFMO/As took actions to establish long-term conservation and management measures for deep-sea fisheries, including in accordance with the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas.¹⁴⁹ Such measures covered identification of VMEs and existing bottom fishing areas, limitations on the expansion of fisheries, including the development of an exploratory fisheries protocol for fisheries outside the existing fishing areas, and closures of certain areas with VMEs to bottom fishing. GFCM banned bottom-trawling activities in waters deeper than 1000 m. In 2015, NAFO decided to exclude all bottom fishing activities from seamount areas.

110. FAO developed a programme on deep-sea fisheries to facilitate the implementation of the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas.¹⁵⁰ The FAO Global Database on VMEs was launched in 2014. The Worldwide Review of Bottom Fisheries in the High Seas is being updated by FAO to cover the period from 2007 to 2014.

111. In light of the foregoing, some progress was made on measures for deep-sea fisheries and their implementation, as well as additional measures voluntarily taken by States in areas covered by RFMO/As.

112. Despite the activities relating to data collection undertaken to date, research is still underway and increased information on deep-sea catches will be important. The General Assembly's further review of actions taken by States and RFMO/As with regard to bottom fishing to be held in 2016 will offer a renewed opportunity for States to take stock of progress and determine further action to be taken, if necessary.

113. *Determination of reference points and rebuilding and recovery strategies.* Addressed at the Review Conference in 2010, this issue was the subject of subsequent commitments, inter alia, in "The future we want", as a follow-up to the earlier commitment in the Johannesburg Plan of Implementation, and the 2030 Agenda for Sustainable Development, as well as General Assembly resolutions on sustainable fisheries.

114. Several responding States reported on their actions related to the determination of stock specific reference points, remedial action in case of overfishing, and recovery and rebuilding plans and

¹⁴⁶ A/CONF.210/2006/1 and A/CONF.210/2010/1.

¹⁴⁷ Australia, Canada, Norway.

¹⁴⁸ Canada, Japan, NPFC.

¹⁴⁹ CCAMLR, NAFO, NEAFC, NPFC, SEAFO, SPRFMO, WECAFC.

¹⁵⁰ See also <http://www.fao.org/fishery/deepsea-highseas/en>.

strategies.¹⁵¹ Some of the responding States had undertaken activities such as stock assessments, studies and research.¹⁵² FFA members referred to interim target reference points and limit reference points adopted at the subregional and regional levels.

115. The role of RFMO/As in setting reference points¹⁵³ and establishing harvest control rules¹⁵⁴ was emphasized. Several RFMO/As reported on their use of precautionary reference points, including the development of limit reference points, and/or on their rebuilding and recovery strategies.¹⁵⁵ For example, in 2014, WCPFC agreed to implement a harvest strategy approach for key fisheries and stocks in the western and central Pacific Ocean. ICCAT was continuing its work to develop limit reference points.

116. Some responding States reported on how their rebuilding and recovery strategies were developed and triggered.¹⁵⁶ In some cases, harvest control rules integrated recovery and rebuilding elements which would become operative if the situation so required.¹⁵⁷ The European Union was developing multiannual plans to guide the fixing of fishing opportunities within levels compatible with maximum sustainable yield, based on scientific advice and the precautionary approach.

117. Several responding RFMO/As also reported on several forms of rebuilding and recovery strategies, utilizing, inter alia, target reference points and moratoriums.¹⁵⁸ CCSBT, IATTC, ICCAT, NAFO, SPRFMO and WCPFC had rebuilding plans for specific stocks. Rebuilding plans were also an integral part of NEAFC's long-term management plans. CCAMLR established closed areas and closed fisheries for depleted stocks, and conducted periodic research surveys to monitor the recovery of those stocks. Each year CCSBT evaluated whether any exceptional circumstances justified deviation from its recommendations.

118. Based on the responses received, it appears that progress in connection with actions related to the determination of stock specific reference points, remedial action in case of overfishing, and recovery and rebuilding plans and strategies was made by several responding States.

119. Several responding RFMO/As also provided comprehensive reports on the strengthened use of precautionary reference points, including the development of interim target reference points and limit reference points, and on their various rebuilding and recovery strategies. However, sufficient information was not available to assess whether these strategies had a high probability of ensuring that agreed stock-specific reference points would not be breached.

120. *Science-policy interface.* The Review Conference in 2010 explicitly addressed this issue and it has also been underlined by the General Assembly when it established the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects.

121. Most of the responding 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

¹⁵¹ Australia, Brazil, Canada, Costa Rica, European Union, FFA members, Japan, Mozambique, New Zealand, Norway, Pakistan, Philippines, Qatar, United States.

¹⁵² Brazil, European Union, Japan, Mozambique, Philippines, Qatar.

¹⁵³ FFA members, New Zealand, United States.

¹⁵⁴ New Zealand, Norway.

¹⁵⁵ CCAMLR, GFCM, IATTC, ICCAT, NAFO, NEAFC, NPFC, SEAFO, SPRFMO, WCPFC. New Zealand reported on actions by CCSBT, in this regard. See also IOTC Resolution 15/10. In addition, NASCO and OSPESCA reported their actions.

¹⁵⁶ Australia, FFA members, Mozambique, Norway, United States.

¹⁵⁷ Norway.

¹⁵⁸ CCSBT, IATTC, ICCAT, NAFO, NEAFC, SPRFMO, WCPFC.

available scientific evidence and met the management objectives set by RFMO/As.¹⁵⁹ Some responding States expressed their support for the Kobe II Strategy Matrix, as well as the scientific review of management measures.¹⁶⁰

122. Several responding RFMO/As addressed the science-policy interface, inter alia, through scientific committees and working groups,¹⁶¹ or external scientific advisory bodies.¹⁶² IATTC referred to the provisions of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention Between the United States of America and the Republic of Costa Rica (Antigua Convention) in this regard. In 2013, NAFO reformed the way in which scientific advice was presented to managers and in 2015, adopted measures to improve the functioning of joint-science management working groups.

123. Some responding RFMO/As required management measures to be based on the best available science.¹⁶³ NEAFC interacted regularly with ICES to ensure that the science-policy interface remained strong, while maintaining the independence of scientists.

124. Based on the foregoing, it appears that progress was made in strengthening interaction between fisheries managers and scientists to ensure that conservation and management measures are based on the best available scientific evidence and met the management objectives set by RFMO/As.

125. *By-catch management, including actions addressing discards or impact of lost or abandoned gear.* The Review Conference in 2006 and 2010 addressed the issue of by-catch and discards. Following the recommendation of the Review Conference in 2010, the International Guidelines on By-catch Management and Reduction of Discards were endorsed by the FAO in 2011. Subsequently, the General Assembly addressed this issue through its resolutions on sustainable fisheries.

126. Most responding States took actions related to by-catch management, including those for specific species (e.g., sharks, seabirds and sea turtles), and made efforts to establish mechanisms to monitor and reduce discards.¹⁶⁴

127. Actions relating to by-catch management included: closures, move-on-rules, tailored quota systems, compensation for landing all catches, by-catch strategies, strict reporting requirements, use of selective fishing gears, policy reviews, implementation of international and national plans of action, publication of brochures regarding reduction of incidental catch, and the introduction of the “no discard” policy.¹⁶⁵ For example, several States gradually introduced a “no discard” policy since 2015.¹⁶⁶

128. A State reported on its prohibition of driftnet fishing.¹⁶⁷ Another State reported that its implementation of a measure for reducing impacts on non-target species had been limited.¹⁶⁸

¹⁵⁹ Australia, Brazil, Canada, European Union, FFA members, Japan, Mozambique, New Zealand, Norway, Pakistan, Philippines, Qatar, United States.

¹⁶⁰ New Zealand, United States.

¹⁶¹ CCAMLR, CCSBT, ICCAT, NAFO, SEAFO, SPRFMO, WCPFC. Mauritius reported on the process connecting science and management at IOTC. WECAFC also reported on its collaboration with the University of the West Indies, which provides scientific advice to the Commission, as well as the improved functioning of its Scientific Advisory Group.

¹⁶² NEAFC.¹⁶³ CCAMLR, NEAFC, WCPFC.

¹⁶³ CCAMLR, NEAFC, WCPFC.

¹⁶⁴ Australia, Brazil, Canada, Costa Rica, European Union, FFA members, Japan, Mauritius, Mozambique, New Zealand, Norway, Philippines, Qatar, United States.

¹⁶⁵ Australia, Canada, European Union, FFA members, Japan, Mauritius, Mozambique, New Zealand, Norway, Philippines, Qatar, United States.

¹⁶⁶ European Union.

¹⁶⁷ New Zealand.

129. Several responding RFMO/As reported on a range of measures related to by-catch management,¹⁶⁹ including for seabirds,¹⁷⁰ sharks and turtles.¹⁷¹ IOTC was considering action plans for mitigating catches of turtles, sharks and birds.¹⁷² NPFC reported on measures for conservation of VMEs to address by-catch management.

130. In 2015, NAFO adopted an Action Plan on by-catch and discards to improve the effectiveness of the collection and use of data. NEAFC reported that where by-catches of stocks had become significant, or where they had developed into new fisheries, it had adopted conservation and management measures for these species.¹⁷³

131. CCAMLR adopted broad by-catch management measures, which, inter alia, led to near-zero levels of seabird by-catch during the last decade.

132. Several responding RFMO/As also reported on their measures regarding discards,¹⁷⁴ including restrictions on non-selective gear and fish aggregating devices,¹⁷⁵ prohibitions on retaining undersized fish;¹⁷⁶ reporting requirements;¹⁷⁷ inclusion of by-catch and discards in catch quotas;¹⁷⁸ development and use of selective, environmentally safe, and cost-effective fishing gear and techniques;¹⁷⁹ general bans on discards in some fisheries;¹⁸⁰ and observer programmes.¹⁸¹ IATTC reported on research efforts to identify the designs of fish aggregating devices that reduce attraction and/or entanglement of non-target species.

133. Specific steps to address marine debris generally have been taken, including in “The future we want”, the 2030 Agenda for Sustainable Development, CMS and various regional fora, as well as in the G7 Action Plan to Combat Marine Litter. Marine debris, plastics and microplastics is the area of focus of the seventeenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea in June 2016, while the second meeting of the United Nations Environment Assembly in May 2016 will discuss marine plastic debris and microplastics.

134. Several responding States reported on their measures taken to address lost or abandoned gear and related marine debris. Measures taken by the responding States to promote recovery of lost or abandoned fishing gear and reporting requirements for fishers¹⁸² included government observers on board,¹⁸³ tagging and GPS tracking,¹⁸⁴ as well as licence conditions¹⁸⁵ and financial support through a fund.¹⁸⁶ The European Union required the retrieval or reporting of such gear. Mozambique prohibited the abandonment

¹⁶⁸ Mozambique.

¹⁶⁹ CCAMLR, GFCM, IATTC, ICCAT, NAFO, NEAFC, SEAFO, SPRFMO, WCPFC. In addition, actions have been taken by other regional bodies, e.g., APFIC, NASCO, NPAFC, OSPESCA, PICES, WECAFC.

¹⁷⁰ SPRFMO, ICCAT, WCPFC.

¹⁷¹ ICCAT, WCPFC.

¹⁷² Mozambique.

¹⁷³ E.g., roughhead grenadier http://neafc.org/system/files/Rec5_roughhead%20grenadier_2015.pdf. NEAFC.

¹⁷⁴ CCSBT, IATTC, NAFO, NEAFC, SEAFO, SPRFMO, WCPFC. See also IOTC Resolution 15/06.

¹⁷⁵ SPRFMO, WCPFC.

¹⁷⁶ NAFO.

¹⁷⁷ NAFO, CCBST.

¹⁷⁸ NEAFC. NEAFC reported that, because of domestic rules incompatible with this discard ban, one Contracting Party had objected to it and was not bound by the prohibition. CCBST reported moving towards this approach.

¹⁷⁹ NPFC.

¹⁸⁰ NEAFC, IATTC.

¹⁸¹ CCBST.

¹⁸² Canada, Japan, New Zealand, Norway.

¹⁸³ New Zealand.

¹⁸⁴ Canada.

¹⁸⁵ Australia, Canada.

¹⁸⁶ Japan.

of fishing gear. The United States reported on its debris programme under the 2012 amendment of the 2006 Marine Debris Act.

135. Some RFMO/As reported on their actions to address lost and abandoned fishing gear,¹⁸⁷ including reporting requirements for lost gear,¹⁸⁸ marking of fishing gear,¹⁸⁹ retrieval of lost gear requirements,¹⁹⁰ and cooperation with regional seas programmes on awareness-raising.¹⁹¹

136. CCAMLR reported on its monitoring and reporting on marine debris, the prohibition of disposal of incinerator ash and the use of plastic packaging bands to secure bait boxes.

137. FAO's collaboration with the United Nations Environment Programme included providing technical advice to the Global Partnership on Marine Litter. FAO had provided technical inputs through IMO on the impacts of marine pollution on fisheries and aquaculture, in particular through the recent revision of Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978. FAO was currently in the process of planning an Expert Consultation, to be held in 2016, on the marking of fishing gear with the objective of providing a simple, workable and enforceable means of identifying the ownership and position of fishing gears.

138. Based on the foregoing, some progress was made in relation to by-catch management, including species-related measures and efforts to adopt mechanisms to monitor and reduce discards.

139. Some progress was also made in addressing and mitigating the incidence and impacts of lost or abandoned fishing gear and establishing mechanisms for the regular retrieval of derelict gear. However, increasing attention on marine debris, plastics and microplastics at the global level has the potential of triggering strengthened action by States and other relevant stakeholders to address the issue of lost or abandoned fishing gear.

2. Conclusions

140. The General Assembly has continuously reaffirmed the importance of long-term conservation, management and sustainable use of the living marine resources.¹⁹² A number of recommendations concerning the conservation and management of straddling and highly migratory fish stocks have also been made by the Review Conference, together other important commitments related to fisheries, such as those contained in General Assembly resolutions on sustainable fisheries, "The future we want" and the 2030 Agenda for Sustainable Development. Actions aimed at the implementation of these commitments would be mutually reinforcing.

141. States and RFMO/As have made some progress in implementing many of the recommendations of the Review Conference. However, as noted in section II, the status of a significant number of stocks has continued to deteriorate. It is therefore imperative for States and RFMO/As to take further action, inter alia, to adopt effective conservation and management measures in line with the best scientific information available,¹⁹³ while applying widely the precautionary approach and ecosystem approaches.¹⁹⁴ In keeping with the commitment to restore depleted stocks to levels that can produce maximum sustainable yield on an

¹⁸⁷ GFCM, ICCAT, NAFO, NEAFC.

¹⁸⁸ NAFO.

¹⁸⁹ ICCAT.

¹⁹⁰ NEAFC.

¹⁹¹ GFCM.

¹⁹² A/RES/70/75, para. 1.

¹⁹³ *Ibid.*, para. 144.

¹⁹⁴ *Ibid.*, para. 8.

urgent basis and, where possible, not later than 2015,¹⁹⁵ it is important to explore ways to make significant progress in this regard.

142. As indicated by the General Assembly, States need to intensify their efforts to assess and address the impacts of global climate change and ocean acidification on the sustainability of fish stocks and their habitats.¹⁹⁶ In this regard, additional actions would be needed with regard to the enhanced integration of environmental factors into the adoption and review of conservation and management measures, as well as regarding the inadequate resources for monitoring of environmental factors. States also need to ensure implementation of accurate, complete, reliable and effective data collection and reporting of required data on catches, including by-catch and discards. Further improvement is required, *inter alia*, in the creation of effective incentives to promote compliance, data collection, reporting on associated species.

143. Closely related to the implementation of ecosystem approaches, further actions are necessary for the adoption and implementation of measures to fully implement the IPOA for Conservation and Management of Sharks,¹⁹⁷ minimization of by-catch, as well as reduction or elimination of catch by lost or abandoned gear, fish discards and post-harvest losses.¹⁹⁸ Enhanced use of area-based management tools is also required.

144. Addressing overfishing, including IUU fishing, requires reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks.¹⁹⁹ In this regard, subsidies that contribute to overfishing and overcapacity and to IUU fishing have to be eliminated.²⁰⁰

145. Although some progress appears to have been made, there is insufficient information to assess progress in the achievement of compatible measures. Therefore, it is suggested to establish and operate mechanisms to strengthen the exchange of information and data to support the development of compatible measures.

146. While some progress was made with regard to the conservation and management measures for deep-sea fisheries, the General Assembly's further review of actions taken by States and RFMO/As with regard to bottom fishing to be held in 2016 will offer a renewed opportunity for States to take stock of progress to date and determine whether further action is necessary. Further collection of necessary data would provide assistance in this regard.

B. Mechanisms for international cooperation and non-members

147. International cooperation, based on the framework set out in the Convention and the Agreement, is essential to ensure the effective and long-term conservation and management of straddling fish stocks and highly migratory fish stocks. The Review Conference in 2006²⁰¹ and 2010²⁰² made a series of important recommendations in this context to promote international cooperation through RFMO/As and to increase their effectiveness. These recommendations addressed issues such as: strengthening the mandates of RFMO/As; undertaking regular performance reviews and implementing the recommendations; strengthening cooperation among RFMO/As; addressing participatory rights in RFMO/As and participation of non-members; decision-making rules and procedures in RFMOs; the establishment of new RFMO/As; cooperation to examine and clarify the role of the "genuine link" in relation to flag State control; concrete

¹⁹⁵ *Ibid.*, para. 4.

¹⁹⁶ *Ibid.*, para. 6.

¹⁹⁷ *Ibid.*, para. 17.

¹⁹⁸ *Ibid.*, para. 113.

¹⁹⁹ *Ibid.*, para. 103.

²⁰⁰ *Ibid.*, para. 108.

²⁰¹ A/CONF.210/2006/15, annex, para. 32.

²⁰² A/CONF.210/2010/7, annex, section II.

measures to enhance the ability of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks, including facilitating access to such fisheries.

1. Measures taken at the national and international levels

148. *Strengthening RFMO/As.* The Review Conference in 2006 and 2010 called for the modernization of the mandates of RFMO/As to reflect explicit provisions for the use of modern approaches to fisheries conservation and management.

149. Most responding States reported on their efforts to strengthen the mandates of RFMO/As to which they belonged,²⁰³ including through the adoption of best practices, inclusion of review mechanisms in measures,²⁰⁴ adoption of compliance and monitoring measures,²⁰⁵ establishment and strengthening of compliance committees,²⁰⁶ enhancement of scientific knowledge and advice,²⁰⁷ and incorporation of modern approaches in newly concluded or amended RFMO/A constitutive instruments and in interim measures.²⁰⁸

150. Several responding States made efforts to improve the science-base of RFMO/As and the efficiency of compliance assessment processes, including through financial contributions.²⁰⁹

151. A number of responding RFMO/As strengthened their mandates and/or measures to implement modern approaches to fisheries management, in particular precautionary and ecosystem approaches, including through performance review processes.²¹⁰ Some responding RFMO/As noted ongoing efforts to improve the utilization of best available scientific advice in conservation and management measures.²¹¹

152. The NPFC Convention, which entered into force in 2015, included modern approaches to fisheries, such as precautionary and ecosystem approaches and the utilization of the best scientific information available.

153. SPRFMO was also continuously reviewing existing measures and adopting new ones with a view to implementing state-of-the-art fisheries management, while relying on the best scientific information available, and applying precautionary and ecosystem approaches to fisheries management.

154. SEAFO was reviewing certain conservation measures dealing with TACs and measures to improve the protection of VMEs with advice from its scientific committee.

155. As a follow-up to its performance review, GFCM amended its constitutive instrument and strengthened its mandate, including for decision-making. IATTC's mandates were expanded and strengthened through the entry into force of the Antigua Convention in 2010,²¹² while ICCAT was in the process of revising its Convention.

156. WECAFC indicated that it had been making fisheries management recommendations since 2014, but noted that it was up to its members to integrate them into national laws and regulations.

²⁰³ Australia, Brazil, Canada, European Union, FFA members, Japan, New Zealand, Norway, Togo, United States.

²⁰⁴ Australia.

²⁰⁵ New Zealand.

²⁰⁶ European Union.

²⁰⁷ Ibid.

²⁰⁸ Canada, Japan, New Zealand, Norway, United States.

²⁰⁹ European Union.

²¹⁰ CCAMLR, CCSBT, GFCM, ICCAT, NAFO, NEAFC, NPFC, SPRFMO, WECAFC.

²¹¹ CCAMLR, CCSBT, NPFC, SEAFO, SPRFMO.

²¹² See http://www.iattc.org/PDFFiles2/Antigua_Convention_Jun_2003.pdf

157. Based on the responses received, steady progress has been made by States and RFMO/As in strengthening the mandates and measures of RFMO/As, through a variety of initiatives.

158. *Undertaking performance reviews and promoting best practice guidelines.* The Review Conference in 2006 called on RFMO/As to undergo on an urgent basis performance reviews that included some element of independent evaluation, using transparent criteria based on the Agreement and other relevant instruments, as well as best practices, and to ensure that the results were made publicly available. In 2010 RFMO/As were further called upon to undertake first reviews no later than 2012, to undertake reviews on a regular basis and to also make publicly available information on actions taken to implement the recommendations from such performance reviews.

159. Most responding States stressed their ongoing support of RFMO/A performance reviews and their active involvement as members in such reviews.²¹³ For example, Qatar indicated that it was involved in the performance review in RECOFI²¹⁴ and noted that a work plan had been developed using the best practices of other regional commissions.

160. Some responding States highlighted the public availability of information pertaining to performance reviews²¹⁵ and their efforts in the implementation of recommendations from these reviews.²¹⁶ A respondent²¹⁷ had prepared a draft updated strategic plan and associated action plan to incorporate relevant elements from the recommendations of the CCSBT review.²¹⁸ Some responding States also stressed how they promoted regular performance reviews in RFMO/As.²¹⁹

161. Since the Review Conference in 2010, the following RFMO/As with the competence to manage straddling fish stocks or highly migratory fish stocks have completed a first performance review:²²⁰ GFCM (2011), NAFO (2011), SEAFO (2010) and WCPFC (2012). As recommended, these performance reviews were conducted by 2012 and by review panels with some element of independent evaluation. The reports of these performance reviews have been made available to the public.²²¹

162. The performance review of IATTC is currently underway, and SEAFO will conduct a second performance review in early 2016.²²² NEAFC and CCSBT completed their second performance reviews in 2014 and the reports from these performance reviews have now been made public. CCAMLR, ICCAT and NAFO are planning for their second performance reviews. NAFO has established a working group to develop the scope, timeline and draft terms of reference for its second performance review, which would present its recommendations in 2016.

163. NPFC noted that its convention provided a framework for periodic performance reviews. SPRFMO noted that its convention provided for reviews to be undertaken every five years, which were to be guided by best international practices, with the results made publicly available. It had already incorporated review clauses into many of its conservation and management measures.

²¹³ Australia, Brazil, Canada, European Union, Japan, Norway, Togo, Qatar, United States.

²¹⁴ See <http://www.fao.org/docrep/meeting/022/am411e.pdf>.

²¹⁵ Japan, New Zealand, Norway.

²¹⁶ Australia, Canada, European Union, New Zealand, Qatar.

²¹⁷ New Zealand.

²¹⁸ http://www.tuna-org.org/Documents/2014_CCSBT_Independent_Performance_Review.pdf.

²¹⁹ European Union, Japan, Mauritius, New Zealand, Norway.

²²⁰ For performance reviews conducted between 2006 and 2010, see A/CONF.210/2010/1, paras. 247-294. In addition to the RFMO/As mentioned in the present report, CECAF, Caribbean Regional Fisheries Mechanism, IPHC, NASCO, NPAFC, Pacific Salmon Commission, RECOFI, SWIOFC and WECAFC also conducted performance reviews between 2010 and 2014.

²²¹ For consolidated information on the performance reviews, see note 81.

²²² ICCAT is also working towards a second performance review.

164. Many responding organizations highlighted their efforts to implement the recommendations of these performance reviews.²²³ Some responding RFMO/As also reported that information on actions undertaken to implement the recommendations from their performance review was publicly available.²²⁴ For example, CCAMLR reported that a matrix on the status of its consideration of the recommendations from its performance review was updated annually on its website. At its 2015 meeting, CCSBT adopted a strategic plan which incorporated many of the recommendations of its 2014 performance review, including a high priority goal to undertake performance reviews periodically to routinely assess opportunities for improvements, including both self-assessment and independent reviews.²²⁵ NAFO noted that the plan of action developed on the basis of its performance review had a good implementation rate.

165. NEAFC noted that its second performance review took account of best practices of other RFMOs. At its annual meeting in 2015, NEAFC implemented some of the recommendations from its second performance review, including adopting terms of reference for a working group on a framework for coastal State negotiations.²²⁶

166. The recommendations from SEAFO's performance review in 2010 were addressed by its Commission. WCPFC reported that it underwent a performance review as part of the joint tuna RFMO process and noted that the outcome had been considered and the majority of the review recommendations had been implemented.

167. FAO reported on a new publication, which provided a history, description and overview of the performance review processes of regional fishery bodies and the implementation measures taken following the reviews.²²⁷

168. Based on the responses received, considerable progress has been made on the completion of performance reviews, which have involved at least some degree of independent input and the results of which have been made public. Some progress has been made on the recommendation that performance reviews take place on a regular basis. However, more progress is needed in respect to the implementation of the recommendations from performance reviews, and in particular in meeting the recommendation that such action on implementation be made publically available.

169. *Strengthening and enhancing cooperation among RFMO/As.* The Review Conference in 2010 encouraged States to strengthen cooperation among RFMO/As and called for the establishment of joint working groups or other mechanisms to facilitate the development of harmonized measures across RFMO/As. It also invited RFMO/As with competence to manage straddling fish stocks to consider holding joint meetings to exchange views on key issues and to share best practices.

170. Most responding States highlighted their ongoing support for enhanced cooperation amongst RFMO/As, including in the harmonization of rules across them.²²⁸ Some responding States also noted the establishment of working groups and other mechanisms between RFMO/As to improve cooperation and harmonize measures.²²⁹ For example, work was ongoing in NAFO to harmonize port State measures with measures adopted by NEAFC.²³⁰

²²³ CCAMLR, CCSBT, GFCM, IPHC, NAFO, NEAFC, NPFAC, SEAFO, WCPFC.

²²⁴ CCAMLR, GFCM.

²²⁵ See ccsbt.org/sites/ccsbt.org/files/userfiles/file/docs_english/meetings/meeting_reports/ccsbt_22/report_of_CCSBT22.pdf.

²²⁶ See www.neafc.org/system/files/AM-2015-press-statement-final_0.pdf.

²²⁷ See note 81.

²²⁸ Australia, Brazil, Canada, European Union, Japan, New Zealand, Norway, United States.

²²⁹ Canada, Norway.

²³⁰ Norway.

171. Support was expressed for improved cooperation between RFMO/As and other relevant international organisations in areas of mutual interest, such as the Regional Seas Conventions and scientific bodies, such as ICES, including by entering into memoranda of understanding or partnership agreements.²³¹ The European Union's development policy supported the establishment of an African Platform for Regional Institutions for Fisheries and Aquatic Systems, in order to reinforce cooperation among these bodies. One respondent also noted the important role of members of multiple RFMO/As in sharing experiences between organizations.²³²

172. Several responding States noted their involvement in, and continued support for the Kobe process, which sought to coordinate the activities of the five tuna RFMOs.²³³ The third joint meeting of tuna RFMOs took place in 2011, and resulted in a series of targeted recommendations, as well as the formation of a steering committee to advance and implement coordinated best-practice measures.²³⁴ A responding State considered that this process might be usefully applied to other RFMO/As.²³⁵ Another respondent indicated that it was working through WCPFC and IATTC, as well as the ISC, to promote compatible conservation and management for trans-Pacific stocks like Bluefin tuna.²³⁶

173. Many responding RFMO/As reported on their efforts to strengthen and enhance cooperation, including through collaborative arrangements dealing with overlapping areas and/or species and issues of common concern, such as IUU fishing.²³⁷ Several RFMO/As were participating in regional meetings and in global initiatives, such as the Regional Fishery Body Secretariats' Network and the Kobe process, and FAO initiatives, such as the Coordinating Working Party on Fishery Statistics, FIRMS and the Fisheries Global Information System, and the Global Environmental Facility (GEF) Deep Sea Project and the VME-database.²³⁸ Some RFMO/As also noted provisions in their constitutive instruments and arrangements to enhance cooperation with other organizations.²³⁹

174. CCSBT indicated that, as a species-specific RFMO, it was careful to consider consistency with other organizations when adopting new measures, in particular WCPFC, IATTC, IOTC, SPRFMO and CCAMLR.²⁴⁰

175. In 2014, NAFO and NEAFC established a joint advisory group on data management to promote harmonization of the format in reporting for fishing vessels and also cooperated in the management of a fish stock.

176. SEAFO had a joint IUU vessel listing agreement with CCAMLR, NAFO and NEAFC.

177. WCPFC collaborated with partners in the Pacific Oceanscape Framework. WCPFC was also taking steps to deal with areas of overlapping coverage with IATTC, including by requiring States that operate in both areas to declare which RFMO's measures applied and to appropriately attribute catch history.

178. The responses received point to a considerable increase in cooperation among RFMO/As at many levels, including through the joint meetings of the tuna RFMOs, cooperation among secretariats of some

²³¹ European Union.

²³² Ibid.

²³³ Canada, European Union, Japan, New Zealand, United States.

²³⁴ United States.

²³⁵ New Zealand.

²³⁶ United States.

²³⁷ CCAMLR, CCSBT, GFCM, IATTC, ICCAT, NAFO, NASCO, NEAFC, NPAFC, OPESCA, PICES, SEAFO, WCPFC, WECAFC.

²³⁸ CCAMLR, CCBST, IATTC, ICCAT, NAFO, NASCO, NPAFC, SPRFMO, WCPFC.

²³⁹ NPFC, SEAFO, SPRFMO.

²⁴⁰ New Zealand.

organizations that share the same geographic area or stocks, information-sharing, scientific activities, enforcement, harmonization of measures, including through the establishment of working groups and other mechanisms, and cooperation on a global basis with international organizations in areas of mutual interest, including FAO.

179. The use of formal cooperation mechanisms, such as memoranda of understanding has increased although, in general, the priorities, range and effectiveness of such cooperation were not elaborated by respondents. The need for enhanced cooperation amongst RFMO/As in the formulation of rules remains an issue.

180. *Promoting participation in RFMO/As.* The Review Conference in 2006 recommended the establishment of mechanisms to promote the participation of non-members and the provision of incentives to encourage non-members to join RFMO/As. The Review Conference in 2006 and 2010 also highlighted the need to address participatory rights in RFMO/As, including through the development of transparent criteria for fishing allocations and by accommodating the interests of new members and developing States.

181. Many responding States participated actively in the work of RFMO/As.²⁴¹ Several States also took actions to encourage cooperation and/or participation by non-members,²⁴² including by providing regular funding to RFMO/As to allow for the active participation of developing States²⁴³ and the use of appropriate positive incentives, as well as through bilateral talks.²⁴⁴

182. Support was expressed for the development of transparent criteria for the allocation of fishing opportunities and participatory rights based on the best available fisheries science and associated management frameworks, such as harvest strategies with appropriate reference points.²⁴⁵

183. One respondent favoured the concept of open membership in RFMO/As, as long as applicant countries could demonstrate their willingness and ability to participate constructively in activities and comply with measures.²⁴⁶ It also supported meaningful participation of fishing entities and necessary changes to constitutive instruments and rules of procedure to this end. In 2015, it changed from a cooperating non-member of CCSBT to a member of its extended commission.²⁴⁷

184. The need for RFMO/As and their members to address non-members who failed to cooperate and acted in a manner that undermined conservation and management measures was underlined.²⁴⁸

185. Several responding RFMO/As reported on efforts to engage non-members in their activities and to encourage membership or cooperation by non-members,²⁴⁹ including by inviting observers to annual meetings, providing access to markets and increased catch allocation upon full membership.²⁵⁰ Some RFMO/As cited provisions in their constitutive instruments or mechanisms that encouraged or facilitated the participation of non-members in their work.²⁵¹

²⁴¹ Australia, Brazil, Canada, Costa Rica, European Union, Mozambique, Philippines.

²⁴² European Union, Japan, New Zealand.

²⁴³ Ibid.

²⁴⁴ Japan.

²⁴⁵ New Zealand.

²⁴⁶ European Union.

²⁴⁷ Ibid.

²⁴⁸ New Zealand.

²⁴⁹ CCAMLR, CCSBT, NPFC, SPRFMO.

²⁵⁰ CCAMLR.

²⁵¹ CCAMLR, NPFC, SEAFO, WCPFC.

186. CCAMLR reported on polices to enhance cooperation with non-contracting parties, including regarding its catch documentation scheme and in combating IUU fishing.

187. NPFC noted that some governments with fishing interests in its convention area had shown interest in participating in its work and had joined its meetings.

188. In light of the foregoing, it appears that progress has been made to encourage the participation of non-members in RFMO/As by various means. Some progress was also reported on improving participation in RFMO/As by developing States. However there was little information reported on the development of transparent criteria for allocating fishing opportunities, in order to address participatory rights in RFMO/As. The situation thus remains the same as it was in 2010, namely that further efforts are needed to agree on and apply such criteria.²⁵²

189. *Improving decision-making rules and procedures in RFMO/As.* The Review Conference in 2006 called for measures to ensure that post opt-out behaviour was constrained. It also encouraged the improvement of transparency in RFMO/As, both in terms of decision-making and by allowing intergovernmental and non-governmental organizations to participate.

190. Several responding States highlighted their efforts to improve decision-making processes in RFMO/As, such as by developing or amending dispute resolution mechanisms.²⁵³ Some responding States also stressed the need to prevent opting-out as a way of circumventing conservation measures in RFMO/As,²⁵⁴ and noted the revised objection procedures in RFMO/As, such as NAFO, NEAFC and IOTC.²⁵⁵

191. Most responding States supported transparency in RFMO/A decision-making and the opportunity for reasonable participation by intergovernmental and non-governmental organizations.²⁵⁶ One responding State reported that the rules of procedure in SIOFA allowed for observer attendance and participation, unless a majority of the parties objected.²⁵⁷ In IATTC, a working group was tasked with developing a recommendation to update and modernize its rules of procedure.²⁵⁸

192. Several responding RFMO/As reported on their decision-making procedures, including measures or efforts to ensure that post opt-out behaviour was constrained and did not undermine conservation and management efforts.²⁵⁹ A number of RFMO/As also reported on specific dispute resolution procedures or efforts to develop clear processes for dispute resolution.²⁶⁰

193. CCAMLR noted that its consensus decision-making process avoided implications associated with opt-outs. GFCM reported that the relevant recommendations from the Review Conference relating to decision-making rules and procedures had been duly reflected in the amendments to its constitutive instrument.

194. IATTC noted that the Antigua Convention prohibited reservations and addressed the applicability of its measures to all members. ICCAT generally operated on a consensus basis, although procedures were in place for dispute resolution. A working group was examining the International Convention for the Conservation of Atlantic Tunas in relation to the adoption of binding recommendations and an objection

²⁵² A/CONF.210/2010/INF/1, p.8.

²⁵³ Australia, Brazil, Canada, European Union, FFA members, Mozambique, New Zealand.

²⁵⁴ Japan, New Zealand, Norway.

²⁵⁵ European Union, Mozambique, Norway.

²⁵⁶ Australia, Brazil, European Union, Japan, New Zealand, Norway, United States.

²⁵⁷ Australia.

²⁵⁸ United States.

²⁵⁹ CCAMLR, GFCM, IATTC, ICCAT, NAFO, NEAFC, NPFC, SPRFMO.

²⁶⁰ CCAMLR, CCSBT, NAFO, NEAFC, SEAFO, SPRFMO.

procedure. NEAFC noted that amendments adopted in 2004, once in force, would establish a dispute settlement procedure and a requirement to explicitly state post-objection intentions. NPFC reported that its convention provided fair and transparent decision-making and dispute settlement rules. SPRFMO noted that its decision-making process (a qualified majority decision-making procedure coupled with a carefully limited objection procedure) was used successfully for the first time in 2013.

195. With regard to improving transparency, the majority of RFMO/As reported on efforts to allow for participation of observers at meetings and to make reports and decisions available to the public.²⁶¹ CCSBT reported that observers with long-term observer status received automatic invitations to meetings and that other organizations could apply to attend its meetings. CCAMLR noted that the reports of its annual meetings, including its subsidiary working groups, were available on its website.

196. IATTC noted that the Antigua Convention provided for the participation of observers in its work, including non-governmental organizations. NAFO allowed accredited observers to attend meetings of its constituent bodies and made all decisions and meeting information available publicly. NEAFC's rules of procedure were amended in 2013 and included opening its Permanent Committee on Management and Science to observers from non-governmental organizations. WCPFC noted that its rules of procedure provided for the reasonable participation of intergovernmental and non-governmental organizations as observers.

197. Based on the responses, some progress has been made in the improvement of the transparency of RFMO/As, primarily through opportunities for reasonable participation of intergovernmental and non-governmental organizations, and to a lesser extent through the development of clear decision-making procedures.

198. Some progress was also made in constraining opt-out behaviour in newly established RFMO/As and a few RFMO/As have revised their constitutive instruments or rules of procedure, through the adoption of restrictions on States from opting out of RFMO/A decisions, combined with strengthened dispute settlement, decision-making procedures, alternative interim measures and other mechanisms.

199. *Establishing new RFMO/As and implementation of interim measures.* The Review Conference in 2006 and 2010 called for the establishment of new RFMO/As where needed. The Review Conference in 2010 called on States to ensure implementation of interim measures adopted by the participants in negotiations to develop new RFMO/As.

200. Since the Review Conference in 2010, three new RFMO/As have been established, namely SIOFA and SPRFMO in 2012, and NPFC in 2015. In addition, the Declaration Concerning the Prevention of Unregulated High Seas Fishing in the Central Arctic Ocean was signed by all five coastal States in 2015. It expresses an intention to implement certain interim measures, acknowledges the interest of other States in preventing unregulated high seas fisheries and envisions a broader process to develop measures that would include commitments by all interested States. One respondent expressed interest in participating actively in the creation of a management framework for the Arctic high seas.²⁶²

201. A number of responding States described their role in the establishment and/or functioning of NPFC and SPRFMO.²⁶³

202. The need to close gaps in the management of straddling and highly migratory species through the establishment of RFMO/As where such bodies did not exist, as well as by expanding the scope of existing organizations was underlined.²⁶⁴ WECAFC noted that it was undergoing a strategic reorientation process

²⁶¹ CCAMLR, CCSBT, IATTC, IPHC, NAFO, NEAFC, WCPFC.

²⁶² European Union.

²⁶³ Australia, Canada, Japan, Mauritius, New Zealand, United States.

²⁶⁴ European Union.

that could lead to its transformation into a RFMO in 2016. Consideration was also being given to the establishment of a regional fisheries management body in the Red Sea and Gulf of Aden.²⁶⁵

203. A number of respondents also reported on the implementation of interim measures that were adopted in the negotiations to develop new RFMO/As that were not yet in force.²⁶⁶ It was noted in this regard that, during the negotiations for the establishment of SPRFMO, participants developed and implemented on a voluntary basis a number of interim measures.²⁶⁷ The negotiations were cited by a respondent as a positive example of how interim voluntary measures could be satisfactorily decided and implemented.²⁶⁸ One responding State noted that during the process of establishing NPFC and SPRFMO, participants also established mechanisms to implement interim measures.²⁶⁹

204. In addition, Japan implemented its own voluntary measures in relation to the NPFC area, including closure of some seamounts and reduction of fishing efforts to ensure conservation and sustainable use of marine fisheries resources. The United States indicated that it was pursuing implementing legislation to enable ratification and accession to the constitutive instruments of NPFC and SPRFMO, as well as the recent amendments to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

205. Based on the responses received, encouraging progress has been made in establishing new RFMO/As, including through the ongoing transformation of regional fisheries bodies into RFMO/As. Progress has also been reported on the use of interim measures and supportive scientific mechanisms in advance of the entry into force of new RFMO/As.

206. *Effective control by flag States.* The Review Conference in 2006 called for cooperation to examine and clarify the role of the “genuine link” in relation to the duty of flag States to exercise effective control over vessels flying their flag.

207. A number of responding States reported on measures taken to ensure effective control of fishing vessels by other flag States.²⁷⁰ In this regard, support was expressed for the use of the 2014 FAO Voluntary Guidelines for Flag State Performance for flag State self-assessment.²⁷¹

208. A responding State indicated that it sought the cooperation of flag States in deregistering vessels known to undertake IUU fishing in RFMO/As to which it was a party.²⁷² Another responding State reported that only vessels on an authorized list were eligible for licences and use of port facilities,²⁷³ while yet another noted that under its legal framework flag States were requested to control and have responsibility for their vessels while in its EEZ.²⁷⁴

209. Several responding RFMO/As have taken measures to implement the duty of flag States to exercise effective control over their fishing vessels, including monitoring mechanisms.²⁷⁵ Some RFMO/As

²⁶⁵ FAO.

²⁶⁶ Australia, Canada, European Union, Japan, United States, NAFO, SPRFMO, NPFC.

²⁶⁷ Australia, European Union.

²⁶⁸ European Union.

²⁶⁹ United States.

²⁷⁰ Information regarding the implementation of recommendations for States to improve effective control as flag States is reported in section C, below.

²⁷¹ Canada.

²⁷² Australia.

²⁷³ Mauritius.

²⁷⁴ Mozambique.

²⁷⁵ CCAMLR, GFCM, ICCAT, NAFO, NEAFC, NAPFC, NPFC, SEAFO, SPRFMO.

also reported on efforts to address the issue of the “genuine link.”²⁷⁶ CCAMLR reported on measures to combat IUU fishing, including in relation to requiring a “genuine link”, and the control of nationals. SEAFO adopted a system of observation, inspection, compliance and enforcement that detailed flag State duties and applied to all fishing vessels and fishing research vessels operating or intending to operate in its convention area.

210. In SPRFMO, fishing vessels were only authorized in the convention area when the flag State was able to effectively exercise its responsibilities in respect of such vessels, including by maintaining a register and investigating immediately and reporting fully on actions to address alleged violations. WCPFC noted a range of measures to complement and support flag State responsibility, including with regard to the maintenance of a public record of fishing vessels and authorization to fish.

211. Some progress was reported on efforts to improve effective control by flag States over vessels flying their flag, including through national legislation and procedures in place to strengthen the effective control, and MCS-related mechanisms adopted by RFMO/As. However, very little progress was reported on the examination of the issue of a “genuine link”.

212. *Strengthening fisheries of developing States.* Information regarding various initiatives undertaken to implement these recommendations is reflected in section D below.

2. Conclusions

213. The General Assembly has long recognized the obligation of all States to cooperate in the long-term conservation, management and sustainable use of the living marine resources of the world’s oceans and seas and the need for enhanced cooperation to occur at all levels.²⁷⁷ It has thus urged States to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through RFMO/As, to ensure the effective conservation and management of these stocks.²⁷⁸ The Agreement elaborates on the fundamental principle established in the Convention that States should cooperate in taking the measures necessary for the conservation of these resources and it identifies RFMO/As as the primary vehicle for cooperation between coastal States and high seas fishing States.

214. As recommended by the Review Conference, cooperation is now being pursued more effectively in the Pacific Ocean and the Southern Indian Ocean through the establishment of new RFMO/As. Steady progress has also been made in strengthening the mandates and measures of RFMO/As so they may fulfil their crucial role in the implementation of the Agreement. This progress has been largely achieved through the performance review process and the implementation of recommendations from such reviews.

215. Additional efforts are required, however, including by undertaking performance reviews on a regular basis and by strengthening the comprehensiveness of those reviews over time, as urged by the General Assembly,²⁷⁹ so that RFMO/As can continue to address both existing and new challenges. It will also be important for RFMO/As to ensure that information about actions taken to implement the recommendations from performance reviews is made publicly available, in order to improve transparency, as recommended by the Review Conference in 2010.

216. While cooperation among RFMO/As has also improved at many levels, greater efforts are needed to increase communication and the coordination of measures among them, including through joint consultations, as urged by the General Assembly.²⁸⁰ Particular focus should be given to the harmonization

²⁷⁶ CCAMLR, NAFO, NPFC, SPRFMO and WCPFC.

²⁷⁷ A/RES/70/75, preamble and para. 1.

²⁷⁸ Ibid., para. 129.

²⁷⁹ Ibid., paras. 149-151.

²⁸⁰ Ibid., para. 145.

of measures and the sharing of information to ensure that conservation and management measures and enforcement mechanisms are effective across areas and species of mutual interest.

217. Similarly, while some progress has been made to encourage the participation of non-members in individual RFMO/As, as recommended by the Review Conference, very little progress has been made in the development of transparent criteria for allocating fishing opportunities, in order to address participatory rights in RFMO/As, particularly of developing States. The health of fish stocks depends crucially on the degree to which all States with a real interest in the fishery respect the applicable conservation and management measures.

218. In addition to improving transparency, efforts have been made to improve decision-making rules and procedures in RFMO/As, in particular by the newly established RFMOs, to ensure that conservation and management measures are not undermined. It is hoped that further progress will be made in this regard as RFMO/As undertake performance reviews on a regular basis and make the results of those reviews publicly available, as stressed by the General Assembly.²⁸¹

219. As established in the Convention and reaffirmed by the General Assembly, flag States are encouraged to improve effective control and ensure a “genuine link” over fishing vessels flying their flags.²⁸² While the efforts of the international community in developing guidelines and procedures to assist flag States are important, further efforts are needed by flag States to ensure effective control over vessels flying their flag by applying relevant criteria and self-assessment procedures.

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

220. The Agreement provides for flag State enforcement and port State measures. It also sets out a broad and innovative legal regime for cooperation in compliance and enforcement, including through RFMO/As. The Review Conference recognized that effective compliance with, and enforcement of agreed conservation and management measures, supported by effective MCS, was critical to achieving the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks. The recommendations of the Review Conference in 2006 and 2010 addressed issues, such as effective control over vessels, including supply and refuelling of vessels; control over fishing activities of nationals; implementation of compliance and enforcement schemes in RFMO/As; fisheries access agreements; the International Monitoring, Control and Surveillance Network (IMCS Network); market-related measures; the development of alternative mechanisms for compliance and enforcement; participation in the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM Agreement); regulation of transshipment; and the establishment of a global registry of vessels with a single vessel identification number.²⁸³

1. Measures taken at the national and international levels

221. *Strengthening effective control over vessels.* The failure by some States to effectively control their vessels continues to be one of the greatest challenges in the implementation of the Agreement. For this reason, the Review Conference, in 2006, recommended that States individually and collectively through RFMO/As strengthen effective control over vessels flying their flag.

222. Most responding States cited national regulations aimed at ensuring the effective control of ships flying their flag, including licensing schemes for fishing vessels operating on the high seas.²⁸⁴ Reference

²⁸¹ Ibid., para. 150.

²⁸² Ibid., para. 70.

²⁸³ A/CONF.210/2006/15, annex; A/CONF.210/2010/7, annex.

²⁸⁴ Australia, Canada, European Union, Japan, Mauritius, Mozambique, New Zealand, Norway, Philippines, Togo,

was also made to requirements for flag vessels to comply with conservation and management measures of RFMO/As.

223. Most responding States also provided an overview of the MCS tools that had been implemented in order to exercise control over vessels flying their flag and to deter IUU fishing.²⁸⁵ It was noted that such tools had also been used at the regional level.²⁸⁶ MCS measures implemented by RFMO/As included regional VMS and observer schemes, boarding and inspection procedures, negative vessel lists, statistical documentation schemes, catch documentation schemes and limitations or prohibitions on at-sea transshipment.²⁸⁷

224. The European Union ensured that member States effectively enforced the rules of its Common Fisheries Policy, for example, by deducting quotas in case of overutilization of fishing opportunities or for non-respect of applicable rules; as well as by withholding financial assistance when an offence posed a serious threat to conservation or the effective operation of the fisheries control system. Costa Rica established penalty procedures to address violations of its national regulations. Togo indicated that it provided to international organizations the list of vessels flying its flag that had lost their fishing permits because of a violation of national laws. FFA members noted that its members prohibited fishing vessels from fishing in areas beyond national jurisdiction without authorization and required all vessels flying their respective flags to install a mobile transceiver unit.

225. Some responding States highlighted the use of new technologies in order to modernize and make more effective the MCS tools already in place,²⁸⁸ for example, the use of electronic video monitoring to observe and verify at-sea activities; as well as the use of electronic logbooks, radar satellites and analytical intelligence software;²⁸⁹ satellite imagery; and unmanned aerial and surface vehicles.²⁹⁰

226. Only a few respondents reported on the development of regional MCS schemes.²⁹¹ For example, Australia reported having contributed to the establishment of the Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in South East Asia. Some responding States also provided information on the development of national measures and other activities, such as the closure of ports to foreign fishing vessels under specific conditions.²⁹²

227. While some responding RFMO/As reported on the adoption of measures to address effective control over vessels, including monitoring mechanisms,²⁹³ others considered that these recommendations were directed at States.²⁹⁴ Support was expressed for the FAO Voluntary Guidelines for Flag State Performance (see paras. 232-237).²⁹⁵

228. NAFO required flag States and contracting parties to notify its secretariat regarding fishing vessels which were given authorization to fish certain fish stocks. Under the NPFC Convention, flag States were required to maintain a record of authorized fishing vessels and provide information with respect to each vessel. In NEAFC and SPRFMO, contracting parties were required to authorize fishing vessels to engage in fishing activities only where they were able to exercise their responsibilities effectively in respect of the vessel.

United States. Also see paras. 206-211.

²⁸⁵ Canada, European Union, Japan, New Zealand, Norway, United States.

²⁸⁶ Australia, European Union, Japan, Mauritius, New Zealand, Norway.

²⁸⁷ European Union, Japan, New Zealand, Norway.

²⁸⁸ Australia, Canada, European Union, New Zealand.

²⁸⁹ Canada.

²⁹⁰ <http://www.imcsnet.org/wp-content/uploads/2012/03/Maritime-Electronic-Tools-ARTFINAL-v4.pdf>.

²⁹¹ Australia, European Union, Norway.

²⁹² Japan, Qatar.

²⁹³ CCMLR, CCSBT, IATTC, ICCAT, GFCM, NAFO, NEAFC, NAPFC, NPFC, OSPESCA, SEAFO, SPRFMO.

²⁹⁴ IPHC, WCPFC.

²⁹⁵ GFCM.

229. As indicated in paragraph 209, SEAFO adopted a system of observation, inspection, compliance and enforcement applicable to all fishing vessels and fishing research vessels operating or intending to operate in its convention area.

230. WCPFC noted a range measures to complement and support flag State responsibility, including with regard to the maintenance of a public record of fishing vessels and authorization to fish.

231. Based on the responses received, which included only limited information regarding measures introduced since 2010, it is difficult to assess advancements in this area. However, it appears that some progress was made in strengthening effective control over vessels.

232. *Assessment of flag State performance.* In line with the recommendation of the Review Conference in 2010 to develop, through FAO, a set of criteria for assessing the performance of flag States in carrying out their responsibilities in that capacity, the Voluntary Guidelines for Flag State Performance were endorsed by the FAO Committee on Fisheries in 2014.

233. Most responding States welcomed the adoption of the Guidelines,²⁹⁶ with some indicating that they had supported and encouraged the use of these Guidelines.²⁹⁷ However, only one respondent noted that it had examined its performance against the criteria of the Guidelines, unveiling the need to amend some of its legislation related to flag State duties.²⁹⁸

234. Some responding States reported on measures taken in order to trigger and encourage action from other States in their role as flag States once violations occurred.²⁹⁹ A responding State noted that it had reported IUU vessels to flag States, requesting that they confirm whether an IUU vessel appeared in their respective registry and if so, encouraged them to take responsibility for that vessel, including deregistering it as appropriate.³⁰⁰

235. The European Union's Regulation to prevent, deter and eliminate IUU fishing³⁰¹ required, inter alia, all flag States to discharge their duties incumbent upon them under international law as flag States.³⁰² Also, under this Regulation, in the event that States did not respect the rules established by international law, as a flag, coastal, port or market State and refused to cooperate with the European Union in the fight against IUU fishing they would risk being listed by the European Union as non-cooperating third countries and no longer being able to trade fish with the European Union.³⁰³

236. Some States reported having implemented the certification requirements under the aforementioned European Union Regulation, in order to certify the legitimacy of catch.³⁰⁴

237. Based on the responses received, there appears to be broad support for the use of the FAO Voluntary Guidelines, however, only one State reported on actions taken to implement the Guidelines.

238. *Participation in the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the adoption of port State measures.* The Review Conference in 2010 recommended encouraging States to consider becoming party to the PSM Agreement.

²⁹⁶ Canada, European Union, Japan, New Zealand, Norway, United States.

²⁹⁷ Canada, European Union, United States.

²⁹⁸ Norway.

²⁹⁹ Australia, European Union.

³⁰⁰ Australia.

³⁰¹ Council Regulation (EC) 1005/2008.

³⁰² European Union.

³⁰³ Ibid.

³⁰⁴ New Zealand, Mozambique, Philippines.

That Agreement has not yet entered into force, but is expected to do so in the foreseeable future. As of 22 January 2016, 19 (of required 25) instruments of consent to be bound had been deposited.

239. Most responding States expressed support for the PSM Agreement, and some indicated being signatories³⁰⁵ or having deposited an instrument of consent to be bound.³⁰⁶ However, the FFA members noted that while all of its members upheld the objectives of the PSM Agreement, some preferred a risk-based approach to implementation rather than the one which taxed the capacity of SIDS to implement it effectively.

240. Some responding States³⁰⁷ reported on their efforts to encourage other States to become parties to the PSM Agreement by directly providing capacity-building to developing States or by providing financial contributions to FAO for capacity-building. APFIC and OSPESCA directly supported developing States to implement port State measures. APFIC, NEAFC and WECAFC also indicated that they had been actively supporting the FAO in promoting implementation of the PSM Agreement, including by organizing or taking part in regional workshops. FAO has a broad capacity-building programme in support of the PSM Agreement, including regional workshops.

241. The Review Conference in 2010 also encouraged States to adopt port State measures consistent with the PSM agreement through RFMO/As. NEAFC reported that amendments aligning its port State control system with the provisions of the PSM Agreement entered into force on 1 July 2015. Similarly, SPRFMO noted that its minimum standards of inspection in port referenced the PSM Agreement. NAFO was conducting a major revision of its port State measures to better align them with the Agreement. Other RFMO/As also reported on proposals under negotiation in order to adopt port State measures, or align existing measures with the PSM Agreement.³⁰⁸ CCSBT and ICCAT indicated having adopted minimum standards for port inspections in 2015 and 2012, respectively, without specifying whether they were consistent with the PSM Agreement.

242. Based on the responses received, some States, RFMO/As and FAO are providing solid support to developing States for becoming party to the PSM Agreement and its implementation. However, responses of RFMO/As concerning implementation of port State measures consistent with the PSM Agreement were limited, and tended to focus on the content of their respective conservation measures.

243. *Control over fishing activities of nationals.* The Review Conference in 2006 recommended strengthening, consistent with national law, domestic mechanisms to deter nationals and beneficial owners from engaging in IUU fishing activities. Building on that recommendation, the Review Conference in 2010 recommended States to control fishing activities of their nationals, to the extent possible, that undermine the effectiveness of conservation and management measures adopted in accordance with international law and take measures and cooperate to ensure compliance by their nationals.

244. Several responding States reported on their national legislation applicable to fishing activities of nationals and/or beneficial owners, including investigations of and sanctions for alleged violation of conservation and management measures.³⁰⁹ A responding State noted that it utilized the International Criminal Police Organization's global network and notices system to spotlight IUU vessels, apprehend international fugitives, and assist other countries in the combating of IUU fishing.³¹⁰ Another responding State noted that it maintained a system of registration of professional fishers in order to control the fishing activities of its nationals.³¹¹

³⁰⁵ Canada, United States.

³⁰⁶ Australia, European Union, New Zealand, Norway.

³⁰⁷ Australia, Canada, European Union.

³⁰⁸ GFCM, IATTC, WCPFC.

³⁰⁹ Australia, European Union, Japan, New Zealand, Norway, Philippines, United States.

³¹⁰ United States.

³¹¹ Brazil.

245. The responses received were in substance similar to those contained in the reports submitted to the Review Conference in 2006 and 2010. It was therefore difficult to ascertain progress on the recommendations concerning the control of fishing activities of nationals.

246. *Strengthening compliance, cooperation and enforcement schemes in RFMO/As.* The Review Conference in 2006 and 2010 highlighted the importance of compliance and enforcement schemes at the regional level and recommended States to ensure that all vessels fishing on the high seas carry VMS as soon as practicable, as well as to annually assess compliance by members with measures of RFMO/As.

247. In addition to highlighting existing compliance and enforcement schemes in RFMO/As,³¹² some responding States indicated that they were actively involved in negotiating new compliance and enforcement measures consistent with the Agreement in several RFMO/As.³¹³ One example given was the FFA Niue Treaty on Fisheries Surveillance, a Pacific-wide agreement that allowed coordinated MCS activities³¹⁴ and exchange of information relevant to MCS (licencing, location and movement of foreign fishing vessels, inter alia) among parties.³¹⁵

248. National and regional initiatives to enhance MCS, including the implementation of measures adopted by RFMO/As, were also highlighted by the respondents.³¹⁶ Most States reported that they required categories of their flagged vessels fishing on the high seas to carry a VMS, including through the implementation of RFMO/A measures or were in the process of implementing such a requirement.³¹⁷ GFCM noted the need to test recognized alternatives to VMS, particularly for small-scale vessels which could be monitored with less costly technological devices.

249. A number of RFMO/As also implemented schemes to assess compliance with the obligations arising under the respective international agreements.³¹⁸ For example, IATTC established a committee to review implementation of its measures. In 2012, CCAMLR adopted a compliance evaluation procedure to evaluate members' implementation and compliance status. In GFCM, effective control by flag States was examined on an annual basis. NEAFC's Permanent Committee on Control and Enforcement examined every year the performance of contracting parties in controlling their vessels.

250. Some responding States reported on their contributions to regional cooperation in compliance and enforcement,³¹⁹ for example, information-sharing among signatories to the Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in South East Asia, as well as among relevant States, including port and flag States, in order to strengthen international compliance and enforcement efforts against IUU fishing.

251. Based on the responses received, it was not possible to assess the actual impact of reported schemes and measures. In particular, the effectiveness of compliance review processes was not elaborated upon. The Secretary-General's report submitted to the Review Conference in 2010 had already noted the broad use of mandatory VMS,³²⁰ but the responses received did not highlight any significant advance. In addition, responding States and RFMO/As reported varying requirements and systems.

³¹² Australia, Canada, Costa Rica, European Union, Japan, Mauritius, New Zealand, Norway, Philippines, Mozambique, United States.

³¹³ Australia, Canada, New Zealand, Norway.

³¹⁴ New Zealand.

³¹⁵ See https://www.ffa.int/niue_treaty

³¹⁶ Australia, Japan, New Zealand.

³¹⁷ Australia, Canada, European Union, Japan, Mauritius, Mozambique, New Zealand, United States.

³¹⁸ CCAMLR, CCSBT, IATTC, ICCAT, NAFO, NEAFC, SEAFO, SPRFMO, WCPFC.

³¹⁹ Australia, Canada, New Zealand.

³²⁰ A/CONF.210/2010/1, para. 318.

252. *Development of alternative mechanisms for compliance and enforcement in RFMO/As.* The Review Conference in 2006 recognized that the development within RFMO/As of alternative mechanisms for compliance and enforcement in accordance with article 21, paragraph 15, of the Agreement could facilitate accession to the Agreement by some States.

253. Several responding States expressed support for such alternative mechanisms as part of a comprehensive and effective MCS regime.³²¹

254. A responding State noted that it had implemented electronic monitoring in its pelagic longline fisheries, which complemented and verified other monitoring techniques; as well as an IUU deterrence strategy which communicated the potential dangers of working on an IUU fishing boat.³²²

255. IATTC reported on a recent resolution requiring its secretariat to transmit the IATTC IUU Vessel List as soon as possible to other RFMO/As for the purposes of enhancing cooperation aimed at preventing, deterring and eliminating IUU fishing. ICCAT had a boarding and inspection scheme in place only for the eastern Atlantic and Mediterranean Bluefin tuna fishery and adopted different MCS measures for other fisheries.

256. GFCM was running a pilot study for the establishment of a regional control system to ensure that even those contracting parties devoid of a fishing monitoring centre could perform MCS activities. SEAFO had agreed on measures for at-sea inspection in 2013. NEAFC also reported on the adoption of a system of boarding and inspections.

257. The responses received seem to indicate that, while there is broad support for the idea of developing alternative mechanisms for compliance and enforcement, there has been little advance on this recommendation, thus mirroring the information reported to the Review Conference in 2010.³²³

258. *Regulation of trans-shipment, supply and refuelling vessels.* The Review Conference in 2010 recommended States to strengthen measures of RFMO/As to monitor and regulate trans-shipment activity, particularly by considering stronger rules relating to trans-shipment at sea.

259. Several responding States³²⁴ reported on the adoption of stringent measures to regulate trans-shipment, in particular at-sea trans-shipment, and to prohibit supply and refuelling vessels from engaging in operations with vessels included on negative vessel lists.

260. Several responding States³²⁵ referred to national laws or mandatory regional regulations regulating trans-shipment, with several States generally prohibiting trans-shipment at sea. One State reported that the landing or trans-shipment by fishing vessels flying its flag at foreign ports required prior notification.³²⁶ Some responding States indicated that they supported more stringent regulation of trans-shipment activity in various RFMO/As.³²⁷

261. A number of responding States³²⁸ also reported on measures adopted by RFMO/As concerning trans-shipment. For example, ICCAT established a record of carrier vessels and conditions for at-sea trans-shipment, such as flag State authorization, notification procedures and regional observer programmes. In NAFO and NEAFC only authorized vessels could engage in trans-shipment operations.

³²¹ Canada, European Union, United States.

³²² Australia.

³²³ A/CONF.210/2010/1, para. 410.

³²⁴ Australia, Canada, European Union, FFA members, Japan, Mozambique, New Zealand, United States.

³²⁵ Canada, Mauritius, European Union, FFA members, Mozambique, Philippines, United States.

³²⁶ Japan.

³²⁷ Canada, European Union, New Zealand.

³²⁸ Australia, Canada, FFA members, New Zealand, Norway.

262. A number of responding RFMO/As also reported on various measures adopted concerning trans-shipment.³²⁹ For example, CCSBT reported that its programme for monitoring trans-shipments at sea, in place since 2009, had been revised to include requirements for monitoring transshipments in port as of 1 January 2015.

263. Based on the responses received, it can be concluded that robust measures have been adopted to regulate trans-shipment, in particular at-sea trans-shipment, including through legislation, prohibitions of at-sea and/or species-related transshipments, port inspections, authorization and notification procedures and verification measures, in line with the recommendations of the Review Conference in 2006 and 2010. However, there was not sufficient information that would enable an assessment of progress since 2010 or the impact of current measures. There seems to be broad support for the adoption of increasingly stringent measures to prohibit or regulate at-sea trans-shipment, including through catch documentation schemes, by RFMO/As. A practical challenge continues to be to ensure that current information on negative vessel lists is provided to relevant supply and refuelling vessels. There were some instances of reporting on measures to prohibit supply and refuelling vessels, without much detail as to the content of the measures.

264. *Strengthening fisheries access agreements.* The Review Conference in 2006 recommended that fisheries access agreements be strengthened to include assistance for MCS, within areas under the national jurisdiction of the coastal State providing fisheries access. Some responding States noted that this recommendation was not applicable to them as fishing was restricted to vessels flying their respective flags or because there were no specific agreements in place.³³⁰

265. Mauritius indicated that it had fisheries access agreements with the European Union, Japan and Seychelles. The Philippines reported to have engaged in talks with some States on the possible conclusion of fisheries access agreements.

266. The European Union stated that its bilateral fisheries agreements with third countries helped promote long-term resource conservation, good governance and the sustainable development of its partners' fisheries sectors. Norway indicated that it had entered into reciprocal access agreements with its neighbouring coastal States, which included obligations concerning MCS, but had not entered into any access agreements with developing countries.

267. WCPFC noted that it had received proposed measures relating to fisheries access agreements, which had not yet been agreed. ICCAT reported that it had adopted a binding measure on the reporting of bilateral access agreements.

268. Given the limited number of responses on this issue, it was difficult to assess the extent of the progress since 2010.

269. *Market-related measures.* The Review Conference in 2010 recommended States to 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, to strengthen law enforcement cooperation and facilitate the commerce in fish or fish products caught in a sustainable manner.

270. Some responding States identified themselves as active participants in the FAO process to establish voluntary international guidelines for catch documentation schemes.³³¹

³²⁹ CCAMLR, CCSBT, GFCM, IATTC, ICCAT, NAFO, NEAFC, NPFC, SEAFO, SPRFMO, WCPFC.

³³⁰ Australia, Brazil, Canada, Costa Rica.

³³¹ New Zealand, Norway.

271. Several responding States reported on the implementation of market-related measures, including catch documentation/certification schemes, under their national legislation.³³² As part of domestic legislation to implement the PSM Agreement, Canada created new import prohibitions on fish and marine plants taken, harvested, possessed, transported, distributed or sold contrary to: an international fisheries treaty or arrangement to which Canada is party, including any conservation, management or enforcement measures taken under the treaty or arrangement; any conservation or management measures of a fisheries management organization of which Canada is not a member that is prescribed by regulation; or a law related to fisheries of a foreign State. The European Union reported that under its Regulation to prevent, deter and eliminate IUU fishing, all fishery products entering the European Union needed to be accompanied by a catch certificate validated by a competent public authority of the vessel's flag State.

272. A responding State reported that species, such as bluefin tuna, southern bluefin tuna, bigeye tuna and swordfish, were allowed to be imported into the country only after confirmation that they were caught by vessels on positive vessel lists.³³³ The use of an electronic interface for the submission of trade data by the private sector and the extraction of trade data by Government users was also reported.³³⁴ A responding State noted that it was funding work with Pacific Island countries to assist in the development of a regional traceability scheme for highly migratory species.³³⁵

273. Support was expressed for the development of best practice guidelines on traceability,³³⁶ as well as on a catch documentation scheme.³³⁷ Some responding States reported on the development and implementation of catch documentation schemes by RFMO/As.³³⁸ ICCAT reported that an electronic catch documentation scheme system was currently under development.

274. Several States indicated support for the introduction of a global catch certificate, the improvement of the RFMO/A catch documentation schemes or the introduction of RFMO/A certification schemes, as they considered such trade-related measures necessary for reducing or eliminating trade in fish and fish products derived from IUU fishing activities.³³⁹

275. Based on the responses received, there appears to be significant activity on this issue in RFMO/As through expansion of catch documentation/certification programmes and traceability schemes and increasing related requirements. Support was expressed for the introduction of best practice guidelines on traceability, a global catch certificate and the improvement or introduction of RFMO/A catch documentation and certification schemes. In general, responding RFMO/As seem to continue to strengthen market-based measures and responding States are making some progress in associated requirements in implementing the measures and preventing illegally caught fish from entering commerce.

276. *Participation in and support to the IMCS Network.* The Review Conference in 2010 recommended that States consider joining the IMCS Network.

277. Several States and RFMO/As reported on their participation and active support of the IMCS Network and supported its enhancement,³⁴⁰ including through hosting, co-organizing and attending workshops. For example, WCPFC noted its contribution to training events concerning the IMCS Network. FAO supported the Network, including through the holding of its Fourth Global Fisheries Enforcement Training Workshop, in 2014.

³³² Australia, Brazil, Canada, European Union, Japan, Mauritius, New Zealand, Norway.

³³³ Japan

³³⁴ United States.

³³⁵ Australia

³³⁶ Canada.

³³⁷ Norway.

³³⁸ Canada, Japan, New Zealand, United States.

³³⁹ European Union.

³⁴⁰ Australia, Canada, European Union, New Zealand, Norway, Philippines, Togo, United States

278. NAFO noted that its membership in the IMCS Network was still being discussed. ICCAT stated that while it was not a member of that Network, many of its contracting parties had joined individually.

279. OSPESCA reported on the future establishment of a regional network for States members of the Central American Integration System.

280. Based on the responses received, it could be concluded that States and RFMO/As appear to be generally implementing the recommendations from the Review Conference in 2006 and 2010. However, it was difficult to assess from the information provided whether joining the IMCS Network has already impacted fisheries-related MCS activities.

281. *Participation in the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and on the development of a global record of fishing vessels.* The Review Conference in 2006 and 2010 recommended the promotion of universal acceptance of the FAO Compliance Agreement, as well as cooperation with FAO to develop a comprehensive global register of fishing vessels, including refrigerated transport and supply vessels; as well as to expedite efforts through FAO, in cooperation with the International Maritime Organization (IMO), to create a unique vessel identifier system.

282. Some responding States reported on their acceptance and implementation of the FAO Compliance Agreement.³⁴¹

283. As regards the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, FAO co-sponsored a proposal agreed by IMO in 2013 to include fishing vessels of 100 GT or more in the IMO Ship Identification Number Scheme³⁴² In 2014, the FAO Committee on Fisheries agreed that the IMO Number should be used as the Global Record's unique vessel identifier for Phase I. FAO organized the first meeting of the Global Record Informal Open-Ended Technical and Advisory Working Group in 2015.

284. There was broad support by responding States for the development of a comprehensive Global Record,³⁴³ which would incorporate all available information on beneficial ownership, subject to confidentiality requirements in accordance with national law. A responding State indicated that it supported a gradual, phased-in approach to this initiative, in order to manage costs and encourage its development and implementation.³⁴⁴ There was also extensive support for the use of IMO numbers as the unique vessel identifier for categories of fishing vessels.³⁴⁵

285. The European Union reported that it had already launched actions to improve its fishing fleet register to record IMO numbers. It expected that from 1 January 2016, the IMO ship identification number would be made mandatory for European Union fishing vessels, or fishing vessels controlled by European Union operators under a chartering arrangement.

286. IATTC reported that, effective 1 January 2016, cooperating non-members would be required to provide IMO or Lloyd's Register numbers for all fishing vessels 100 GT or 100 GRT and above. WCPFC and CCSBT data from their records of fishing vessels was regularly provided into the Global Consolidated List of Authorized Vessels.

³⁴¹ Australia, Japan, New Zealand, United States.

³⁴² FAO.

³⁴³ Australia, Canada, European Union, Japan, New Zealand, United States.

³⁴⁴ Canada.

³⁴⁵ Australia, Canada, European Union, Mozambique.

287. Based on the responses received, there seems to be broad acceptance and implementation of the FAO Compliance Agreement among respondents, but only one State has become party thereto since 2010. There was also broad support for the FAO initiative to develop a comprehensive Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. Several tuna-RFMOs have established cooperative processes to develop unique vessel identifiers and a global record for tuna vessels.

2. Conclusions

288. As was the case for the previous meetings of the Review Conference, most States reported on legislative mechanisms and other MCS tools used to strengthen effective control over vessels flying their flag, but available information was insufficient to assess progress since 2010. In the same vein, when reporting on control over fishing activities of nationals, responses were similar in substance to those submitted in 2006 and 2010.

289. One of the major challenges in the area of fisheries continues to be the enforcement of flag State duties. While some progress has been made, further efforts are needed to implement or strengthen effective flag State control, including through application of the criteria and self-assessment procedures set out in the FAO Voluntary Guidelines. The potential of the Voluntary Guidelines is significant, however, there was little indication as to whether the Voluntary Guidelines have been in fact used by States or RFMOs. Expanded and deepened commitment for effective implementation of assessment of flag State performance as encouraged in the Voluntary Guidelines may be needed, as well as development of steps to address persistent failure to carry out flag State responsibilities.

290. Furthermore, while not specifically addressed in its recommendations by the Review Conference in 2006 and 2010, it is important to note that ineffective flag State implementation can affect labour conditions on board fishing vessels. The General Assembly has welcomed the ongoing cooperation between FAO and the International Labour Organization (ILO) in relation to decent work and employment in fisheries and on child labour in fisheries, as well as the work that has been conducted by the United Nations Office on Drugs and Crime and the ILO on the issue of trafficking in persons and forced labour on fishing vessels.³⁴⁶

291. The General Assembly has urged States, individually and through RFMO/As, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in WTO agreements, as called for in the IPOA to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.³⁴⁷ Broader action on the development of best-practice guidelines for catch documentation schemes and traceability, as welcomed by the General Assembly,³⁴⁸ may be needed to further advance and strengthen market-related measures.

292. As it was noted in the 2010 report of the Secretary-General, the adoption of the PSM Agreement was a culmination of broad-based cooperation by the international community to identify minimum standards. Some RFMOs reported on the adoption of port State measures. However, the PSM Agreement still has a limited participation and therefore is not yet in force. In that regard, the General Assembly has recognized the need for enhanced port State measures,³⁴⁹ and has encouraged States and regional economic integration organizations to consider becoming parties to the PSM Agreement.³⁵⁰

293. The development of alternative mechanisms within regional fisheries management organizations for compliance and enforcement was addressed only in a cursory manner. A focus on the development of

³⁴⁶ A/RES/70/235, para. 101.

³⁴⁷ A/RES/70/75, para. 80.

³⁴⁸ Ibid. para. 81.

³⁴⁹ Ibid. para. 72.

³⁵⁰ Ibid. para. 73.

alternative mechanisms could be further encouraged and strengthened. There were also very few responses on initiatives to strengthen fisheries access agreements as a means for assistance in MCS, compliance and enforcement.

294. There is great deal of awareness of the benefits from and general support for the IMCS Network and the FAO Compliance Agreement, and, in that respect, there seems to be a potential for wider participation, as called for by the General Assembly.³⁵¹ There is also broad support for the initiative to develop a comprehensive Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. The General Assembly welcomed the continued development of the Global Record,³⁵² and thus the future recommendations of the Review Conference could add to the momentum towards expedited completion of the work.

D. Developing States and non-Parties to the Agreement

295. Part VII of the Agreement addresses the requirements of developing States, including the recognition of the special requirements of developing States, forms of cooperation with developing States and special assistance 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 and non-participants to RFMO/As.

296. The Review Conference in 2006 and 2010 adopted a series of recommendations aimed at: promoting wider participation in the Agreement; developing the capacity of developing States to participate in high seas fisheries and effectively implement the Agreement; avoiding impacts on subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States; and mainstreaming capacity-building efforts for fisheries.

1. Measures taken at the national and international levels

297. *Activities to promote wider participation in the Agreement.* The Review Conference in 2006 and 2010 adopted recommendations calling on States with an interest in fisheries for straddling fish stocks and highly migratory fish stocks to become parties to the Agreement. It also recommended disseminating information on the Agreement and exchanging ideas on ways to promote further ratifications through a continuing dialogue with States non-parties.

298. Several responding States Parties highlighted the importance they ascribed to the Agreement and increasing participation therein.³⁵³ It was noted that broader participation would contribute to increased implementation of the Agreement and achievement of its objectives and would also strengthen cooperation among fishing nations.³⁵⁴ Several responding States indicated that they were encouraging other States to become parties to the Agreement through bilateral³⁵⁵ or multilateral³⁵⁶ actions, including through multilateral fora, such as the Informal Consultations of States Parties to the Agreement,³⁵⁷ the Southern African Development Community (SADC), Southwest Indian Ocean Fisheries Commission (SWIOFC), IOTC and the African Union.³⁵⁸

³⁵¹ Ibid. paras. 53 and 100.

³⁵² Ibid. para. 94.

³⁵³ European Union, Norway.

³⁵⁴ European Union, Norway.

³⁵⁵ Canada, New Zealand, Norway, United States.

³⁵⁶ New Zealand, Norway.

³⁵⁷ Japan.

³⁵⁸ Mozambique.

299. At the Review Conference in 2006 and 2010, as well as during the continuing dialogue held as part of the ninth round of Informal Consultations of States Parties to the Agreement, delegations discussed issues that prevented certain States from becoming parties to the Agreement.³⁵⁹ The need to continue the dialogue with those States that might consider joining this instrument in the future,³⁶⁰ including addressing concerns regarding particular articles,³⁶¹ as well as working to enhance their understanding of the Agreement and its implementation, was also raised.³⁶² Some States described particular initiatives aimed at promoting participation.³⁶³

300. SPRFMO and WCPFC noted how the implementation of the Agreement through their organizations could be considered as promoting participation. WECAFC had adopted a resolution aimed at increasing participation in the Agreement.³⁶⁴ It considered that brochures and dedicated training sessions for SIDS, to show the costs and benefits from participation in the Agreement and its implementation, were urgently required. GFCM suggested considering initiatives to raise awareness of and promote a better understanding of the scope and contents of the Agreement itself.

301. From the foregoing, it appears that efforts taken by several States and RFMO/As to encourage and promote further participation in the Agreement have been only partially effective since only five additional States have become parties to the Agreement since 2010. The current number of 82 States Parties to the Agreement, including the European Union, while significant, still falls very short of the goal of universal participation called for by the General Assembly.

302. *Identification of the capacity-building needs of developing States.* The Review Conference in 2006 and 2010 encouraged the identification of strategies that further assist developing States realize a greater share of benefits from relevant fisheries, recommended that the compilation of available sources of funding for developing States be kept readily available and up to date and recommended cooperation with developing States to strengthen domestic and regional fisheries management.

303. 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 developed in 2007, pursuant to a request from the seventh round of Informal Consultations of States Parties to the Agreement. It was updated in 2009 and remains available on the website of the Division for Ocean Affairs and the Law of the Sea (the Division).³⁶⁵ The compilation, inter alia, provides information on the needs of developing States communicated to the Secretariat. No request for further updates was made by the General Assembly.

304. Several responding States reported on their actions to identify the capacity-building needs of developing States, through bilateral dialogue and regional and subregional organizations.³⁶⁶ Needs were also reflected in regional instruments, such as the Regional Roadmap for Sustainable Pacific Fisheries and the New Song for Coastal Fisheries – pathways to Change: the Noumea Accord.³⁶⁷

305. Some responding RFMO/As provided information on mechanisms to assess the needs of members which are developing States.³⁶⁸ Tools in this regard included: capacity-building needs assessments,³⁶⁹

³⁵⁹ A/CONF.210/2006/15, paras. 34, 123-128; A/CONF.210/2010/7, paras. 111-113; ICSP8/UNFSA/REP/INF.6.

³⁶⁰ European Union.

³⁶¹ United States.

³⁶² New Zealand.

³⁶³ Australia, Mozambique, United States.

³⁶⁴ WECAFC/12/2012/1.

³⁶⁵ http://www.un.org/Depts/los/convention_agreements/fishstocksmeetings/compilation2009updated.pdf.

³⁶⁶ European Union, New Zealand.

³⁶⁷ Australia.

³⁶⁸ GFCM, ICCAT, OSPESCA, WECAFC, WCPFC.

³⁶⁹ WECAFC.

invitations to developing States to provide information on needs to be taken into account in capacity-building,³⁷⁰ check-lists of special requirements of SIDS,³⁷¹ and identification through compliance monitoring schemes.³⁷² Identified needs were taken into account by WCPFC in the development and adoption of conservation and management measures. In GFCM, where lack of compliance resulted from capacity-building needs of members and cooperating non-parties, technical assistance was tailored to their specific needs.

306. One of FFA's primary objectives included the identification of capacity-building needs of its members which are developing States, and the articulation of these through regional strategies, such as the "Future of Fisheries" (in the Pacific Islands region) and through, inter alia, WCPFC. It also coordinated a region-wide capacity-development programme listing and addressing priority needs in terms of administration, operations, surveillance and management, as well as legal and policy needs.³⁷³

307. Some more specific needs were also identified by responding States, including infrastructure development (e.g., research vessels and basic port infrastructure),³⁷⁴ training courses and workshops to develop the required skills in fisheries management in the long- and short- term, awareness-raising of safety procedures for small-scale and artisanal fishers, through training and development programmes, and creation of seasonal jobs related to the fisheries to create livelihoods for poor people during fishing seasons.³⁷⁵ It was suggested that a clear funding policy to address capacity-building needs was necessary.³⁷⁶ It was also noted that lack of national capacity could be mitigated to a certain extent in the Pacific Islands region through collaboration, agreement on common standards and pooling of services and skills.³⁷⁷

308. Needs identified by RFMO/As included: improving national capacity to achieve robust, science-based fisheries management capable of addressing social issues; national systems for vessel licensing and capacity management, capable of addressing multi-species, multi-gear complex fisheries;³⁷⁸ training on international fisheries governance; interdisciplinary evaluation of fisheries (biological, economic and social perspective);³⁷⁹ capacity-building for scientists;³⁸⁰ improved conservation and management of fishery resources through collection, reporting, verification, exchange and analysis of fisheries data and related information, stock assessment and scientific research; MCS, compliance and enforcement, including training and capacity-building at the local level;³⁸¹ development, training and funding of national and regional observer programmes;³⁸² and access to technology and equipment.³⁸³ ICCAT noted challenges in complying with international requirements as a result of lack of personnel (due to lack of funds and qualifications/training) and the increasing complexity of the requirements of RFMOs.

309. Based on the foregoing, it appears that there have been a range of activities undertaken by States and RFMO/As with a view to assessing capacity-building needs of developing States. It was not, however,

³⁷⁰ ICCAT.

³⁷¹ WCPFC.

³⁷² WCPFC, CCSBT.

³⁷³ Australia.

³⁷⁴ Mozambique.

³⁷⁵ Qatar.

³⁷⁶ Ibid.

³⁷⁷ FFA members.

³⁷⁸ AFPIC.

³⁷⁹ OSPESCA

³⁸⁰ SEAFO

³⁸¹ GFCM, SPRFMO. It was noted that improved MCS capacity could facilitate increased participation in the Agreement.

³⁸² SEAFO, SPRFMO.

³⁸³ SPRFMO.

possible to assess to which degree identified needs were guiding the focus of current or planned capacity-building initiatives.

310. *Providing assistance to developing States in the implementation of the Agreement.* The Review Conference in 2010 recommended assistance be provided to developing States to implement the Agreement, particularly in certain areas.

311. Several responding States reported on assistance provided, bilaterally or multilaterally through regional organizations, arrangements or initiatives, to developing States to effectively implement the Agreement. In this regard, assistance was provided through, inter alia, FFA,³⁸⁴ the IMCS Network and ICCAT,³⁸⁵ SEAFDEC and WCPFC,³⁸⁶ and SPC.³⁸⁷ Considerable capacity-building is also undertaken by FAO. Some responding States highlighted their contributions to trust funds in RFMO/As.³⁸⁸ Reference was made to the 2001 SADC Protocol on Fisheries,³⁸⁹ which included economic and technical cooperation to maximize the benefits of fisheries and aquaculture for southern African countries.³⁹⁰ The assistance provided through the EAF Nansen Project was noted.³⁹¹ A call was made for clear annual statistics on the status of relevant fish stocks so as to forecast the potential support to developing States.³⁹²

312. Several responding States highlighted assistance provided to developing States on a bilateral basis.³⁹³ Such assistance was aimed at, inter alia: MCS and enforcement,³⁹⁴ legislative actions to give effect to regional arrangements³⁹⁵ and sustainable fisheries development.³⁹⁶ For example, IOTC initiated a project to transpose conservation and management measures into the legislation of 10 members and cooperating non-contracting parties.³⁹⁷

313. Several responding RFMO/As had also undertaken measures to assist developing States in the implementation of the Agreement.³⁹⁸ Some RFMO/As referred to provisions in their constitutive instruments that recognized the special requirements of developing States, including SIDS.³⁹⁹ Provisions for taking into account the capacities of developing States in the financial contribution formula for the budget⁴⁰⁰ and including their special needs as an item in the agendas of official meetings,⁴⁰¹ were also highlighted.

314. Based on the foregoing, it appears that progress has been made through the establishment of a number of assistance programmes by some States to assist developing States in the development and management of their fisheries, covering a wide range of activities. Assistance is provided bilaterally,

³⁸⁴ Australia, FFA members, New Zealand.

³⁸⁵ Canada.

³⁸⁶ Japan.

³⁸⁷ New Zealand.

³⁸⁸ Japan.

³⁸⁹ www.sadc.int/files/5613/5292/8363/Protocol_on_Fisheries2001.pdf.

³⁹⁰ Mozambique.

³⁹¹ Norway. www.fao.org/in-action/eaf-nansen/en.

³⁹² Qatar.

³⁹³ Australia, European Union, Japan, Mozambique, New Zealand, Norway, United States.

³⁹⁴ Australia, European Union, Mozambique, United States.

³⁹⁵ Australia.

³⁹⁶ Japan, New Zealand.

³⁹⁷ See

http://iotc.org/sites/default/files/documents/compliance/Report_Review_of_active_IOTC_Resolutions_and_legislative_framework_FINAL.pdf.

³⁹⁸ AFPIC, GFCM, IATTC, OSPESCA, SEAFO, WCPFC, NEAFC.

³⁹⁹ SEAFO (article 21), SPRFMO (article 19) and WCPFC (article 30).

⁴⁰⁰ SPRFMO.

⁴⁰¹ WCPFC.

through RFMO/As or through sustainable fisheries partnership agreements. Several RFMO/As also reported on measures to assist developing States, including through the establishment of funds, mainly directed at strengthening the implementation of the RFMO/A's measures consistent with the Agreement. No specific reference was made to assistance through the transfer of technology, as set out in article 25 of the Agreement.

315. *Enhancing the participation of developing States in high seas fisheries.* The Review Conference, in 2006 and 2010, adopted recommendations aimed at enhancing participation of developing States in RFMO/As, including facilitating access to fisheries, and facilitating a greater participation in high seas fisheries to receive greater benefits, develop their own fisheries and improve their market access.

316. Several responding States highlighted the value they attributed to the participation of developing States in RFMO/As and other treaty arrangements.⁴⁰² FFA members reported that one of the primary objectives of FFA was to enhance the participation of its member States as coastal States in RFMO/As and subregional organizations.

317. Several States reported on measures taken to facilitate the participation of developing States in the work of RFMO/As and other bodies, including through financial contributions to FFA, WCPFC, SPRFMO, IATTC, IOTC, SEAFO, ICCAT and the Benguela Current Commission.⁴⁰³ Australia indicated that it worked to ensure that measures adopted by RFMO/As, including those relating to access and allocation, took into account the sovereign rights and development aspirations of developing States.

318. Several RFMO/As have taken measures to enhance participation of developing States in their work and implementation of their measures, such as: assistance in designing and strengthening their domestic regulatory fisheries policies and those of RFMOs;⁴⁰⁴ invitations to non-members to observe meetings;⁴⁰⁵ cooperation with non-members on catch documentation schemes and IUU fishing;⁴⁰⁶ capacity-building;⁴⁰⁷ and dialogue with non-members to encourage participation and cooperation with measures.⁴⁰⁸ ICCAT reported on the positive effects of its measures on participation in meetings. Some RFMO/As had established funds to assist developing States, including by facilitating their participation in meetings.⁴⁰⁹ Other funds, including the WCPFC Special Requirements Fund and Part VII Assistance Fund were also commonly used to support the participation of a second delegate from some SIDS.

319. In 2015, ICCAT adopted a resolution on Criteria for Allocation of Fishing Possibilities, which inter alia, took into account the interests of some developing coastal States.⁴¹⁰ Conservation and management measures enacted by WCPFC require that the Commission ensure that any conservation and management measure does not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto SIDS and its participating territories. In that regard, WCPFC pointed to the need to precisely define and objectively measure those concepts and potential impacts.

320. Based on the foregoing, it appears that many respondents continue to place high value on the participation of developing States in RFMO/As, and that several States and RFMO/As have reported progress on a range of mechanisms established to facilitate such participation. In particular, funds

⁴⁰² Australia, European Union.

⁴⁰³ Australia, European Union, Mozambique, New Zealand, Norway, United States.

⁴⁰⁴ GFCM, NEAFC.

⁴⁰⁵ CCAMLR.

⁴⁰⁶ CCAMLR.

⁴⁰⁷ CCSBT.

⁴⁰⁸ CCAMLR.

⁴⁰⁹ GFCM, SEAFO, SPRFMO, WECAFC, WCPFC, IATTC, ICCAT. CCSBT established a fund but subsequently discontinued it since it was not required.

⁴¹⁰ ICCAT resolution 15-13.

established to support participation of developing States in RFMO/A meetings or processes (see also para. 314) and broader measures aimed at enhancing the capacity of developing States to participate meaningfully in the development of conservation and management measures, as well as in their effective implementation are important steps in the implementation of the relevant recommendations of the Review Conference. Information provided did not address measures to facilitate access to fisheries for straddling fish stocks and highly migratory fish stocks, other than facilitating participation in RFMO/As. However, FAO has observed an increased share of developing States in overall fishery trade.⁴¹¹

321. *Strengthening capacity-building mechanisms and programmes.* Part VII of the Agreement requires States Parties to take measures to recognize the special requirements of developing States, cooperate with developing States and to provide special assistance in the implementation of the Agreement. The Review Conference in 2006 and 2010 recommended States to contribute to the Part VII Fund and other mechanisms to assist developing States in the implementation of the Agreement. It also recommended to promote coherence in the provision of such assistance and to keep available and up to date the compilation of available sources of funding for developing States.

322. Several States reported on measures taken to strengthen, and promote coherence in, capacity-building measures at the global and regional levels.⁴¹² 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 mentioned above (see para. 303) could also serve as a tool for promoting coherence in capacity-building.

323. The Part VII Assistance Fund, administered jointly by the Division and FAO, plays an important role in facilitating the participation in and effective implementation of the Agreement by developing States. Since its establishment in 2004, the Assistance Fund has disbursed over USD 1.49 million.⁴¹³ However, in recent years the balance of the Fund has been frequently low, also reflecting the substantial usage rate of the Fund. In 2014, the Assistance Fund was depleted and no applications for assistance could be considered until a further contribution was received from Norway in March 2015, following a number of appeals from the Division. The Division and FAO continue to publicize the Part VII Assistance Fund through their websites and by drawing attention to it, directly with States, at intergovernmental meetings and through the Regional Fishery Body Secretariats Network.

324. Concerns regarding the depletion of the Assistance Fund in 2014 were expressed also by some responding States, accompanied by calls for future contributions.⁴¹⁴ ICCAT and WECAFC reported on how the Assistance Fund was promoted amongst its members, including on the ICCAT website. However, WECAFC noted that very few members had used these resources, also because the Fund was depleted.

325. A number of States reported on efforts to strengthen existing capacity-building programmes.⁴¹⁵ The European Union reported on its support for capacity-building mechanisms in RFMO/As, such as CCAMLR's General Science Capacity Fund, research programmes and scientific work, and on specific grants to support GFCM.

⁴¹¹ FAO, *State of World Fisheries and Aquaculture 2014*, at p. 8.

⁴¹² Canada, European Union, Japan, Qatar, New Zealand, Norway, United States.

⁴¹³ As at 31 December 2014 (see Financial report as at 31 December 2014 on the status of the Assistance Fund under Part VII 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, available at: www.un.org/depts/los/convention_agreements/fishstocktrustfund/financial_reports.htm). Contributions have been received from Australia, Canada, Iceland, Lebanon, New Zealand, Norway, United States.

⁴¹⁴ E.g., United States.

⁴¹⁵ European Union, Japan, New Zealand, Norway.

326. The importance of good coordination among different assistance and cooperation programmes was highlighted.⁴¹⁶ One of the suggestions to achieve such coordination was to have a steering committee elected from amongst key stakeholders with a view to establishing a clear way forward.⁴¹⁷ There were already examples of coordination in capacity-building, such as GFCM which liaised with other organizations to avoid duplications and promote synergies.⁴¹⁸

327. Several RFMO/As and PICES referred to capacity-building mechanisms and programmes under their purview as examples of strengthened capacity-building.⁴¹⁹

328. Based on the foregoing, it appears that a number of important measures have been put into place to strengthen capacity-building mechanisms and programmes at global, regional and bilateral levels. However, the current level of funding for a number of capacity-building initiatives, in particular the Part VII Assistance Fund, remains insufficient and irregular, thereby hampering their ability to fulfill their purposes. Over the years, the Assistance Fund has proven to be of significant value to the promotion of the objectives of the Agreement. The need for sustained voluntary contributions to the Assistance Fund to maintain its availability and effectiveness in light of substantial usage therefore remains critical. Finally, on the basis of the information provided, it was not possible to assess the overall extent or impact of the assistance provided, or the level of coordination among different capacity-building programmes or initiatives.

329. *Avoiding adverse impacts on, and ensuring of access to fisheries by subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States.* The Review Conference in 2010 recommended to observe the need to avoid adverse impacts on the aforementioned vulnerable groups when establishing conservation and management measures, and also to ensure them access to fisheries. The 2014 Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) provide guidance with respect to small-scale fisheries in support of the overall principles and provisions of the Convention and the 1995 FAO Code of Conduct for Responsible Fisheries.

330. Several responding States and RFMO/As reported on measures taken to avoid adverse impacts on, and ensuring of access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States. The involvement of small-scale and artisanal fishers and women fishworkers was considered very important to achieving sustainable fisheries. It was noted that coastal fishing contributed to Pacific economies, lifestyles and food security, including for local and indigenous fishers, and that the interaction between industrial and local fishers should be actively considered by fisheries managers.⁴²⁰

331. Australia reported on foreign aid programmes to support community-based fisheries management. It also reported on the Australia-Indonesia Memorandum of Understanding regarding the Operations of Indonesian Traditional Fishermen in Areas of the Australian Fishing Zone and Continental Shelf 1974, which designated an area within Australian waters in the Timor Sea in which Indonesian traditional fishers, using traditional fishing methods only, were permitted to operate. Canada indicated that it had taken measures to strengthen independent fisheries owner-operators in Canada.

332. Bilateral agreements between the European Union and other coastal States contained provisions to avoid any interference between the activity of the European Union's long-distance fleet and the activity of local small-scale and artisanal fishing communities. The European Union also provided support to small-

⁴¹⁶ Japan.

⁴¹⁷ Qatar.

⁴¹⁸ GFCM.

⁴¹⁹ CCAMLR, ICCAT, OSPESCA, WCPFC.

⁴²⁰ New Zealand.

scale fishermen, including through the provision of material or training, and funded initiatives focused on small-scale fisheries to secure food and revenues for the most vulnerable populations.

333. New Zealand provided support to improve coastal fisheries governance in developing Pacific island States, bilaterally and through the SPC. It also reported that it integrated gender requirements into fisheries support where appropriate. For example, it encouraged protection for women working on fishing vessels and in processing factories as part of investment policy frameworks in Pacific countries. Japan encouraged southeast Asian countries to establish conservation and management measures which did not undermine the development of subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples.

334. Norway indicated that the impacts on and access to fisheries by subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous people in developing States, could be covered in management plans developed through the EAF Nansen project. However, it noted that access to resources depended on the policies and legal framework in the States in question. Norway also highlighted its long-standing support for the International Collective in Support of Fishworkers, a non-governmental organization focused on strengthening small-scale fish workers' conditions, including gender aspects.

335. In the Philippines, subsistence fishers were guaranteed access to highly migratory fish stocks and straddling fish stocks because they were not required by law to get a licence. Mozambique fisheries regulations provided for exclusive fishing zones within three nautical miles off the coast to be accessed exclusively by small-scale fishers. Mozambique's small scale fisheries development projects were integrated to consider all social aspects, including gender, education, health, value chain, transport networks within fishing communities. It was also implementing a participatory management system where community-based organizations were represented at local fisheries management organizations, so as to promote access to fisheries resources and be involved in management and control fishing activities. Most FFA members made use of commercial exclusion zones around the islands to support subsistence and sport fishing.

336. Some RFMO/As also reported on measures in respect of subsistence, small-scale and artisanal fishers and fishworkers. The need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and fishworkers, as well as indigenous peoples in developing States Parties was reflected in the WCPFC's Convention and measures.⁴²¹ ICCAT measures also took into account subsistence, small-scale and artisanal fishers in specific fisheries. OSPESCA noted that support for small-scale fisheries was one of the most relevant objectives of its cooperation projects.

337. GFCM actively promoted sustainable small-scale fisheries, including through the organization of a regional symposium in 2013 and the regional conference on "Building a future for sustainable small-scale fisheries in the Mediterranean and the Black Sea" in 2016.⁴²² FFA members noted the importance of keeping stocks levels high to avoid disproportionate impacts on artisanal catch rates where targeting overlaps with industrial fleets. ICCAT resolution on criteria for the allocation of fishing possibilities required consideration of the interests of artisanal, subsistence and small-scale coastal fishers, and the needs of coastal fishing communities dependent mainly on fishing for the stocks.⁴²³

338. NEAFC reported that the issue of how its contracting parties allocated their fishing opportunities nationally remained outside of its mandate.

⁴²¹ See, for example, its conservation and management measure on the conservation and management of sea turtles.

⁴²² <http://www.fao.org/gfcm/meetings/ssfconference2016/en/>.

⁴²³ ICCAT resolution 15-13.

339. Based on the foregoing, it appears that limited progress has been made in relation to avoiding adverse impacts on, and ensuring of access to fisheries by subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States. Although some States and RFMO/As reported on efforts to take this requirement into account in the development of programmes and measures, and in the context of broader policy initiatives, no activities focused primarily on such issues were reported. The adoption of the SSF Guidelines in 2014 remains a significant development, but their impact will depend on the level of implementation.

340. *Mainstreaming of capacity-building efforts with other international development strategies.* The Review Conference, in 2010, urged the mainstreaming of efforts to assist developing States, in the context of the Agreement, with other relevant international development strategies.

341. Several States reported on efforts to mainstream capacity-building efforts in fisheries with other international development strategies. In this context, reference was made to important sustainable development instruments adopted since 2010 which included commitments on sustainable fisheries, including “The future we want”, the SAMOA Pathway and the 2030 Agenda for Sustainable Development.⁴²⁴

342. Several States provided information on how the issue of fisheries was mainstreamed into national development strategies.⁴²⁵ Mozambique’s project-based planning and budgeting process allowed mainstreaming of issues throughout approved projects.

343. Some RFMO/As provided information on their efforts to integrate capacity-building into broader efforts,⁴²⁶ through, for example, cooperation with other organizations such as CITES,⁴²⁷ and working with regional support agencies.⁴²⁸

344. Based on the foregoing, it appears that there has been some progress in the mainstreaming of capacity-building measures for fisheries with other international development strategies, primarily at the global level through such instruments as the 2030 Agenda for Sustainable Development, “The future we want” and the SAMOA Pathway. Some, more limited, progress was also reported at the regional and national levels.

2. Conclusions

345. The effectiveness of the Agreement is dependent on broad participation in, and effective implementation of, the Agreement, as well as participation in the work of RFMO/As which implement its provisions. Assistance to, and cooperation with, developing States is necessary to promote their adherence to the Agreement as well as to facilitate their effective implementation of its provisions.⁴²⁹ The implementation of the recommendations of the Review Conference relating to developing States and non-parties is therefore vital to the success of the Agreement.

⁴²⁴ Australia, Canada.

⁴²⁵ Australia, European Union, Japan, New Zealand, Norway, Qatar.

⁴²⁶ OSPESCA, ICCAT, WCPFC.

⁴²⁷ ICCAT.

⁴²⁸ WCPFC.

⁴²⁹ 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, inter alia, the issue of lack of capacity and resources that might stand in the way of developing States becoming parties.

346. 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.⁴³⁰ Substantial additional efforts by States, RFMO/As and other stakeholder are needed to achieve this goal. As suggested by some respondents, there may be benefits in providing targeted information, training and technical assistance on the Agreement, as well as broader capacity-building efforts, in this regard. It may also be important to continue an active dialogue with States non-parties regarding the issues which deter their participation in the Agreement.

347. Lack of capacity, particularly in developing States, continues to be a challenge to participation and implementation of the Agreement. In “The future we want”, States recognized the importance of building the capacity of developing countries to be able to benefit from the conservation and sustainable use of the oceans and seas and their resources. 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. It is important to explore all possible vehicles for increasing assistance to developing States, including the promotion of south-south cooperation and public-private partnerships.

348. Measures should be taken to ensure that the needs of developing States for assistance and cooperation in the effective implementation of the Agreement continue to be communicated and assessed on a regular basis. It is also important that capacity-building measures be tailored to meet these needs, and be able to be regularly re-assessed in light of evolving needs and priorities.

349. Efforts to facilitate the participation of developing States in RFMO/As should be accompanied by measures to promote their participation in and access to high seas fisheries, where appropriate. The General Assembly has urged States parties to the Agreement to take into account the special requirements of developing States, as highlighted in the SAMOA Pathway, in giving effect to the duty to cooperate in the establishment of conservation and management measures for straddling fish stocks and highly migratory fish stocks, including the need to ensure, where appropriate, in accordance with the Agreement, that such measures do not transfer a disproportionate burden of conservation action onto developing States, and noted, in this regard, ongoing efforts to better develop a common understanding of this concept.⁴³¹

350. In light of the importance of the Part VII Assistance Fund to participation in, and effective implementation of, the Agreement, States parties may wish to explore ways to ensure sustained voluntary contributions to the Fund, including from donors other than States. Additional measures should also be taken to ensure a coherent and coordinated approach to capacity-building where possible. In this context, the Secretariat could be requested by the General Assembly to update the compilation of available sources of funding for developing States.

351. The mainstreaming of the interests of subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States in the development and implementation of fisheries management processes and conservation and management measures remains an area of insufficient implementation of the recommendations of the Review Conference. Accordingly greater emphasis could be placed on accelerating the adoption of relevant measures.

352. Finally, it is important to ensure that, where fisheries capacity-building has been mainstreamed into international development strategies, such as the 2030 Agenda, “The future we want” and the Samoa Pathway, appropriate steps are taken to ensure that the implementation and follow-up of such strategies continues to place sufficient emphasis on the achievement of commitments made in relation to sustainable fisheries.

⁴³⁰ A/RES/70/235, para. 4.

⁴³¹ *Ibid.*, para. 39.

V. General conclusions

353. Twenty years after its opening for signature, the Agreement continues to be one of the most important legally binding multilateral instruments for the conservation and management of fish stocks since the adoption of the Convention in 1982. It also provides important protections for the ecosystems these fish stocks inhabit. Over the past ten years, implementation of the Agreement by States and RFMO/As has steadily progressed, including as a result of the recommendations made by the Review Conference in 2006 and 2010. In addition, many of the provisions of the Agreement, as well as the recommendations adopted by its Review Conference, are also reflected in General Assembly resolutions on sustainable fisheries.

354. States and RFMO/As have continued in the past six years to undertake actions to implement the recommendations from the Review Conference. While the limited responses from States to the questionnaire do not enable a complete analysis of progress achieved, it appears from all the responses that were received that the overall level of implementation has improved, albeit in an uneven manner. Implementation of some recommendations has progressed faster than other recommendations, and some States and RFMO/As have proceeded more expeditiously than others.

355. Notwithstanding the progress reported in certain fisheries, the current level of implementation of the Agreement and of the recommendations from the Review Conference does not seem to have contributed significantly to the improvement of the overall status of straddling fish stocks and highly migratory fish stocks, which has witnessed a decline. While the effects of some actions may only become evident over time, implementation of the recommendations from the Review Conference needs to be results-oriented and be effective.

356. In terms of specific outcomes, the recommendations from the Review Conference relating to conservation and management have contributed to improved incorporation of precautionary and ecosystems approaches into national and regional policies. Increased attention is also being paid to environmental factors like the impacts of climate change and ocean acidification, and improved by-catch management.

357. The strengthening of the mandates, measures, decision-making rules and procedures of RFMO/As, including through the introduction of performance review processes and through increased cooperation amongst RFMO/As, has been particularly emphasized. It is now important to build on these achievements through regular performance reviews and effective implementation of the recommendations emanating therefrom. It is encouraging to note that many lessons learned through the performance review processes appear to have been taken into consideration in the establishment of new RFMO/As.

358. Enhancing flag State control continues to be of utmost importance, not only for the achievement of the objectives of the Agreement, and to address IUU fishing, but also to ensure compliance with the duties of the flag State under the Convention. Notable progress has been made in terms of the development of the Voluntary Guidelines for Flag State Performance, participation of States in the PSM Agreement, the development of measures and procedures to strengthen compliance in RFMO/As, and work on market-related measures and the global record of fishing vessels. The PSM Agreement has the potential to be another effective tool in the achievement of the obligations of the Agreement and the Review Conference recommendations and it is hoped that it will continue to gain support and enter into force as soon as possible. However, all these measures can only be truly effective if complemented by the elimination of subsidies that contribute to overfishing and overcapacity and to IUU fishing - an important contributor to overfishing.

359. Universal participation in and effective implementation of the Agreement, as called for by the General Assembly, are not only crucial to achieving its objectives, but are also central to realizing the commitments made by States in “The future we want” and in the 2030 Agenda for Sustainable Development. Additional efforts will be needed to promote participation, including through the dissemination of information, and to improve capacity-building efforts, in particular in relation to the development of fisheries in developing States, as well as access by these States to high seas fisheries.

Enhanced and consistent support is also required for the Part VII Assistance Fund, to ensure its continued effectiveness. More attention also needs to be focused on the implementation of the recommendations relating to subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States. In the implementation of measures, attention would also need to be paid to social aspects, such as the welfare of fishers and fishworkers.

360. Twenty years after the adoption of the Agreement, its provisions continue to provide a modern and adequate legal framework for the conservation and management of straddling fish stocks and highly migratory fish stocks, when fully integrated into national, regional and global measures for their implementation. The recommendations of the Review Conference should continue to aim to strengthen the implementation of these provisions and measures.

361. The recommendations of the Review Conference in 2006 and 2010 represent a significant step in improving the overall conservation and management of straddling fish stocks and highly migratory fish stocks, including by progressing reform efforts within RFMO/As and implementation of the Agreement at all levels. The upcoming 2016 resumption of the Review Conference provides a further opportunity for States and other stakeholders to guide and improve implementation of the Agreement and to evaluate the need to refine and expand on the current recommendations. Continuous and dedicated efforts by all States over the long-term are needed if the Agreement is to fulfil its purposes.

Annex I

Status of Highly Migratory Fish Stocks Reported in the 2006, 2010 and 2016 Reports of the Secretary-General to the Review Conference

Species		Geographic Areas	2006 Report	2010 Report	2016 Report
Tuna and Tuna-like Species	Bluefin tuna	East Atlantic	Overexploited		Probably overexploited
		West Atlantic	Overexploited		Fully or overexploited
		Southern hemisphere		Overexploited	
		Pacific	Fully exploited		Overexploited
	Albacore	South Atlantic	Fully exploited	Overexploited	Possibly overexploited
		North Atlantic	Overexploited		
		South Pacific	Fully exploited		
		North Pacific	Fully exploited		
		Indian Ocean	Probably non-fully exploited	Probably fully exploited	
		Mediterranean Sea	Not known		
	Bigeye tuna	East Pacific	Overexploited		Fully exploited
		West Pacific	Probably fully exploited		Overexploited
		Indian Ocean	Probably fully exploited		
		Atlantic	Probably fully exploited		
	Yellowfin tuna	Indian Ocean	Close to or being fully exploited	Probably fully exploited	Overexploited
		Atlantic		Fully exploited	Overexploited
		Pacific		Fully exploited	
Other oceans		Fully exploited			
Skipjack tuna	Pacific	Non-fully exploited	Moderately exploited	Non-fully exploited	
	Indian Ocean	Probably non-fully exploited			
	Atlantic	Uncertain	Close to fully exploited		
Tuna and Tuna-like	Blue marlin	Atlantic	Likely to be overexploited		
		East Pacific	Fully exploited		

* Species of shark listed in CITES Appendix II

+ Species of shark listed in CMS Appendix II

~ Species of shark listed in the Barcelona Convention Endangered or Threatened Species Annex

Species		Geographic Areas	2006 Report	2010 Report	2016 Report	
Species	White marlin		Atlantic	Likely to be overexploited		
	Striped marlin		North Pacific	Fully exploited	Overexploited	
			South-western Pacific		Likely to be overexploited	Likely overexploited
			East Pacific	Non-fully exploited		Likely fully exploited
	Sailfish		Atlantic		Overexploited	
	Billfishes		Indian Ocean	Not known		
	Swordfish		Atlantic	Fully exploited		
			South-east Pacific	Fully exploited		
			Western and central north Pacific			Probably non- fully exploited
			North-east Pacific	Non-fully exploited	Probably non- fully exploited	
		Mediterranean Sea		Overexploited		
		Indian Ocean	Intensification of fisheries targeting swordfish	Fully exploited		
Oceanic Sharks	Bluntnose sixgill sharks	<i>Hexanchus griseus</i>	No assessments	No assessments but prudently considered fully exploited or overexploited globally	No assessment, considered fully exploited or overexploited globally	
Oceanic Sharks	Basking sharks*~	<i>Cetorhinus maximus</i>		Probably overexploited globally	Overexploited globally	
	Thresher sharks (family Alopiidae)+	<i>Alopias pelagicus</i> +	North-west Indian Ocean, Central Pacific	Prudent to be considered being fully exploited or overexploited globally	Considered fully exploited or overexploited globally	Fully exploited or overexploited globally
		<i>Alopias Superciliosus</i> +	North-west Indian Ocean, west and central Pacific, north-east Pacific and north Atlantic			

* Species of shark listed in CITES Appendix II

+ Species of shark listed in CMS Appendix II

~ Species of shark listed in the Barcelona Convention Endangered or Threatened Species Annex

Species		Geographic Areas	2006 Report	2010 Report	2016 Report	
	<i>Alopias vulpinus</i> +	Off the west coast of the United States				
	Whale shark*+	<i>Rhincodon typus</i>	Indian Ocean, west Pacific Oceans	Prudent to be considered being fully exploited globally	Continues to be uncertain, but considered fully exploited globally	Remains uncertain in most areas and is considered fully exploited globally
Oceanic Sharks		Silky shark (<i>Carcharhinus falciformis</i>)+	Oceanic and coastal, circumtropical distribution and is most common offshore	Not Known	Not known, but probably fully exploited globally	Overexploited in the Western Central Pacific and probably fully exploited in other regions
	Requiem sharks (family <i>Carcharhinidae</i>)	Night shark (<i>Carcharhinus signatus</i>)	Western Atlantic from the United States of America to Argentina and in the eastern Atlantic from Senegal to northern Namibia	Not Known	Considered at least fully exploited in the north-eastern Atlantic, not known in other parts of its range	
Oceanic Sharks		Whitetip shark (<i>Carcharhinus longimanus</i>)*	In tropical and warm-temperate waters of the Atlantic, possibly in Mediterranean Sea, west Indian Ocean, and Pacific	Not Known		Overexploited in the Western Central Pacific, not known in other areas
		Blue shark (<i>Prionace glauca</i>)	Worldwide in temperate and tropical oceanic waters	In 2003, more than 30000 tons were recorded	Prudent to consider fully exploited in the Atlantic and eastern Pacific, but not known in other parts of its range	Considered non-fully exploited in the Atlantic and western Pacific, and other parts of its ranges remains unknown
		Wing head (<i>Eusphyra blochii</i>)	A global distribution mostly in warm waters	Not known		
	Hammerhead, bonnethead or scoophead	Scalloped bonnethead (<i>Sphyrna corona</i>)	A global distribution mostly in warm waters	Not known		

* Species of shark listed in CITES Appendix II

+ Species of shark listed in CMS Appendix II

~ Species of shark listed in the Barcelona Convention Endangered or Threatened Species Annex

Species		Geographic Areas	2006 Report	2010 Report	2016 Report	
	sharks (<i>family Sphyrnidae</i>)					
		Whitefin hammerhead (<i>Sphyrna couardi</i>)	Aa global distribution mostly in warm waters	Not known		
		Scalloped hammerhead (<i>Sphyrna lewini</i>)*	A circumglobal distribution in coastal and semi-oceanic warm temperate and tropical seas	Local depletion remains a serious concern	Not known	Not known, but likely fully or overexploited
		Scoophead (<i>Sphyrna media</i>)	A global distribution mostly in warm waters	Not known		
Oceanic Sharks		Great hammerhead (<i>Sphyrna mokarran</i>)*	A global distribution mostly in warm waters	Not known		
		Bonnethead (<i>Sphyrna tiburo</i>)	A global distribution mostly in warm waters	Not known		
		Smalleye hammerhead (<i>Sphyrna tudes</i>)	A global distribution mostly in warm waters	Not known		
		Smooth hammerhead (<i>Sphyrna zygaena</i>)*	In temperate in the northern and southern hemispheres and in the tropics	Not known		
	Mackerel sharks	Great white shark (<i>Carcharodon carcharias</i>)*+~	Amphitemperate and found in coastal and offshore areas of continental and insular shelves	Not known		

* Species of shark listed in CITES Appendix II

+ Species of shark listed in CMS Appendix II

~ Species of shark listed in the Barcelona Convention Endangered or Threatened Species Annex

Species		Geographic Areas	2006 Report	2010 Report	2016 Report	
		Shortfin mako (<i>Isurus oxyrinchus</i>) ⁺	Coastal and oceanic circumglobal species found in temperate and tropical waters	Overexploited in north Atlantic. Not known in other regions.	Probably overexploited in the northern Atlantic and fully exploited in the Eastern Pacific. Not known in other areas.	Probably fully exploited in north and south Atlantic and in the eastern Pacific. Not known in other areas.
		Longfin mako (<i>Isurus paucus</i>) ⁺	Common in the west Atlantic and possibly in the central Pacific	Not known		
		Salmon shark (<i>Lamna ditropis</i>)	In cool waters of the north Pacific	Considered heavily fished even though most of the catch is discarded by-catch		
Oceanic Sharks		Porbeagle (<i>Lamna nasus</i>) ^{*+}	North Atlantic and in a circumglobal band of temperate water of the south Atlantic, South Indian, south Pacific and Southern Oceans	Overexploited in the north and west Atlantic	Overexploited in the western Atlantic and the northeast Atlantic. Not known in the Southern Ocean.	
Other highly migratory species	Pomfrets	Include 8 genera and 21 species	In temperate and tropical waters of the Atlantic, Indian and Pacific Oceans	Fully exploited in the east Indian Ocean and non-fully exploited in the south-west Pacific	Non-fully exploited to fully exploited	Unlikely to be overexploited
	Sauries	Atlantic saury (<i>Scomberesox saurus saurus</i>)	Near the surface in the north Atlantic, in the Baltic Sea and throughout the Mediterranean Sea	Not known, but unlikely to be overexploited		
		Pacific saury (<i>Cololabis saira</i>)	North Pacific	Not known, but unlikely to be overexploited		
		Saury (<i>Cololabis adocetus</i>)	East Pacific	Not known, but unlikely to be overexploited		
		King gar (<i>Scomberesox saurus scombroides</i>)	Atlantic, Indian and Pacific Oceans	Not known, but unlikely to be overexploited		

* Species of shark listed in CITES Appendix II

+ Species of shark listed in CMS Appendix II

~ Species of shark listed in the Barcelona Convention Endangered or Threatened Species Annex

Species		Geographic Areas	2006 Report	2010 Report	2016 Report
	Dolphinfish	Common dolphinfish (<i>Coryphaena hippurus</i>)	In most warm and temperate seas 20°C to 30°C in the Atlantic, including the Mediterranean Sea, the west and east Indian Ocean and in the west central Pacific	Not known, but unlikely to be overexploited	
		Pompano dolphinfish (<i>Coryphaena equiselis</i>)	Worldwide distribution in tropical and subtropical seas	Not known, but unlikely to be overexploited	

* Species of shark listed in CITES Appendix II

+ Species of shark listed in CMS Appendix II

~ Species of shark listed in the Barcelona Convention Endangered or Threatened Species Annex

Annex II

Status of the Selected Straddling Fish Stocks Reported in the 2006, 2010 and 2016 Reports of the Secretary-General to the Review Conference

Geographic Areas		Species	2006 Report	2010 Report	2016 Report
Pacific	North-west Pacific	Alaska (walleye) Pollock (<i>Theragra chalcogramma</i>)	Fully exploited	Overexploited	
		Flying squid (<i>Ommastrephes bartrami</i>)	Vary from non-fully to fully exploited and in some cases recovering	Non-fully to fully exploited	
		Boreal clubhook squid (<i>Onychoteuthis borealijaponica</i>)	Vary from non-fully to fully exploited and in some cases recovering		
		Boreopacific armhook squid (<i>Gonatopsis borealis</i>)	Vary from non-fully to fully exploited and in some cases recovering		
		Pacific Ocean perch (<i>Sebastes alutus</i>)	Overexploited		
		Pelagic armourhead (<i>Pseudopentaceros rishardsoni</i>)	Not known		
		Alfonsino (<i>Beryx splendens</i>)	Not known		
	North-east Pacific	Jack mackerel (<i>Trachurus picturatus symmetricus</i>)	Non-fully exploited		
		Alaska (walleye) Pollock (<i>Theragra chalcogramma</i>)	Fully exploited		
	Western central Pacific		No information on straddling stocks	Continues to be no information on straddling stocks	
	Eastern central Pacific	Giant squid (<i>Dosidicus gigas</i>)	Non-fully to fully exploited		Not overexploited
		Horse mackerel (<i>Trachurus spp.</i>)	Non-fully to fully exploited	Non-fully exploited	

Geographic Areas		Species	2006 Report	2010 Report	2016 Report
	South-west Pacific	Spanish mackerel (<i>Scomber japonicus</i>)	Non-fully to fully exploited		Not overexploited
		Orange roughy (<i>Hoplostethus atlanticus</i>)	Fully exploited to overexploited		Overexploited
		Oreo dories (<i>Allocyttus verucosus</i> , <i>Allocyttus Niger</i> , <i>Neocyttus rhomboidalis</i> , <i>Pseudocyttus maculatus</i>)	Fully exploited to overexploited		
		Hoki (<i>Macruronus novaezelandiae</i>)	Fully exploited to overexploited		Fully exploited
		Narrow-barred Spanish mackerel (<i>Scomberomorus commerson</i>)	Non-fully exploited	Likely to be non-fully exploited	Non-fully exploited
		Flying squids	Non-fully exploited		
		Flying fish	Non-fully exploited	Likely to be non-fully exploited	Non-fully exploited
	South-east pacific	Jumbo squid (<i>Dosidicus gigas</i>)	Non-fully exploited		Fully exploited
		Chilean jack mackerel (<i>Trachurus picturatus murphyi</i>)	Fully or overexploited	Fully exploited to overexploited	Overexploited
		Spanish mackerel (<i>Scomber japonicus</i>)	Catches are small	Non-Fully exploited to fully exploited	Fully exploited
Atlantic	North-west Atlantic	Cod (<i>Gadus morhua</i>)	Overexploited		Fully exploited to overexploited
		American plaice (<i>Hypoglossoides platessoides</i>)	Overexploited		Fully exploited to overexploited
		Redfish (<i>Sebastes marinus</i>)	Overexploited		Fully exploited
		Witch flounder (<i>Glyptocephalus cynoglossus</i>)	Overexploited		Fully exploited or overexploited

Geographic Areas		Species	2006 Report	2010 Report	2016 Report	
		Atlantic halibut (<i>Hippoglossus hippoglossus</i>)	Overexploited			
		Black halibut (<i>Reinhardtius hippoglossoides</i>)	Overexploited			
		Yellowtail flounder (<i>Pleuronectes ferruginasus</i>)	Fully exploited			
		Grenadiers (<i>Macrouridae</i>)	Not known	Fully exploited to overexploited		
		Capelin (<i>Mallotus villosus</i>)	Non-fully exploited	Overexploited		
		Shrimp (<i>Pandalus borealis</i>)	Fully exploited	Fully exploited to overexploited	Overexploited	
	North-east Atlantic	Blue whiting (<i>Micromesistius poutassou</i>)	Overexploited			Fully exploited
		Oceanic redfish (<i>Sebastes mentella</i>)	Fully exploited	Overexploited		
		Cod (<i>Gadus morhua</i>)	Overexploited	Fully exploited	Varying from fully exploited to overexploited	
		Haddock (<i>Melanogrammus aeglefinus</i>)	Overexploited	Fully exploited	Varying from fully exploited to overexploited	
		Black halibut (<i>Reinhardtius hippoglossoides</i>)	Overexploited			Fully exploited
		Altanto-Scandian (Norwegian spring-spawning) herring (<i>Clupea harengus</i>)	Fully exploited			
		Mackerel (<i>Scomber scombrus</i>)	Overexploited			Fully exploited
		Horse mackerel (<i>Trachurus trachurus</i>)	Uncertain	Not known		Fully exploited
	Eastern central Atlantic		No significant fisheries			

Geographic Areas		Species	2006 Report	2010 Report	2016 Report	
West central Atlantic			No significant fisheries			
	South-west Atlantic	Shortfin squid (<i>Illex argentinus</i>)	Fully exploited		Fully exploited to overexploited	
		Common squid (<i>Loligo spp.</i>)	Not known			
		A flying squid (<i>Martialia hyadesi</i> of the Ommastrephidae family)	Not known			
		Hakes (<i>Merluccius hubbsi</i> and <i>Merluccius polylepis</i>)	Fully exploited to overexploited			
		Southern blue whiting (<i>Micromesistius australis</i>)	Fully exploited to overexploited	Overexploited		
		Pink cusk eel (<i>Genypterus blacodes</i>)	Non-fully to fully exploited	Fully exploited to overexploited	Overexploited	
		Patagonian toothfish (<i>Dissostichus eleginoides</i>)	Non-fully to fully exploited	Fully exploited	Fully exploited to overexploited	
		Tadpole mora (<i>Salilota australis</i>)	Not known			
		Patagonian grenadier (<i>Macruronus magellanicus</i>)	Non-fully exploited	Non-fully to fully exploited	Fully exploited	
		Grenadier (<i>Macrourus whitsoni</i>)	Not known			
		Antarctic cod (<i>Notothenia rossii</i>)	Not known			
		Rockcods (<i>Notothenia spp.</i>)	Not known			
		Sharks	Not known			
		Rays	Not known			
		Patagonian squids		Fully exploited		
		South-east Atlantic	Alfonsinos (Family <i>Bercycidae</i>)	Not known		
			Orange roughy	Not known		

Geographic Areas		Species	2006 Report	2010 Report	2016 Report
		Horse mackerel (<i>Trachurus spp.</i>)	Fully exploited	Varying from non-fully exploited to overexploited	Varying from fully exploited to overexploited
		Lanternfish (Family <i>Myctophidae</i>)	Not known		
		Mackerel (<i>Scomber spp.</i>)	Not known		
		Skates (Family <i>Rajidae</i>)	Not known		
		Sharks (Order <i>Selachomorpha</i>)	Not known		
		Armourhead (<i>Pseudopentaceros spp.</i>)	Not known		
		Cardinal fish (<i>Epigonus spp.</i>)	Not known		
		Deep sea red crab (<i>Chaceon maritae</i>)	Not known		
		Octopus (Family <i>Octopodidae</i>)	Not known		
		Squids (Family <i>Loliginidae</i>)	Not known		
		Wreck fish (<i>Polyprion americanus</i>)	Not known		
Indian Ocean		Deep water snapper	No significant fisheries		
Southern Ocean		Antarctic krill (<i>Euphausia superba</i>)	Non-fully exploited in FAO Areas 48 and 58	Non-fully exploited	
		Lanternfish (<i>Electrona carlsbergi</i>)	Non-fully exploited in FAO Areas 48	Non-fully exploited	
		Sevenstar flying squid (<i>Martialia hyadesi</i>)	Non-fully exploited in FAO Areas 48	Non-fully exploited	Not known
		Crab (<i>Paralomis spinosissima</i> and <i>P. formosa</i>)	Non-fully exploited in FAO Areas 48	Non-fully exploited	Not known

Geographic Areas	Species	2006 Report	2010 Report	2016 Report	
	Patagonian toothfish (<i>Dissostichus eleginoides</i>)	Considered overexploited in parts of FAO Area 58 and fully exploited in FAO Area 48 and other parts of FAO Area 58	Fully exploited to overexploited	Fully exploited	
	Mackerel icefish (<i>Champscephalus gunnari</i>)	Fully exploited in both FAO Areas 48 and 58	Overexploited		
	Marbled rockcod (<i>Notothenia rossii</i>)	Uncertain			
	Lanternfish (<i>Myctophidae</i>)		Non-fully exploited		
	Antarctic rockcods (<i>Trematomus spp.</i>)		Overexploited		
	Black icefish (<i>Chaenocephalus aceratus</i>)		Overexploited		
	Antarctic toothfish (<i>D. mawsoni</i>)		Fully exploited to overexploited		
Mediterranean Sea	Giant red shrimp (<i>Aristaeomorpha foliacea</i>)	Not known		Considered overexploited in the western Mediterranean	
	Blue and red shrimp (<i>Aristeus antennatus</i>)	Not known		Considered overexploited in the western Mediterranean	
	Rose shrimp	Fully exploited		Considered overexploited in some zones	
	Hake (<i>Merluccius merluccius</i>)	Overexploited		Considered overexploited in some zones	
	Sardines (<i>Sardina pilchardus</i>)	Range from non-fully exploited to overexploited, depending on the zone	Non-fully exploited to overexploited		Fully exploited to overexploited
	Anchovy (<i>Engraulis encrasicolus</i>)	Non-fully exploited to overexploited depending on the zone	Fully exploited to overexploited depending on the zone		