
Advance and unedited (English only)

**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

**Advance and unedited report of 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 (English only)**

Prepared by the President of the Conference

**(Comments and corrections to the summary of discussions only may be
sent to doalos@un.org, with a copy to amerim@un.org by Monday,
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Outcome of the resumed Review Conference
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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),¹ the Secretary-General convened a Review Conference on the Agreement in 2006. The Review Conference was mandated 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.² The Review Conference was resumed from 24 to 28 May 2010, in accordance with General Assembly resolutions 63/112 and 64/72.³

2. The resumed Review Conference agreed to keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2015, to be agreed at a future round of Informal Consultations of States Parties to the Agreement (Informal Consultations). Pursuant to an agreement at the tenth round of Informal Consultations, in March 2014, the General Assembly, in its resolution 70/75, requested the Secretary-General to resume the Review Conference from 23 to 27 May 2016. The Assembly also requested the Secretary-General to submit to the resumed Review Conference 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 36.⁴

3. The report of the Secretary-General contained an 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. It also provided a review and analysis of the extent to which the recommendations adopted by the Review Conference in 2006 and 2010 have been implemented by States and regional fisheries management organizations or arrangements (RFMO/As), including a description of relevant activities of FAO.

4. In accordance with article 36 of the Agreement, the Secretary-General addressed invitations to participate in the resumed Review Conference to all States parties to the Agreement and those States and entities which are entitled to become parties, as well as those intergovernmental and non-governmental organizations entitled to participate as observers.

II. Opening of the resumed Review Conference

¹ United Nations, *Treaty Series*, vol. 2167, No. 37924.

² General Assembly resolutions 59/25 and 60/31.

³ A/CONF.210/2010/7.

⁴ A/CONF.210/2016/1.

5. On behalf of the Secretary-General, Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, opened the resumed Review Conference. He recalled that, since the President of the Review Conference in 2006 and 2010, David Balton (United States of America), had indicated that he would no longer be able to serve in that capacity, elections would need to be held for a new President.

III. Election of the President

6. The Conference elected Fábio Hazin, Professor of the Fisheries and Aquaculture Department of the Universidade Federal Rural of Pernambuco, Brazil, as President of the Conference by acclamation.

IV. Opening statements

7. The President expressed his appreciation to delegations and to Ambassador David Balton, who had set a high standard as the President of the Review Conference in both 2006 and 2010. He stressed that the Review Conference provided an opportunity to promote the effective conservation and management of the world's straddling fish stocks and highly migratory fish stocks and that it played a vital role in strengthening the implementation of the Agreement. The President welcomed the increased participation in the Agreement, with 26 more States having become parties since the Review Conference in 2006, and stressed the importance of continuing to work together towards the goal of universal participation. He highlighted some of the positive developments in the implementation of the recommendations of the Conference, including the upcoming entry into force of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM Agreement) on 5 June 2016.

8. On behalf of the Secretary-General, Mr. de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, welcomed participants to the resumed Review Conference. He recalled that the Agreement had established a comprehensive legal regime for the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks, through the implementation of the 1982 United Nations Convention on the Law of the Sea (the Convention). He noted that, although the overall status of straddling fish stocks and highly migratory fish stocks had not improved since 2006 and 2010, the recommendations adopted in 2006 and 2010 had a considerable impact on the practice of States and RFMO/As, and provided the impetus for many international efforts. He stressed the importance of full implementation of the Agreement, particularly considering that fish stocks were expected to face increased pressures in the near future, including from climate change, ocean acidification, marine pollution, as well as continued overfishing.

V. Adoption of the agenda

9. The Conference considered its provisional agenda (A/CONF.210/2016/L.1), to which a number of proposed amendments were agreed. The Conference adopted its agenda, as amended, as document A/CONF.210/2016/3.

VI. Election of officers other than the President

10. The President recalled that, in accordance with rule 10 of the Provisional Rules of Procedure,⁵ the Bureau of the Conference was composed of the President and seven Vice-Presidents - five Vice-Presidents to be elected from among representatives of the States Parties to the Agreement, giving due consideration to geographic representation, and two Vice-Presidents to be elected from any region from among the representatives of the participating States not party to the Agreement. He explained that since none of the Vice-Presidents confirmed or elected at the resumed Review Conference in 2010 were in a position to resume their functions, elections would need to be held to fill seven vacancies in the Bureau.

11. The Conference elected Luke Daunivalu (Fiji), Cristián Laborda (Chile), María del Mar Fernández Merlo (Spain) and James Waweru (Kenya) as Vice-Presidents from amongst States Parties and Li Yongsheng (China) from amongst States non-parties to serve as Vice-Presidents. The two remaining positions of Vice-President were not filled.

VII. Organization of work

12. The Conference adopted its organization of work A/CONF.210/2016/L.2, as amended.

13. The Conference agreed that the Drafting Committee would be chaired by Luke Daunivalu (Fiji).

VIII. Credentials of representatives to the Conference

14. The President recalled that in 2006, in accordance with rule 8 of the Provisional Rules of Procedure, the Review Conference had appointed a Credentials Committee of nine members representing the following States Parties to the Agreement: Germany, India, Mauritius, Norway, Saint Lucia, South Africa, Sri Lanka, Ukraine and Uruguay. In light of the fact that Germany, India and Mauritius were no longer in a position to serve on the Committee, the resumed Review Conference appointed the Netherlands and Nigeria to the Credentials Committee and confirmed Norway, Saint Lucia, South Africa, Sri Lanka, Ukraine and Uruguay as members of the Committee.

15. The Credentials Committee held an organizational meeting on 23 May 2016, during which it elected Sonali Samarasinghe (Sri Lanka) as Chairperson and Thembile Elphus Joyini (South Africa) as Vice-Chairperson. At its second meeting, on 26 May 2016, the Committee examined and accepted the credentials of representatives to the resumed Review Conference from 82 participating States, including the European Union.

⁵ A/CONF.210/2006/6.

16. On 26 May 2016, the resumed Review Conference approved the report of the Credentials Committee (A/CONF.210/2016/4).⁶

IX. Presentation of the report of the twelfth round of Informal Consultations

17. The Conference took note of the report of the twelfth round of Informal Consultations, held in March 2016,⁷ which was introduced by the President.

18. As agreed during the twelfth round, the Conference considered two issues, which had not been previously included in its recommendations - labour conditions and the avoidance of the transfer of a disproportionate burden of conservation action to developing States (see paras. 176-182).

X. Consideration of the report on the status of the Assistance Fund under Part VII of the Agreement

19. The representative of FAO presented the financial report on the status of the Assistance Fund established under Part VII of the Agreement.⁸ He noted that since 2010, contributions had been received from Australia and Norway, but that further contributions were needed. The current balance of the Fund was less than US \$80,000, which based on current usage rates, would not last beyond the end of 2016. The representative of FAO also introduced a note, entitled “Note by the Food and Agriculture Organization on reinforcing the use of the Part VII Assistance Fund”.⁹

20. Several delegations supported more diverse usage of the Fund, whereas a view was expressed that travel-related support should remain a major part of the Fund’s purpose. Several delegations supported the idea that contributions could be made to the Fund towards specific projects, while a delegation stressed the need for such projects to be demand-driven rather than tailored to donors’ priorities. The view was expressed that States more vulnerable to the effects of climate change could be given priority access to the Fund. Delegations echoed the call for replenishment of the Fund and in this regard, a view was expressed that assessed contributions to the Fund could be considered (see also paras. 167-171).

21. The Conference took note of the report presented by FAO on the status of the Assistance Fund and supported the suggestions made by FAO in its Note on reinforcing the usage of the Fund.

XI. Assessment of the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks

⁶ Following the approval of the report of the Credentials Committee, the Secretariat received formal credentials for the representatives of Indonesia, Kuwait, Lebanon, Mauritius, South Africa, Trinidad and Tobago, as well as information concerning the appointment of representatives of Guinea bringing the total number of credentials to 84.

⁷ ICSP12/UNFSA/INF.3.

⁸ A/CONF.210/2016/2.

⁹ www.un.org/depts/los/reference_files/Note_by_FAO_on_the_Part_VII

22. The following paragraphs summarize the views expressed during the consideration of agenda item 10, entitled “Assessment of the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks, as guided by the organization of work of the Conference”. They include a summary of the general statements made by delegations, as well as statements made during the consideration of agenda item 8, entitled “Presentation of the report of the twelfth round of informal consultations of States parties to the Agreement”.

1. Review of the implementation of the recommendations adopted at the Review Conference in 2006 and 2010 and means of strengthening the substance and methods of their implementation

23. Delegations reiterated the importance they ascribed to the Agreement and noted that the resumed Review Conference provided a timely opportunity to review progress in the implementation of the Agreement.

24. Many delegations expressed appreciation for the report of the Secretary-General submitted to the resumed Review Conference in accordance with paragraph 41 of General Assembly resolution 69/109 to assist it in discharging its mandate under article 36(2) of the Agreement (see paras. 2-3).¹⁰ However, concern was expressed by several delegations regarding the low number of responses to the questionnaire. In this regard, it was suggested to streamline the recommendations or questionnaire, or make it available in a more flexible and practical format. Several delegations also pointed out that while the Secretary-General’s report stated that increases in catches of skipjack tuna may be sustainable,¹¹ the stock should be considered fully exploited, in line with the interim target reference point for the Western Pacific skipjack stock agreed in December 2015.

25. Specific developments and progress since the resumed Review Conference in 2010 highlighted during the Conference included: increased participation in the Agreement; the formation of new RFMO/As; enhanced collaboration between RFMO/As; the imminent entry into force of the PSM Agreement; the adoption of the 2030 Agenda for Sustainable Development (the 2030 Agenda) which included an ocean-specific Sustainable Development Goal (SDG), as well as the decision of the General Assembly in its resolution 70/226 to convene the high-level United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development in 2017, in Fiji; broader effective implementation of the precautionary and ecosystem approaches; a general growth in scientific knowledge; better sharing of information and intelligence for fisheries enforcement; and a growing desire to understand the impacts of climate change on the marine environment.

_Assistance_Fund.pdf

¹¹ A/CONF.201/2016/1, para. 16.

26. Many delegations regretted that, despite such progress, neither the status of fish stocks nor the economic profitability of fleets was improving. Several delegations drew attention to the findings of the First Global Integrated Marine Assessment in this regard. It was noted by some delegations that this issue affected intergenerational equity and States and RFMO/As needed to take collective action to further implement the recommendations of the Review Conference.

27. Some delegations expressed concern that some of the recommendations from the Review Conference in 2006 and 2010 had not been fully implemented. A number of suggestions were raised to improve implementation including: undertaking RFMO/A performance reviews on a regular basis; prioritizing the list of recommendations; improving the decision-making processes of the Review Conference; having transparent criteria through increased coordination and information-sharing; harmonizing monitoring frameworks; and using mechanisms of international cooperation. Some delegations noted that the differing capacities of individual States to be able to implement the recommendations of the Review Conference should also be considered. Several delegations called for recognition, and support for the development aspirations of developing States, in particular small island developing States (SIDS), as well as the need to increase benefits to them and to least developed countries.

28. RFMO/As were identified as crucial in the implementation of the Agreement and several delegations highlighted the need to increasingly collaborate through them to enact necessary science-based and compatible measures. A delegation emphasized that RFMO/As were the organizations responsible for the management of fisheries, as well as with respect to the impacts on marine ecosystem, including biodiversity. In this regard, some delegations expressed the view that discussions on the development of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) should not undermine the mechanisms already in place under the Agreement.

29. The need to further strengthen the mandates of RFMO/As to facilitate the implementation of the Agreement was underscored by a number of delegations.

30. Many delegations highlighted measures taken nationally towards the conservation and management of straddling fish stocks and highly migratory fish stocks, including through investment; establishing catch limits and moratoria; integration of port State measures; monitoring, control and surveillance (MCS) activities; implementation of the precautionary and ecosystems-based approaches to fisheries management; establishment of new marine protected areas (MPAs); improvement of legislation, such as the adoption of a national plan of action to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.

31. The Conference then reviewed, according to the order of the items listed in the organization of work, the implementation of the recommendations adopted in

2006 and 2010, and considered proposed means of further strengthening, if necessary, the substance and methods of implementation of the Agreement.

(a) Conservation and management of stocks

32. *Adoption and implementation of measures.* Several delegations expressed concern that the adoption of conservation and management measures and their implementation had progressed slowly, and in some respects, a disproportionate burden had been placed on SIDS. Concern was also expressed that despite the establishment of new measures and RFMO/As, the status of fish stocks had not improved since the Review Conference in 2006. In this regard, several delegations recalled the commitments contained in the Johannesburg Plan of Implementation of 2002 to maintain or restore stocks to levels that can produce the maximum sustainable yield by 2015, and in SDG 14 of the 2030 Agenda.

33. A number of delegations emphasized the need to address implementation gaps. It was further suggested to eliminate opting-out from conservation and management measures.

34. Some delegations considered that more could be done through the performance review processes of RFMO/As or compliance committees to assess the adoption and implementation of measures. The joint tuna RFMO process known as the Kobe process, was referenced as an example of coordinated action that enabled progress in the implementation of measures.

35. *Application of the precautionary and ecosystem approaches.* Several delegations highlighted the progress achieved in the implementation of the recommendations relating to the application of the precautionary and ecosystem approaches, especially to prevent significant adverse impacts on vulnerable marine ecosystems (VMEs) (see also paras. 47-53, 75-88 and 91-93). However, concern was expressed that a more complete application of these approaches was required, including with respect to sharks. It was noted by some delegations that provisions relating to the precautionary and ecosystem approaches had been included, or would be included, in the mandates of several RFMO/As, as well as bycatch management measures.

36. Several delegations highlighted the need for better understanding of the precautionary and ecosystem approaches and considered it necessary to move away from single species management to a holistic form of management, which would require changes in how data were collected. They recalled that the application of the precautionary approach was crucial, in the absence of sufficient scientific data. The adoption of precautionary measures for new or exploratory fisheries, until there were sufficient data to allow assessment of their impact, in line with article 6, paragraph 6, of the Agreement, was suggested. In that regard, it was noted that an obligation to do so was already contained in the Agreement.

37. The importance of ensuring proper data collection and the transmission of data to RFMO/As, and basing management decisions on the best available science,

was emphasized by several delegations. They noted with concern the lack of sufficient data on many shark species. A delegation suggested developing a framework to guide management decision to account for uncertainty and risk, so that lack of scientific advice was not an impediment to setting reference points and applying clear rules (see also paras. 85-88).

38. Some delegations suggested that the 2030 Agenda could provide guidance on how to implement and strengthen recommendations regarding the application of the precautionary and ecosystem approaches, including the commitment to achieve the relevant target “by 2020”.

39. Concern was expressed by some delegations regarding the inconsistent application of the ecosystem and precautionary approaches amongst RFMO/As, possibly leading to implementation gaps.

40. *Environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification.* Many delegations highlighted the threat that the impacts of climate change and ocean acidification posed to the health and resilience of the ocean, including to the sustainability of fish stocks. Examples of harmful impacts at the domestic and regional level, including threats to the livelihoods of local communities and domestic industries, were presented.

41. Many delegations emphasized the need to better address the impacts of climate change and ocean acidification and noted some progress by States, RFMO/As and other regional bodies in this regard.

42. Several delegations drew attention to SDG 14 of the 2030 Agenda and the need to improve the resilience of marine ecosystems. They highlighted the need to factor in unpredictability, for example, in the development of MPAs. Reference was also made by several delegations to SDG 13 on climate change and the Paris Agreement. Many delegations highlighted the need to enhance research and share information in order to increase understanding of climate-related changes in ecosystem, and develop options and identify best practices in response to them. A suggestion was made by a delegation to improve the collection of data in this regard: using fishing vessels to collect oceanographic data. Another delegation proposed increasing cooperation, including sharing of information and best practices, with non-fisheries institutions.

43. Several delegations noted the need for a more adaptive approach to fisheries governance, noting that changing environmental conditions had made the location and productivity of stocks less predictable.

44. *Achievement of compatible measures.* Underlining the importance of ensuring the compatibility of measures for areas within and beyond national jurisdiction, several delegations explained that discrepancies could undermine efforts to rebuild certain straddling fish stocks and highly migratory fish stocks. Many delegations expressed their views on the respective roles of coastal States and RFMO/As in the achievement of compatible measures. A number of delegations noted that if

standards in the high seas areas were lower than those in the EEZs of coastal States, efforts to ensure compatibility would depend on improving the processes within RFMO/As, including with respect to decision-making.

45. Many delegations noted the need to build the capacity of developing coastal States. Several delegations drew attention to the importance of exchanging information and sharing experiences, including through reporting between States and RFMO/As. A delegation provided the example of ongoing national and multilateral monitoring and surveillance of the high seas to reduce driftnet fishing.

46. The view was expressed that achieving compatibility was a two-way process, emphasizing that unilateral measures should be avoided particularly where the coastal State and flag State were members of the same RFMO/A.

47. *Development of area-based management tools.* Several delegations considered that the development of area-based management tools (ABMTs), including MPAs, remained important, not only for the management of fisheries, but for the protection of the ecosystem as a whole, and recalled the commitments in the 2030 Agenda and other international instruments, including the Convention on Biological Diversity and FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas. Some delegations noted that progress had been achieved in that regard, including at the national and regional levels.

48. It was noted by several delegations that MPAs needed to be well-designed, and that their impact and effectiveness should be analyzed and reviewed. They pointed to the potential benefits of well-designed, dynamic and flexible MPAs, taking into account ecological connectivity, including for ecosystem resilience, but cautioned that it was also necessary to ensure fishing was not merely displaced to other areas.

49. A view was expressed in favour of periodic review of MPAs, including sunset clauses, while several other delegations preferred flexibility to allow for adaptation to changing circumstances as opposed to sunset clauses. A delegation considered that the threshold level of VME indicator species, based on comprehensive research, should guide the establishment of MPAs. An observer delegation highlighted the need for MPAs for sharks and other vulnerable species.

50. Several delegations expressed the view that MPAs could take different forms, including temporal closures or limited-use areas, and could be combined with other measures. It was noted that MPAs were not necessarily no-take zones, but were areas for ecosystem management and sustainable use based on scientific data.

51. Some delegations emphasized that the establishment of ABMTs needed to be based on the best scientific information available and that efficient MCS was necessary to ensure the effectiveness of such tools. In this regard, it was noted that MCS of MPAs, including improved technology, was costly.

52. The need to reinforce the role of RFMO/As in establishing ABMTs was highlighted by a number of delegations. In this regard, a delegation suggested that RFMO/As should consider defining MPAs more broadly.

53. Another delegation expressed the view that the establishment of high seas MPAs was the prerogative of RFMOs. An observer delegation agreed and called for that mandate of the RFMO/As to be taken into account in the discussions on the development of an international legally binding instrument under the Convention on the conservation and sustainable use of BBNJ.

54. *Reduction of fishing capacity to levels commensurate with the sustainability of fish stocks.* Delegations emphasized the need to ensure fishing capacity was commensurate with the sustainability of stocks, including in areas beyond national jurisdiction. It was also noted by several delegations that the issue of overcapacity was strongly linked to the problem of harmful fisheries subsidies. The overcapacity of fleets, in particular distant-water fishing fleets, continued to undermine the long-term sustainability of fish stocks, and despite the commitments undertaken, including in “The future we want”, and the FAO’s International Plan of Action for the Management of Fishing Capacity, the problem had grown, as noted by several delegations.

55. Several delegations provided examples of domestic efforts to reduce capacity, including by using vessel registries, gear restrictions, time closures, individual transferrable quotas and capping licenses. The need for a broader understanding of overcapacity was highlighted, including the importance of policy flexibility to allow for self-adjustment.

56. The importance of effort control was highlighted. It was noted by some delegations that capacity should not only relate to the number of vessels or tonnage, because technical advances in methods used, including fishing gear, had increased capacity for fishing independent of the tonnage of vessels. Therefore, the need to conduct capacity assessment was stressed, including the gathering and sharing of data, in a transparent manner, regarding capacity, fishing subsidies and fishing gear.

57. Several delegations expressed the view that overcapacity could be best tackled at the regional level, while it was necessary to avoid the transfer of capacity to other areas. RFMO/As were called upon to work on capacity management plans, including by establishing optimal catch capacity through their scientific committees.

58. Several delegations also underlined the need to balance the reduction of fishing capacity with the legitimate rights and aspirations of developing States. The need to build awareness amongst small-scale fishermen regarding the need to manage fishing capacity was underscored. Several delegations recognized the socioeconomic impacts linked to reduction of capacity, and underscored the need to consider mitigation measures.

59. *Elimination of subsidies that contribute to IUU fishing, overfishing and overcapacity.* Several delegations highlighted the need to eliminate fisheries subsidies that contributed to overcapacity and overfishing, recalling the commitment contained in the 2030 Agenda in this regard. They highlighted actions already taken to implement this commitment by eliminating such fisheries subsidies for large-scale or industrial activities and for fisheries that used destructive fishing gear. FAO noted that the current indicator for SDG target 14.6 did not relate directly to subsidies.

60. Several delegations stressed the need to distinguish between different types of subsidies and highlighted the usefulness of some subsidies, including to encourage fisheries research, strengthen management, or support fishing communities, small-scale fishers and port facilities in developing countries.

61. Many delegations also stressed the need for greater transparency and for States to report on subsidies. Reporting to RFMO/As and licensing authorities as a condition for permission to fish was suggested by several delegations. A delegation noted how subsidies of developed States could provide their fishing vessels with an unfair advantage over those of developing States, which could not match those fisheries subsidies.

62. Several delegations pointed out that the World Trade Organization was the appropriate forum for negotiations on disciplines on subsidies and called for a resumption of the negotiations. A delegation noted that there was no consensus on continuing the Doha Development Round and stressed the need for more forward-looking mandates.

63. *Lost or abandoned fishing gear and discards of fishing gear.* Many delegations pointed to problems caused by lost or abandoned fishing gear, in particular ghost fishing and marine debris, including plastics and microplastics. Several delegations proposed stronger recommendations to address this issue in light of the commitment contained in the 2030 Agenda to prevent and significantly reduce marine pollution, including marine debris, by 2025. They noted that this issue would also be the focus of discussions at the upcoming meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

64. Many delegations highlighted a wide range of economic and social approaches to dealing with the challenge of lost or abandoned fishing gear, including efforts to raise awareness, increase scientific research, campaigns for the retrieval of gear, use of biodegradable or non-entangling gear, marking schemes for identification of gear ownership, the listing of fishing gear, and funding mechanisms. Some delegations noted the need for a combination of innovation and regulation to deal with the problem. Some delegations also stressed the need for proper monitoring, control and enforcement tools, such as observers and for holding owners responsible for the cost of lost or abandoned fishing gear.

65. Several delegations cautioned against bans on particular types of fishing gear, such as fish aggregating devices (FADs), contending that the impact of such gear could be improved through better management, including gear registries and observer coverage. One delegation stressed the impact of large-scale drift nets as marine debris and called on States to ban such gear in areas within and beyond national jurisdiction.

66. Several delegations welcomed the ongoing efforts at FAO to address this challenge, particularly through the marking of fishing gear. FAO noted the outcome of an expert consultation on gear marking, which would be considered at the upcoming meeting of the Committee on Fisheries (COFI) in July 2016 and could result in the development of technical guidelines or the convening of a technical consultation to develop guidelines.

67. *Data collection and sharing of information.* Several delegations maintained that ecological, economic and social data was necessary in the conservation and management of fish stocks. They noted that data and information gaps directly impacted the ability to implement science-based consideration of measures. Many delegations emphasized the need to improve the provision of timely, accurate and complete data as the basis for stock assessment and the conservation and management of straddling and highly migratory fish stocks. The view was expressed that data should include data on by-catch and discards. The significance of data collection and the sharing of information as a cross-cutting issue were also emphasized, including with regard to tackling IUU fishing.

68. Several delegations expressed concern that the report of the Secretary-General had again, as in 2010, concluded that a lack of data prevented accurate stock assessment and emphasized the need to apply the precautionary approach in the absence of reliable or adequate data. A delegation noted that the collection of fisheries-independent data should also be promoted. Another delegation proposed that data collection and sharing of information should be considered as a possible theme for a future round of the Informal Consultations.

69. The need for RFMO/As to ensure compliance with data collection and reporting obligations was underscored by several delegations, as poor data and reporting impacted on the performance of some RFMO/As. They proposed that compliance committees in RFMO/As should apply a full range of incentives and penalties to encourage reporting and the provision of data. It was also suggested by several delegations that compliance with data and reporting obligations should be a condition for authorization to fish, as was the case in the International Commission for the Conservation of Atlantic Tunas (ICCAT). Some delegations stressed the importance of considering the factors that inhibited States from submitting data, as opposed to imposing sanctions.

70. The need for balance between transparency and ensuring confidentiality of some data, such as commercial and proprietary data, was emphasized by several delegations. A delegation proposed the development of standards for the provision

of data by RFMO/As. A new tool for the automatic collection of electronic data on fisheries was noted in this context (FLUX, Fisheries Language for Universal eXchange). The negotiation of exemptions to the provision of data in some RFMO/As was also considered a concern. It was noted that flexibility with respect to the confidentiality of operational data had been taken into account in the development of relevant requirements in some RFMO/As and that it was now the time to implement those requirements.

71. Several delegations recognized the challenges faced by developing countries in meeting data collection obligations and the need to provide assistance in this regard. The significance of Part VII of the Agreement and the need for cooperation and creativity in the implementation of the relevant provisions were underlined. In this context, delegations also noted the importance of the Part VII Assistance Fund.

72. The view was expressed that, linking the provision of financial assistance to the provision of data as an incentive in the context of the Kobe process, had improved data related to tuna fisheries significantly, allowing for better management of those stocks.

73. *FAO data arrangements and the global fisheries statistics database.* Several delegations highlighted the need for data to distinguish fish stocks caught within and beyond areas of national jurisdiction, noting that paragraph 96 of the report of the Secretary-General underscored the difficulties of obtaining and separating such data.

74. FAO reported that its framework did not allow for the collection of data at that level of definition and that a new mandate would be needed, for example a resolution of the General Assembly requiring States to ensure that the data distinguishes fish stocks according to where they are caught, together with requisite funding and capacity-building. FAO also noted that State's confidentiality requirements limited the amount of data being released.

75. *Conservation and management of sharks.* Many delegations expressed concern over the status of shark species. Several delegations recognized the progress made in the conservation and management of sharks in the context of some RFMO/As, whether as target species or as by-catch, but stressed the need for the adoption of stronger measures on the conservation and management of sharks, in view of their biological characteristics and vulnerability. The role of ABMTs, such as shark sanctuaries, and the implementation of harvesting strategies, as management tools for the conservation of sharks was highlighted by several delegations.

76. The need for enhanced cooperation in view of the highly migratory nature of several shark species was stressed by several delegations. It was noted that measures adopted by RFMO/As should not undermine the effectiveness of more stringent measures adopted by coastal States for the conservation and management of sharks. In this context, support was also expressed for enhanced implementation

of other relevant international instruments, such as the FAO International Plan of Action for Conservation and Management of Sharks (IPOA-Sharks), the Memorandum of Understanding on the Conservation of Migratory Sharks under the Convention on the Conservation of Migratory Species of Wild Animals and the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

77. Several delegations noted the lack of reliable or adequate data on exploited shark stocks, as highlighted in the report of the Secretary-General, which made it impossible to undertake comprehensive stock assessments. The need for precaution in the absence of reliable or adequate information on shark stocks was emphasized by several States.

78. States and RFMO/As were called upon to improve scientific research and data collection for the effective management of shark fisheries, including through species-specific data collection. The need for enhanced cooperation in RFMO/As to apply science-based conservation and management measures with catch limits on all shark species, including by-catch, was also underlined.

79. Several delegations called for a wide range of measures to encourage the full utilization of sharks. In relation to existing prohibitions on shark finning, several delegations indicated that measures adopted by RFMO/As on the landing of sharks with a specific fin-to-carcass ratio were not sufficiently effective and enforceable. A delegation stated that the regulation of shark finning addressed utilization of captured sharks rather than conservation and management in line with the requirements of most RFMO/As and the IPOA-Sharks, and that the recommendations of the resumed Review Conference in 2010 thus did not reflect global standards.

80. *Conservation and management measures for deep-sea fisheries.* Several delegations recalled the significant progress made in the conservation and management of bottom fisheries in areas beyond national jurisdiction, including the protection of VMEs, in particular through relevant resolutions of the General Assembly and the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, and efforts towards their implementation by States and RFMO/As. It was noted that a range of regulatory measures had been adopted to protect VMEs, including fishing closures, designation of open and restricted fishing areas, quota regulations and effort restrictions, as well as bans on certain deep-sea species. Reference was also made in this context to the need to apply the precautionary and ecosystem approaches.

81. Several delegations recognized the need for improvement in data collection for deep sea fisheries and for broader cooperation by States and RFMO/As in this regard. They also highlighted the need to consider specific biological characteristics of deep-sea species, in addition to vulnerable habitats, such as corals, in assessing the impacts of such fisheries. Delegations noted in this context the opportunity presented by the upcoming two-day workshop on the review of

actions taken by States and RFMO/As in response to relevant resolutions of the General Assembly.

82. A delegation noted that the measures adopted by RFMOs that amounted to closures of areas of the high seas constituted an example of effective progress and a matter of interest to the Preparatory Committee established by General Assembly resolution 69/292 (BBNJ Prep Com).

83. NEAFC reported on the effectiveness of its measures to protect VMEs in the high seas through area closures, based on scientific assessments using new scientific methodologies for data-limited stocks, and restrictions on exploratory fishing.

84. Views were expressed that measures adopted for bottom fisheries in accordance with relevant resolutions of the General Assembly represented good progress. However, an observer delegation stressed the absence of regulations for some fisheries and the continued occurrence of fishing in areas where VMEs occurred or were likely to occur and the need for improved data and MPAs, including fully protected marine reserves.

85. *Determination of reference points or provisional reference points for specific stocks.* Many delegations highlighted the need for reference points based on scientific data for specific stocks and provisional reference points when information for a fishery was poor or absent, in accordance with Annex II to the Agreement. The need to improve scientific research, data collection and information-sharing was underlined by several delegations as it was the need for capacity-building.

86. Several delegations noted progress in setting reference points at the regional level, in particular the measures adopted by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) and WCPFC. They noted efforts to restore certain stocks to levels higher than those capable of producing the maximum sustainable yield, based on the application of Annex II to the Agreement.

87. The need for greater efforts to develop target and limit reference points in some RFMO/As was stressed by some delegations. The need for harvest control rules in fisheries management plans to ensure that reference points were not breached, and to allow stocks to recover, was emphasized. Efforts to assess progress in this area in the context of the Kobe process were noted. A suggestion was made to consider the application of Annexes I and II to the Agreement as the focus of future Informal Consultations.

88. Several delegations expressed their understanding that, with regard to the recommendation of the Conference on the determination of reference points or provisional reference points for specific stocks, the term “the best scientific information” would include biological, economic and social information and that this information would be used to ensure that the reference points would be

designed to enable the restoration of stocks at least to levels that could produce the maximum sustainable yield.

89. *Science-policy interface.* Some delegations highlighted that the communication between the science and policy communities was important for successful resource management. A delegation noted that great strides had been made in the interface between scientific experts and policy-makers in RFMO/As, while underscoring shortcomings in basing action on the best available science. It was also noted that there was a wide variation in how RFMO/As incorporated the science-policy interface.

90. The importance of maintaining a distinction between the roles of management and science processes, so as to ensure complementarity and synergy was emphasized. Also underscored was the connection between the science-policy interface and climate change, and the need for regular review of the effectiveness of measures.

91. *Rebuilding and recovery strategies.* A delegation expressed regret at the lack of progress in the establishment of long-term rebuilding and recovery strategies at RFMO/As, whereas some other delegations noted progress on recent efforts for the recovery of stocks at the national and international levels, while recognizing that there was still room for further improvement. Several delegations were of the view that rebuilding and recovery strategies should be broader and consider more factors than time frames and probabilities of recovery, such as appropriate level of catches, capacity management measures, technical measures for fishing gear, data collection, measurement of discards and by-catch, closed areas and closed seasons, and appropriate MCS measures. They considered that rebuilding and recovery strategies should be applied also to non-target species, such as sharks.

92. *By-catch management.* Several delegations noted that the reduction of by-catch and discards was necessary to improve stocks, taking into account the relevant targets under the SDGs. Delegations noted the work undertaken and measures adopted in different RFMO/As concerning VMEs, birds, sharks and other species, while highlighting the need to improve implementation of by-catch management, including discards. Recalling the International Guidelines on Bycatch Management and Reduction of Discards, they encouraged their widest possible application. An observer delegation noted the need to intensify States' efforts to collect data, including on by-catch and discards.

93. Another observer delegation welcomed the ongoing work to minimize the negative impacts of FADs, noting that their by-catch rate could be lowered to 2 percent, which was small compared to other methods. In this regard, that delegation considered that to alleviate pressure on stocks and their ecosystems, a comprehensive approach should be taken rather than favouring a single fishing gear or method over others.

94. *Compliance with obligations as members or cooperating non-members of RFMO/As.* Several delegations highlighted that the effectiveness of conservation and management measures of RFMO/As depended on their implementation by their members or cooperating non-members. A delegation noted that participation of non-members in fisheries managed by RFMO/As continued to be a challenge.

95. Several delegations noted that the Advisory Opinion issued by the International Tribunal for the Law of the Sea (ITLOS) on the Request for an advisory opinion submitted by the Sub-Regional Fisheries Commission (SRFC) stressed the due diligence principle and the need for States to follow up on adopted rules.

96. Several delegations underlined the role of compliance committees to identify cases where compliance had not been achieved, and impose thereafter appropriate levels of penalties to encourage compliance, as well as provide positive incentives for compliance. Some delegations noted the need for timely and robust operational data to assess compliance.

97. A delegation noted that States and RFMO/As had advanced in the adoption and further development of compliance monitoring schemes, while noting the need to ensure that compliance processes had adequate reporting mechanisms and information on potential violations, included penalties sufficient to deter non-compliance, conducted work transparently and held all members, including flag States, accountable for their performance. An observer delegation highlighted the significant work undertaken in the establishment of a participatory process where all contracting parties needed to report to implementation committees on any violation, and justify the reason for such violation.

98. *Establishment of new RFMO/As.* Many delegations welcomed progress in the establishment of new RFMO/As, in particular the establishment of the North Pacific Fisheries Commission (NPFC), the South Pacific Regional Fisheries Management Organisation (SPRFMO) and the Southern Indian Ocean Fisheries Agreement (SIOFA). Several delegations also noted the work undertaken by Arctic Ocean coastal States towards the signing of a non-binding declaration in 2015, which included a political commitment to prevent unregulated commercial fishing in the Central Arctic Ocean. FAO indicated that it had provided assistance to coastal States of the Red Sea and Gulf of Aden concerning the establishment of an RFMO/A in that region. Some delegations noted that the recently established RFMO/As reflected best practices, including on governance arrangements, as they had benefited greatly from the experience acquired by States in existing RFMO/As.

99. Several delegations called for existing RFMO/As to consider increasing their species and geographical coverage to avoid any coverage gaps.

(b) Mechanisms for international cooperation and non-members

100. *Strengthening mandates and measures in RFMO/As.* A delegation highlighted the importance of cooperation among RFMO/As in the exchange of

information by means of memoranda of understanding, and called for greater cooperation by States and FAO in this regard. Another delegation highlighted that the effectiveness of RFMO/As depended on the effectiveness of members in implementing conservation and management measures at the national level. The view was expressed that decision-making processes in RFMO/As needed to be reviewed so that conservation measures were not vetoed or opted out of.

101. *Performance reviews and best practice guidelines.* Many delegations highlighted progress made by RFMO/As and their members to conduct performance reviews, with some RFMO/As having conducted their second review. A call was made by several delegations to improve the process, including the content and regularity of reviews and to ensure the timely implementation of recommendations from the reviews. They stated that performance reviews should be adaptive, independent and continuous. The need for mechanisms in RFMO/As to follow-up on recommendations was also underscored. A delegation called for the inclusion of important elements of the recommendations of the Review Conferences as common standards, thereby enhancing the relevance of the Agreement to RFMO/As. Another delegation noted that performance reviews tended to cover all aspects of the work of RFMO/As, and suggested a change of scope of such reviews, to tackle specific aspects of the work of RFMO/s in a step-by-step manner.

102. A delegation emphasized that the decision as to whether or not to implement recommendations emanating from performance reviews lay with the governing bodies of RFMO/As. It noted that, in cases where recommendations were not acted upon, transparency and publicity were important to demonstrate appropriate management consideration. The view was expressed by an observer delegation that civil society should be allowed to fully participate in the reviews.

103. Several delegations noted limited progress in the elaboration of best practice guidelines for performance assessment. A delegation suggested that such elaboration should be undertaken, for example through FAO. Another delegation considered that the Review Conference could establish minimum benchmark targets for various issues, which RFMO/As would address over an implementation period and provide periodical reports on.

104. Several delegations encouraged RFMO/As with competence to manage straddling fish stocks to exchange information on their performance reviews and the implementation of recommendations from such reviews, including possibly through processes similar to the Kobe process. According to them, however, in considering the purpose of joint RFMO meetings, the differences between the management regimes for straddling fish stocks and highly migratory stocks needed to be taken into account.

105. *Strengthening and enhancing cooperation among RFMO/As.* Several delegations called for greater cooperation and coordination between RFMO/As, including through the sharing of the lists of authorized vessels and vessels engaged in IUU fishing activities, as well as between RFMO/As and Regional Seas Conventions and Action Plans. Support was also expressed for the harmonization of measures across RFMO/As.

106. It was noted that cooperation between RFMO/As was important in the development of best practices on fisheries management and their effective implementation. Several delegations highlighted the role played by the Kobe process in enhancing cooperation among tuna RFMOs. However, they also encouraged members and cooperating non-members to reinvigorate the Kobe process and fully participate in it.

107. Several delegations called for the use of diverse means of cooperation among RFMO/As, such as joint meetings, joint working groups and memoranda of understanding, while ensuring that there was no significant increase in administrative or financial burdens to member States. In that regard, a delegation encouraged RFMO/As to enter into formal or informal arrangements on various issues, including on by-catch of sea turtles and sharks.

108. *Participation in RFMO/As.* It was noted that the effective management of straddling fish stocks and highly migratory fish stocks required the consistent application of measures by all those participating in the fishery. In that regard, a delegation encouraged non-members to cooperate and, where appropriate, to join RFMO/As to ensure effective stock management.

109. Several delegations underlined that all States with a real interest in the fishery concerned should have a realistic possibility of obtaining rights to participate in an RFMO/As, while noting that such applicants should demonstrate good faith, and their willingness and ability to participate constructively and comply with all relevant conservation and management measures. They highlighted the need for RFMO/As to adopt more transparent procedures, appropriate decision-making processes and allocation practices in order to be more credible and attractive to non-members. The need to introduce mechanisms to invite relevant non-member States, like market States and port States, to RFMO/A meetings was also highlighted. In this regard, several delegations underlined the importance of enhancing the capacity of developing States, with a view to facilitating their participation.

110. *Decision-making rules and procedures in RFMO/As.* Several delegations noted recent improvements, especially in newly established RFMO/As, of decision-making rules and procedures, while highlighting the need for a continuous adaptation. They stressed that although the adoption of conservation and

management measures by consensus was a desirable practice, it sometimes led to blockage of measures or adoption of weak measures, when it was the only rule. They, therefore, suggested that decision-making rules should allow for voting when necessary, and highlighted the practice of SPRFMO in this regard.

111. A delegation highlighted that transparency in rules and decision-making should apply not only to governing bodies but also to their subsidiary bodies.

112. *Effective control by flag States as members of RFMO/As.* Several delegations noted some progress by flag States in exercising effective control with regard to vessels flying their flag, although it was also noted that ineffective flag State enforcement remained a major challenge for high seas fisheries and required further efforts. Concern was expressed by a number of delegations that the number of vessels engaging in IUU fishing was growing in some regions and further action was needed by flag States to ensure that vessels did not engage in such activity and complied with, and did not undermine, conservation and management measures adopted by RFMO/As. The view was expressed that licensing of vessels should be tied to implementation of all flag State obligations.

113. Several delegations drew attention to the Advisory Opinion of ITLOS on the Request for an advisory opinion submitted by the SRFC, especially the concept of due diligence advanced therein, where States have to take all necessary measures to ensure compliance with conservation and management measures and to prevent IUU fishing by vessels flying their flag.

114. The adoption of the FAO Voluntary Guidelines for Flag State Performance was welcomed, and the need for their implementation was highlighted by many delegations. Some delegations called for self-assessments to be conducted and a delegation noted that the Guidelines could also be used by RFMO/As to assess compliance by member States. Several delegations noted that flag States needed to make every effort to control their vessels to ensure that they were not engaged in IUU fishing, even if the relevant RFMO/As had not adopted rules in that regard.

(c) Monitoring, control and surveillance, compliance and enforcement

115. *Strengthening effective control over vessels and assessment of flag State performance.* The utilization by States and RFMO/As of a wide range of tools and new and emerging technologies to strengthen effective control over fishing vessels was encouraged by many delegations, including: vessel monitoring systems (VMS); vessel monitoring centres; electronic recording; observer coverage, including “port to port” requirements to cover the full range of activities; boarding and inspections schemes; data provision requirements; vessel lists; compliance indexes; and the establishment of national registers and a comprehensive global record of fishing vessels incorporating information on beneficial ownership, subject to

confidentiality requirements. In this regard, several delegations noted the need for improved cooperation and coordination and sharing of information and best practices bearing in mind the need for confidentiality.

116. Several delegations supported the development or amendment of national rules and regulations to also ensure that action, including penalties, be taken against beneficial owners and operators of vessels engaging in IUU fishing. Concern was also expressed by several delegations in relation to employment conditions on-board fishing vessels (including child labour) and, in this regard, the need to implement relevant International Labour Organization (ILO) conventions and other international commitments, including SDG 8 of the 2030 Agenda, was stressed.

117. The further development of regional and global guidelines on fisheries penalties to facilitate an evaluation by flag States of their penalty systems to ensure that they were effective in securing compliance and deterring violations was called for by several delegations.

118. Several delegations highlighted the urgency of addressing the challenge posed by the increasing number of vessels without nationality engaged in IUU fishing on the high seas. It was noted that such vessels were not subject to any form of control, therefore threatening the integrity of the management measures adopted by RFMO/As. It was recommended that States develop or amend national rules and regulations to ensure actions can be taken in areas beyond national jurisdiction to address this rising problem.

119. Several delegations noted that improved cooperation was necessary to examine, define and clarify the role of the “genuine link” in relation to the duty of flag States to exercise effective control over fishing vessels flying their flag, including by developing criteria on what constituted a “genuine link”.

120. Some delegations noted the steps they had taken to implement the Agreement and the recommendations of the Review Conference, including the development of national laws and compliance infrastructure; requirements for VMS and other technologies (e.g. cameras) to be installed on artisanal fishing fleet; MCS programmes; catch documentation mechanisms; observers programmes, including on trans-shipment vessels; and the strengthening of law enforcement mechanisms against IUU activities, including by working on the relationship between IUU and transnational organized crime.

121. FAO noted that the Voluntary Guidelines for Flag State Performance did not refer to the discharge by flag States of their responsibilities under international law, but rather to the undertaking of voluntary assessments of their performance.

122. *Participation in the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing and the adoption of port State measures.* Many delegations highlighted the continuing scourge of IUU fishing which undermined States' efforts to sustainably manage fisheries. Many delegations welcomed the forthcoming entry into force of the PSM Agreement and reiterated the need for States who had not yet done so to consider becoming parties to the Agreement. The need, to focus on the full and effective implementation of the PSM Agreement as soon as it entered into force was highlighted by several delegations. They also maintained that, in the interim, it was necessary to adopt and apply port State measures consistent with the PSM Agreement and with article 23 of the Agreement. Furthermore, RFMO/As also needed to adopt measures aimed at implementing the requirements of the PSM Agreement, in line with regional characteristics. A delegation stressed that the PSM Agreement provided minimum standards and stricter measures could be adopted by States and RFMOs, in accordance with international law.

123. It was recommended by many delegations that programmes of assistance and appropriate funding mechanisms be established, in accordance with Part VI, article 21 of the PSM Agreement, to assist developing States in its implementation.

124. Some delegations noted that the PSM Agreement would be a significant tool in the fight against IUU fishing, highly complementary to the Agreement. In this regard, the view was expressed that a global network of RFMO/As, in conjunction with wide implementation of the PSM Agreement would have a serious impact on IUU fishing. A delegation noted that an efficient Port State Control System in the North Atlantic, including the blacklisting of vessels, had already been in place for many years and had led to IUU fishing being almost eliminated in that area.

125. FAO informed the Conference of its awareness-raising programme in relation to the PSM Agreement and a 5-year capacity-building programme under development to facilitate implementation. It also created a working group on the establishment of a funding mechanism for implementation.

126. *Control over fishing activities of nationals.* The importance of implementing past recommendations requiring States to exercise control over fishing activities of their nationals and to strengthen domestic and other mechanisms to identify and deter nationals and beneficial owners from engaging in IUU fishing activities, including from the perspective of addressing the problem of vessels without nationality, was reiterated by many delegations.

127. Several delegations recommended that further action be taken so that activities of nationals did not undermine the effectiveness of conservation and management measures adopted by RFMO/As and that proper penalties were

imposed to deprive nationals, including beneficial owners, of the benefits of such activities.

128. A number of delegations shared their experience in relation to the development of legislation and procedures addressing the identification and deterrence of nationals engaged in IUU fishing on the high seas, as well as beneficial owners and all other relevant actors. The challenges in implementing such legislation were highlighted, as was the need to exchange information. Several delegations welcomed the work of INTERPOL in this area. A delegation also recommended that cooperation among States and with RFMO/As be enhanced to ensure that States were made aware of IUU activities undertaken by their nationals.

129. *Strengthening compliance, cooperation and enforcement schemes in RFMO/As.* Delegations highlighted the progress made in the strengthening compliance and enforcement schemes in RFMO/As, including in eliminating or greatly reducing IUU fishing and flags of convenience. Despite such progress, States noted a persistent problem with lack of compliance and a need to strengthen compliance generally. Some delegations highlighted the role of capacity-building in this regard.

130. Some delegations underlined that cooperation on MCS between flag and port States needed to be strengthened at both national and regional levels. The role of market States was also noted.

131. Several delegations noted the opportunity for RFMO/As to improve MCS schemes, including by widely utilizing tools and modern technologies, the widespread use of VMS, electronic reporting systems, observers on board and observer reporting programmes, catch documentation schemes and boarding and inspection schemes.

132. Some delegations noted that implementing boarding and inspection schemes was a sensitive issue, given the asymmetry in the inspection of vessels from developing and developed States. Joint inspections were raised as a possible solution to such asymmetry. Several delegations highlighted the need to advance capacity-building to address the challenges faced by developing States in implementing current MCS schemes.

133. A delegation noted that RFMO/As MCS schemes should take into account the laws and regulations of the coastal State when assessing whether IUU fishing allegedly took place in areas under that State's jurisdiction.

134. Several delegations reported that while cooperation was successful within RFMO/As and between States, cooperation between RFMO/As should be improved through the sharing of information, such as fishing vessel lists, but also by

promoting a global record of fishing vessels and unique vessel identifiers (UVIs) (see also paras. 156-157). Continued cooperation among flag, port, coastal and market States was considered fundamental.

135. ICCAT highlighted the need to strengthen the application of relevant measures within RFMO/As and enhance cooperation between them, particularly with respect to tuna fishing. Examples of existing cooperation were the sharing of IUU vessels lists, lists of authorized vessels and the use of observer programmes.

136. NEAFC shared its successful experience in the application of compliance and enforcement measures, which led to the elimination of IUU vessels operating in its area for the past 10 years. The organization had therefore shifted to focusing on compliance by its members with conservation and management measures, through an extensive MCS system, including the recent introduction of electronic reporting systems.

137. Some delegations recommended the development of best practices for improving compliance through transparent review processes within RFMO/As and data analysis. It was noted that in cases of persistent non-compliance, the recommendation from 2010 could be strengthened by incorporating such best practices.

138. *Alternative mechanisms for compliance and enforcement in RFMO/As.* Some delegations expressed support for alternative mechanisms for compliance and enforcement in RFMO/As and noted that MCS regimes had been advanced through the use of emergent technologies. A delegation noted that it was currently testing an electronic monitoring system and had introduced an electronic logbook system.

139. Several delegations recommended greater observer coverage, especially for long-liners, in particular to advance regional observer schemes.

140. *Regulation of trans-shipment, supply and refueling vessels.* Several delegations reported on progress made in implementing trans-shipment measures including the development of new rules and regulations by RFMO/As. Despite such progress, delegations called for a strengthening of the previous recommendations, given that trans-shipment, when not monitored and regulated, could undermine fisheries management.

141. Several delegations noted that the continuous study of trans-shipment trends would allow for a more knowledge-based approach in regulating trans-shipment.

142. Several delegations noted that, in line with measures adopted to fight IUU fishing, a prohibition addressing the supply of fuel to IUU vessels could be adopted by Port States.

143. Some delegations noted that RFMO/As should develop strict trans-shipment requirements, including prior reporting of trans-shipment activities and aim for 100% observer coverage. Some delegations recommended sharing of information through a carrier vessel registry. A delegation proposed a total prohibition of trans-shipment activities on the high seas.

144. An observer delegation highlighted the negative labour conditions associated with trans-shipment activities, which included workers staying at sea for unreasonable long periods.

145. *Strengthening fisheries access agreements.* Delegations noted that the 2006 recommendation in this area should be strengthened by including a reference to the FAO Voluntary Guidelines for Flag State Performance.

146. It was also noted by several delegations that governance could be improved through limiting access agreements to surplus resources that are established scientifically, and through increased transparency in making such agreements publicly available. Several delegations called for the strengthening of fisheries access agreements by including human rights clauses in the agreements, as well as requirements to improve governance. They also proposed the inclusion of technical support to be provided to developing States.

147. *Market-related measures.* Delegations emphasized the importance of market-related measures in combatting IUU fishing, including to ensure sustainability of fisheries and for the implementation of the Agreement, and welcomed progress made by some States and RFMO/As in that regard. At the same time, it was pointed out that the main responsibility for combating IUU fishing lay with flag States and law enforcement cooperation should be strengthened. Noting difficulties in ensuring traceability, including due to mixing of IUU catches with other catches, a delegation called for more stringent measures in current mechanisms.

148. It was recommended by several delegations that measures be enhanced in order to enable importing States to identify fish or fishery products caught in a manner that undermined conservation and management measures. In this regard, the ongoing work of the FAO on the development of best-practice guidelines for catch documentation schemes (CDSs) and traceability was welcomed.

149. The effectiveness of CDSs in preventing illegal fisheries products from entering domestic markets was highlighted by a delegation. That delegation encouraged the expansion of CDSs to a broader range of fish species regulated by RFMOs, while bearing in mind that CDSs were costly and should therefore be applied in a flexible manner to some types of fisheries.

150. Another delegation noted that the need for consistency between measures adopted by States and those adopted by RFMOs. Some delegations suggested that market-related measures should be adopted at the multilateral level, including regional and global levels, in light of the fact that unilateral measures could result in unwanted barriers to trade. In that regard, the need to ensure conformity with international law, including measures under the World Trade Organization, was emphasized by some delegations. Some other delegations stressed the need to not only design, but also implement CDSs, in a transparent, consistent and non-discriminatory manner. The need to take into account the fact that markets were asymmetrical was also highlighted.

151. Some delegations called for more market-driven incentives, such as price premiums for fish caught in a sustainable manner. Several delegations expressed concern over who would determine whether fish was caught sustainably or not. A delegation pointed to the role of consumers and suggested developing initiatives taking their role into account.

152. The need for capacity-building and technical support for developing countries in implementing CDSs was underlined.

153. *International Monitoring, Control and Surveillance Network for Fisheries-Related Activities (IMCS Network)*. Several delegations mentioned their participation in, and support for, the IMCS Network and reiterated calls to join and to strengthen the Network, including by increasing its funding. The Network's collaborative work with INTERPOL, particularly in SIDS, was highlighted as a positive development. A delegation recommended the continued support for SIDS through the activities of the Network. FAO stated that it collaborated closely with the IMCS Network and had sponsored a 2016 workshop with the Network.

154. Aside from assisting with the combatting of IUU fishing, it was noted that an international MCS network would enhance traceability of catches and ensure compliance with other market-related measures.

155. *FAO Compliance Agreement and global record of fishing vessels*. Delegations encouraged States whose vessels fish on the high seas to become parties to the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement).

156. FAO noted that the high seas vessels authorization record managed by it pursuant to the Compliance Agreement, the Consolidated List of Authorized Vessels and the List of Vessels Presumed to Have Carried out Illegal, Unreported and Unregulated Fishing Activities, and the global record of fishing vessels, refrigerated transport vessels and supply vessels (Global Record) were related but

separate initiatives. FAO also provided an update on progress made in developing the global record and announced that the pilot version of the global record would be presented during the forthcoming COFI session.

157. Several delegations expressed support for the global record as a means to combat IUU fishing. Some delegations highlighted the benefits of a UVI, such as the IMO Ship Identification Number Scheme for fishing vessels 100 gross tonnage and above. In that regard, several delegations informed the Conference of initiatives to introduce UVIs in regional contexts. ICCAT highlighted difficulties with implementing UVIs, including lack of consensus on the adoption of such identifiers in some tuna RFMOs. It was noted that tuna RFMOs had set up a programme concerning the Consolidated List of Authorized Vessels, published online with the IMO number when available.

(d) Developing States and non-parties

158. *Promotion of wider participation in the Agreement.* Several delegations welcomed the latest parties to the Agreement and stressed that increasing participation remained a fundamental objective, keeping in mind that many members of RFMO/As were not parties to the Agreement. The view was expressed that it was important for parties to the Convention to become parties to the Agreement. It was noted by several delegations that broader participation would contribute to increased implementation of the Agreement and the achievement of its objectives and to strengthening cooperation.

159. Several delegations suggested that it would be useful to examine the reasons why States had not become parties to the Agreement, which included lack of awareness about the Agreement, the need for capacity-building for implementation, and the provisions of the Agreement on compliance and enforcement. Attention was also drawn to difficulties experienced by some States with the compatibility provisions of the Agreement and the absence of RFMO/As in some regions. Several delegations proposed that examining the reasons given by States for their non-participation in the Agreement could be the topic of a future meeting of the Informal Consultations.

160. The need to continue and strengthen dialogue between States parties and non-parties, on a bilateral, regional and global basis, was emphasized by several delegations. A delegation suggested that the 43 members of RFMO/As that were not parties to the Agreement should be approached on a priority basis. Another delegation maintained that although there was a need to promote the benefits of the Agreement to non-parties, the focus should be on assisting the parties to the Agreement, which experienced difficulties in complying with it.

161. Noting that the challenges presented by the Agreement were varied, a delegation suggested that a special meeting of developing States parties to the Agreement be convened and possibly funded through the Part VII Assistance Fund, so that developing States could share concerns, experiences and best practices and identify needs for implementation.

162. FAO indicated that it had promoted the benefits of the Agreement and other related agreements in all its capacity-building work.

163. *Enhancement of participation of developing States in RFMOs.* Several delegations called for greater participation of developing States in RFMO/As and noted that they should be open to all States with an interest in the fishery covered by the organization. A delegation drew attention to a programme of assistance of the Global Environment Facility that it had benefited from to build its capacity to participate in the development of an RFMO and in its work.

164. The need to recognize the right of developing States to develop their fisheries was underscored. A delegation indicated that one of the problems faced in its region were the costs of being an RFMO member, including in relation to travel to meetings. Another delegation drew attention to the recognition of the special requirements of developing countries in some RFMOs, including the availability of assistance funds, and also informed of its national efforts to support developing States through the establishment of a world fisheries university.

165. *Cooperation with and assistance to developing States, and capacity-building needs of developing States and mainstreaming of capacity-building efforts with other international development strategies.* A number of delegations expressed appreciation for the assistance they had received, through RFMO/As, other regional organizations and on a bilateral level from other States, to address, in particular, difficulties in carrying out surveillance and in undertaking the necessary scientific assessments and analysis. A delegation underlined the need to also support legal, institutional and technical capacity and to tailor assistance to the specific needs of States. It was also necessary, according to another delegation, to acknowledge the fact that capacity needs had evolved since 2010. A delegation noted that enhancing the capacity to undertake MCS was important, but that developing the capacity of developing States to exploit their resources was equally important. Another delegation stressed that the revenues a developing State could gain from its fisheries would be more sustainable than external assistance.

166. Several delegations recalled that paragraph 58 (l) of the SAMOA Pathway as well as the 2030 Agenda touched on the capacity needs of SIDS.

167. *Capacity-building mechanisms and programmes, including the Part VII Assistance Fund.* The importance of the participation of developing countries in the Agreement and the role of the Part VII Assistance Fund in that regard was emphasized, and delegations expressed appreciation to the States that had made contributions to the Fund.

168. FAO recalled its proposals regarding the Part VII Assistance Fund (see para. 19) and indicated that it was publicizing the Fund as widely as possible and had provided information on the Fund through its regional offices and through RFMO/As.

169. The Director of the Division for Ocean Affairs and the Law of the Sea reported that the Division and FAO had circulated a joint letter seeking contributions to the Fund. The Division was also providing information on the Fund at various meetings, as well as on its website. The Director added that additional funds would be required to enable the usage of the Fund for purposes other than travel.

170. A number of delegations agreed that the Fund should also be used for other purposes. It was noted that Part VII of the Agreement also called for concrete measures to assist developing States in actively participating in high seas fisheries. The need to raise awareness about the Fund's other possible uses was highlighted.

171. Some delegations encouraged States that could contribute to the Fund to do so. Support was expressed by a delegation for the proposal by FAO (see para. 19) that contributions could be made to the Assistance Fund for specific projects developed pursuant to its terms of reference to allow States that could not currently contribute to the Fund to do so, as long as this did not undermine the possibility to participate in meetings. Another delegation proposed amending the terms of reference of the Fund to allow more States to be able to contribute (see para. 20).

172. ICCAT expressed the view that there was a lack of communication with respect to the Fund, noting that it had received reports at meetings that the Fund had been depleted. Clear procedures and the provision of information to RFMOs when their members received assistance from the Fund were called for. It stated that it had established its own fund to allow States to participate in meetings and workshops.

173. Another delegation noted that additional details on capacity-building needs and a report on the use of funds by RFMOs would enhance States' ability to assist.

174. The Director of the Division reported that the compilation of available sources of assistance had been updated in 2009 pursuant to a request of the General Assembly and remained available on the Division's website. The Division was

prepared to update the compilation but would need to be requested by the General Assembly to do so.

175. *Small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States.* Several delegations called for encouraging States to implement the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication.

2. Consideration of additional issues in the context of the presentation of the report of the twelfth round of Informal Consultations

176. *Labour conditions.* Expressing concerns over human rights abuses and human trafficking linked to fishing, several delegations highlighted the importance of addressing labour conditions in the fishing industry. A delegation noted the link between poor labour conditions and IUU fishing. Another delegation expressed its satisfaction with the increased attention given to the need for decent working conditions for fishers. Several delegations recalled that the issue was one of flag State responsibility and urged all States to strengthen their work in this area. A delegation stated that it had national rules identifying persons of interest in relation to labour condition abuses.

177. Some delegations questioned whether the Conference was the appropriate forum to deal with labour conditions, given that its task was to focus on assessing the implementation of the Agreement and in light of the work already being done by ILO in this area. However, several other delegations noted that in the context of sustainability all relevant issues needed to be dealt with together.

178. FAO indicated that it was collaborating with IMO and ILO on this issue and had participated in the development of the ILO Guidelines on flag State inspection of working and living conditions on board fishing vessels, as well as ILO's Work in Fishing Convention (No. 188). FAO also noted that port inspections could provide an opportunity to check the conditions of workers on board vessels.

179. *Avoidance of the transfer of a disproportionate burden of conservation action to developing States.* Several delegations stressed the need to make sure that a disproportionate burden did not fall on developing countries, particularly SIDS, when adopting conservation and management measures. A delegation observed that disproportionality constituted an implementation burden and a barrier for developing coastal States aspiring to develop their fisheries.

180. Many delegations recognized the need to define disproportionate burden, with several of them proposing that a quantitative definition be established, while several others supported a qualitative definition. A delegation supported both a quantitative and qualitative definition. Another delegation noted that the issue of

disproportionate burden was also connected to climate change. The same delegation proposed rights-based, zone-based management schemes to deal with the issue.

181. Several delegations indicated that first steps had been made in the Western and Central Pacific on the implementation of article 24(2)(c) of the Agreement, which provided a basic mechanism to help avoid management measures transferring a disproportionate burden of conservation action onto developing countries. It was noted that WCPFC Contracting Parties had agreed on a checklist (WCPFC CMM 2013-06) against which proposed WCPFC conservation and management measures must be assessed, in order for the Commission to consider the potential risk of imposing a disproportionate burden on the SIDS and Territories of the region. While acknowledging the importance of this measure, a delegation noted that it did not provide a definition of disproportionate burden. That delegation also noted that the notion of disproportionate burden was often used to hamper conservation measures. Several delegations highlighted the fact that Parties to the Nauru Agreement had voluntarily taken on a disproportionate burden in many cases, including by implementing measures to manage the impact of purse-seine fisheries on bigeye tuna, as a response to the inability of the full WCPFC membership to agree on effective measures to protect the stock.

182. A delegation cited the lack of proportionally distributed conservation burdens in RFMO/As as a reason why some developing States were prevented from participating in RFMO/As. That delegation proposed the establishment of a fair mechanism for catch allocation in RFMO/As, rather than using historical catches to set catch quotas, which it considered favoured developed States with advanced fishing fleets and prevented developing States from developing theirs, in violation of article 25 of the Agreement. Another delegation maintained that IUU fishing within the WCPFC area was one type of disproportionate burden and therefore eliminating IUU fishing was a way to tackle it. It was therefore proposed to focus on implementation of the target to reduce IUU fishing in SDG 14.

XII. Adoption of the final report of the resumed Review Conference

183. At the last plenary meeting, on 27 May 2016, the President submitted to the Conference a document containing the draft outcome of the resumed Review Conference as negotiated and agreed to by the Drafting Committee. A delegation expressed concern that the recommendation contained in paragraph A.2(c) would weaken the strict obligation contained in the Agreement by transforming it into a mere recommendation (see para. 36). The Conference then adopted by consensus the outcome of the resumed Review Conference, as amended (see the annex to the present report).

184. It was agreed that the outcome of the resumed Review Conference would be incorporated in the final report, which would also include a draft record of deliberations prepared by the President with the assistance of the Secretariat. The draft report would be made available on the Division's website for participants to provide suggestions and comments. The President, in cooperation with the Bureau, would then review all suggestions and comments with a view to incorporating them in the final report.

XIII. Suspension of the Conference

185. The Conference agreed to continue the Informal Consultations of States Parties and to keep the Agreement under review through the resumption of the Review Conference at a date no earlier than 2020, to be agreed on at a future round of Informal Consultations.

186. The Conference also agreed that future rounds of Informal Consultations should focus on specific issues. While it was noted that several issues had been highlighted during the meeting, a preference was expressed to keep the choice of issues open at this stage.

XIV. Other matters

187. The President thanked delegations for their diligence and hard work. He also expressed his deep appreciation to the Secretariat.

188. The President declared the Conference suspended.

Annex

Outcome of the resumed Review Conference

New York, 27 May 2016

Preamble

1. The resumed Review Conference in 2016 reaffirmed that the United Nations Convention on the Law of the Sea (the Convention) and 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) provide the legal framework for conservation and management of straddling fish stocks and highly migratory fish stocks, taking due account of other relevant international instruments. The Conference emphasized the need to ensure the full and effective implementation of the provisions of the Convention and the Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks.
2. The resumed Review Conference recalled that all provisions of the Agreement shall be interpreted and applied in the context of, and in a manner consistent with, the Convention. Regional fisheries management organizations/arrangements were recognized as the primary mechanism for international cooperation in conserving and managing straddling fish stocks and highly migratory fish stocks.
3. The resumed Review Conference reaffirmed and consolidated the recommendations adopted in 2006 and in 2010 and urged the full and effective implementation of the following recommendations.
4. The resumed Review Conference took note of important developments that had occurred since 2010 which were relevant to its work, highlighted in the report of the Secretary-General to the resumed Review Conference, the annual resolutions of the General Assembly on sustainable fisheries and by participants at the resumed Review Conference. In this regard, it welcomed the significant progress that had been made in the implementation of several of the recommendations of the Review Conference in 2006 and 2010, while expressing concern at the lack of progress in other areas.
5. The resumed Review Conference also expressed concern that, according to the report of the Secretary-General to the resumed Review Conference, the overall status of highly migratory fish stocks and straddling fish stocks had not improved

since 2006 and 2010. The status of a significant number of stocks had deteriorated even as it had improved for a smaller number of stocks.

6. The resumed Review Conference reaffirmed the importance of meeting the Sustainable Development Goals and targets set forth in the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, held from 25 to 27 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development” (2030 Agenda for Sustainable Development) relevant to sustainable fisheries. The resumed Review Conference further reaffirmed the commitment to conserve and sustainably use the oceans, seas and marine resources for sustainable development, as reflected in Goal 14 of the 2030 Agenda for Sustainable Development, and noted in particular the inter-relation between achieving some of the targets contained therein and the effective implementation of the Agreement and the recommendations of the Review Conference. In this regard, it was noted that the full and effective implementation of the Agreement could contribute substantially to the achievement of the commitments undertaken in the 2030 Agenda for Sustainable Development.

7. The resumed Review Conference reaffirmed the importance of the Paris Agreement, “The future we want”, and the SIDS Accelerated Modalities of Action (SAMOA) Pathway and noted the adoption of General Assembly resolutions relevant to its work, including its annual resolutions on oceans and the law of the sea and sustainable fisheries, resolution 69/292 of 19 June 2015 on development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and resolution 70/226 of 22 December 2015 on the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

8. The resumed Review Conference noted with concern that the First Global Integrated Marine Assessment, highlighted that 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, in particular in the light of their important contribution to food security and nutrition. It noted moreover that fisheries were increasingly being affected by ecosystem degradation and biodiversity loss resulting from a combination of stressors, including climate change, ocean acidification, pollution and destructive fishing practices.

9. The resumed Review Conference welcomed the forthcoming entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and the adoption by Food and Agriculture Organization of the United Nations (FAO) of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty

Eradication and Voluntary Guidelines on Flag State Performance, recognizing the importance of these instruments to the implementation of the Agreement.

10. The resumed Review Conference acknowledged the vital contribution of FAO towards the implementation of some of the recommendations of the Review Conference over the past decade.

11. The resumed Review Conference noted that many important commitments undertaken with regard to the conservation and management of fish stocks had not yet been met and remained valid, including commitments in the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation) and “The future we want” in relation to achieving sustainable fisheries, especially restoring depleted stocks at least to levels that can produce maximum sustainable yield on an urgent basis and, where possible, not later than 2015.

12. The resumed Review Conference, concerned that many straddling fish stocks and highly migratory fish stocks continue to be overexploited, determined that implementation of the Agreement should be further strengthened by recommendations that build on the 2006 and 2010 outcomes and, in some cases, address new issues relevant to strengthening the substance and methods of implementing the provisions of the Agreement.

13. As a result, the resumed Review Conference recommended that States and regional economic integration organizations, individually and collectively through regional fisheries management organizations/arrangements (RFMO/As):

A. Conservation and management of stocks

1. Adoption and implementation of measures

Commit themselves on an urgent basis to improving, through adoption and implementation of effective conservation and management measures, the current status of straddling fish stocks and highly migratory fish stocks, and, recalling target 4 of Goal 14 of the 2030 Agenda for Sustainable Development, by 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.

2. Application of the precautionary and ecosystem approaches

- (a) Apply the precautionary and ecosystem approaches to fisheries management with a view to achieving the commitment to sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans by 2020.
- (b) Ensure the consistent application of the precautionary and ecosystem approaches among RFMO/As, with a view to avoiding implementation gaps, including through enhanced exchange of information and the identification of best practices.
- (c) Adopt appropriate conservation and management measures for new or exploratory fisheries in line with the precautionary approach, in accordance with article 6, paragraph 6, of the Agreement, and for such measures, inter alia, catch and effort limits, to remain in force until sufficient data allow for the assessment of the impact of the fisheries on the long-term sustainability of stocks, whereupon conservation and management measures based on that assessment should be implemented.
- (d) Strengthen implementation of an ecosystem approach through promoting and conducting scientific research in support of fisheries management, applying appropriate risk assessment tools and conducting stock assessments to conserve and manage associated and dependent species and their habitats, and adopting management measures for currently unregulated directed fisheries or for those species that are caught as by-catch and then commercially traded.
- (e) Give effect to article 5, paragraph d, of the Agreement to assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks.

3. Determination of reference points or provisional reference points for specific stocks

Apply the guidelines in annex II to the Agreement and

- (i) determine, on the basis of the best scientific information available, precautionary target and limit reference points for specific stocks and provisional reference points when information for a fishery is poor or absent in accordance with the precautionary approach, with a view to maintaining or restoring populations of harvested species at levels which can produce maximum sustainable yield as qualified by relevant environmental and economic factors;

- (ii) determine actions to be taken if they are exceeded; and develop and implement fishery management strategies that have a high probability of ensuring that agreed stock-specific reference points are not breached; and
- (iii) improve data collection and information sharing in connection with the recovery of fish stocks.

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

- (a) Strengthen efforts to study and address environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification, and consider such impacts in establishing conservation and management measures for straddling fish stocks and highly migratory fish stocks.
- (b) Explore ways to incorporate the consideration of the adverse impacts of climate change and ocean acidification and the uncertainties regarding such impacts on fisheries, including in relation to migration patterns and productivity, into decision-making processes related to the adoption of conservation and management measures, in line with the precautionary approach.
- (c) Collaborate closely with other States, RFMO/As, Regional Seas Conventions and Action Plans, scientific organizations, academia and civil society in conducting research to understand the impacts of, and risks associated with, climate change on fish stocks, including the vulnerabilities of individual species to changes in marine ecosystems, with a view to identifying options to reduce such risk and promote the health and resilience of marine ecosystems, sharing information and identifying and sharing best practices in this regard.

5. Achievement of compatible measures

- (a) Strengthen efforts to improve cooperation between flag States whose vessels fish on the high seas and coastal States, including within RFMO/As, so as to ensure compatibility of measures for the high seas and for areas under national jurisdiction with respect to straddling fish stocks and highly migratory fish stocks in accordance with article 7 of the Agreement and relevant provisions of the Convention.
- (b) Seek practical options to operationalize the sharing of information, facilitate capacity-building in monitoring, control and surveillance and data collection, and improve decision-making processes in RFMO/As, where required, with a view to promoting the compatibility of measures put in place for the conservation and management of straddling fish stocks and highly migratory fish stocks.

6. Development of area-based management tools

- (a) Develop appropriate area-based management tools, including closed areas, marine protected areas and marine reserves and criteria for their implementation, to effectively conserve and manage straddling fish stocks, highly migratory fish stocks and high-seas discrete stocks and protect habitats, marine biodiversity and vulnerable marine ecosystems, on a case-by-case basis, and in accordance with the best available scientific information, the precautionary and ecosystem approaches and international law, recalling the commitment in the 2030 Agenda for Sustainable Development to, by 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information.
- (b) Combine, to the extent possible, the development and implementation of area-based management tools with other appropriate conservation and management measures taking into account the need to avoid negative impacts such as overfishing in other areas that may be caused by the displacement of the fishing effort resulting from the adoption of such tools.
- (c) Ensure that area-based management tools are dynamic and flexible to account for ecological connectivity and be subject to periodic review to assess their effectiveness in achieving their objectives, taking into account relevant guidelines, such as those developed by FAO, as well as the unique characteristics of straddling fish stocks and highly migratory fish stocks.
- (d) Ensure that sufficient resources are allocated to the monitoring, control and surveillance of the implementation of area-based management tools.

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

- (a) Reaffirm the commitment to urgently reduce the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainability of fish stocks, including, inter alia, those areas where fish stocks are overexploited or in a depleted condition, recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the FAO Code of Conduct for Responsible Fisheries and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity of FAO.
- (b) Develop and implement a range of measures to reduce fishing capacity to levels commensurate with the sustainability of fish stocks, including capacity assessment and capacity management plans providing incentives for voluntary

reduction, which take into account all aspects that contribute to fishing capacity, including, but not limited to, engine power, fishing gear technology, fish detection technology and storage space.

(c) Improve transparency on fishing capacity, including by identifying, sharing and publicizing relevant information in this regard.

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

(a) Implement the commitment in the 2030 Agenda for Sustainable Development to, by 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation.

(b) Consistent with World Trade Organization rules, enhance data availability and transparency on fisheries subsidies in order to fulfil the commitment in the 2030 Agenda for Sustainable Development, including by making information on subsidies publically available.

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

(a) Recognize the links between lost, abandoned or otherwise discarded fishing gear and wider problems of pollution of the marine environment and the challenge of marine debris, including plastics and microplastics.

(b) Enhance efforts to prevent and mitigate the impacts of all kinds of lost, abandoned or otherwise discarded fishing gear (including so-called ghost fishing and marine debris from plastics and microplastics), establish mechanisms and incentives for the regular retrieval of derelict gear and adopt mechanisms to monitor and reduce discards of fishing gear, in support of the commitment in the 2030 Agenda for Sustainable Development to, by 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution.

(c) Improve cooperation and utilize a wide range of economic and innovative options to address the problem, including mechanisms for the retrieval of lost, abandoned or otherwise discarded fishing gear, identification of owners of gear and gear registries, observer coverage and information campaigns.

10. Data collection and sharing of information

- (a) Improve the collection and sharing of data on catches, in accordance with annex I to the Agreement, including by-catch and discards, in order to improve stock assessments, as well as on related economic and social information, taking into account confidentiality requirements, recognizing that the timely collection, compilation and analysis of data are fundamental to the effective conservation and management of straddling fish stocks and highly migratory fish stocks.
- (b) Improve understanding of the underlying causes of the lack of timely, complete and accurate submission of data and develop ways to overcome these difficulties through the utilization, as appropriate, of both incentives and disincentives, including sanctions and other compliance measures (e.g., “no data no fishing”), taking into account the special requirements of developing countries.
- (c) Improve cooperation and, to the extent possible, develop standards or standardized requirements for the collection and sharing of data on catch and fishing effort and consider new tools for fisheries independent data collection.
- (d) Recognize the importance of the Part VII Assistance Fund and financial and technical assistance from RFMO/As to strengthen the capacity of developing countries to participate in fisheries and comply with obligations on data collection and information sharing.

11. FAO data arrangements and the global fisheries statistics database

- (a) Fulfil their obligations in connection with the collection and submission of data and information on fisheries to FAO.
- (b) Consider ways to improve the collection and dissemination of data and information to FAO on fisheries both within and beyond areas of national jurisdiction, recognizing confidentiality requirements in national law.

12. Conservation and management of sharks

Taking into account the FAO International Plan of Action for Conservation and Management of Sharks, including the precautionary approach, encourage cooperation in the management and conservation of shark species through their participation in appropriate instruments and strengthen the conservation and management of sharks by:

- (i) establishing and implementing species-specific data collection requirements for shark species caught in directed shark fisheries or as by-catch in other fisheries;
- (ii) conducting biological assessments for such shark species;

(iii) developing science-based conservation and management measures for sharks; and

(iv) strengthening, on the basis of the best scientific information available, enforcement of existing prohibitions on shark finning by requiring that sharks be landed with their fins naturally attached or through different means that are equally effective and enforceable.

13. Conservation and management measures for deep-sea fisheries

(a) Continue to establish and implement long-term conservation and management measures for deep-sea fisheries in accordance with relevant General Assembly resolutions and the International Guidelines for the Management of Deep-sea Fisheries in the High Seas of FAO.

(b) Improve data collection and cooperation by States and RFMO/As in regards to the conservation and management measures for deep-sea fisheries, including the use of the precautionary approach.

14. Strengthening science-policy interface

Strengthen interaction between fisheries managers and scientists, and other stakeholders, to ensure that conservation and management measures are based on the best available scientific evidence and meet the management objectives set by the regional fisheries management organization/arrangement, through a regular review process, taking into account the adverse impacts of climate change and ocean acidification.

15. Establishment of rebuilding and recovery strategies

Where a stock is identified as being overfished, establish rebuilding and recovery strategies, with time frames and probabilities of recovery aimed at bringing the stock back at least to levels which can produce the maximum sustainable yield, guided by scientific assessments and periodic evaluation of progress.

16. By-catch management and discards

(a) Minimize by-catch and reduce or eliminate discards, taking into account the relevant targets under the Sustainable Development Goals, inter alia, by improving selectivity of fishing gear, reducing catch of juveniles, adopting environmentally friendly material, improving data collection and monitoring, control and surveillance.

- (b) Encourage the widest application of the FAO International Guidelines on Bycatch Management and Reduction of Discards.

17. Compliance with obligations as members or cooperating non-members of regional fisheries management organizations/arrangements

(a) Comply fully with their obligations as members or cooperating non-members of RFMO/As by fully applying conservation and management measures adopted, including the timely, complete and accurate submission of fisheries data; create incentives to promote compliance with those obligations, including through enhanced capacity-building to developing States; and take steps to address persistent failure to fulfil those obligations.

(b) Strengthen mechanisms within RFMO/As to promote compliance, including through the establishment and strengthening of a regular process of review. To the extent possible, RFMO/As should cooperate and seek to harmonize measures to foster compliance.

18. Establishment of new regional fisheries management organizations/arrangements

In order to avoid any geographic or species gaps between RFMO/As, consider the establishment of new organizations or arrangements as soon as possible, including by transforming existing regional fisheries advisory bodies into RFMO/As and agree on interim measures based on the best scientific information available and on the precautionary approach until such organizations/arrangements are established. Where RFMO/As already exist, consider the expansion of their geographic and/or species coverage to close those gaps.

B. Mechanisms for international cooperation and non-members

1. Strengthening mandates and measures in regional fisheries management organizations/arrangements

(a) Modernize the mandates of RFMO/As, where this has not yet occurred, to reflect explicit provisions for the use of modern approaches to fisheries conservation and management set forth in the Agreement and other relevant international instruments, including with respect to the aspirations of developing States, particularly the least developed among them and small island developing States.

(b) Promote the early entry into force of revised agreements for RFMO/As and recently concluded treaties establishing new organizations and arrangements.

2. Performance reviews and best practice guidelines

- (a) Undertake regular performance reviews of RFMO/As that include some element of independent evaluation, seeking relevant information from all stakeholders.
- (b) Develop best practice guidelines for conducting performance reviews and implementing their results, inter alia, where appropriate, by using Kobe-like processes by other RFMO/As, ensuring consistency and harmonization to the extent possible.
- (c) Establish mechanisms to follow-up actions in response to performance reviews, including the implementation of the recommendations, when necessary, in a timely manner, including aspects such as transparency, publicity and accountability, and ensure that information about actions taken to implement the recommendations from performance reviews are made publically available.

3. Strengthening and enhancing cooperation and coordination among regional fisheries management organizations/arrangements

- (a) Encourage RFMO/As of which they are members to strengthen cooperation through the establishment of joint working groups or other mechanisms to facilitate the development of harmonized or consistent measures across RFMO/As, particularly with regard to data collection and sharing, mitigating and managing the by-catch of non-target and associated and dependent species, implementing an ecosystem approach and promoting effective and consistent implementation of monitoring, control and surveillance tools, and sharing of positive and negative lists of vessels.
- (b) Strengthen cooperation and coordination between regional fisheries management organizations and Regional Seas Conventions and Action Plans.

4. Participation in regional fisheries management organizations/arrangements

- (a) Develop mechanisms to invite States with a real interest in the fisheries concerned and commit to providing incentives, where needed, to encourage non-members to join the regional fisheries management organizations, including sharing technology and expertise, assistance in the development of appropriate frameworks, and enhancement of enforcement capabilities, recalling that only those States which are members of regional fisheries management organizations, or which agree to apply the conservation and management measures established by them, shall have access to the fishery resources to which those measures apply.

(b) Where appropriate, strengthen efforts to agree on participatory rights and allocation criteria of members, new members and cooperating non-members of RFMO/As, giving due regard to the aspirations of developing States, particularly the least developed among them and small island developing States, and the status of the stocks.

(c) Ensure that all States with a real interest are able to become members of RFMO/As, on the condition that they have demonstrated their interest and capacity to comply with the measures adopted by the RFMO/As concerned, including their willingness to effectively exercise flag State control, while recognizing the need to enhance the capacity of developing States in this regard.

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

(a) Address participatory rights through, inter alia, the development of transparent criteria for allocating fishing opportunities, taking due account, inter alia, of the status of the relevant stocks and the interests of all those with a real interest in the fishery.

(b) Ensure that post-opt-out behaviour is constrained by rules to prevent opting-out parties from undermining conservation, by establishing clear processes for dispute resolution and for the adoption of alternative measures with equivalent effect that will be implemented in the interim.

(c) Improve the transparency of RFMO/As, both in terms of decision-making that incorporates the precautionary approach and the best scientific information available and by providing reasonable participation for intergovernmental and non-governmental organizations through the organizations'/'arrangements' rules and procedures.

(d) Encourage RFMO/As to review their decision-making procedures, noting the need for procedures which facilitate the adoption of conservation and management measures in a timely and effective manner, in particular to consider provisions for voting and objection procedures.

6. Implementation of interim measures

Ensure implementation of interim measures adopted by the participants in negotiations to develop new RFMO/As that are not yet in force; provide to the appropriate interim bodies complete and accurate fisheries data so as to facilitate the effective implementation of those interim measures; and provide for a periodic review of such measures in the light of the status of the resource based on updated scientific advice.

7. Effective control by flag States as members of regional fisheries management organizations/arrangements

- (a) Strengthen effective control over vessels flying their flag and ensure that such vessels comply with, and do not undermine, conservation and management measures adopted by RFMO/As.
- (b) Develop the capacity of the members of RFMO/As to comply with conservation and management measures.
- (c) Ensure that flag States have the ability to implement their responsibilities with regard to vessels flying their flag, before they grant the right to fly their flag to fishing vessels or issue authorization for fishing to such vessels.

C. Monitoring, control and surveillance and compliance and enforcement

1. Strengthening flag State responsibility

- (a) Cooperate to examine and clarify the “genuine link” in relation to the duty of flag States to exercise effective control over fishing vessels flying their flag.
- (b) Strengthen effective control over vessels flying their flag, and exercise due diligence, including by developing or amending national rules and regulations, where needed, in order to ensure that such vessels do not engage in illegal, unreported and unregulated fishing and otherwise comply with, and do not undermine, conservation and management measures adopted by RFMO/As, while reaffirming the importance, under international law, including as reflected in the Convention and the Agreement, of the responsibilities of flag States regarding fishing vessels flying their flag, including with respect to safety at sea and labour conditions on fishing vessels.
- (c) Encourage States to strengthen their capacity to take action against vessels flying their flag that have engaged in illegal, unreported and unregulated fishing, including through the imposition of adequate sanctions as an alternative to de-registering such vessels, rendering them without nationality.
- (d) Effectively implement the duty of flag States in the Convention with respect to labour conditions, taking into account applicable international instruments and national laws; in this regard, encourage States to become parties to the Work in Fishing Convention, 2007 (No. 188) and implement the Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188).
- (e) Develop measures to prohibit supply, transport and refuelling vessels flying their flag from engaging in operations with vessels listed by RFMO/As as engaging

in illegal, unreported or unregulated fishing, under their applicable national legislation.

(f) Encourage the utilization of a wide range of cost-effective tools and new and emerging technologies to strengthen effective control over fishing vessels, including closed circuit television, vessel monitoring systems, vessel monitoring centres, electronic reporting, observer coverage and vessel lists, and call for improved cooperation, coordination, sharing of information and the development of best practices in this regard, bearing in mind the need for confidentiality, as appropriate.

2. Assessment of flag State performance

(a) Promote the implementation of the FAO Voluntary Guidelines for Flag State Performance as a valuable tool for strengthening compliance by flag States with their duties and obligations, and urge all flag States to implement the Guidelines as soon as possible, including, as a first step, by carrying out a voluntary assessment.

(b) Develop regional or global guidelines for fisheries sanctions to be applied by flag States so that flag States may evaluate their sanctions systems to ensure that they are effective in securing compliance and deterring violations.

3. Fishing vessels without nationality

Encourage States to take necessary measures consistent with international law, including, where relevant, by adopting domestic legislative provisions, to prevent fishing vessels without nationality from engaging in fishing or fishing-related activities and to take effective enforcement action, recognizing that fishing vessels without nationality operate without governance and oversight and undermine the objectives of the Agreement and measures adopted by RFMO/As and, where fishing in areas covered by RFMO/As, are engaged in illegal, unreported and unregulated fishing.

4. 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

(a) Encourage States to become parties to and fully implement the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and, in the interim, to adopt and apply port State measures consistent with that Agreement, including through RFMO/As that have not already done so, noting that the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing establishes minimum

standards and does not preclude the adoption of more stringent measures, as appropriate, in accordance with international law.

(b) Call on States and RFMO/As to contribute to the established funding mechanisms and to provide other financial and technical assistance and capacity-building, including through FAO, to assist developing States in the implementation of that Agreement, recognizing the special requirements of developing States, in particular least developed countries and small island developing States, in relation to the implementation of port State measures, as set out in article 21 of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

5. Control over fishing activities of nationals

(a) Strengthen domestic and other mechanisms to identify and deter nationals and beneficial owners from engaging in illegal, unreported and unregulated fishing activities and facilitate cooperation to ensure that such actions can be investigated, and sanctions of adequate severity, having deterrent effect and depriving of accrued benefits, imposed to deprive nationals and beneficial owners of the benefits of such activities.

(b) 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 in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.

(c) Improve cooperation and coordination between States and RFMO/As in the sharing of information and intelligence to ensure effective control over fishing vessels and compliance by nationals and to prevent, deter and eliminate illegal, unreported and unregulated fishing, taking into account in this regard the role of INTERPOL and other enforcement bodies.

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

(a) Adopt, strengthen and implement compliance and enforcement schemes in all RFMO/As; enhance or develop mechanisms to coordinate monitoring, control and surveillance measures, including those directed at non-members, between RFMO/As and with relevant market States; and ensure the fullest possible exchange of monitoring, control and surveillance information related to illegal, unreported and unregulated fishing activities.

(b) Ensure compliance by fishing vessels with obligations and requirements for vessel monitoring systems adopted by RFMO/As and ensure that all vessels fishing on the high seas carry vessel monitoring systems as soon as practicable.

(c) Annually assess compliance by members with measures of RFMO/As and, where appropriate, cooperation by non-members with those measures; improve transparency, including through regular review of compliance schemes, and create incentives to promote compliance and cooperation with those measures; and take steps to address persistent non-compliance and non-cooperation, noting in this regard the special requirements of developing countries and the need for capacity-building.

(d) Encourage States and RFMO/As to utilize a wide range of tools and new and emerging technologies to strengthen compliance, cooperation and enforcement schemes in RFMO/As, including monitoring, control and surveillance, vessel monitoring system, vessel monitoring centres, electronic reporting, observer coverage, catch documentation schemes, vessel identifier systems, vessel lists and joint at-sea boarding inspection, noting the need for a balanced approach between developing and developed States.

(e) Call for improved cooperation and coordination in order to strengthen compliance and enforcement schemes in RFMO/As, including through the sharing of information, vessel lists and best practices, bearing in mind the need for confidentiality, as appropriate.

(f) Note the importance of the development of a Global record of fishing vessels and unique vessel identifiers for strengthening compliance, and encourage in this regard States and RFMO/As to use, as a first step, the International Maritime Organization (IMO) Ship Identification Number Scheme for fishing vessels of 100 gross tonnage and above, adopted by the Assembly of IMO in its resolution A.1078 (28) of 4 December 2013.

(g) Call for improved cooperation and coordination among flag States, port States, coastal States and market States with a view to improving compliance, cooperation and enforcement.

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

Recognize that the development within regional fisheries management organizations of alternative mechanisms for compliance and enforcement in accordance with article 21, paragraph 15, of the Agreement, including other elements of a comprehensive monitoring, control and surveillance regime that effectively ensures compliance with the conservation and management measures adopted by the regional fisheries management organization/arrangement, could facilitate accession to the Agreement by some States.

8. Regulation of trans-shipment, supply and refuelling vessels

- (a) To the maximum extent possible encourage trans-shipment to occur in ports. In the case of trans-shipment at sea, call on States and RFMO/As that have not done so to adopt clear and stringent measures to monitor and regulate trans-shipment activity, including, as a minimum, verification of the registration of such vessels, prior notifications of such activities, vessel monitoring system and observer coverage, encouraging to the extent possible real-time reporting.
- (b) Develop measures to prohibit supply, transport and refuelling vessels flying their flag from engaging in operations with vessels listed as engaging in illegal, unregulated or unreported fishing.
- (c) Improve cooperation and coordination relating to trans-shipment at sea, including in the sharing of information and vessel lists and by making such lists publically available.
- (d) Continue to encourage and support FAO in studying the current practices of trans-shipment as it relates to fishing operations for straddling fish stocks and highly migratory fish stocks and produce a set of guidelines for this purpose.

9. Strengthening fisheries access agreements

- (a) Taking into account the provisions of the FAO Voluntary Guidelines on Flag State Performance, call on States to strengthen fisheries access agreements to promote good governance, in accordance with the Convention and the Agreement, of fisheries activities of fishing vessels operating under the access agreement not flying the flag of the coastal State providing fisheries access within the areas under the jurisdiction of that State, including by providing sectoral assistance, inter alia, for monitoring, control and surveillance, compliance and enforcement.
- (b) Encourage greater transparency regarding fisheries access agreements, including by making them publically available, subject to confidentiality requirements.

10. Market-related measures

- (a) Take necessary measures, consistent with international law, to ensure that only fish that have been taken in accordance with applicable conservation and management measures reach their markets, and take steps consistent with national and international law to require those involved in fish trade, to cooperate fully to this end; at the same time, recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code of Conduct for Responsible Fisheries, for fishery products and fish caught in a manner that is in

conformity with the applicable conservation and management measures, including by enhancing consistency between actions by States and those by regional fisheries management organizations, in order to maintain market access, recognizing that particular attention should be drawn to fish products landed in ports located outside flag States.

(b) Prevent illegally harvested fish or fish products from entering into commerce through the greater use and better coordination of catch documentation schemes and other market-related measures, strengthen law enforcement cooperation and facilitate the commerce in fish or fish products caught in a sustainable manner.

(c) Call for the timely finalization of FAO voluntary guidelines on catch documentation schemes and other market-related measures.

11. Participation in and support to the International Monitoring, Control and Surveillance Network

Join the International Monitoring, Control and Surveillance Network and share information and practices that would strengthen enforcement of fisheries conservation and management measures, as well as support the enhancement of the Network, including through the provision of funding.

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

(a) Intensify efforts to promote universal acceptance of the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

(b) Cooperate with FAO to develop a comprehensive global record of fishing vessels, including refrigerated transport and supply vessels, that incorporates all available information on beneficial ownership, subject to confidentiality requirements in accordance with national law.

(c) Expedite efforts through FAO, in cooperation with the IMO, to create a unique vessel identifier system as part of a comprehensive global record of fishing vessels that includes refrigerated transport and supply vessels, using, as a first step, the IMO Ship Identification Number Scheme.

(d) Stress the need for further cooperation among RFMO/As, including for the preparation of consolidated lists, such as the Consolidated List of Authorized Vessels and the List of Vessels Presumed to Have Carried out Illegal, Unreported, and Unregulated Fishing Activities, which are complementary to the work undertaken at the global level.

D. Developing States

1. Take concrete 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, consistent with articles 24 and 25 of the Agreement.

2. Enhancing the participation of developing States in regional fisheries management organizations or arrangements

(a) Enhance the participation of developing States in RFMO/As, including through facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25, paragraph 1(b), of the Agreement, taking into account the need to ensure that such access benefits the States concerned and their nationals.

(b) Establish mechanisms to assist developing States in RFMO/As that do not already have such mechanisms and ensure that those mechanisms support the implementation of the Agreement in its entirety.

3. Strengthening the capacity of developing States

(a) Cooperate with and assist developing States in designing, strengthening and implementing their domestic regulatory fisheries policies and those of RFMO/As in their regions.

(b) Identify the challenges and provide assistance to build the capacity of developing States, in particular the least developed among them and small island developing States, to implement the Agreement, particularly in the areas of science, data collection and reporting, monitoring, control and surveillance, port and flag State control and fisheries conservation and management, facilitating access to and development of sustainable fisheries for straddling fish stocks and highly migratory fish stocks.

(c) Promote coherence in the provision of such assistance and cooperation, both by individual Governments and through international mechanisms.

(d) Ensure that the compilation of sources of funding available to developing States is kept readily available and up to date so as to make such forms of assistance more accessible for developing States.

(e) Build the capacity of, and urge further development and mainstreaming of strategies to assist developing States, in particular small island developing States and least developed countries, to participate in high seas fisheries, including for

straddling fish stocks and highly migratory fish stocks, to receive a greater share of the benefits from sustainable fisheries of such stocks, to develop their national capacity to exploit fishery resources, consistent with the duty to ensure conservation and management of those resources, and improve market access, strengthening regional efforts to sustainably conserve and manage such stocks in support of the 2030 Agenda for Sustainable Development.

4. Strengthening of capacity-building mechanisms and programmes, including the Assistance Fund

(a) Invite FAO and the Division for Ocean Affairs and the Law of the Sea to (i) further publicize the availability of assistance through the Assistance Fund; and (ii) solicit views from developing States parties regarding the application and award procedures of the Assistance Fund, and consider changes, where necessary, to improve the process, including prioritizing activities.

(b) Collectively through RFMO/As, establish a link to the Assistance Fund homepage (www.un.org/Depts/los/convention_agreements/fishstocktrustfund/fishstocktrustfund.htm) on their organizations' arrangements' website.

(c) Urgently contribute to the Assistance Fund so as to allow for the diversified use of the Fund in accordance with its Terms of Reference. Such assistance should be targeted to such areas as (i) stock assessment and scientific research; (ii) data collection and reporting; (iii) monitoring, control and surveillance; (iv) port State control; (v) compliance with market and trade-related measures and meeting market access requirements, including with respect to health and quality standards; (vi) development of fisheries for straddling fish stocks and highly migratory fish stocks; (vii) human resource development; (viii) the sharing of information, including vessel information; (ix) flag State responsibility; and (x) the settlement of disputes.

5. 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

(a) Avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States, particularly small island developing States, when establishing conservation and management measures for straddling fish stocks and highly migratory stocks.

(b) Encourage States to implement the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, as appropriate, while ensuring that important management principles

such as maximum sustainable yield management, the ecosystem and precautionary approaches and science-based management are respected.

6. Avoiding the transferring of a disproportionate burden of conservation action onto developing States

Further develop and implement, as an urgent matter, the common understanding of the concept of “disproportionate burden”, including by better defining the concept, quantitatively and qualitatively, as envisaged in article 24, paragraph 2(c), of the Agreement.

E. Non-parties

1. Promotion of wider participation in the Agreement

(a) Call upon all States that are involved or may become involved in fisheries for straddling fish stocks and highly migratory fish stocks that have not yet done so to become parties to the Agreement, in particular those which are already members of RFMO/As.

(b) Disseminate, inter alia, through RFMO/As of which they are members, information about the Agreement, including its objective and the rights and duties it provides, as well as potential benefits arising from becoming party to the Agreement.

(c) Identify problems hindering further ratifications or accessions to the Agreement, and strengthen the dialogue with non-parties, with a view to taking action to broaden participation in the Agreement.

F. Dissemination of the final report and further reviews

14. The resumed Review Conference agreed to request the President of the Conference to transmit the final report of the Conference to the secretariats of all RFMO/As, including, where possible, those under negotiation, and to the General Assembly, IMO, FAO and other relevant organizations, and to highlight relevant recommendations and requests for action contained in the report.

15. The resumed Review Conference further agreed:

(a) That the Review Conference has provided a useful opportunity to assess the effectiveness of the Agreement and its implementation, noting that further review is also necessary;

(b) To continue the Informal Consultations of States Parties to the Agreement and keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2020, to be agreed at a future round of Informal Consultations, and to request the Secretary-General to convene such meetings; and

(c) That the resumed Review Conference will be mandated 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 to better address any continuing problems in the conservation and management of those stocks, as provided for in article 36 of the Agreement.

16. The resumed Review Conference recommends:

That the Informal Consultations of States Parties be dedicated to the consideration of specific issues arising from the implementation of the Agreement on an annual basis, with a view to improving understanding, sharing experiences and identifying best practices for the consideration of States Parties, as well as the General Assembly and the Review Conference.