

United Nations  Nations Unies

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REFERENCE: LOS/FISHERIES/STATE/2004

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of ... to the United Nations and has the honour to draw his/her attention to General Assembly resolution 58/14 adopted on 24 November 2003 entitled "Sustainable fisheries, including through the 1995 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, and related instruments".

Operative paragraph 57 of resolution 58/14 reads as follows:

"57. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on 'Sustainable fisheries, including through the 1995 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, and related instruments', taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution".

In order to facilitate reporting concerning implementation of United Nations General Assembly resolution 58/14, a copy of the resolution and a questionnaire are annexed to the present note.

Therefore, in accordance with the provisions of the above-mentioned resolution, His/Her Excellency's Government is requested to submit by 31 May 2004 the relevant information it may wish to be taken into account in the preparation of the report of the Secretary-General on fisheries-related issues to the General Assembly.

23 February 2004

S. B.

Annexes enclosed

States

Country:

Name of person (optional):.....

Date:

**QUESTIONNAIRE FOR
Soliciting information requested in United Nations General
Assembly Resolution A/58/14 on Sustainable fisheries, including
through the 1995 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, and related instruments**

I. Achieving Sustainable Fisheries

1. How does your country discharge its obligations, in accordance with international law, to cooperate in the long-term conservation, management and sustainable use of marine living resources of the world's oceans and seas, as reflected in the relevant provisions of the Convention?
2. Do fisheries legislation and policies in your country provide for the application of the precautionary approach to the conservation, management and exploitation of fish stocks, including straddling fish stocks and highly migratory fish stocks?
3. Whether or not your country is a State Party to 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, does it apply the precautionary approach to the conservation, management and exploitation of fish stocks, including straddling fish stocks and highly migratory fish stocks?

II. Implementation of the 1995 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

4. If your country is not a Party to the UN Fish Stocks Agreement, does it consider ratifying or acceding to it or applying it provisionally?
5. As a State Party to the Agreement, could you describe the measures that your country has taken to implement fully the provisions of article 6 of the Agreement relating to the application of precautionary approach?

6. As a State Party to the Agreement, how does your country provide effective implementation of the provisions of the Agreement, including those provisions relating, inter alia, to: (a) the application of precautionary approach; (b) the application of ecosystem approach; (c) strengthening of the flag State's duties and enforcement responsibilities, including the adoption of vessel monitoring systems; (d) implementation of port State's control; (e) participation in subregional or regional fisheries management organizations or arrangements competent to manage straddling fish stocks or highly migratory fish stocks; (f) participation in bilateral, regional and subregional cooperation in enforcement?

7. Does your country consider ratifying or acceding to the Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean (SEAFO), following its entry into force in 2003?

8. How does your country ensure that vessels flying its flag comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements, in accordance with relevant provisions of the Convention and of the Agreement?

9. Does your country plan to provide assistance to developing States including, if appropriate, through the development of special financial mechanisms or instruments, according to Part VII of the Agreement, to enable them to develop their national capacity to exploit fishery resources, consistent with the duty to ensure the proper conservation and management of those fisheries resources?

10. As a State Party to the Agreement, what should be, in your opinion, the initial preparatory steps for the Review Conference to be convened by the Secretary-General pursuant to article 36 of the Agreement, which could be recommended to the General Assembly?

III. Related Fisheries Instruments

11. If your country is not yet a Party to the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"), is it considering depositing an instrument of acceptance to that Agreement?

12. If your country is a Party to the Compliance Agreement, how does it discharge its obligation to exchange information in the implementation of the Agreement?

13. How does your country promote the application of the FAO Code of Conduct for Responsible Fisheries at the national level?

14. What are the steps that your country has taken to support implementation of the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries at the national and regional levels, giving particular emphasis to capacity-building in developing countries?

15. What are the measures that your country has taken or will be taking to develop and implement national and, as appropriate, regional plans of action to put into effect the international plans of action of the FAO, namely:

(a) the International Plan of Action for the Management of Fishing Capacity;

(b) the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries;

(c) the International Plan of Action for the Conservation and Management of Sharks and;

(d) the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing?

IV. Illegal, Unreported and Unregulated Fishing

16. Could you describe the measures that your country has taken to prevent vessels flying its flag from engaging in fishing on the high seas unless duly authorized by national authorities, or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization?

17. Could you describe measures that your country has taken to exercise effective control over activities of vessels flying its flag, as well as specific measures, including deterring the reflagging of vessels by its nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement?

18. How do you suggest strengthening the international legal framework for intergovernmental cooperation at the subregional and regional level, in the management of fish stocks and in combating illegal, unreported and unregulated fishing (IUU fishing), in a manner consistent with international law?

19. How does your country intend to collaborate in efforts to combat IUU fishing?

20. Is your country a member of the International Monitoring, Control, and Surveillance Network for Fisheries-Related Activities, a voluntary network of monitoring, control and surveillance professionals designed to facilitate exchange of information and to support countries in discharging their obligations pursuant to international agreements, in particular the Compliance Agreement?

21. If not, does it intend to become a member of such Network?

22. What are the measures that your country, either as a flag State or a port State, has taken or will be taking consistent with international law necessary to prevent the operation of substandard vessels and IUU fishing activities?

23. Could you describe the measures that your country has taken or will be taking within regional and subregional fisheries management organizations and arrangements to which it is a member to develop and implement vessel monitoring systems and, where appropriate and consistent with international law, trade monitoring schemes?

24. What are the measures that your country has taken or will be taking to develop and implement national and, where appropriate, regional plans of action, to put into effect by 2004 the International Plan of Action to Prevent, Deter and Eliminate IUU fishing of the

FAO and to establish effective monitoring, reporting and enforcement and control of fishing vessels, including by flag States, to further the International Plan of Action?

25. What are the measures that your country has taken or will be taking to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to overcapacity, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries?

26. In view of the need for enhanced port State control to combat IUU fishing, does your country cooperate, in particular at the regional level, and through regional and subregional fisheries management organizations and arrangements, as well as through participation, where appropriate, in the efforts of the FAO in cooperation with the International Maritime Organization to address substantive issues relating to the role of the port State, noting that such efforts include the elaboration of principles and guidelines for the establishment of regional memoranda of understanding on port State measures to prevent, deter and eliminate IUU fishing?

V. Fishing Overcapacity

27. What are the measures that your country has taken or will take to improve management of national fishing capacity and implement the 1999 FAO International Plan of Action for the Management of Fishing Capacity by 2005, taking into account the need, through these actions, to avoid the transfer of fishing capacity to other fisheries or areas including, but not limited to, those areas where fisheries are over-exploited or in a depleted condition?

28. If your country is a Party to the FAO Compliance Agreement, has it already established a record of fishing vessels authorized to fish on the high seas as required in that Agreement and pursuant to articles IV and VI, has it made such record available to FAO?

29. What are the measures that your country has taken or will take to halt the increase of large-scale fishing vessels in accordance with the FAO International Plan of Action for the Management of Fishing Capacity?

30. Does your country intend to participate in the intergovernmental Technical Consultation on IUU fishing and fleet overcapacity to be organized by the Food and Agriculture Organization in 2004?

VI. Large-scale pelagic drift-net fishing

31. Could you describe the measures that your country has taken to ensure continued compliance with General Assembly resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, as well the steps that it has undertaken to enforce fully the measures recommended in those resolutions?

VII. Fisheries by-catch and discards

32. Could you describe the measures that your country has taken to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code?

33. Is your country currently implementing or is it considering implementing technical measures relating to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, for fishing vessels flying its flag and for foreign fishing vessels authorized to fish in areas under its national jurisdiction ?

34. Could you describe the mechanisms established by your country for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring confidentiality of such information?

35. Does your country support for studies and research aimed at reducing or eliminating by-catch of juvenile fish?

36. Is your country participating or does it consider participating, as appropriate, in regional and subregional organizations with mandates to conserve non-target species taken incidentally in fishing operations, such as the Inter-American Convention for the Protection and Conservation of Sea Turtles and Their Habitats, regional sea turtle conservation instruments in the West African, the wider Caribbean, and the Indian Ocean/South-East Asia regions, the work of the Southeast Asian Fisheries Development Centre on turtle conservation and management, the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas and the Agreement on the Conservation of Albatrosses and Petrels under the Convention on the Conservation of Migratory Species of Wild Animals?

VIII. Subregional and regional Cooperation

37. Does your country, either as a coastal State or as a State fishing on the high seas pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks, in accordance with the Convention and the Agreement?

38. Where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for straddling fish stocks and highly migratory fish stocks on the high seas: does your country, either as a coastal State, or as a State fishing for these stocks on the high seas, give effect to its duty to cooperate by becoming a member of such organization or a participant in such arrangement, or by agreeing to apply the conservation and management measures established by such organization or arrangement?

39. Where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for a straddling fish stock or highly migratory fish stock, and your country is either a relevant coastal State or a flag State fishing for the stock on the high seas, is your country willing to cooperate in the establishment of such fisheries organization or enter into other appropriate arrangements to ensure the conservation and management of the stock concerned?

40. If your country is a participant in negotiations and ongoing preparatory work to establish a regional and subregional fisheries management organization or arrangement: is it applying

provisions of the Convention and the Agreement, as well as encouraging other participants in those negotiations to apply such provisions to their work?

41. Could you describe the measures that your country has undertaken or will be undertaking to develop ocean policies and mechanisms on integrated management, including at the subregional and regional levels?

42. In developing ocean policies and mechanisms, did your country include measures to assist developing States and did it take measures to promote improved cooperation between regional fisheries management organizations and other regional entities, such as the United Nations Environment Programme regional seas programmes and conventions?

IX. Responsible fisheries in the marine ecosystem

43. Could you describe the steps that your country has taken or will be taking to apply the ecosystem approach by 2010, noting the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem and decisions V/6 and VI/12 of the Conference of the Parties to the Convention on Biological Diversity?

44. Would your country consider applying the FAO guidelines for the implementation of ecosystem considerations in fisheries management for the purpose of applying the ecosystem approach?

45. Is your country implementing the Global Program of Action for the Protection of the Marine Environment from Land-Based Activities and accelerating activity to safeguard the marine environment against pollution and physical degradation?

46. Could you provide information on current risks to the marine biodiversity of vulnerable marine ecosystems identified by your country, including, but not limited to, seamounts, coral reefs, including cold water reefs and certain other sensitive underwater features, relating to fishing activities?

47. Could you describe any conservation and management measures in place at the national, subregional, regional or global levels that address current risks to marine biodiversity of vulnerable marine ecosystems relating to fishing activities?

48. Has your country taken measures to implement fully the 1999 FAO International Plan of Action for the Conservation and Management of Sharks, as a matter of priority, inter alia, by conducting assessments of shark stocks and developing and implementing National Plans of Action?

49. How does your country provide assistance to developing States in the implementation their National Plans of Action for the Conservation and Management of Sharks and the conducting of shark stock assessments?

50. In implementing the International Plan of Action for the Conservation and Management of Sharks, does your country collect scientific data regarding shark catches and consider adopting conservation and management measures, particularly where shark catches from directed and non-directed fisheries have a significant impact on vulnerable or threatened

shark stocks, in order to ensure the conservation and management of sharks and their long-term sustainable use?

51. Does your country ban directed shark fisheries conducted solely for the purpose of harvesting shark fins and take measures for other fisheries to minimize waste and discards from shark catches and to encourage the full use of dead sharks?

52. Does your country cooperate with the FAO to assist developing States in the implementation of the International Plan of Action for the Conservation and Management of Sharks, including through voluntary contributions to work of the organization, such as its FishCode programme?

X. Capacity-building

53. Does your country cooperate directly or, as appropriate, through the relevant regional and subregional organizations, including through financial and/or technical assistance, to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution?

54. Could you describe the measures that your country has taken or will be taking to develop projects, programmes and partnerships with relevant stakeholders to mobilize resources for the effective implementation of the outcome of the African Process for the Protection and Development of the Marine and Coastal Environment, and to consider the inclusion of fisheries components in that work?

55. Could you describe the measures that your country has taken or will be taking to further implement sustainable fisheries management to improve financial returns from fisheries through the support and strengthening of relevant regional fisheries management organizations, as appropriate, such as the Caribbean Regional Fisheries Mechanism, and such agreements as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific?
