



United Nations

Resumed Review Conference on the Agreement Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

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Fish Stocks Agreement: Overview of what the Agreement says and its impact

The 1995 Fish Stocks Agreement marked a major step forward in the development of a comprehensive legal regime for the long-term conservation and sustainable use of straddling and highly migratory fish stocks. While further efforts are needed to ensure the full and effective implementation of the Agreement, it has already had a profound impact on fisheries governance since it entered into force in 2001.

The 1995 Agreement, which builds on the relevant provisions of the 1982 United Nations Convention on the Law of the Sea, addresses problems relating to the management of high seas fisheries, as identified in Agenda 21 of the 1992 United Nations Conference on Environment and Development. According to Agenda 21, “there are problems of unregulated fishing, over-capitalization, excessive fleet size, vessel reflagging to escape controls, insufficiently selective gear, unreliable databases, and lack of sufficient cooperation among countries.” It called for action by States to cooperate in order to address “inadequacies in fishing practices.”

The Agreement covers highly migratory fish stocks that regularly travel long distances through both the high seas and areas under national jurisdiction, such as tuna, swordfish and oceanic sharks. It also covers fish stocks that occur both within a country’s exclusive economic zone (up to 200 nautical miles offshore—where coastal States have sovereign rights for the conservation and management of marine living resources), and in the adjacent high seas. Examples of such stocks are cod, halibut, pollock, jack mackerel and squid.

The treaty elaborates on the fundamental principle, established in the United Nations Convention on the Law of the Sea, that countries should cooperate to ensure conservation and promote the optimum utilization of these fishery resources, both within and beyond areas under national jurisdiction. Under the Agreement, regional fisheries management organizations and arrangements are the primary vehicle for cooperation between coastal States and high seas fishing States in the conservation and management of straddling fish stocks and highly migratory fish stocks.

The Agreement, considered a highly innovative treaty, establishes a modern, comprehensive and detailed legal regime to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks by:

- Establishing general principles, including an ecosystem approach, for the conservation and management of the subject stocks.
- Requiring the application of the precautionary approach to fisheries conservation and management—calling on States to be more cautious when information is uncertain, unreliable or inadequate. Under this approach the absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.
- Requiring compatibility between conservation and management measures adopted for areas under national jurisdiction and those established in the adjacent high seas, so as to ensure conservation and management of fish stocks in their entirety.

- Strengthening the role of regional fisheries management organizations and arrangements.
- Strengthening the responsibility of flag States over fishing vessels flying their flag on the high seas.
- Ensuring effective mechanisms for compliance and enforcement of international conservation and management measures.
- Recognizing the special requirements of developing countries in relation to conservation and management.
- Providing mechanisms for the peaceful settlement of disputes between States Parties.

The Fish Stocks Agreement has steadily gained acceptance and efforts to implement the Agreement have increased:

- There are now 77 parties to the Agreement, including the European Union, and most of the world's top fishing countries are counted among the parties. Participation in the Agreement is now regarded as an important way for a country to signal that it is a responsible fishing nation.
- The Agreement has promoted a modern and consistent approach to conservation and management of straddling fish stocks and highly migratory fish stocks in all regions around the world.
- The General Assembly has encouraged countries to extend the principles of the Agreement to all fish stocks — stocks that are not straddling or migratory, but are found in the deep oceans or the high seas. The general principles of the Agreement are also key principles in the 2008 FAO International Guidelines for the management of deep-sea fisheries in the high seas and the protection of vulnerable marine ecosystems.
- Several regional fisheries management organizations have conducted, or are in the process of conducting, performance reviews of their functions and mandates using the relevant provisions of the Agreement as a benchmark. In addition, some organizations have amended their constitutive instruments in order to incorporate the principles of the Agreement.
- Since 1995, there have been important initiatives to fill gaps in high seas fisheries governance around the world. Two new regional fisheries management organizations have been created in the south-east Atlantic and in the western Central Pacific. Agreements for the establishment of two more organizations in the South Indian Ocean and the South Pacific have been concluded, and there are ongoing negotiations to establish a regional arrangement in the North Pacific.
- The Agreement has encouraged States to adopt “responsible fishing” in the marine ecosystem and to adopt ecosystem approaches to fisheries management.
- The Agreement has served as model legislation for fisheries management. A large number of States have incorporated its provisions into their fisheries laws and regulations.

In 2006, States held a Review Conference where they adopted comprehensive recommendations for strengthening the implementation of the Agreement. Many of the recommendations were later endorsed by the General Assembly and included in its annual resolution on sustainable fisheries. The recommendations have also provided the impetus for many international efforts to improve the conservation and management of straddling fish stocks and highly migratory fish stocks.

For further information, please visit www.un.org/Depts/los, or contact the United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs at tel: +1 212 963-3946, email: doalos@un.org.

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