
ADVANCED AND UNEDITED

REPORTING MATERIAL

Summary

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

Contents

	<i>Page</i>
Abbreviations	3
I. Introduction	4
II. Overview of the status and trends of straddling fish stocks and highly migratory fish stocks, discrete high seas stocks and non-target, associated and dependent species	6
A. Introduction	6
B. Highly migratory fish stocks	7
C. Selected straddling fish stocks	9
D. Other high seas fish stocks	9
E. Associated and dependent species	10
F. Straddling fish stocks, highly migratory fish stocks and other high seas fish stocks for which no measures have been adopted by regional fisheries management organizations and arrangements	10
G. Conclusions	11
III. Review of the implementation of the recommendations of the Review Conference	12
A. Conservation and management of stocks	13
B. Mechanisms for international cooperation and non-members	36
C. Monitoring, control and surveillance, compliance and enforcement	50
D. Developing States and non-parties to the Agreement	63
IV. General conclusions	71

Abbreviations

APFIC	Asia-Pacific Fishery Commission
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
FAO	Food and Agriculture Organization of the United Nations
FFA	Pacific Islands Forum Fisheries Agency
GFCM	General Fisheries Commission for the Mediterranean
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICES	International Council for the Exploration of the Sea
IMO	International Maritime Organization
IOTC	Indian Ocean Tuna Commission
IPHC	International Pacific Halibut Commission
NAFO	Northwest Atlantic Fisheries Organization
NEAFC	North-East Atlantic Fisheries Commission
NPAFC	North Pacific Anadromous Fish Commission
NPFC	North Pacific Fisheries Commission
OSPESCA	Central American Fisheries and Aquaculture Organization
PICES	North Pacific Marine Science Organization
RECOFI	Regional Commission for Fisheries
SEAFO	South-East Atlantic Fisheries Organization
SPRFMO	South Pacific Regional Fisheries Management Organization
WCPFC	Western and Central Pacific Fisheries Commission
WECAFC	Western Central Atlantic Fishery Commission
WTO	World Trade Organization

I. Introduction

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

2. Over the past seven years, there have been numerous important developments that are relevant to the implementation of the Agreement. These include the entry into force of the Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) and the Work in Fishing Convention of the International Labour Organization (ILO), the adoption of the Agreement on Fisheries Subsidies of the World Trade Organization (WTO), the adoption of amendments to the Maritime Labour Convention in 2018 and 2022 respectively, the holding of the United Nations Ocean Conference in 2020 and 2022, the General Assembly's review of actions taken to address the impacts of bottom fishing on vulnerable marine ecosystems (VMEs) and the long-term sustainability of deep-sea fish stocks in 2016 and 2022, the launching of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, the issuance of the second World Ocean Assessment, the launch of the United Nations Decade of Ocean Science for Sustainable Development (2021-2030) and the finalization of various important guidance documents on fisheries management under the auspices of the Food and Agriculture Organization of the United Nations (FAO). Also important have been the thirteenth, fourteenth and fifteenth rounds of Informal Consultations of States Parties to the Agreement, focusing on specific issues in relation to the implementation of the Agreement.¹ While these developments are not extensively addressed in the present report, they are mutually reinforcing of the actions highlighted in the report aimed at strengthening the implementation of the Agreement and demonstrate the important synergies between the implementation of the Agreement and other global goals, processes and initiatives on oceans.

3. However, despite the commitment in the 2030 Agenda for Sustainable Development (2030 Agenda) to “effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics” by 2020,² the state of the world's

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

² “Transforming our world: the 2030 Agenda for Sustainable Development”, General Assembly resolution 70/1.

fish stocks continues to deteriorate. Overfishing, illegal, unreported and unregulated fishing (IUU fishing) and destructive fishing practices continue to undermine the sustainability of the world's fisheries. Moreover, fisheries 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.

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

5. The present report, prepared in cooperation with FAO and with the assistance of an expert consultant hired to provide information and analysis on relevant technical and scientific issues, is an update to the previous reports of the Secretary-General to the Review Conference.³ The participants in the Review Conference will also benefit from the information contained in other reports of the Secretary-General on oceans and the law of the sea and sustainable fisheries submitted to the General Assembly under the agenda item entitled "Oceans and the law of the sea".⁴

6. Following the approach taken in the past, the present report is based primarily on information provided in response to a questionnaire circulated by the Secretariat in May 2022. Responses were received from 13 States parties, including the European Union,⁵ and one non-party.⁶ Responses were also received from nine regional fisheries management organizations and arrangements (RFMO/As) and other related organizations,⁷ in addition to FAO. The Secretary-General expresses his appreciation for all the contributions.

³ [A/CONF.210/2006/1](#), [A/CONF.210/2010/1](#) and [A/CONF.210/2016/1](#).

⁴ Available from www.un.org/Depts/los/general_assembly/general_assembly_reports.htm.

⁵ Australia, Bulgaria, Canada, Chile, Iceland, European Union, Japan, Mauritius, Norway, Philippines, Togo, United Kingdom of Great Britain and Northern Ireland and United States of America. Iceland indicated that it considered the answers to the voluntary questionnaire by the RFMOs to which it was a party sufficient and would not be submitting additional answers.

⁶ Saudi Arabia.

⁷ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC.

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

A. Introduction

7. The present section provides an update on trends in the status of highly migratory fish stocks and straddling fish stocks, discrete high seas stocks and non-target, associated and dependent species, highlighting trends since 2006, 2010 and 2016. It is based on data provided by the FAO overview of the subject.⁸ More detailed information on the current status of specific stocks reported in 2006, 2010 and 2016 is provided in two online information tables.⁹

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

9. In evaluating the status of stock and trends, the present report uses the 2011 classification scheme of FAO,¹⁰ but with the updated designations and refined definitions below:

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

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

(c) “Non-maximally sustainably fished / Underfished” includes stocks whose abundance is above that which would, on average and on the long-term, produce the maximum sustainable yield. They are in general stocks exploited by undeveloped or new fisheries, with a significant potential for expansion in total production, or stocks that have been exploited with a low fishing effort, with some limited potential for expansion (previously “underexploited”).¹¹

⁸ Available from www.un.org/Depts/los/2023_FAO_Overview.pdf.

⁹ See www.un.org/depts/los/2023StockStatusTables.pdf.

¹⁰ FAO, *Review of the State of World Marine Fishery Resources*, FAO Fisheries and Aquaculture Technical Paper No. 569 (Rome, 2011). The six categories were subsequently aggregated into three levels. Available from www.fao.org/docrep/015/i2389e/i2389e.pdf.

¹¹ Previous reports utilized the classification systems and terms previously used by FAO. Where possible, references to the previous status of stocks have been updated into the new classification scheme.

10. The species and stock terminology used herein corresponds to that used by FAO¹² and the terminology of previous reports (A/CONF.210/2006/1, paras. 12-15, and A/CONF.210/2010/1, para. 9 and A/CONF.210/2016/1, para. 11).

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

B. Highly migratory fish stocks¹³

1. Background

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

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

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

2. Trends in the status of the stocks

FAO overview

15. Since the previous assessment, in 2016, (see A/CONF.210/2016/1, para. 16) and on the basis of scientific information from FAO's work on the assessment of the State of the World Marine Fisheries, reflected in the FAO statistics, there has been a 4% increase in overfished stocks, with 40% of assessed stocks considered to be overfished, up from 36%, and 60% sustainably fished (underfished plus maximally sustainably fished), down from 64%. While there have been substantial improvements in Atlantic Bluefin tuna management, the status of the rest of the fisheries has primarily remained the same or deteriorated. Information was not known, and no assessment was provided, for about one quarter of the stocks. As

¹² FAO, *World Review of Highly Migratory Species and Straddling Stocks*, FAO Fisheries Technical Paper, No. 337 (Rome, 1994). Available from www.fao.org/docrep/003/t3740e/T3740E00.htm.

¹³ The use of the term "highly migratory fish stocks" remains the same as in the 2006, 2010 and 2016 reports.

¹⁴ See the FAO global capture production database, available from www.fao.org/fishery/statistics/software/fishstatj/en.

noted in the previous assessment, there are probably few opportunities to increase the exploitation of tuna and tuna-like species, except in some areas of the Pacific and Indian oceans, where increases in catches of skipjack tuna may be sustainable. However, if current fishing techniques are used, this can only be done at the expense of undesired increases of catches of other species.

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

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

Species protected under international instruments

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

19. Appendix II to CITES¹⁵ includes species that, although not necessarily now threatened with extinction, may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival. It also includes species that resemble other listed species and need to be regulated in order to effectively control the trade in those other listed species. Listed marine species include the following shark species: great white whitetip, scalloped hammerhead (with great hammerhead and the smooth hammerhead included for look-alike reasons), basking, porbeagle, thresher, silky, shortfin and longfin mako sharks.

20. Appendix II to the Convention on Migratory Species¹⁶ includes migratory species that have an unfavourable conservation state and that require international

¹⁵ <https://cites.org/sites/default/files/eng/app/2022/E-Appendices-2022-06-22.pdf>

¹⁶ For that instrument, “endangered species” means any species that is in danger of extinction throughout all or part of its range and “threatened species” means any species that is likely to become extinct within the foreseeable future throughout all or part of its range and whose survival is unlikely if the factors causing numerical decline or habitat degradation continue to operate. f

agreements for their conservation and management, as well as those that would significantly benefit from international cooperation. Listed species include the great white shark, three species of thresher shark and the whale, basking, scalloped hammerhead (with great and smooth hammerhead included for look-like reasons), porbeagle, silky and shortfin and longfin mako sharks.

21. Annex II to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean to the Barcelona Convention¹⁷ deals with endangered or threatened species and lists the great white, porbeagle, basking and the shortfin mako sharks.

C. Selected straddling fish stocks

1. Background

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

2. Trends in the status of the stocks

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

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

D. Other high seas fish stocks

25. Most discrete high seas fish stocks comprise deep-water species, but several stocks may exist for pelagic species. The information contained in the FAO overview regarding those stocks remains substantially unchanged from that provided by FAO for the 2010 report (A/CONF.210/2010/1, paras. 68-70). Relatively little continues to be known about many of the species and most of the fisheries (see A/CONF.210/2006/1, paras. 104-115) although knowledge on the fisheries has accumulated over the past 20 years and now all, or almost all, are managed by RFMOs.¹⁸

¹⁷ https://www.rac-spa.org/sites/default/files/protocole_aspdb/protocol_eng.pdf.

¹⁸ See also the reports of the Secretary-General on the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks, available at:

E. Associated and dependent species

26. Associated and dependent species are caught and/or impacted in fisheries for straddling fish stocks, highly migratory fish stocks and other high seas fish stocks. Associated species are considered to be species impacted by fishing activities that are not part of the landed catch. Such impacts to associated species may occur as a result of discards, physical contact of fishing gear with habitats and organisms that are not caught, and indirect processes. There has been no global review of the impacts of fisheries on associated species since the 2006 report (ibid., paras. 118-134), except in the context of General Assembly's reviews of actions taken to address the impacts of bottom fishing in 2016 and 2022.¹⁹

27. The information on discards of associated species at the global level contained in the 2006, 2010 and 2016 reports (A/CONF.210/2006/1, paras. 120-128, A/CONF.210/2010/1, paras. 72-74 and A/CONF.210/2016/1 para 27) remains generally unchanged. The highest discard rates are associated with shrimp and trawl fisheries. Discard rates are estimated for bottom trawlers using otter trawls at 30.9% (for all fisheries), for demersal longlining in the Southern Ocean 23.9% and for the CCAMLR area 7.5% overall. FAO suggests that one million seabirds and 8.5 million sea turtles are discarded annually, with most probably captured in exclusive economic zones.

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

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

29. The management of fisheries for oceanic sharks and other highly migratory species continues to be incomplete and uneven (see A/CONF.210/2010/1, para. 77, A/CONF.210/2016, para 30). RFMO/As have adopted a range of measures, but data collection and research are lacking in many regions. In recent years, several RFMO/As have adopted measures to combat the finning of sharks and prevent the capture and landing of shark species for which conservation is a concern. Conventions that classify endangered species continue to consider new proposals for listing additional shark species.²⁰

30. In general, with the exception of a few species producing large catches, knowledge of the biology and state of exploitation of highly migratory species, such as billfish and sailfish, remains scarce. Fisheries on pomfrets, sauries and

https://www.un.org/depts/los/general_assembly/general_assembly_reports.htm.

¹⁹ See www.un.org/depts/los/bottom_fishing_workshop.htm.

²⁰ For example, in 2022 FAO reviewed a proposal to add further species of shark to CITES Appendix II: FAO. 2022. Report of the Seventh FAO Expert Advisory Panel for the assessment of the proposals to amend Appendices I and II of CITES concerning commercially-exploited aquatic species – Rome, 18–22 July 2022. Rome. <https://doi.org/10.4060/cc1931en>

dolphinfish are sometimes included in national fishery management plans, but a more systematic approach to their management is generally necessary before the fisheries exploiting them can be considered to be properly managed.

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

G. Conclusions

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

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

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

35. Progress has been made in improving the reporting of catches of some highly migratory shark species in recent years but with rare exceptions the information available does not allow a comprehensive evaluation of their status. The quality of

future evaluations of performance under the Agreement continues to hinge on substantial improvements in the availability of data on high seas stocks and fisheries.

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

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

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

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

39. The present section provides information on the implementation of the recommendations of the Review Conference made in 2016.²¹ It is based primarily on information received from States and regional fisheries management organizations and arrangements in response to the questionnaire referred to in paragraph 6 above, supplemented by information drawn from various sources, as referenced herein. It should be noted that the limited number of contributions to the report, in particular from developing States, renders it difficult to draw firm conclusions from the information received. Information regarding measures taken by non-parties to the Agreement was also limited. Moreover, the responses received to the questionnaire also tended to focus on areas in which progress had been achieved rather than on implementation gaps.

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

41. For ease of reference, the present Part is divided into four sections, corresponding to the categories of the recommendations agreed in 2016. They are conservation and management of stocks; mechanisms for international cooperation

²¹ A//CONF.210/2016/5, annex.

and non-members; monitoring, control and surveillance, and compliance and enforcement; and developing States and non-parties to the Agreement.²²

A. Conservation and management of stocks

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

1. Measures taken at the national and international levels

Adoption and implementation of measures

43. At the Review Conference in 2016, States Parties committed to improve, through adoption and implementation of effective conservation and management measures, the current status of fish stocks and, by 2020, to effectively regulate harvesting and end overfishing, IUU fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield. This commitment, consistent with the 2030 Agenda,²³ was likewise echoed at the 2022 Ocean Conference.²⁴

44. Some States reported on actions taken to adopt and fully implement effective conservation and management measures through legislation, policies and plans.²⁵

45. European Union reported that significant progress had been made in the past ten years to bring fishing pressure sustainable levels, with the number of stocks managed at maximum sustainable yield in the northeast Atlantic increasing from five in 2009 to 62 in 2020, including through multi-annual and multi-species plans, landing obligations and regionalisation of measures under its Common Fisheries Policy.

46. One State noted its participation in regional and global initiatives to improve the status of fish stocks, including the IUU Fishing Action Alliance.²⁶ Another State noted it was party to international instruments aimed at the long-term conservation and sustainable use of fish stocks.²⁷

²² Recommendations relating to developing States and non-parties in separate sections of the 2016 recommendations have been merged into a single section here to follow previous reports.

²³ See 2030 Agenda, target 14.4.

²⁴ See Outcome of the 2022 Ocean Conference, General Assembly resolution 76/296, annex, “Our ocean, our future, our responsibility”, para. 13(b).

²⁵ Bulgaria, Canada, Chile, European Union, Japan, Philippines, Togo, United Kingdom and United States of America.

²⁶ United Kingdom.

²⁷ Mauritius.

47. Some States reported on their commitment to improve the status of relevant stocks through participation in and cooperation with RFMOs/As²⁸ and to fully implement the conservation and management measures adopted by those organisations.²⁹

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

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

50. RFMOs also reported on measures taken to improve the status of straddling fish stocks and highly migratory fish stocks, including through cooperation and collaboration between RFMOs on the exchange of information on IUU vessels. NEAFC continued to review its measures in light of developing science and policy, including the recommendations of the Review Conference. WCPFC was developing harvest strategies for its four major tuna stocks and recently adopted a revised harvest strategy for Pacific bluefin tuna fisheries, including new harvest control rules.

Application of the precautionary and ecosystem approaches

51. The importance of applying precautionary and ecosystem approaches to fisheries management has been emphasized by the Review Conference in each of its meetings, as well as in many other international instruments and fora.³⁰

52. States and RFMO/As reported on progress in applying the precautionary and ecosystem approaches to fisheries management and sustainably managing and protecting marine and coastal ecosystems in order to avoid significant adverse impacts, as called for in the 2030 Agenda,³¹ including through legislation, policies and conservation and management measures.³²

53. The European Union applied the precautionary approach in setting annual fishing opportunities for fish stocks, by seeking to ensure maximum sustainable

²⁸ Japan.

²⁹ Australia, European Union, Philippines,

³⁰ See for example, Outcome of the 2022 Ocean Conference, General Assembly resolution 76/296, annex, “Our ocean, our future, our responsibility”, paras. 13 chapeau and 13(f) and General Assembly resolution 76/71, paras. 17 and 18.

³¹ See 2030 Agenda, target 14.2.

³² Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, United States, GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO and WCPFC.

yield exploitation rates based on biological advice that incorporated precautionary considerations, and when such advice was not available, by introducing a precautionary buffer in the scientific assessments to avoid as much as possible the risk of unsustainable stock dynamics or stock collapse.

54. Some States also reported on specific measures taken, for example, harvest strategies,³³ prohibitions based on breeding period, area or gear type, including prohibitions on beam and bottom trawling,³⁴ fishing gear limitations,³⁵ alerting devices to reduce by-catches,³⁶ monitoring, control and surveillance measures,³⁷ national plans of action,³⁸ integrated fisheries management plans,³⁹ multiannual management plans⁴⁰ and closed and marine protected areas.⁴¹

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

56. Some States also reported on efforts to ensure the application of the precautionary and ecosystem approaches in decision-making in RFMO/As in which they participated,⁴² including through measures to reduce and mitigate incidental catches of protected species.⁴³ European Union supported the development of management procedures and harvest strategies in RFMOs compatible with the principles of the precautionary approach. In SPRFMO, the European Union proposed a new conservation and management measure to regulate the squid fishery, including the introduction of an effort limit and it continued to push for the establishment of new marine protected areas in CCAMLR. The ecosystem monitoring program in CCAMLR, established in 1989, aimed to detect and record significant changes in critical components of the marine ecosystem and their principal causes.⁴⁴

57. ICCAT adopted an amendment to its convention to enshrine these principles and it will enter into force once ratified by the sufficient number of parties. NAFO conducted a comprehensive review of its precautionary approach framework, with changes expected to be implemented changes by 2024. Its scientific council developed an ecosystem roadmap that applied a three-tier approach to ecosystem management, namely, the state of the ecosystem, multi-species assessment and individual stock assessments. In 2020, NAFO also adopted in principle an ecosystem productivity reference point to complement single stock assessments and to help inform management decisions regarding the potential risk of ecosystem

³³ Australia.

³⁴ Bulgaria.

³⁵ European Union.

³⁶ European Union.

³⁷ Bulgaria.

³⁸ Mauritius.

³⁹ Canada.

⁴⁰ European Union.

⁴¹ Australia and European Union.

⁴² Canada, European Union and United Kingdom.

⁴³ European Union.

⁴⁴ www.ccamlr.org/en/science/ccamlr-ecosystem-monitoring-program-cemp.

overfishing. NAFO had closed approximately 14 per cent of its regulatory area to bottom fishing to protect VMEs and vulnerable seamounts.

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

59. NPFC adopted conservation and management measures for all priority species that prevent NPFC Members from expanding fisheries from historical levels until a stock assessment has been completed.

60. A comprehensive shark measure in WCPFC adopted in 2019 (CMM 2019-04) provided for the conservation of shark species, including safe release requirements.

61. Some States and RFMO/As reported on actions to improve scientific research in support of fisheries management.⁴⁵ European Union provided substantial funding to RFMO/As to conduct scientific research for the definition and operationalization of an ecosystem approach to fisheries management. GFCM established a permanent working group on VMEs and essential fish habitats to strengthen implementation of an ecosystem approach by promoting and conducting scientific research in support of fisheries management.

62. SIOFA conducted scientific research in support of fisheries management, including stock assessments and risk assessments, resulting in a ban on targeting sharks. It also assessed the impact of bottom fisheries and improved its scientific knowledge for the management of bottom impacts on VMEs.

63. FAO supported Member countries and RFMO/As in developing their capacity to plan, develop and implement fisheries management, applying the ecosystem approach to fisheries, aiming at reinforcing the resilience of fisheries systems in support of food and nutritional security for current and future generations. FAO also undertook capacity-building to assist States to implement an ecosystem approach to fisheries through national policy and legal frameworks.⁴⁶

Determination of reference points or provisional reference points for specific stocks

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

65. States reported on actions taken in accordance with the precautionary approach and the guidelines in annex II to determine precautionary target and limit reference

⁴⁵ Australia, Bulgaria, European Union, SIOFA and WCPFC.

⁴⁶ Also see FAO Fisheries and Aquaculture Technical Paper No. 651, "Regional fisheries management organizations and advisory bodies. Activities and developments, 2000-2017" at: <https://www.fao.org/3/ca7843en/ca7843en.pdf>.

points for specific stocks, as well as provisional reference points,⁴⁷ including in RFMO/As to which they were a party.⁴⁸

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

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

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

69. RFMO/As also reported on actions to determine precautionary target and limit reference points for specific stocks, as well as provisional reference points.⁴⁹ GFCM reported on its recommendations, including on the definition of a minimum conservation reference size for priority stocks in the Mediterranean Sea. Nearly 80 stocks had been assessed and analyses of most of the key fisheries had been carried out in 2021/2022. Management strategies and reference points were determined in ICCAT for Atlantic northern albacore and Atlantic bluefin tuna and similar programs were in development for north Atlantic swordfish and Atlantic Tropical tunas. Precautionary reference points were established for 10 NAFO-managed stocks and work was ongoing to revise the NAFO precautionary approach framework by 2023.

70. The SEAFO Commission published total allowable catch reports with stock-specific reference points for several species.⁵⁰ IOTC was generally in line with best practices identified through the Kobe Process, however, advice was often based on limited information, due to insufficient compliance with data collection and reporting obligations and, in some cases, limited involvement of developing coastal States in the science processes.⁵¹

71. Several States reported on activities, including capacity-building to improve science in the determination of reference points,⁵² including contributions to the

⁴⁷ Australia, Bulgaria, Canada, Chile, European Union, Japan, Philippines, Togo, United Kingdom and United States.

⁴⁸ Australia, Bulgaria, European Union, Japan and Mauritius.

⁴⁹ GFCM, ICCAT, NAFO, NEAFC, NPFC, SIOFA, SPRFMO and WCPFC.

⁵⁰ <http://www.seafo.org/Management/TACs>.

⁵¹ See Status summary for species of tuna and tuna-like species under the IOTC mandate, as well as other species impacted by ITOC fisheries, available at: <https://iotc.org/science/status-summary-species-tuna-and-tuna-species-under-iotc-mandate-well-other-species-impacted-iotc>, as well as 2016 Report of the 2nd IOTC Performance Review, available at: <https://iotc.org/documents/report-26th-session-indian-ocean-tuna-commission>.

⁵² European Union, Saudi Arabia and United Kingdom.

scientific work of RFMO/As or financing necessary research.⁵³ The United Kingdom continued to fund research into reference points and stock assessment methods and provided a significant scientific contribution to ICES.

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

72. The importance of strengthening efforts to study and address environmental factors affecting marine ecosystems and fish stocks, including adverse impacts of climate change and ocean acidification, was emphasized at the Review Conference in 2016, as well as in other fora.⁵⁴

73. Several States and RFMO/As reported on these efforts, including specific projects and programmes relating to climate change and ocean acidification.⁵⁵ Australia was undertaking a program to ensure climate impacts were incorporated into fisheries management, including through improved integration of climate research into decision-making, tracking of climate indicators relevant to priority fisheries and working with stakeholders to identify adaptation options. Australia's national fisheries plan for 2022-2030 included a key theme of adaptation to climate change and associated actions.

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

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

76. Japan promoted sustainable food and fishing vessel electrification as forms of mitigation and implemented an adaptation plan for agriculture forestry and fisheries. The United Kingdom funded the Marine Climate Change Impacts Partnership to provide independent evidence and adaptation advice on marine coastal climate change impacts. It was also a partner in the Global Ocean Acidification Observing

⁵³ European Union.

⁵⁴ See, for example, General Assembly resolution 76/71, para. 11, 15-16 and 189.

⁵⁵ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, United States, GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SPRFMO and WCPFC.

Network to share scientific information and best practices for detecting the drivers and impacts of ocean acidification. Togo and the United States of America also reported taking action to strengthen efforts to study and address environmental factors affecting marine ecosystems and fish stocks.

77. GFCM was launching a GEF-funded project for 2023 that included activities on the formulation of adaptation strategies to climate change. Climate change was also addressed by the GFCM 2030 Strategy in its target on threats to fisheries and the marine environment.

78. To strengthen efforts to study and address environmental factors affecting marine ecosystems, NAFO's scientific council advised on climatic conditions of the northwest Atlantic and influences on fisheries. A review on progress on science and advice related to multispecies issues and climate change effects for the ecosystems and stocks was annually provided by ICES.

79. NPFC cooperated with PICES and conducted collaborative activities on stock assessment and VMEs, including analyses of impacts of climate change on target stocks and marine ecosystems.

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

81. FAO implemented a range of activities to support effective adaptation and mitigation concerning the impacts of climate change,⁵⁶ including an adaptation programme to implement projects for the fisheries and aquaculture sector in different regions. FAO also carried out awareness raising and training activities including through publicly available e-learning courses.⁵⁷ FAO's mitigation work focused on identifying opportunities for renewable energy in small-scale fisheries value chains and accounting for fuel use and carbon emissions in industrial fisheries.

Achievement of compatible measures

82. Based on the compatibility provisions set out in article 7 of the Agreement, the Review Conference in 2016 called on States Parties to, inter alia, strengthen efforts to improve cooperation between flag States and coastal States, including within RFMO/As, to ensure compatibility of measures for the high seas and for areas under national jurisdiction.

83. A number of States reported on actions to achieve compatibility of measures, including through RFMO/As in which they were members.⁵⁸ Canada reported that

⁵⁶ See e.g. "Impacts of climate change on fisheries and aquaculture - Synthesis of current knowledge, adaptation and mitigation options", FAO Fisheries and Aquaculture Technical Paper 627, Rome 2018 at: <http://www.fao.org/3/i9705en/i9705en.pdf>.

⁵⁷ See FAO e-learning on Fisheries and aquaculture responses to emergencies (FARE) at: <https://elearning.fao.org/course/view.php?id=789>; FAO e-learning on Climate change adaptation and mitigation in fisheries and aquaculture at: <https://elearning.fao.org/course/view.php?id=544>; and FAO e-learning on Climate-smart fisheries and aquaculture at: <https://elearning.fao.org/course/view.php?id=579>.

⁵⁸ Australia, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo and

measures taken within NAFO concerning the identification and protection of VMEs were complementary to its domestic approach. Chile was making efforts to cooperate with distant water fishing States to adopt conservation and management measures for straddling jack mackerel. Mauritius reported on fishing agreements with distant fishing nations that included clauses to ensure compatibility of measures.

84. RFMO/As also reported taking such actions, including practical options for promoting compatibility of measures.⁵⁹ ICCAT's measures and management recommendations were compulsory for territorial waters as well for areas beyond national jurisdiction for all contracting parties and national measures needed to be at least as restrictive as ICCAT recommendations.

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

Development of area-based management tools

86. The importance of developing area-based management tools, including closed areas, marine protected areas and marine reserves, to effectively conserve and manage fish stocks and protect habitats, marine biodiversity and VMEs, has been emphasized in numerous fora, including at the Review Conference in 2016.⁶⁰

87. Several States reported taking action to develop area-based management tools, including area-based closures, marine protected areas, marine reserves, spawning closures, fishing gear restrictions, harvest strategies, bycatch reduction measures, vessel management plans and ecological risk management strategies,⁶¹ for a variety of aims, including to protect VMEs and endangered species. In addition, States reported on monitoring, control and surveillance measures to support implementation of area-based management tools, including aerial and vessel surveillance, surveys and acoustic monitoring.

88. Some States also reported on actions to support implementation of area-based management tools in RFMOs in which they participated, including through

United States.

⁵⁹ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC

⁶⁰ See for example, target 14.5 of "Transforming our world: the 2030 Agenda for Sustainable Development", General Assembly resolution 70/1.

⁶¹ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom and United States.

management of fish aggregating devices, temporary closures of fishing grounds and protection of VMEs.⁶²

89. Canada reported protecting 14.66 per cent of its oceans, including 14 marine protected areas and 59 marine refuges, and was committed to increasing protection of marine and coastal areas to 25 per cent by 2025 and 30 per cent by 2030. Canada developed strategies that outlined conservation objectives and the use of area-based management to protect cold-water coral and sponge areas. Chile established four types of marine protected areas, which together covered more than forty per cent of its exclusive economic zone.

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

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

92. RFMO/As also reported on area-based management tools, as well as monitoring, control and surveillance tools for the implementation of area-based management tools, including for example, mandatory fisheries observers.⁶³

93. CCAMLR approved a general framework for establishing marine protected areas that were representative of the marine ecosystems in its convention area and could include restricted, prohibited or managed activities. It planned to hold a special meeting in 2023 to consider three proposals for the development of new marine protected areas. Besides adopted measures, GFCM organized an ad-hoc technical seminar on fisheries restricted areas in 2022 to share experiences on the management and control of such areas and identify minimum conservation measures and monitoring, control and surveillance standards. Several time and area closures were implemented in ICCAT, specifically, closed seasons for certain gears in the bluefin fishery, fish aggregating device closures in the tropical tuna fisheries and closed seasons for Mediterranean albacore and swordfish. SEAFO area closures for the protection of VMEs entered into force in 2016.⁶⁴ SEAFO also introduced ongoing moratoria on the exploitation of the Patagonian toothfish.⁶⁵

94. Closures in NAFO were based on analyses of historic survey data, dedicated research cruises and species habitat modelling to ensure they were appropriately located and sized. NAFO currently implemented fourteen closures to protect corals, sponges and seapens, as well as twelve closures to protect all seamount of fishable

⁶² Japan, European Union and United Kingdom.

⁶³ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO and WCPFC.

⁶⁴ [http://www.seafo.org/media/8933d489-854c-4c99-895e-](http://www.seafo.org/media/8933d489-854c-4c99-895e-66573c7010a4/SEAFOweb/CM/open/eng/CM30-15_pdf)

[66573c7010a4/SEAFOweb/CM/open/eng/CM30-15_pdf](http://www.seafo.org/media/8933d489-854c-4c99-895e-66573c7010a4/SEAFOweb/CM/open/eng/CM30-15_pdf), Annex 2.

⁶⁵ <http://www.seafo.org/Management/TACs>.

depth. NEAFC had area-based management tools for the protection of stocks/spawning grounds for certain stocks. NEAFC reported that bottom fishing was not occurring in the majority of its regulatory area due to the exploratory fishing requirement in restricted areas.

95. FAO was working to ensure that area-based management tools were dynamic and flexible in order to account for ecological connectivity, responsive to stakeholder needs and effective in achieving their objectives. From 2014 to 2022, the FAO Deep Sea project focused on, inter alia, improving implementation of existing policy and legal frameworks in areas beyond national jurisdiction; reducing adverse impacts on VMEs; improving planning and adaptive management for deep-sea fisheries; and developing and testing methods for area-based planning. The project worked closely with the Secretariat of the Permanent Commission for the South Pacific in the Southeast Pacific and the Nairobi Convention Secretariat in the Western Indian Ocean to develop a framework to support cross-sectoral area-based planning in areas beyond national jurisdiction and contributed to the establishment of 18 new VME sites in CCAMLR, GFCM, NPFC, SEAFO and SIOFA.⁶⁶

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

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

97. Reduction of fishing capacity has been a recurrent theme at the Review Conference, with the outcome in 2016 reaffirming the commitment to urgently reduce the capacity of the world’s fishing fleets to levels commensurate with the sustainability of fish stocks.⁶⁷

98. Many States reported on actions taken or measures in place to reduce or limit capacity.⁶⁸ A number of approaches were indicated, including transferable quotas,⁶⁹ closures,⁷⁰ moratoria on fishing vessel licenses,⁷¹ development of national action plans for fishing capacity,⁷² policy flexibility and license retirement programmes,⁷³ registries,⁷⁴ adjustment targets,⁷⁵ license withdrawal,⁷⁶ reduction of licenses issues to

⁶⁶ A VME portal was created and maintained in collaboration with RFMOs to serve as a hub to document measures taken to manage bottom fisheries and to establish VMEs at:

<https://www.fao.org/in-action/vulnerable-marine-ecosystems/vme-database/en/vme.html>.

⁶⁷ See also target 14.6 of the 2030 Agenda.

⁶⁸ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo and United States.

⁶⁹ Australia.

⁷⁰ Canada, Philippines, Saudi Arabia,

⁷¹ Philippines, Saudi Arabia.

⁷² Philippines.

⁷³ Canada.

⁷⁴ Chile.

⁷⁵ European Union.

⁷⁶ Togo.

foreign vessels,⁷⁷ and the promotion of and financial support for capacity management at RFMO/As.⁷⁸ European Union noted an increase in profitability connected to the reduction of capacity.

99. Some States reported on measures to improve transparency, which included information sharing with the global record of fishing vessels, regional registries, and regional fisheries management organization records of fishing vessels,⁷⁹ as well as the publication of aggregate data on commercial fishing licenses.⁸⁰

100. Several RFMO/As reported having taken action in relation to fishing capacity,⁸¹ including closures,⁸² recommendations and guidelines on management of fishing capacity,⁸³ expansion limitation,⁸⁴ and capacity and catch limits for certain species⁸⁵ or limits on certain types of vessels,⁸⁶ as well as authorized vessel lists.⁸⁷

Elimination of subsidies that contribute to IUU fishing, overfishing and overcapacity

101. In addition to the recommendations made by the Review Conference, the 2030 Agenda called on Member States to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to IUU fishing and refrain from introducing new such subsidies.⁸⁸ This commitment was also echoed in General Assembly resolutions on sustainable fisheries.

102. Several States highlighted the adoption by the WTO of the Agreement on Fisheries Subsidies,⁸⁹ which prohibits subsidies to illegal, unregulated, and unreported fishing, fishing of overfished stocks, and unregulated high seas fishing. This Agreement was the outcome of more than 20 years of negotiations, adopted following a call by the Secretary-General, to progress toward the commitment enshrined in the 2030 Agenda.⁹⁰ Australia noted that this landmark achievement was the first WTO agreement to address ocean sustainability and delivers on Sustainable Development Goal Target 14.6. In addition, WTO members committed to continue negotiations to develop further disciplines to address overcapacity and overfishing. European Union committed EUR 1 million to the WTO Fisheries Funding Mechanism to provide technical assistance and capacity-building with respect to

⁷⁷ Mauritius.

⁷⁸ European Union.

⁷⁹ Philippines.

⁸⁰ Canada.

⁸¹ GFCM, ICCAT, NPFC, SPRFMO, WCPFC

⁸² ICCAT. See also SEAFO <http://www.seafo.org/Management/TACs>.

⁸³ GFCM.

⁸⁴ NPFC, ICCAT.

⁸⁵ ICCAT, SPRFMO, WCPFC. Also CCAMLR, see <https://www.ccamlr.org/en/document/publications/ccamlr-brochure>, p.9.

⁸⁶ WCPFC.

⁸⁷ SEAFO, see <http://www.seafo.org/Management/Authorized-Vessel-List>.

⁸⁸ See Target 14.6 of “Transforming our world: the 2030 Agenda for Sustainable Development”, General Assembly resolution 70/1.

⁸⁹ Australia, European Union, Japan and Saudi Arabia.

⁹⁰ <https://www.reuters.com/business/environment/un-chief-urges-world-leaders-clinch-wto-fisheries-deal-document-shows-2021-10-11/>.

commitments and derivation of benefits under the Agreement on Fisheries Subsidies.

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

104. States reported on the absence of, elimination of, or actions taken towards elimination of, subsidies that contribute to IUU fishing, overfishing and overcapacity.⁹¹ Several States noted that financial support provided to fishers was only for limited purposes that would not subsidize IUU fishing or industrial fishing.⁹² The European Union overhauled its programme of financial assistance for fishing-related investment, governed by a new regulation that was effective from July 2021, which contained strong safeguards to prevent investment in overcapacity or IUU fishing.

Lost, abandoned or otherwise discarded fishing gear including marine debris

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

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

107. Several States reported on efforts to prevent and mitigate the impacts of lost, abandoned or otherwise discarded fishing gear,⁹³ including concerning collection, disposal, quarantine and recycling;⁹⁴ clean-up efforts;⁹⁵ recovery or retrieval;⁹⁶ reception facilities;⁹⁷ reporting;⁹⁸ marking;⁹⁹ mandatory tagging;¹⁰⁰ funding

⁹¹ Canada, Chile, European Union, United States and Philippines.

⁹² Canada, Chile, European Union and Togo

⁹³ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo and United States.

⁹⁴ Australia.

⁹⁵ Bulgaria.

⁹⁶ European Union, Japan and Philippines.

⁹⁷ Bulgaria and Philippines.

⁹⁸ Canada and European Union.

⁹⁹ European Union.

¹⁰⁰ Canada.

programmes;¹⁰¹ gear characteristics;¹⁰² prohibitions on certain types of gear;¹⁰³ and recycling.¹⁰⁴ Several RFMO/As reported on measures to prevent and mitigate the impacts of lost, abandoned or otherwise discarded fishing gear,¹⁰⁵ including reporting,¹⁰⁶ gear marking¹⁰⁷ and retrieval¹⁰⁸ requirements. CCAMLR prohibited the use of certain types of fishing gear and required members to report any accidental loss of fishing gear.¹⁰⁹ GFCM adopted measures, including a prohibition on abandoning or discarding gear except in conditions of force majeure. ICCAT promoted bio-degradable materials for fishing gear. IOTC adopted measures in relation to fish aggregating devices to reduce marine debris.¹¹⁰ SEAFO had conservation measures concerning gear retrieval and reporting lost gear, as well as a prohibition on abandonment.¹¹¹ WCPFC reported on measures concerning the responsible management of drifting fish aggregating devices, carrying equipment to facilitate their retrieval, as well as the prohibition of mesh netting on fish aggregating devices and encouragement of use or transition to non-plastic and biodegradable materials in the construction of fish aggregating devices.

108. Several States reported on efforts to improve cooperation concerning lost, abandoned or otherwise discarded fishing gear, including marine debris, including in the context of RFMO/As.¹¹² These included supporting the adoption of relevant measures, including regarding pollution and marine debris, promoting information sharing and transparency concerning lost gear,¹¹³ and participation in workshops and trials on gear marking technology.¹¹⁴

109. Several States also reported on the wider problems of pollution of the marine environment and the challenge of marine debris, including plastics and microplastics, including measures and efforts undertaken¹¹⁵ and efforts towards a new global agreement on plastic pollution.¹¹⁶

110. FAO developed the Voluntary Guidelines on the Marking of Fishing Gear in 2018 (Voluntary Guidelines) and a comprehensive global strategy to tackle issues relating to abandoned, lost and otherwise discarded fishing gear and to support implementation of the Voluntary Guidelines. It also developed a manual for the marking of fishing gear, a framework for risk-based assessment for implementation of gear marking, and guidelines for the operationalization of the Voluntary Guidelines in the IOTC area of competence. FAO highlighted its work with the

¹⁰¹ Canada and European Union.

¹⁰² Chile.

¹⁰³ European Union.

¹⁰⁴ Philippines.

¹⁰⁵ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO and WCPFC.

¹⁰⁶ NAFO, NPFC, SIOFA and WCPFC.

¹⁰⁷ GFCM and NEAFC.

¹⁰⁸ ICCAT, NEAFC and NPFC.

¹⁰⁹ <https://www.ccamlr.org/en/document/publications/ccamlr-brochure>, p. 11.

¹¹⁰ <https://iotc.org/cmms>.

¹¹¹ http://www.seafo.org/media/cd9e3911-2a7f-4db4-ba17-e8a74ba12021/SEAFOweb/pdf/System/SEAFO%20SYSTEM%202019_.pdf.

¹¹² Australia, Chile and European Union.

¹¹³ Australia.

¹¹⁴ Chile.

¹¹⁵ Australia, European Union, Philippines.

¹¹⁶ Australia.

IMO, funded by Norway, Australia and Saudi Arabia, in the GloLitter Partnerships project, as well as collaboration through the FAO and IMO co-sponsored Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) Working Group 43 on Sea-based Sources of Marine Litter with the support of UNEP. Based on its recommendations, FAO developed a global survey on gear loss, as well as publication of a study in 2022 examining legal aspects of abandoned, lost or otherwise discarded fishing gear in the context of marine fisheries. FAO also reported on the work of the EAF Nansen Programme on marine litter and microplastics.

Data collection and sharing of information

111. Calls to improve data collection and sharing of information have been emphasized in the recommendations of the Review Conference, General Assembly resolutions on sustainable fisheries and commitments announced at the 2022 United Nations Ocean Conference.¹¹⁷

112. Many States and RFMO/As reported on their data collection and sharing systems and programmes,¹¹⁸ or noted that action had been taken in this regard,¹¹⁹ including by highlighting relevant national¹²⁰ or regional legislation.¹²¹ RFMO/As also reported on specific recommendations, requirements and resolutions relevant to data collection and information sharing.¹²² These included recommendations and requirements concerning data collection and information sharing concerning catch data and fishing effort;¹²³ access to information and data related to monitoring, control and surveillance;¹²⁴ data management and dissemination;¹²⁵ reporting;¹²⁶ and data standards.¹²⁷ NEAFC also noted that its contracting parties implemented national data collection programmes that contributed to ICES's work.

113. Several States highlighted actions or mechanisms to improve the collection and sharing of data,¹²⁸ also within the context of RFMO/As,¹²⁹ including implementation of electronic logbooks,¹³⁰ on-board camera systems to control discard,¹³¹ mandatory electronic reporting systems,¹³² compliance monitoring,¹³³

¹¹⁷ See Outcome of the 2022 Ocean Conference, General Assembly resolution 76/296, annex, "Our ocean, our future, our responsibility", para. 14(a).

¹¹⁸ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom, GFCM, ICCAT, NAFO, NEAFC, NPFC, SIOFA, SPRFMO and WCPFC. NPAFC highlighted its reporting obligations, publications and open data as relevant measures.

¹¹⁹ United States.

¹²⁰ Chile, Philippines and Togo.

¹²¹ European Union.

¹²² GFCM, ICCAT, IOTC, NAFO, NEAFC, NPFC, SIOFA, SPRFMO and WPCF.

¹²³ GFCM, ICCAT, IOTC, NAFO and WCPFC.

¹²⁴ GFCM and NPFC.

¹²⁵ IOTC, SIOFA and WCPFC.

¹²⁶ GFCM, NAFO, NPFC and SIOFA.

¹²⁷ SPRFMO.

¹²⁸ Canada, Chile and European Union.

¹²⁹ Australia, Canada and European Union.

¹³⁰ Canada.

¹³¹ Chile.

finances for non-compliance,¹³⁴ points systems to address consistent offending,¹³⁵ performance assessments,¹³⁶ publicity obligations,¹³⁷ regional coordination,¹³⁸ and development of agreements and arrangements between RFMO/As to share information where there are linkages or overlap in fish species or areas of competencies.¹³⁹

114. RFMOs highlighted programmes and measures to improve data collection and information sharing.¹⁴⁰ Since 2017, NAFO's catch estimate advisory strategy group had transmitted annual catch estimates derived from various data sources to its scientific council for consideration in fish stock assessments. NAFO's joint advisory group on data management, together with NEAFC, aimed to promote harmonization in fishing vessel reporting. NEAFC improved data collection concerning bans on targeting fishing and bycatch through its new electronic reporting system. SIOFA worked to improve collection of data. WCPFC's scientific committee regularly discussed improvements to data collection from different sources.

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

FAO data arrangements and the global fisheries statistics database

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

117. Many States reported taking action or providing relevant information to FAO,¹⁴¹ or recognized a commitment to do so.¹⁴² Some States highlighted their

¹³² Philippines.

¹³³ European Union.

¹³⁴ United Kingdom.

¹³⁵ United Kingdom.

¹³⁶ European Union.

¹³⁷ European Union.

¹³⁸ European Union.

¹³⁹ Australia.

¹⁴⁰ NEAFC also established a study group to develop common standards for salmon and their ocean ecosystems.

¹⁴¹ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, United Kingdom and

publications¹⁴³ or legislation¹⁴⁴ concerning data sharing. European Union highlighted an administrative arrangement signed with FAO that aimed to provide a framework for strategic cooperation to strengthen collaboration in data sharing.

118. Several RFMO/As reported cooperation with FAO in relation to data sharing,¹⁴⁵ while others noted that members provided fishery statistics and other information on fisheries directly to FAO.¹⁴⁶ WCPFC presented annual catch estimates in the WCPFC Tuna Fishery Yearbook. Some RFMO/As also highlighted participation in FAO initiatives to improve data collection and dissemination,¹⁴⁷ or possible future collaboration.¹⁴⁸

119. FAO reported on its statistics programme, established to monitor the contribution of fisheries and aquaculture to food security and other socio-economic factors. Through a coordinating mechanism on fishery statistics, FAO could help coordinate among RFMO/As the adoption of common concepts, data types and formats to facilitate data exchange at the global level. FAO noted that the best approach toward achieving the global statistics database would be for all relevant organizations or arrangements to agree to collect and disseminate such information. FAO collaborated with RFMO/As¹⁴⁹ on the modification of the statistical divisions' boundaries, with the aim of obtaining separate data between catches taken inside and outside the exclusive economic zones of coastal States, and building capacity.

Conservation and management of sharks

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

121. Many States reported on existing national conservation and management measures in relation to sharks,¹⁵⁰ while several noted action taken or the adoption of new or updated legislation.¹⁵¹ Since the 2016 Review Conference, three States reported establishing national plans of action in line with the IPOA-Sharks,¹⁵² while others reported on the continued implementation of such plans.¹⁵³ Several RFMOs reported on action or proposed action to strengthen the conservation and

United States.

¹⁴² Saudi Arabia.

¹⁴³ Philippines.

¹⁴⁴ Togo.

¹⁴⁵ GFCM, ICCAT, NAFO, NEAFC, SIOFA and SPRFMO.

¹⁴⁶ NPAFC and NPFC.

¹⁴⁷ NAFO, NEAFC, SIOFA and SPRFMO. See also SEAFO <http://www.seafo.org/Science/FIRMS>.

¹⁴⁸ NPFC.

¹⁴⁹ NEAFC, SEAFO, CECAF, WECAFC, CRFM, OSPESCA, RECOFI and Fisheries Committee for the West Central Gulf of Guinea (FCWC).

¹⁵⁰ Australia, Canada, Chile, European Union, Japan, Mauritius, Philippines and United Kingdom.

¹⁵¹ Bulgaria, Canada, European Union, Mauritius Togo and United States.

¹⁵² Chile, Mauritius and Philippines.

¹⁵³ Australia and European Union.

management of sharks.¹⁵⁴ NPFC was currently considering a proposal for shark protection in its convention area. It was noted that CCAMLR had existing conservation measures including a prohibition in its conservation area and rules on accidental bycatch,¹⁵⁵ while IOTC had four existing measures concerning whale sharks, ocean whitetip sharks, thresher sharks and a general shark bycatch mitigation.¹⁵⁶

122. Concerning stock assessments, Bulgaria reported on the use of data collected on piked dogfish in biological assessments, based on which recommendations were issued. Philippines maintained an on-going “red list” assessment of certain species of sharks. Some RFMO/As reported that stock assessments¹⁵⁷ and risk assessments¹⁵⁸ were undertaken on various shark stocks.

123. Several States provided information regarding their science-based conservation and management measures.¹⁵⁹ For example, the European Union set catch limits for select shark species that could be fished sustainably on the basis of scientific advice. Chile participated in the Memorandum of Understanding on the Conservation of Migratory Sharks, which aimed to conserve migratory shark species, inter alia, on the basis of the best available scientific information.

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

125. Several States reported on existing¹⁶⁰ or strengthened¹⁶¹ domestic legislation that prohibited shark finning. Canada also prohibited the import and export of shark fins that were not naturally attached to the carcass. The United Kingdom was in the process of enacting an import/export prohibition. Saudi Arabia issued penalties in relation to bycatch and shark finning. Some States described actions to ban finning at sea,¹⁶² or to promote “100 per cent retrieval”¹⁶³ or “shark fins-attached”¹⁶⁴ policies at global or regional levels.

¹⁵⁴ GFCM, ICCAT, NAFO, NEAFC, NPFC, SIOFA, SPRFMO and WCPFC. See also CCAMLR <https://cm.ccamlr.org/en/measure-32-18-2006> and IOTC <https://iotc.org/documents/report-26th-session-indian-ocean-tuna-commission>.

¹⁵⁷ WCPFC. See also IOTC iotc.org/documents/report-26th-session-indian-ocean-tuna-commission, pp. 14-15.

¹⁵⁸ SPRFMO.

¹⁵⁹ Canada, European Union and United Kingdom.

¹⁶⁰ Chile, European Union and United Kingdom.

¹⁶¹ Canada.

¹⁶² Australia.

¹⁶³ Japan.

¹⁶⁴ European Union.

126. Some RFMO/As reported on existing measures that prevented or prohibited shark-finning¹⁶⁵ or prohibited the removal of fins at sea.¹⁶⁶

127. With regard to conservation and management of sharks, FAO played a leading role in providing technical support and assisting member States in sustainably managing shark resources. From 2001 to 2021, 45 countries had developed national plans of action and a further 14 were in progress. Moreover, nine regional plans of action had been developed, and two were in progress. FAO also surveyed work by RFMO/As assessing impacts on deep water sharks through the FAO Deep Sea project, with a follow up project that will support RFMO/As in collecting data and assessing impacts. FAO also reported on its work and strengthened collaboration with CITES under a 2006 memorandum of understanding, including on the listing of shark species.

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

Conservation and management measures for deep-sea fisheries

129. The Review Conference addressed the issue of conservation and management measures for deep-sea fisheries in 2006, 2010 and 2016, given that several deep-water species are considered to be straddling fish stocks or discrete high seas fish stocks. This issue has also since received increased attention by the General Assembly in its reviews of action taken by States and RFMO/As to address the impacts of bottom fishing on VMEs and the sustainability of deep sea fish stocks.¹⁶⁷

130. Measures taken by RFMO/As to regulate bottom fishing in areas beyond national jurisdiction and their implementation,¹⁶⁸ as well as additional measures voluntarily taken in areas covered by such organizations and arrangements, were highlighted in the contributions by States.¹⁶⁹

131. Several RFMO/As also reported taking action to establish long-term conservation and management measures for deep-sea fisheries, including establishment of fisheries restrictive areas, enforcement of strict vessel protocols, and receipt of scientific advice on deep sea stocks, in accordance with the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.¹⁷⁰

¹⁶⁵ NAFO and WPFC.

¹⁶⁶ NEAFC.

¹⁶⁷ See www.un.org/depts/los/bottom_fishing_workshop.htm.

¹⁶⁸ Australia, Canada, European Union, Japan, Saudi Arabia, Togo, United Kingdom and United States.

¹⁶⁹ Canada, Chile, European Union and United Kingdom.

¹⁷⁰ GFCM, NAFO, NEAFC, NPFC, SIOFA and SPRFMO. See also CCAMLR, Conservation Measure 22-06 (2019), at <https://cm.ccamlr.org/en/measure-22-06-2019>; and SEAFO, at http://www.seafo.org/media/a70ddf0d-1b1a-4d7e-bfd8-46914a5f0aa8/SEAFOweb/pdf/SC/open/eng/SC_Procedures_and_Standards_Appendix_IV.pdf, Appendix IV. See further A/75/57, A/77/155 and www.un.org/depts/los/bfwcontrib.htm.

132. FAO highlighted key activities delivered under its deep-sea project which include, among others, two guidance documents developed on the implementation of international legal and policy instruments related to deep-sea fisheries and biodiversity conservation in the marine areas beyond national jurisdiction.¹⁷¹

Strengthening of the science-policy interface

133. The Review Conference explicitly addressed the issue of the science-policy interface in 2010 and 2016. The issue was also underlined at the 2022 Ocean Conference in “Our ocean, our future, our responsibility”, when it highlighted the importance of relevant processes, such as the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects to ensure that policy is informed by the best-available science.¹⁷² The thirteenth round of Informal Consultations of Parties to the Agreement focused on the topic “Science-policy interface”.¹⁷³

134. Several States reported on actions taken to strengthen interaction between fisheries managers and scientists to ensure that conservation and management measures were based on the best available scientific evidence and met the management objectives set by RFMO/As.¹⁷⁴ Some States underlined their continued support for enhanced dialogue between scientists and managers to foster a better understanding of their respective functions and how they could work more effectively, including for the development of management procedures and harvest strategies,¹⁷⁵ as well as for the work of scientific committees.¹⁷⁶

135. Several RFMO/As indicated that they addressed the science-policy interface through, among other means, implementation of management procedures,¹⁷⁷ scientific councils, committees and working groups,¹⁷⁸ or institutionalised dialogues.¹⁷⁹ GFCM drew attention to the second forum of the Fisheries Science in the Mediterranean and the Black Sea, to be held in February 2024. NAFO established joint science-management working groups to explore more complex issues when drafting recommendations for management measures.

136. Some organizations and arrangements reported actions to strengthen the work of internal bodies providing scientific advice to jointly develop management

¹⁷¹ See also <https://www.fao.org/3/I7009EN/i7009en.pdf>.

¹⁷² See Outcome of the 2022 Ocean Conference, General Assembly resolution 76/296, annex, “Our ocean, our future, our responsibility”, para. 14(h), wherein Member States committed to “Strengthen the science-policy interface for implementing Goal 14 and its targets, to ensure that policy is informed by the best-available science and relevant indigenous, traditional and local knowledge, and to highlight policies and actions that may be scalable, through processes such as the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects”.

¹⁷³ See www.un.org/depts/los/convention_agreements/ICSP13/ICSP13_final_report.pdf.

¹⁷⁴ Australia, Bulgaria, Canada, Chile, European Union, Philippines, Saudi Arabia, Togo, United Kingdom and United States.

¹⁷⁵ Canada, European Union and United Kingdom.

¹⁷⁶ Mauritius.

¹⁷⁷ ICCAT.

¹⁷⁸ NAFO, NEAFC, NPAFC, NPFC, SIOFA and SPRFMO. See also IOTC, <https://iotc.org/science>.

¹⁷⁹ GFCM and WCPFC.

strategies informed by science,¹⁸⁰ while highlighting the need for further improvement. SIOFA noted the need for a regular review that took into account the adverse impacts of climate change and ocean acidification, as called for in the recommendation of the 2016 Review Conference on strengthening the science-policy interface.

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

Establishment of rebuilding and recovery strategies

138. The need to establish rebuilding and recovery strategies for stocks identified as being overfished, with time frames and probabilities of recovery, guided by scientific assessments and periodic evaluation of progress, was explicitly addressed at the Review Conference in 2016.¹⁸¹

139. Most States reported on efforts to establish rebuilding and recovery strategies¹⁸² with measures including, among others, application of the precautionary approach,¹⁸³ implementation of threat abatement and recovery plans,¹⁸⁴ conduct of review and research studies to determine the status of fish stocks.¹⁸⁵ European Union also reported on the establishment of clear rules covering principles, and objectives, among others, under its Common Fisheries Policy where multiannual plans were foreseen as a major tool for progressively restoring populations of fish stocks above biomass levels capable of producing maximum sustainable yield.

140. Several RFMO/As reported on efforts towards establishment of rebuilding and recovery strategies¹⁸⁶ through development of specific rebuilding plans and related harvest control rules,¹⁸⁷ adoption of harvest strategies,¹⁸⁸ application of total allowable catches and quotas,¹⁸⁹ development of adaptive management strategies¹⁹⁰ and setting of moratoriums on fish stocks.¹⁹¹ NEAFC had several bans in place for targeted fishing on several species, however, for certain other stocks that were subject to zero-total allowable catch advice from ICES, such as Irminger Sea

¹⁸⁰ NPAFC, NPFC and SIOFA.

¹⁸¹ See also 2030 Agenda, target 14.4; General Assembly resolution 76/296, annex, para. 13(b).

¹⁸² Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom and United States.

¹⁸³ Canada, European Union and Philippines.

¹⁸⁴ Australia and Chile.

¹⁸⁵ Saudi Arabia and United Kingdom.

¹⁸⁶ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO and WCPFC. See also CCSBT, <https://www.ccsbt.org/en/content/management-procedure>.

¹⁸⁷ SPRFMO.

¹⁸⁸ WCPFC.

¹⁸⁹ SIOFA. See also SEAFO, <http://www.seafo.org/Management/TACs>.

¹⁹⁰ NPFC.

¹⁹¹ NAFO.

redfish, fishing continued due to disagreement among contracting parties about the appropriateness of that scientific advice.

By-catch management and discards

141. By-catch management and discards has been an ongoing issue at the Review Conference since it was first taken up in 2006. Following its recommendation in 2010, FAO endorsed International Guidelines on By-catch Management and Reduction of Discards in 2011.¹⁹²

142. Several States reported taking action relating to by-catch management, including for specific species (such as sharks, marine mammals, reptiles, penguins, and other seabirds), and making efforts to establish mechanisms to monitor and reduce discards.¹⁹³ Examples of reported actions included policy and management strategies to manage impacts of commercial fishing on non-target and protected species, application of landing obligations, integrated fisheries management plans, diagnosis and reduction of discard practices and bycatch, commissioning relevant scientific studies, regulation requiring instalment of juvenile and trash fish excluder device in trawls, issuance of special regulations for using nets and special tools to avoid accidental by-catch to preserve marine species, prohibition of mesh nets in fishing, and developing and trialling by-catch monitoring and mitigation measures.¹⁹⁴ Chile reported that all industrial fleets must report discards and bycatch by haul in electronic fishing logs under its information regulation.

143. Several RFMO/As reported on measures for by-catch management and discards,¹⁹⁵ including for sea turtles and seabirds.¹⁹⁶ CCSBT adopted binding measures and recommendations related to mitigation of bycatch¹⁹⁷ and SEAFO published an annual landing table featuring figures on retained and discarded catches of various species to monitor non-target catch in its convention area.¹⁹⁸

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

144. Improving compliance with the obligations of members or cooperating non-members of RFMO/As, and strengthening mechanisms for promoting compliance, has been addressed by the Review Conference in each of its meetings. The recommendation in 2016 for fully applying conservation and management measures

¹⁹² See A/CONF.210/2010/7, Annex “Outcome of the resumed Review Conference”, recommendation I(1).

¹⁹³ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom and United States.

¹⁹⁴ Australia, Bulgaria, Canada, Chile, European Union, Philippines, Saudi Arabia, Togo and United Kingdom.

¹⁹⁵ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO and WCPFC. See also CCAMLR, <https://cm.ccamlr.org/en/measure-33-02-2022>; <https://cm.ccamlr.org/en/measure-33-03-2022>; and IOTC, <https://iotc.org/documents/bycatch-management-iotc-fisheries>.

¹⁹⁶ GFCM and ICCAT.

¹⁹⁷ See <https://www.ccsbt.org/en/content/bycatch-mitigation>.

¹⁹⁸ See [http://www.seafo.org/media/ac79b435-f429-4216-94cd-de7371790220/SEAFOweb/pdf/Meeting Files/2021/SC/DOC_SC_05_2021-Landing Tables v1_doc](http://www.seafo.org/media/ac79b435-f429-4216-94cd-de7371790220/SEAFOweb/pdf/Meeting%20Files/2021/SC/DOC_SC_05_2021-Landing%20Tables%20v1_doc).

adopted, including through the timely, complete and accurate submission of fisheries data, was also linked to creating compliance incentives by promoting provision of enhanced capacity-building support to developing States, with a view to taking steps to address the persistent failure to fulfil those obligations.

145. States underlined efforts to ensure and improve compliance with such obligations, including through RFMO/As.¹⁹⁹ The importance of developing compliance monitoring schemes, identifying potential areas of non-compliance and seeking ways to address them, reinforcing focus with respect to data reporting, as well as robust and regular compliance review processes, was emphasized by States.²⁰⁰ Some States indicated that implementation of fisheries management, control and enforcement obligations via legislation and license conditions also played a role.²⁰¹

146. RFMO/As undertook actions to promote enhanced compliance, including through establishment and strengthening of regular review processes.²⁰² Other approaches to compliance included designation of compliance committees,²⁰³ provision of advice and technical assistance in relation to national legislation,²⁰⁴ action plans,²⁰⁵ annual compliance reports or compliance monitoring review processes,²⁰⁶ sharing best practice processes on existing conservation and management measures, and the provision of more effective and efficient means of sharing relevant data and information.²⁰⁷

Establishment of new regional fisheries management organizations or arrangements

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

148. Several States reported on implementation of actions to establish new organizations and arrangements or expand existing geographical or species coverage, in addition to reviewing geographical or species gaps among RFMO/As to which they were parties.²⁰⁸ The need for a new regional authority in the Red Sea was noted for promoting sustainable management of highly migratory fisheries and shared stocks, and international organizations were called to support the establishment of such an authority in the Red Sea.²⁰⁹ In addition, the 2021 Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean,

¹⁹⁹ Australia, Bulgaria, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, Togo, United Kingdom and United States.

²⁰⁰ Australia, Canada and European Union.

²⁰¹ Chile, Japan, Togo and United Kingdom.

²⁰² GFCM, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO and WCPFC. See also SEAFO, <http://www.seafo.org/Documents/Compliance-Committee>.

²⁰³ GFCM and NEAFC. See also CCAMLR <https://www.ccamlr.org/en/compliance/conformite>.

²⁰⁴ GFCM.

²⁰⁵ CCSBT, see <https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>.

²⁰⁶ NEAFC, NPFC and SIOFA.

²⁰⁷ NPAFC.

²⁰⁸ Australia, Canada, Chile, European Union, Japan, Philippines, Togo, United Kingdom and United States.

²⁰⁹ Saudi Arabia.

while not establishing an RFMO/A, sets out a moratorium on commercial fishing in the region and requires Parties to establish conservation and management measures for exploratory fishing within three years of its entry into force.²¹⁰

149. Some RFMO/As noted their continuing cooperation with multiple stakeholders and relevant partners in the conservation and sustainable use of oceans and their resources, bridging gaps in regional fisheries management of deep-sea fish and protection of marine ecosystems.²¹¹

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

2. Conclusions

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

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

153. Concerning area-based management tools, States and RFMO/As have made concerted efforts to utilize such tools to improve the sustainability of stocks and ecosystem health and resilience. Insufficient data was available to assess whether area-based measures were uniformly based on the best available scientific information, taking account for ecological connectivity, or whether periodic review of such tools to assess their effectiveness was in place, nor whether sufficient resources were allocated for related monitoring, control and surveillance of their implementation.

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

²¹⁰ www.mofa.go.jp/files/000449233.pdf.

²¹¹ GFCM, NPAFC and NPFC.

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

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

156. States are also encouraged to limit fishing effort levels when adequate conservation and management measures have not been agreed or lack effective implementation in order to close geographical and species gaps. When RFMO/As have not been established, it is imperative that States Parties take action to ensure the long-term conservation, management and sustainable use of the relevant fish stocks and to prevent significant adverse impacts on VMEs.

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

B. Mechanisms for international cooperation and non-members

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

1. Measures taken at the national and international levels

Strengthening mandates and measures in RFMO/As

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

160. Many States reported on efforts to strengthen the mandates and/or measures of organizations and arrangements to which they belonged,²¹² including by

²¹² Australia, Canada, Chile, Japan, Philippines, Saudi Arabia, Togo, United Kingdom of Great Britain and Northern Ireland and United States.

expanding the scope of constitutive instruments to include additional species,²¹³ delegating additional powers to RFMO/As,²¹⁴ modifying institutional decision-making procedures²¹⁵ and enhancing conservation and/or management measures,²¹⁶ by adopting modern best practices and best available science practices,²¹⁷ employing ecosystem-based²¹⁸ and science-based approaches,²¹⁹ introducing precautionary management and decision-making frameworks,²²⁰ enhancing regulation of transshipment,²²¹ implementing boarding and inspection measures,²²² as well as improving catch statistics and monitoring of fish stocks.²²³ A group of States reported that it had a policy to promote the strengthening of compliance mechanisms and reliance upon scientific knowledge and advice in RFMO/As, while contributing to the introduction of control measures and re-enforcement of mandates.²²⁴ Some States further indicated that they had contributed to the integration of modern approaches in new or amended constitutive instruments of RFMO/As.²²⁵

161. Some RFMO/As reported on modern conservation and management measures, indicating that they had considered their adoption²²⁶ or regularly reviewed their application in order to strengthen them.²²⁷ Referencing its commitment to the ecosystem and precautionary approaches, NEAFC noted that it would continue to conduct performance reviews every ten years, the next being scheduled for 2024. NPAFC recalled that it had updated institutional terms of reference to implement performance review recommendations. SPRFMO reported that 22 out of 23 current conservation and management measures had been adopted or updated since 2016. Some RFMO/As also pointed to steps to promote participation in the PSMA as well as to strengthen its implementation as reinforcing RFMO/As.²²⁸

162. FAO reported that it was committed to bolstering regional cooperation through the Regional Fishery Body Secretariats' Network, which provided a forum for promoting consultation and regional dialogue, including the exchange of lessons learned.²²⁹

²¹³ Canada and Japan.

²¹⁴ Togo.

²¹⁵ Canada.

²¹⁶ Australia, Canada, Chile, Saudi Arabia and United Kingdom.

²¹⁷ Australia.

²¹⁸ Canada, Japan and United Kingdom.

²¹⁹ Australia and United Kingdom.

²²⁰ Australia, Japan and Canada.

²²¹ Mauritius and United Kingdom.

²²² Canada.

²²³ Philippines.

²²⁴ European Union.

²²⁵ Australia and Canada.

²²⁶ SIOFA.

²²⁷ NPFC.

²²⁸ GFCM, NEAFC and NPAFC.

²²⁹ See www.fao.org/policy-support/mechanisms/mechanisms-details/ar/c/448782.

Performance reviews and best practice guidelines

163. In 2016, the Review Conference reiterated its recommendation that regular performance reviews be undertaken by RFMO/As and further noted that relevant information should be sought from all stakeholders. It also recommended that RFMO/As develop best practice guidelines for conducting performance reviews and implementing their results, including, where appropriate, through the use of “Kobe-like” processes,²³⁰ to establish mechanisms for follow-up actions, and ensure that information on actions taken are made publicly available.

164. Many States, including a group of States, emphasized their support for and participation in performance review processes in RFMO/As.²³¹ Some States also highlighted the significance of the effective implementation of outstanding recommendations.²³² A group of States suggested that the results of reviews and corresponding follow-up actions be publicly available, and that implementation be monitored at annual meetings, as a best practice.²³³

165. In 2019, the 14th round of Informal Consultations of States Parties to the Agreement focused on the topic of RFMO/A performance reviews. At the conclusion of the informal consultations, the Chairperson summarized 15 key points that had emerged from the relevant presentations and discussions.²³⁴

166. Since 2016, two RFMO/As have conducted their first performance review: SPRFMO (2019) and NPFC (2022). Several RFMO/As have undertaken their second performance review in the intervening years: SEAFO (2016), CCAMLR (2017), ICCAT (2017), NAFO (2018), GFCM (2019) and IPHC (2019). CCSBT undertook its third performance review in 2021. Some RFMO/As noted that they had scheduled performance reviews, or their initiation, in the near future. SIOFA will conduct its first performance review in 2022-2023. NPAFC and SPRFMO will conduct their second performance reviews in 2023, while NEAFC will conduct its third performance review in 2024.

167. FAO reported that it had published a technical paper in 2020 assessing performance reviews carried out by RFMO/As.²³⁵ It noted that at the time of publication, 15 of 22 RFMO/As had undertaken at least one performance review and that by 2017, seven RFMO/As had undergone a second such review.²³⁶ Those reviews had generally applied four types of criteria, relating to the assessment of the conservation and management of fish stocks, the level of compliance with

²³⁰ <https://www.tuna-org.org/index.htm>.

²³¹ Australia, Canada, Chile, European Union, Japan, Saudi Arabia and United Kingdom.

²³² Australia, Canada and Saudi Arabia.

²³³ European Union.

²³⁴ https://www.un.org/depts/los/convention_agreements/ICSP14/ReportICSP14.pdf.

²³⁵ FAO Fisheries and Aquaculture Technical Paper No. 651 (2020) “Regional fisheries management organizations and advisory bodies. Activities and developments, 2000–2017”. Available at www.fao.org/3/ca7843en/ca7843en.pdf.

²³⁶ It should be noted that not all of these RFMO/As address stocks governed by the Agreement.

international obligations, the status of legal frameworks and organizational and financial affairs, and the level of cooperation with other international organizations and non-member States. FAO further observed that performance reviews had become institutionalized and were carried out with increasing regularity and frequency.

168. With a view to ensure transparency, RFMO/As reported that various elements of performance review processes were publicly available.²³⁷ SPRFMO noted that information on the process and outcome of its first performance review in 2019 were made publicly available. WCPFC reported that following its first performance review in 2012, the report of a review of its compliance monitoring scheme in 2017-2018 had been made public. SIOFA indicated that the terms of reference of its upcoming first performance review were publicly available. Both CCAMLR and NAFO have published their recent performance reviews of 2017 and 2018, respectively. Some RFMO/As shared specific information regarding recommendations received. GFCM reported that its first performance review had recommended enhanced cooperation with States and relevant organizations and NEAFC emphasized that it was open to similar proposals it had received suggesting participation in Kobe-like joint meetings of general RFMO/As.

169. In terms of progress towards realizing the outcome of review processes, several RMFO/As reported on the status of follow-up actions. NPAFC indicated that it had implemented 53 of 54 recommendations of its first performance review, which was concluded in 2010. NAFO reported that as of 2022, one third of the relevant recommendations had been implemented and the remaining recommendations were currently being addressed. GFCM indicated that it had adopted a resolution in 2021 implementing recommendations of its second performance review. NEAFC reported that its upcoming performance review in 2024 would be informed by key findings developed at the Informal Consultations of States Parties. ICCAT reported that it had established a working group to consider the recommendations of its two previous performance reviews and monitor their implementation. Subsequent to its performance review in 2019, SPRFMO formed a working group to consider the recommendations received, responded to them and established a chronogram of actions that would guide future implementation until 2020.²³⁸ IOTC annually reviews and publishes progress made towards implementing performance review recommendations.²³⁹

170. With regard to the promotion of best practices, it may be noted that some possible best practices emerged both from an FAO study and discussions at the 14th round of Informal Consultations of States Parties to the Agreement.²⁴⁰

²³⁷ SIOFA, SPRFMO and WCPFC.

²³⁸ Report of the 14th round of Informal Consultations of States Parties to the Agreement, ICSP14/UNFSA/INF.3 (15 August 2019). Available at https://www.un.org/depts/los/convention_agreements/ICSP14/ReportICSP14.pdf.

²³⁹ See <https://iotc.org/about-iotc/performance-review>.

²⁴⁰ FAO Fisheries and Aquaculture Technical Paper No. 651 (2020) “Regional fisheries management organizations and advisory bodies. Activities and developments, 2000–2017”. Available at www.fao.org/3/ca7843en/ca7843en.pdf. Report of the 14th round of Informal

Strengthening and enhancing cooperation among RFMO/As

171. In 2016, the Review Conference reiterated its encouragement for RFMO/As to strengthen cooperation, particularly with regard to data collection and sharing, mitigating and managing the by-catch of non-target and associated and dependent species, implementing an ecosystem approach and promoting effective and consistent implementation of monitoring, control and surveillance tools, and sharing positive and negative lists of vessels. RFMO/As were also recommended to strengthen cooperation and coordination with Regional Seas Conventions and Action Plans.

172. Several States, including a group of States, emphasized that they sought to further strengthen cooperation both across RFMO/As and among RFMO/As and other relevant entities.²⁴¹ A group of States highlighted its active involvement in the Kobe process, including with respect to implementing recommendations and the widening of the process to include emerging issues such as Fish Aggregation Device management.²⁴² One State highlighted that cooperation between RFMO/As with a shared geographic area or stocks was particularly conducive to the implementation of an ecosystem approach.²⁴³ States noted that cooperation was pursued through various means including cooperation agreements,²⁴⁴ memoranda of cooperation,²⁴⁵ joint advisory groups,²⁴⁶ working groups²⁴⁷ and joint meetings²⁴⁸ to accomplish shared objectives such as data sharing,²⁴⁹ standardization of catch reporting requirements²⁵⁰ and other harmonization efforts²⁵¹ and incidental catch and electronic monitoring.²⁵²

173. Many RFMO/As indicated that they had entered into memoranda of understanding and other cooperation mechanisms with other RFMO/As and a variety of other entities.²⁵³ Some RFMO/As also reported that they cooperated with the secretariats of partner organizations with a view to implementing such arrangements.²⁵⁴ NEAFC was in close contact with NAFO and GFCM, with whom it pursued joint projects, and cooperated on joint initiatives with these RMFOs on monitoring, control and surveillance and on data management, respectively. CCAMLR cooperates with several intergovernmental and non-governmental

Consultations of States Parties to the Agreement, ICSP14/UNFSA/INF.3 (15 August 2019). Available at https://www.un.org/depts/los/convention_agreements/ICSP14/ReportICSP14.pdf.

²⁴¹ Australia, European Union, Japan and Saudi Arabia.

²⁴² European Union.

²⁴³ Canada.

²⁴⁴ Australia.

²⁴⁵ Canada and European Union.

²⁴⁶ Canada and European Union.

²⁴⁷ Chile and European Union.

²⁴⁸ Mauritius and European Union.

²⁴⁹ Australia, Canada, Saudi Arabia and United Kingdom.

²⁵⁰ Canada.

²⁵¹ Australia.

²⁵² Chile.

²⁵³ ICCAT, GFCM, NAFO, NEAFC, NPAFC, SIOFA and SPRFMO.

²⁵⁴ GFCM and NEAFC.

organizations, including through participation as observers in one another's meetings.²⁵⁵ IOTC has entered into arrangements, generally of a technical nature, with other institutions, including via memoranda of understanding, either to conduct joint activities or exchange information.²⁵⁶

174. Further opportunities for cooperation were created by inviting other RFMO/As to meetings and participating in cooperative initiatives. NPAFC indicated that it cooperated closely with the North Pacific Marine Science Organization (PICES) and regularly invited other relevant organizations to its meetings.

175. FAO reported that in June 2022, it had convened a regional consultation for the development of a coordination framework among regional fisheries bodies in the Indian Ocean. The consultation had followed a recent FAO recommendation to ensure common approaches to cross-cutting topics and had brought together RFMO/As and regional economic bodies. It had focused on information-sharing to facilitate sustainable use and conservation of shared living marine resources, with a view to developing a Regional Coordination Framework in the Indian Ocean. The topics discussed had included geographical connections and overlaps, target and bycatch species of common interest, conservation of biodiversity and incoherency of measures and advice. A particular emphasis was placed on addressing IUU fishing. A second, similar, initiative for the Eastern Central Atlantic Ocean region was planned for the end of 2022. FAO also reported that the Deep Sea Project had strengthened cooperation and knowledge-sharing among the eight management bodies responsible for deep sea fisheries. Finally, it noted that FAO provides a venue and secretariat services for meetings of the Regional Fishery Body Secretariats' Network, an initiative to facilitate information exchange between RFMO/As both within and without the FAO framework.

176. NAFO actively participated in several cooperative initiatives, such as a VME database, and sought to enhance cooperation with RFMOs by sharing information on IUU fishing vessels and establishing an advisory group together with NEAFC seeking standardization of catch reporting requirements and establishing a mechanism for data sharing. SIOFA worked closely with CCAMLR on shared species such as the Patagonian toothfish, and pursued cooperation agreements with other neighbouring RFMOs. SIOFA indicated that it had harmonized its seabird bycatch measures to align with those of IOTC. SPRFMO referenced several avenues for cooperation with organizations on matters of mutual interest, including memoranda of understanding and other arrangements and attendance at meetings of other organizations.

177. CCSBT works closely with ICCAT, IOTC and WCPFC through formal and informal mechanisms to enhance effectiveness across the respective fisheries with respect to southern bluefin tuna.²⁵⁷ It also frequently communicates with a variety of entities, including other RFMO/As through arrangements and networks, including

²⁵⁵ See <https://www.ccamlr.org/en/organisation/cooperation-others>.

²⁵⁶ See <https://iotc.org/about-iotc/cooperation-other-organisations>.

²⁵⁷ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, para. 114.

with respect to administration, compliance and data management.²⁵⁸ SEAFO regularly participates in the meetings of other RFMO/As and similar organizations, including ICCAT, NAFO, CCAMLR, NEAFC, NAMMCO, the Fishery Committee for the Eastern Central Atlantic (CECAF), Benguela Current Large Marine Ecosystem secretariat (BCLME) and SIOFA.²⁵⁹

178. With a view to cooperation between RFMO/As and Regional Seas Conventions and Action Plans, a group of States indicated that it was supportive of such cooperation.²⁶⁰ WCPFC reported that in addition to engaging in memoranda of understanding with RFMO/As, it had also engaged in similar arrangements with entities such as the Secretariat of the Pacific Regional Environment Programme (SPREP) in the context of the Regional Seas Programme of UNEP. NAFO further referred to cooperation with the Sustainable Ocean Initiative (SOI) Global Dialogue with Regional Seas Organizations and Regional Fishery Bodies. This initiative of the CBD Secretariat, UNEP and FAO, which first convened in 2016, seeks to provide a platform for cross-sectoral collaboration in the pursuit of achieving global biodiversity targets and the corresponding Sustainable Development Goals.²⁶¹

Promoting participation in RFMO/As

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

180. Many States, including a group of States, indicated that they actively participated in the work of RFMO/As as members²⁶² or as cooperating non-members.²⁶³ One State noted that it was pursuing membership in an RFMO/A.²⁶⁴ States further reported that they supported, where appropriate, the participation of non-members in RFMO/As²⁶⁵ or that RFMO/As to which they belonged would consider appropriate applications for membership from non-member States.²⁶⁶ A

²⁵⁸ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, paras. 115-118.

²⁵⁹ See, e.g., www.un.org/Depts/los/bfw/SEAFO_2022.pdf, p. 21, www.seafo.org/media/423c66b4-d913-484e-88f3-0af7f7e9e51e/SEAFOweb/pdf/Meeting%20Files/2021/COM/COM%20Report%202021_pdf p. 5

and www.seafo.org/media/695a3c93-33ea-4a20-8a7f-67cc29204a34/SEAFOweb/pdf/Meeting%20Files/2019/COM/COM%20Report%202019_pdf, p. 6.

²⁶⁰ European Union.

²⁶¹ <https://www.cbd.int/marine/soi/booklet-soi-10years-en.pdf>, p. 16.

²⁶² Australia, Canada, European Union, Japan, Philippines, Saudi Arabia and United Kingdom.

²⁶³ Chile.

²⁶⁴ Chile.

²⁶⁵ Australia and European Union.

²⁶⁶ Mauritius.

group of States reported that it continued to provide funding to promote participation of developing States in RFMOs.²⁶⁷

181. Some RFMO/As reported the addition of new parties since the last Review Conference.²⁶⁸ NEAFC and NAFO noted that the United Kingdom of Great Britain and Northern Ireland had joined those organizations in 2020. ICCAT recalled that its constitutive treaty was, in principle, open to all Member States of the United Nations or its specialized agencies and cited its recommendation that non-members fishing within its geographic scope be invited to become members. SIOFA reported that its Secretariat regularly invited coastal States and parties interested in relevant fisheries in the region to join SIOFA.

182. Several RFMO/As reported on the participation of non-member States in their work.²⁶⁹ SIOFA reported that India had joined as a cooperating non-contracting party in 2022. NPFC noted that currently, Panama was a cooperating non-contracting party. NPAFC regularly invited non-member States to participate in annual meetings, in response to which States had sent observers. NEAFC recalled that its rules included provisions governing cooperating non-contracting party membership. WCPFC indicated that it had a mechanism to consider applications for the granting of cooperating non-member status and that such applications were subject to participatory rights as granted by WCPFC. While individual applications for full membership had also been received, none had so far been successful due to a lack of consensus. WCPFC also indicated that decisions regarding allocations of fishing opportunities proved challenging due to the similar need for consensus, but that it was committed to transitioning to a more equitable allocation framework in 2023.

183. CCSBT sought to enhance engagement with non-cooperating non-members through outreach activities, in particular, by encouraging participation in its meetings as observers, with such efforts resulting in limited engagement but with some actions taken by non-members upon its request.²⁷⁰ The development of more detailed guidance on allocations could further incentivize the participation of members and non-members.²⁷¹

Improving decision-making rules and procedures in RFMO/As

184. In 2016, the Review Conference recommended addressing participatory rights through, inter alia, the development of transparent criteria for allocating fishing opportunities; ensuring that post opt out behaviour is constrained by rules preventing opting-out parties from undermining conservation, by establishing clear processes for dispute resolution and for the adoption of alternative measures with

²⁶⁷ European Union.

²⁶⁸ NAFO, NEAFC and SIOFA.

²⁶⁹ ICCAT, NEAFC, NPAFC, NPFC and WCPFC.

²⁷⁰ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, paras. 112-113.

²⁷¹ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, paras. 105-108 and 113.

equivalent effect that would be implemented in the interim; improving the transparency RFMO/As, and providing for the reasonable participation of intergovernmental and non-governmental organizations. It further encouraged RFMO/As to review their decision-making procedures.

185. Some States expressed support for improving rules of procedure, including decision-making rules, in RFMO/As.²⁷² Several States, including a group of States, reported that they had contributed to or favoured greater transparency in this context.²⁷³ A group of States noted that such procedures were important to prevent States from undermining conservation.²⁷⁴ States also highlighted the significance of effective decision-making as well as accountability and the application of RFMO/A rules, procedures and measures in good faith.²⁷⁵ One State reported that SIOFA had drafted rules of procedure that were modelled on best practices of other RFMO/As and that an upcoming performance review was expected to entail further improvements in this respect.²⁷⁶ States also noted the modification of rules of procedure to accommodate virtual or hybrid meetings.²⁷⁷ One State indicated that the relevant organizations in which it participated applied a set of assignment criteria that took, among other things, the needs of developing States into account.²⁷⁸ A group of States noted that, in the context of a recent revision of the constitutive agreement and rules of procedure of an RFMO of which it was a member, it had promoted clear procedures, transparency and a participative approach, as well as the creation of a culture of compliance.²⁷⁹ In practice, despite often intensive negotiations, decisions were taken unanimously within that RFMO.

186. Several RFMO/As reported on their decision-making procedures, though no information was received with a view to constraining post opt-out behaviour.²⁸⁰ Some RFMO/As indicated that they generally adopted or were in favour of adopting decisions by consensus,²⁸¹ allowed the participation of observers²⁸² and included a certain level of transparency.²⁸³

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

²⁷² Australia, Canada, Japan and Saudi Arabia.

²⁷³ Australia, Canada, European Union and Japan.

²⁷⁴ European Union.

²⁷⁵ Australia.

²⁷⁶ Australia.

²⁷⁷ Canada.

²⁷⁸ Chile.

²⁷⁹ European Union.

²⁸⁰ ICCAT, GFCM, NAFO, NEAFC, NPFC, SPRFMO and WCPFC.

²⁸¹ ICCAT, NEAFC and SPRFMO.

²⁸² GFCM, NAFO, NEAFC, NPAFC and NPFC.

²⁸³ NAFO, NEAFC, NPAFC and SIOFA.

188. CCSBT made efforts to improve transparency, with reports of all meetings available to the public.²⁸⁴ It takes decisions by unanimous vote of members present, as required by its constitutive instrument, which has previously resulted in deadlocks.²⁸⁵ The CCSBT rules of procedure provide for the participation of observers in its meetings. While its decision-making procedure means that such participation could potentially be blocked by a single member, this has not occurred in practice.²⁸⁶ In 2018, SEAFO updated its Rules of Procedure for the SEAFO Commission, the Standing Committee on Administration and Finance, the Scientific Committee and the Compliance Committee.²⁸⁷

189. Individual RFMO/As described particular procedures that would apply if a member lodged an objection. In this respect, ICCAT indicated that in such case, the objecting member would be required to propose alternative measures. SPRFMO reported that voting was used as a last resort only and, to date, employed only in the context of the adoption of a fishing measure. WCPFC indicated that it employed a system of chambered voting, that there was no objection procedure and that although members who were absent from a vote or cast a negative vote could request review, none had been requested to date. With a view to the objection procedure at IOTC, the second performance review of IOTC in 2016 had indicated that its contracting parties enjoyed an unrestricted right to object to conservation and management measures. In the absence of a process for reviewing or verifying the validity of an objection, the possibility to opt out of any measure without justification or consequence was deemed to potentially weaken implementation and compliance mechanisms.

190. With a view to dispute resolution, NPFC reported that its relevant procedures followed those envisaged under the Agreement. Similarly, NAFO indicated that amendments to its constitutive instruments in 2007 had streamlined decision-making and incorporated a dispute-settlement procedure. NEAFC indicated an amendment effecting a dispute resolution procedure in 2004 had not entered into force due to a lack of ratification by one member. It also reported that a working group on allocation criteria that had been established in 2015 was discontinued in 2019 with no conclusion reached, and that negotiations continued among coastal States on the allocation criteria.

Implementation of interim measures

191. In 2016, the Review Conference recommended to ensure the implementation of interim measures adopted by the participants in negotiations on developing new RFMO/As that are not yet in force and to provide interim bodies with complete and

²⁸⁴ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, para. 61.

²⁸⁵ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, para. 60. See also www.ccsbt.org/en/system/files/resource/en/53fd82cd72480/EC21_11_PerformanceReview.pdf, p. 74.

²⁸⁶ See www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf, para. 61.

²⁸⁷ See www.seafo.org/Documents/Rules-of-Procedure.

accurate fisheries data so as to facilitate the effective implementation of those interim measures and provide for a periodic review of such measures.

192. Few States had information to report with a view to interim bodies and measures. States reported that interim measures for RFMO/As of which they were members had been applied prior to the entry into force of the relevant agreements.²⁸⁸ One State reported that it had agreed to the implementation of measures and the exchange of fisheries information when setting up the aforementioned proposed fisheries and aquaculture authority in the Red Sea.²⁸⁹ A second State indicated that it had recently signed a Declaration Concerning the Prevention of Unregulated High Seas Fishing in the Central Arctic Ocean together with four other States.²⁹⁰ It also noted that with the recent entry into force of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean, an initially 16-year moratorium on fishing in the treaty area was activated and that within two and three years, respectively, the parties were required to establish a joint scientific research and monitoring programme, as well as conservation and management measures for exploratory fishing. A group of States noted that it had complied with interim measures of RFMO/As of which it was a member and that the corresponding processes constituted positive examples of voluntary interim measures and preparatory conferences leading to adoption of an agreement.²⁹¹

193. NPFC, which was established in 2015, indicated that an interim trans-shipment measure was currently in place, while a more permanent measure was subject to ongoing negotiations. SIOFA indicated that its Meeting of States parties had adopted several interim measures, including on management of bottom fishing. CCAMLR has taken steps to ensure the implementation of interim measures adopted by its participants, such as an interim krill management approach.²⁹²

194. Other RFMO/As reported on interim measures that had been, but were no longer, applicable. NPAFC recalled that its constitutive instrument, which was signed on 11 February 1992 and entered into force on 16 February 1993, had established an interim measure to enforce the legal status of anadromous stocks prior to the entry into force of the Convention on 16 November 1994. NAFO reported that it had resolved to give effect to the objectives of a 2007 amendment of its constitutive instrument prior to its entry into force in 2017. These had included, among others, adopting measures based upon the best scientific evidence available, applying a precautionary approach and taking due account of the impact of fisheries on other species and marine ecosystems as well as the need to preserve marine biological diversity. SPRFMO reported that it had adopted interim measures prior to 2016.

Effective control by flag States as members of RFMO/As

²⁸⁸ Australia and Japan.

²⁸⁹ Saudi Arabia.

²⁹⁰ Canada.

²⁹¹ European Union.

²⁹² See <https://meetings.ccamlr.org/en/ccamlr-41>.

195. In 2016, the Review Conference recommended to strengthen the effective control of flag States and ensure that their flagged vessels comply with, and do not undermine, conservation and management measures adopted by RFMO/As; develop the capacity of the members of RFMO/As to comply with conservation and management measures; and ensure that flag States have the ability to fulfil their responsibilities before granting the right to fly their flag to fishing vessels or issue authorization for fishing to such vessels.

196. Several States reported on measures taken to ensure effective control of vessels flying their flag, including technical measures.²⁹³ The European Union indicated that its fisheries control system was directly applicable to all its member States wherever they fished and that it required exercise of effective control by flag States. Australia indicated that its domestic framework ensured effective flag State control and that it sought cooperation with other flag States in RFMO/As with a view to deregistering vessels known to engage in IUU fishing. It had requested authorization from other States to board their flagged vessels to verify compliance with RFMO/A measures. Canada indicated that it controlled its fishing vessels through a suite of measures, including licenses used to list all measures to which a vessel was subject, comprising quotas, gear restrictions, time/area closures and reporting and monitoring requirements.

197. Chile reported that it strictly enforced the CCAMLR framework via a control system that included inspection procedures, satellite monitoring, sending data with operational results in a timely manner, and full implementation of procedures for the relevant catch documentation system.²⁹⁴ Japan indicated that its obligations under RFMO/As were implemented through domestic regulations, whose violation could result in penalties including suspensions of licenses and detention of vessels. Philippines indicated that it employed a system to monitor its vessels in RFMO/A areas in close coordination with WCPFC, with a view to ensuring compliance with conservation and management measures. The United Kingdom reported that it had enhanced monitoring, control and surveillance measures in its fleet to gain better and more timely data flows, submitted reports pursuant to RFMO/A obligations and worked with cooperating contracting parties to improve measures, including with a view to FAO trans-shipment guidelines and catch document schemes under ICCAT and IOTC.²⁹⁵

198. Many RFMO/As reported on technical, legal and cooperative measures taken to establish or strengthen effective control by flag States.²⁹⁶ ICCAT had adopted several mechanisms to ensure that flag States did not undermine its conservation and management measures and that capacity-building initiatives were underway to assist developing countries in meeting their obligations. GFCM was constantly supporting its contracting parties to enhance control of their vessels. It had recently established subregional observation and inspection programmes to

²⁹³ Australia, Canada, Chile, European Union, Japan, Philippines and United Kingdom.

²⁹⁴ Chile.

²⁹⁵ United Kingdom.

²⁹⁶ ICCAT, GFCM, NAFO, NEAFC, NPAFC, SPRFMO, SIOFA and WCPFC.

ensure that fishing vessels complied with GFCM measures against IUU fishing. NEAFC reported that it routinely assessed the compliance of parties with its control and enforcement scheme, which were also required to conduct regular self-assessments, and that it fully implemented the PSMA, going beyond its obligations by requiring flag State validation before entry into port was authorized. NEAFC also noted that it had an electronic system allowing for the rapid exchange of information among vessels, port States and flag States.

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

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

2. Conclusions

201. In recognition of the obligation of all States to cooperate in the long-term conservation, management and sustainable use of living marine resources and the need for enhanced cooperation at all levels, the General Assembly has urged States to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate RFMO/As.²⁹⁷ It has further urged States to give effect to the duty to cooperate either by becoming members of such bodies or agreeing to apply the measures established by such bodies and arrangements.²⁹⁸ Progress by RFMO/As is therefore vital in accomplishing what the Agreement sets out to achieve.

²⁹⁷ Resolution 77/118.

²⁹⁸ Resolution 77/118.

202. As recommended by the Review Conference and urged by the General Assembly, RFMO/As have made further advances towards strengthening and modernizing their mandates, including by adopting modern approaches to fisheries conservation and management. Almost all have conducted performance reviews, with some organizations having concluded their second or subsequent such review. Indeed, it appears that periodic performance reviews are now a well-established component of RFMO/A operations. Significant progress has been made towards following up on recommendations received and monitoring the status of their implementation. While there have also been improvements with respect to the publication and implementation of recommendations received, as well as increased stakeholder involvement, additional efforts are required, as emphasized by the General Assembly and recommended by the Review Conference in 2016. Similarly, there is a continued need to cooperate to develop best practices and apply them in RFMO/As to the extent possible.²⁹⁹

203. The responses received suggest that there is a significant awareness on the part of RFMO/As of the benefits of cooperation among RFMO/As and between RFMO/As and other relevant entities. RFMO/As have enhanced cooperation among one another and with other relevant entities, employing memoranda of understanding and similar arrangements, working groups, joint meetings and other mechanisms. New initiatives have sought to enhance cooperation between RFMO/As and Regional Seas Conventions and Action Plans. Yet, as outlined by the Review Conference, greater harmonization and consistency across RFMO/As with a view to the specific measures, such as the exchange of lists of vessels, and objectives, such as mitigating and managing by-catch, remains necessary, if the full potential of RFMO/A cooperation is to be attained. With the exception of data sharing, other specific objectives of cooperation proposed by the Review Conference were infrequently mentioned in the reports received.

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

205. Since the Review Conference last convened, several RFMO/As sought to improve their decision-making procedures, in particular, by streamlining decisions and restricting objection procedures. There has also been an increase in efforts to foster transparency, by making decisions and other documents publicly available and facilitating the participation of observers. Yet, as the General Assembly recently emphasized, further efforts are needed, including with a view to improving transparency and addressing participatory rights, including through the development

²⁹⁹ Resolution 77/118.

of transparent criteria for allocating fishing opportunities.³⁰⁰ Similarly, mechanisms for effective dispute resolution and inhibiting counterproductive post opt-out behaviour could be further developed.

206. With most constitutive instruments of RFMO/As having entered into force, interim bodies and measures have become less of a pressing concern. Currently, efforts to establish a new RFMO/A in the Red Sea and Gulf of Aden are underway, as are discussions on the potential conversion of the Fishery Committee for the Eastern Central Atlantic (CECAF) and the Western Central Atlantic Fishery Commission (WECAFC) into RFMO/As. Mechanisms to combat IUU fishing have gained momentum, as have efforts to strengthen effective control by flag States. Several measures were established in order to prevent and deter IUU fishing, including through enhanced technical, cooperative and legal mechanisms. Yet, few contributions received provided information related to capacity-building. There thus remains a need, in particular, for flag States and RFMO/As to conduct capacity-building and ensure that flag States are able to fulfil their responsibilities before granting the right to fly their flag or authorize fishing.

C. Monitoring, control and surveillance, compliance and enforcement

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

1. Measures taken at the national and international levels

1. Measures taken at the national and international levels

Strengthening flag State responsibility

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

209. States pointed to national legal frameworks pursuant to which they aimed to exercise effective control over vessels flying their flag,³⁰¹ including access and licensing requirements.³⁰² For example, Canada modernized its Fisheries Act in 2019 to ensure a robust regulatory framework. The European Union was considering a proposal to revise its Fisheries Control System, following a review in

³⁰⁰ Resolution 77/118.

³⁰¹ Australia, Canada, European Union, Togo, United Kingdom. The United States indicated that it had taken actions regarding each of the recommendations in paragraphs C.1 to C.12 of the Outcome of the 2016 Review Conference.

³⁰² Canada, Chile, Mauritius.

2017, for possible adoption in 2023.³⁰³ Japan had implemented a limited entry license system for all its fishing vessels operating on the high seas.

210. While one State noted that it had no commercial fishing vessels operating on the high seas,³⁰⁴ others outlined details of the monitoring, control and surveillance tools used to control vessels flying their flag.³⁰⁵ States also pointed to requirements to cooperate with other flag States in taking appropriate action with respect to IUU fishing,³⁰⁶ including by sharing information on activities, in verifying compliance with measures of RFMO/As, and in deregistering vessels known to undertake IUU fishing activities.³⁰⁷ The European Union reported that systematic data exchanges happen in real time between member States, with automatic computerized data validation.³⁰⁸

211. Several RFMO/As reported on the adoption of specific measures to strengthen flag State responsibilities,³⁰⁹ including measures relating to inspection and licensing,³¹⁰ monitoring and data sharing,³¹¹ the safety of observers at sea³¹², as well as the establishment of IUU vessel lists.³¹³ For example, WCPFC had developed an online compliance case file system and NEAFC was putting in place an electronic reporting system. SIOFA noted that it is recruiting a Compliance Officer to help flag States comply with conservation and management measures.³¹⁴ CCAMLR and SPRFMO reported on the establishment of annual compliance review procedures.

212. In 2018, WCPFC adopted a non-binding resolution on labour standards for crew on fishing vessels.³¹⁵ WECAFC made a recommendation regarding decent working conditions in particular fisheries in 2019,³¹⁶ while the OSPESCA includes fishing safety in its 2015-2025 Fishing and Aquaculture Integration Policy.³¹⁷

213.

Assessment of flag State performance

214. As means to strengthen the compliance by flag States with their duties and obligations, the resumed Review Conference recommended the promotion and implementation of the Voluntary Guidelines for Flag State Performance, a call that was echoed recently by the FAO Committee on Fisheries.³¹⁸ The resumed Review Conference also recommended that regional or global guidelines be developed for

³⁰³ EU.

³⁰⁴ Saudi Arabia.

³⁰⁵ Canada, Chile, European Union, Mauritius, Philippines.

³⁰⁶ Australia, EU, Togo

³⁰⁷ Australia

³⁰⁸ EU

³⁰⁹ GFCM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, WCPFC.

³¹⁰ CCAMLR

³¹¹ NAFO, NEAFC, SPRMO

³¹² SPRMO, IAATC

³¹³ GCFM,

³¹⁴ SIOFA.

³¹⁵ WCPFC.

³¹⁶ See <https://www.fao.org/3/cc1646en/cc1646en.pdf>, p. 28.

³¹⁷ See <https://www.fao.org/3/cc1646en/cc1646en.pdf>, p. 30.

³¹⁸ See Resolution 77/33, para 118.

fisheries sanctions to be applied by flag States, in order that existing sanctions systems could be evaluated.

215. The EU noted that its regulations on IUU fishing³¹⁹ fulfil the performance criteria laid down in the Voluntary Guidelines for Flag State Compliance, and that it took action to promote the aims and goals of those Guidelines in cooperating with third States.³²⁰

216. A number of States reported on their implementation of the Voluntary Guidelines.³²¹ For example, Canada observed that it was compliant with the vast majority of the Guidelines and that it had conducted partial reviews to ensure its implementation of best practices aimed at preventing, deterring, and eliminating IUU fishing.³²² Japan noted that its Basic Plan for Fisheries, adopted in 2022, aimed at eliminating IUU fishing. The Philippines noted that its fisheries policies were aligned with the Voluntary Guidelines.³²³ The UK noted that it had completed a flag State assessment and that it continued to strive to improve flag State performance.³²⁴

217. FAO noted that it promoted the implementation of the Voluntary Guidelines, including by encouraging RFMO/As to establish applicable frameworks for periodic performance assessments by their contracting parties. In addition, flag State performance was included as one principal component in Sustainable Development Goal indicator 14.6.1, under the custodianship of FAO.³²⁵

218. Several RFMO/As noted that they regularly assess and report on flag State performance³²⁶ and that they encouraged self-assessments by their parties in line with the Voluntary Guidelines.³²⁷ GFCM provides technical assistance to Parties in the regular self-assessment of their performance.³²⁸

Fishing vessels without nationality

219. Recognizing the role of fishing vessels without nationality in undermining the objectives of the Agreement and measures adopted by RFMO/As, the resumed Review Conference encouraged States to take necessary measures to prevent fishing vessels without nationality from engaging in fishing or fishing-related activities and to take effective enforcement action.

³¹⁹ A/CONF.210/2016/1, para 235.

³²⁰ EU.

³²¹ Canada, Japan, Philippines, UK.

³²² Canada.

³²³ Philippines.

³²⁴ UK.

³²⁵ FAO.

³²⁶ NAFO, NEAFC, NPAFC, SIOFA, SPRFMO. See also Australia and the SEAFO 2021 Annual Compliance Review: http://www.seafo.org/media/4123e58d-d591-487a-ae44-9fce74d4fa59/SEAFOweb/pdf/Meeting%20Files/2021/CC/DOC_CC_03_2021%20-%20Compliance%20Review%202021_.pdf. See also IOTC, <https://iotc.org/compliance/monitoring>.

³²⁷ NEAFC, GFCM.

³²⁸ EU. See also GFCM.

220. States highlighted legislation allowing authorities to respond to and take effective enforcement action to curb IUU fishing activities, including those conducted by vessels without nationality,³²⁹ as well as actions more generally to share information and inspect such vessels pursuant to the Convention.³³⁰ Some States pointed to port State measures preventing entry to ships without a flag,³³¹ to electronic monitoring systems,³³² and to IUU vessel lists.³³³ Several respondents noted that, under their respective regulations, stateless vessels were presumed to be engaged in IUU fishing.³³⁴

221. A number of RFMO/As noted measures to control vessels without nationality.³³⁵ For example, under GFCM's Regional Plan of Action for the Fight against IUU fishing, Parties and cooperating non-contracting Parties were requested to take measures consistent with international law, including national regulation.³³⁶ ICCAT had set out procedures for action in respect of fishing vessels without nationality in 2019. NAFO reported that there had not been vessels without nationality fishing in its area of application for over two decades. NEAFC set out provisions for identification of IUU fishing activity and publishes IUU vessel lists. SIOFA and IOTC³³⁷ had adopted measures on vessels without nationality in 2016 and NPFC had done so in 2017.

Participation in the Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing and the adoption of port State measures

222. The PSMA was adopted in 2009 and entered into force in 2016. As of November 2022, it had 74 Parties, 53 of these having joined in 2016 and subsequently. The resumed Review Conference encouraged States to become parties to and fully implement the Agreement and, in the meantime, to adopt and apply consistent port State measures. It also called for contributions to funding mechanisms, and for the provision of other financial and technical assistance and capacity-building to assist developing States in the implementation of the Agreement.

223. Several States noted that they had ratified the Agreement on Port State Measures,³³⁸ and supported efforts within RFMO/As to implement effective port State measures.³³⁹ Other States noted that legal frameworks were in place to implement port State measures with respect to IUU fishing, including through RFMO/As,³⁴⁰ and to regulate the access of foreign-flagged vessels to their ports.³⁴¹

³²⁹ Canada, Japan, Philippines, Saudi Arabia

³³⁰ Australia

³³¹ Chile, Mauritius

³³² Chile

³³³ United Kingdom

³³⁴ European Union, NPAFC, SPRFMO, WCPFC

³³⁵ GFCM, ICAAT, NAFO, NPFAFC, NPFC, SIOFA.

³³⁶ GFCM

³³⁷ Resolution 16/05, available: <https://www.fao.org/faolex/results/details/es/c/LEX-FAOC165148/>.

³³⁸ Australia, Canada, EU, Japan, Philippines, Saudi Arabia, Togo, United Kingdom.

³³⁹ Australia; EU.

³⁴⁰ Mauritius. See also Philippines.

³⁴¹ Chile, Japan.

224. FAO indicated that it continued to promote participation in the PSMA. Upon request of the Parties, FAO developed a prototype of the Agreement's global information exchange system (GIES) and launched a pilot phase of the system in 2022. Parties also established a number of subsidiary working groups to support aspects of the implementation of the Agreement. Four regional meetings were held, the outputs of which will feed into the process of drawing up a strategy to improve the effectiveness of the Agreement, expected to be adopted by the Parties at their Fourth meeting in May 2023. Through its Global Programme to support the implementation of international fisheries instruments, launched in 2017, FAO had provided technical assistance to 48 developing States to strengthen their capacity to implement port State measures, and to fulfil other State responsibilities defined in these international instruments.

225. Several RFMO/As noted that all or many of their members, as well as cooperative non-contracting parties, were Parties to the PSMA.³⁴² A number also reported that they had taken measures to strengthen port State measures.³⁴³ NEAFC noted that the port State control measures in its Scheme of Control went beyond the requirements of the Agreement on Port State Measures, including by requiring flag State validation before entry into port. NEAFC also noted that it had a fully functional electronic system to allow rapid exchange of information between vessels, port States and flag States.³⁴⁴

226. On the other hand, NPFC noted that while Article 14 of the NPFC Convention reflects obligations regarding port State measures, these had not yet been implemented.³⁴⁵

227. On the regional level, a Regional Plan of Action to Prevent, Deter and Eliminate IUU Fishing in South East Asia has focused on the strengthened implementation and enforcement of port State measures in the South East Asian region.³⁴⁶

228. One State noted the need for assistance in building the capacity of developing countries vis-à-vis the Agreement on Port State Measures, especially with regard to monitoring, control, information exchange, and the use of specific programmes and technologies.³⁴⁷ Several States noted their active promotion of both the ratification of the PSMA by other States and its implementation by Parties, in particular by developing State Parties.³⁴⁸ Australia observed that prior to the COVID-19 pandemic, it had provided training to developing port States such as Malaysia and South Africa to implement the Agreement on Port State Measures.³⁴⁹ NEAFC is also supporting FAO as it develops the GIES,³⁵⁰ while the Commission and members of WCPFC are to cooperate to establish appropriate mechanisms to

³⁴² ICCAT, NEAFC, NPAFC, GFCM.

³⁴³ GFCM, IATTC, ICCAT, NAFO, NEAFC, SPRMO, WFPFC.

³⁴⁴ NEAFC

³⁴⁵ NPFC

³⁴⁶ Australia

³⁴⁷ Saudi Arabia

³⁴⁸ EU, United Kingdom

³⁴⁹ Australia

³⁵⁰ NEAFC

assist developing countries, in particular small island developing States.³⁵¹ The GFCM provides support to cooperative non-contracting parties to implement the Agreement and the relevant GFCM recommendation.³⁵²

Control over fishing activities of nationals

229. The resumed Review Conference recommended that States strengthen domestic and other mechanisms for identifying and deterring nationals and beneficial owners from engaging in IUU fishing activities, and facilitate cooperation to ensure investigations and adequate sanctions. It also recommended that States control the fishing activities of nationals to avoid the undermining of conservation and management measures and deter IUU fishing, as well as that they improve cooperation and coordination with RFMO/As to this end.

230. Several States pointed to domestic laws and regulations which operate, within the limits of the relevant legislative and enforcement jurisdiction, to deter nationals from undertaking IUU activities, as well as to sanction such activities and to take enforcement action.³⁵³ These include requirements for vessels to comply with applicable international conservation and enforcement measures.³⁵⁴ The European Union outlined obligations on its Member States to take measures against nationals involved in IUU fishing, provisions relating to the selling or exporting of fishing vessels to those involved in the operation of IUU vessels, and restrictions on funding to operators involved in the operation, management or ownership of fishing vessels in its IUU vessel list. Several States also pointed to provisions for international cooperation to assist in the identification of nationals involved in IUU fishing.³⁵⁵ One State outlined particular measures taken to control nationals' fishing activity, notably vessel monitoring systems employed for a large part of the fleet, as well as the inclusion of vessels in the official lists of relevant RFMO/As.³⁵⁶

231. Several RFMO/As had measures in place concerning control over the fishing activities of nationals.³⁵⁷ For example, GFCM's Regional Plan of Action to Fight Against IUU Fishing, adopted in 2017,³⁵⁸ contained provisions pursuant to which Parties are to take measures ensuring that their nationals do not support or engage in IUU fishing.³⁵⁹

232. ICCAT noted that in 2022 it had updated a recommendation to promote compliance by nationals of Contracting Parties, Cooperating non-Contracting Parties, Entities, or Fishing Entities. SPRFMO indicated that it had strengthened its measures against nationals involved in IUU fishing in 2020. WCPFC noted that measures taken in 2019 authorized the Commission to monitor the activities of nationals and fishing vessels of cooperating non-members, and established an IUU

³⁵¹ WFPFC

³⁵² GFCM.

³⁵³ Australia, Canada, Chile, EU, Japan, Togo, United Kingdom. See also Mauritius, Saudi Arabia.

³⁵⁴ Canada

³⁵⁵ EU, Japan, Togo

³⁵⁶ Chile

³⁵⁷ GFCM, ICCAT, NEAFC, SIOFA, SPRFMO, WCPFC

³⁵⁸ See https://gfcmsitestorage.blob.core.windows.net/website/Events%20&%20Initiatives/High-level%20Meeting/Updated_GFCM_strategy-e.pdf.

³⁵⁹ EU. See also GFCM.

vessel list which specified that details of owners, including beneficial owners, if any, had to be included in the draft, provisional and final lists.

Strengthening compliance, cooperation and enforcement schemes in RFMO/As

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

234. Several States reported on activities to promote compliance and enforcement at a regional level, including through compliance committees of RFMO/As.³⁶⁰ For example, Canada noted its promotion and implementation of high seas boarding and inspection frameworks across various RFMO/As, as well as its use of aerial surveillance to ensure compliance with binding measures. Chile reported that regional cooperation between members of CPPS had been strengthened. Mauritius noted its participation in the regional surveillance programme of the Indian Ocean Commission. The Philippines strengthened compliance through a national technical working group. The United Kingdom stated that it had concluded several agreements with coastal States to strengthen monitoring, control and surveillance measures. The European Union drew attention to successful efforts to cross-list vessels engaged in IUU fishing across several RFMO/As.

235. Several RFMO/As reported updates and improvements to their compliance and enforcement schemes.³⁶¹ NPAFC indicated that a vessel list regarding IUU fishing would be launched at its next annual meeting

236. Several RFMO/As noted that they reported annually on compliance.³⁶² SIOFA noted it was recruiting a compliance officer to facilitate the review of the compliance report. A toolkit and recommendations aimed at evaluating and strengthening RFMO compliance processes and performance, developed by an expert group as part of a civil society initiative, was presented to a number of RFMO meetings.³⁶³

³⁶⁰ Australia, Canada, Chile, European Union, Japan, Mauritius, Philippines, Saudi Arabia, United Kingdom.

³⁶¹ GCFM, ICCAT, NAFO, NEAFC, NPAFC, NPFC, SIOFA, SPRFMO, WCPFC. See also CCAMLR brochure, p. 11, and <https://www.ccsbt.org/index.php/en/content/monitoring-control-and-surveillance>.

³⁶² NAFO, NEAFC, NPFC,

³⁶³ Approaches to evaluate and strengthen RFMO compliance processes and performance – a toolkit

237. Several responses noted support for, or implementation of, new and emerging technologies to strengthen compliance, cooperation and enforcement schemes, including electronic schemes for monitoring, compliance and surveillance,³⁶⁴ as well as reporting.³⁶⁵ GCFM provided technical assistance to encourage Contracting Parties to utilize innovative tools, including the use of electronic logbooks and winch sensors. The United Kingdom indicated that, as a member of five RFMO/As, as well as CCAMLR, it promoted the use of innovation to advance compliance schemes. IATTC had adopted a scheme for minimum standard for port inspections, which entered into force on 1 January 2022.³⁶⁶

238. Some States and organizations reported on assistance provided to strengthen enforcement regimes and build enforcement capacity in developing States.³⁶⁷ Australia noted it was delivering a monitoring, control and surveillance training programme in Southeast Asia. FAO reported it had developed a guidance document on monitoring, control and surveillance of deep sea fisheries and had provided training on the implementation of monitoring, control and surveillance requirements to two regional organizations.

Development of alternative mechanisms for compliance and enforcement in RFMO/As

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

240. A number of States and RFMO/As shared initiatives to develop such alternative mechanisms.³⁶⁸ For example, Australia noted that it funded a subregional aerial surveillance service and that it had launched information campaigns to communicate the potential dangers of working on fishing boats engaged in IUU fishing. Canada had encouraged intelligence-led and risk-based decision-making by RFMO/As. Chile reported that it shared data from its vessel monitoring systems with relevant RFMO/As.

241. GCFM provided technical assistance to parties on the implementation of vessel monitoring systems, including tailoring technical specifications to specificities of national fleets. ICCAT highlighted its Regional Observer Programmes. NPAFC actively cooperated with academia, non-governmental organizations and industry that were developing innovative technologies which

and recommendations, available at: <https://meetings.wcpfc.int/node/18217>.

³⁶⁴ European Union.

³⁶⁵ NEAFC.

³⁶⁶ IATTC Resolution C-21-07 (22 November 2021) at <https://www.iattc.org/getattachment/f68ac134-db13-4463-b4d6-fe7d902c987b/C-21-07%20Port%20State%20measures>.

³⁶⁷ Australia, Japan, GCFM, FAO.

³⁶⁸ Australia, Canada, Chile, European Union, Mauritius, Saudi Arabia, CFCM, ICCAT, NAFO, NEAFC, NPAFC, SIOFA.

could be helpful in combating IUU fishing, including through workshops, symposia and joint research. SIOFA was considering the implementation of a vessel monitoring system in its area of application.

242. Several responses highlighted the role of high seas boarding and inspection schemes as an alternative means of compliance and enforcement.³⁶⁹ For example, Australia noted its joint operations with other States in the WCPFC area and its contribution to the development of harmonized schemes for boarding and inspection in the areas of several RFMO/As. The European Union noted that it participated in several RFMO/As that had adopted multilateral schemes of inspection.

Regulation of trans-shipment, supply and refuelling vessels

243. In 2016, the resumed Review Conference recommended that States and RFMO/As, to the extent possible, encourage trans-shipment to occur in port, and adopt clear and stringent measures for monitoring and regulating any trans-shipment at sea. The Conference also recommended the development of measures to prevent trans-shipment operations involving vessels engaged in IUU fishing, to improve cooperation and coordination relating to trans-shipment at sea, and noted the work of the FAO towards guidelines on trans-shipment.

244. Support was expressed for strong regulation of trans-shipment.³⁷⁰ Several States and the European Union provided examples of regulation they had adopted on trans-shipment, which included restricting trans-shipment activities to ports and placing any trans-shipment at sea, whether in areas under national jurisdiction or at the high seas, under strict conditions.³⁷¹ Australia noted that it participated in catch documentation schemes, while Mauritius stated that it had joined a Regional Observer Programme. The European Union observed that it was negotiating a general prohibition on trans-shipment at sea on the high seas in the GCFM area of application. Japan noted that all its vessels had to comply with relevant RFMO/A measures on trans-shipment.

245. Several States and organizations noted that they had supported the development of the Voluntary Guidelines for Transshipment, which were adopted in 2022 under the auspices of the FAO.³⁷² The Voluntary Guidelines aimed at providing assistance to States, RFMO/As, as well as other organizations, for their development of new trans-shipment regulations or review of existing regulations.³⁷³ The European Union indicated that it would provide funding to FAO in 2023 to support the implementation of the guidelines, in particular by developing countries.

246. Several RFMO/As specified applicable regulations regarding trans-shipment in their areas of application,³⁷⁴ with some noting ongoing work aimed at strengthening measures to control such activity.³⁷⁵

³⁶⁹ Australia, European Union, ICCAT, NAFO.

³⁷⁰ Australia, Canada, United Kingdom, European Union.

³⁷¹ Australia, Canada, Chile, Togo, United Kingdom, European Union.

³⁷² Canada, United Kingdom, European Union, FAO, NEAFC.

³⁷³ FAO.

³⁷⁴ ICCAT, NAFO, NEAFC, NPAFC, NPFC, SPRFMO, WCPFC. See also CCAMLR Brochure, p. 5, <https://www.ccsbt.org/en/content/monitoring-control-and-surveillance>, IOTC Resolution 22/02

Strengthening fisheries access agreements

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

248. Japan, Mauritius, the Philippines and the United Kingdom provided examples of their practice regarding fisheries access agreements. Saudi Arabia indicated that it promoted such agreements through regional bodies and organizations. Some States indicated that they did not permit foreign vessels to fish in waters under their jurisdiction,³⁷⁶ or only permitted such fishing activities under strict controls.³⁷⁷

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

Market-related measures

250. The Review Conference in 2016 recommended that States take measures, consistent with international law, to ensure that only fish that have been taken in accordance with applicable conservation and management measures reach their markets, and that States take steps consistent with national and international law to require those involved in fish trade to cooperate fully to this end. At the same time, it was recommended that States recognize the importance of market access, for fishery products and fish caught in a manner that is in conformity with the applicable conservation and management measures. The Conference also recommended that States prevent illegally harvested fish or fish products from entering into commerce through the greater use and better coordination of catch documentation schemes and other market related measures, strengthen law enforcement cooperation and facilitate the commerce in fish or fish products caught in a sustainable manner, and called for the timely finalization of FAO voluntary guidelines on catch documentation schemes and other market-related measures.

251. Several States provided examples of market-related measures that they implemented, including catch verification, documentation or certification schemes and traceability systems.³⁷⁸ Australia indicated that it was funding work with Pacific island countries to assist in the development of a regional traceability scheme for highly migratory species. Canada stated that it conducted inspections on seafood processing facilities and ensured the importation of lawful seafood products. Chile

on establishing a programme for transshipment by large-scale fishing vessels, <http://extwprlegs1.fao.org/docs/pdf/mul212809.pdf> and SEAFO 2019 System http://www.seafo.org/media/cd9e3911-2a7f-4db4-ba17-e8a74ba12021/SEAFOweb/pdf/System/SEAFO%20SYSTEM%202019_.pdf.

³⁷⁵ GCFM, NPFC, SIOFA, WCFPC.

³⁷⁶ Australia, Chile.

³⁷⁷ Canada.

³⁷⁸ Australia, Canada, Chile, European Union, Mauritius, Philippines, Togo, United Kingdom.

indicated that it was implementing a traceability system to determine the legal origin and destination of fish products, in addition to its capture documentation systems implemented to comply with requirements imposed by the European Union and the United States. Japan highlighted its market-related measures around tuna and tuna products, as well as new regulations on catch certification for the domestic market and for imports. The United Kingdom noted that it only allowed the import of fish from third countries upon prior authorization.

252. The European Union reiterated its support for the introduction of global catch certificates, the improvement of catch documentation schemes under RFMO/As, and the introduction of certification schemes thereunder.

253. FAO reported that, following the adoption in 2017 of the Voluntary Guidelines for Catch Documentation Schemes, it had published in 2022 a handbook on understanding and implementing such schemes to guide national authorities. FAO also continued to support national processes for the effective implementation of catch documentation schemes and had published a report on the use of catch documentation schemes for deep sea fisheries in areas beyond national jurisdiction.³⁷⁹

254. Several RFMO/As reported on their work regarding market-related measures.³⁸⁰ While CCAMLR had market-related measures in place, a 2017 performance review noted that such measures could be strengthened.³⁸¹ ICCAT reported a catch documentation scheme for bluefin tuna and statistical document programmes for swordfish and bigeye tuna. GCFM was working on catch documentation schemes for red coral and turbot, among other species.³⁸² SIOFA had adopted a Port Inspection Scheme in 2020, requiring parties to designate port of entry for foreign vessels and ensure sufficient capacity to conduct inspections. CCBST was exploring the use of an electronic catch documentation scheme to facilitate compliance by members, while drawing attention to the need to communicate with non-members to track Southern Bluefin Tuna products in their markets.³⁸³

255. Some RFMO/As noted that, while they had the ability to adopt market-related measures, no such measures had yet been taken.³⁸⁴ NEAFC specified that such measures had not been necessary given the success in combatting IUU fishing.

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

256. In 2016, the resumed Review Conference recommended that States join the International Monitoring, Control and Surveillance Network for Fisheries-related Activities (the Network) and share information and practices that would strengthen

³⁷⁹ <https://www.fao.org/3/ca2401en/CA2401EN.pdf>.

³⁸⁰ GCFM, ICCAT, SIOFA. See also Second CCAMLR Performance Review, p. 24, para 52 and https://www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf.

³⁸¹ Second CCAMLR Performance Review, p. 24, para 52.

³⁸² European Union, GCFM.

³⁸³ 2021 CCSBT Performance Review, p. 32 and 33, at

https://www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf.

³⁸⁴ NEAFC, NPAFC, NPFC.

enforcement of fisheries conservation and management measures, as well as support the enhancement of the Network, including through the provision of funding.

257. Several States noted their active participation in the Network.³⁸⁵ Canada indicated that it had funded virtual forums and was planning to host the Network's first post-pandemic conference in 2023 in Halifax. Saudi Arabia expressed its intention to join efforts to combat IUU fishing and requested capacity-building assistance in this regard.

258. While some RFMO/As indicated that they were members of the Network,³⁸⁶ others noted that they were considering joining.³⁸⁷ Several organizations indicated that they cooperated with the Network on the exchange of information regarding IUU vessel lists.³⁸⁸ NPAFC and SPRFMO noted their participation in the Pan-Pacific Fishery Compliance Network and ICCAT stated that it participated in the Tuna Compliance Network. WCFPC noted that the Network had applied for observer status with it.

259. Some respondents further noted participation in relevant regional networks.³⁸⁹ For example, the European Union observed that it participated in the Ecofish Regional Fisheries Monitoring Plan. Togo noted that it engaged in patrols and information sharing on IUU fishing in the context of the Fisheries Committee for the West Central Gulf of Guinea.

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

260. In 2016, the resumed Review Conference recommended promotion of the universal acceptance of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement), as well as cooperation with FAO to develop a comprehensive global record of fishing vessels, refrigerated transport vessels and supply vessels, and to expedite efforts through FAO, in cooperation with International Maritime Organization (IMO), to create a unique vessel identifier system. It also stressed the need for further cooperation among RFMO/As, including for the preparation of consolidated lists of authorized vessels and vessels presumed to have carried out IUU fishing activities.

261. Some States noted their support for, and participation in, the Compliance Agreement, which³⁹⁰, as of 1 November 2022, had 45 parties. A report on implementation of the Agreement, funded by the European Union, noted that the Agreement suffered from low participation and implementation rates and found that

³⁸⁵ Australia, Canada, Chile, United Kingdom

³⁸⁶ See <https://imcsnet.org/membership/network-members/>. Members include CCSBT, CCAMLR, NEAFC and SPRFMO.

³⁸⁷ NAFO, NPFC

³⁸⁸ GCFM, NAFO, NEAFC, SIOFA.

³⁸⁹ Chile, European Union, Togo.

³⁹⁰ Australia, Canada, European Union, Japan.

some of its provisions had been overtaken by developments, including in relation to later agreements and the establishment of the Global Record.³⁹¹

262. FAO reported that a second version of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), originally launched in 2017, was released in 2022. As of November 2022, it included 40 percent of the global eligible fleet (with IMO numbers) from 66 FAO members. FAO had also established a help desk to support FAO members to upload vessel data. Several States confirmed that they had provided information on their vessels to the Global Record,³⁹² as well as to relevant RFMO/As.³⁹³

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

264. Several RFMO/As noted their participation in regional or sectoral vessel listing initiatives, as well as the sharing of information across such organizations and arrangements.³⁹⁴ For example, CCMALR established vessel lists for Contracting Parties and for Non-Contracting Parties, based on available information, including sighting reports from its members.³⁹⁵ NPAFC did not maintain vessel listings. Australia highlighted its efforts to ensure harmonization of vessel data in RFMO/As to which it was a party.

2. Conclusions

265. While the number of responses makes it difficult to draw firm conclusions, it would appear that progress has been made by States and RFMO/As in implementing the recommendations relating to monitoring, control and surveillance. Contributions suggest that strides are being made in the strengthening the capacity of flag States to exercise effective control over vessels flying their flag, both on the domestic and regional level. Some action has also been taken to strengthen existing measures to control fishing activities of nationals.

266. On the basis of the responses submitted, it seems that RFMO/As have made some advancements in the implementation of vessel monitoring systems and compliance assessment mechanisms, in line with the recommendations of the 2016 resumed Review Conference. Progress appears also to have been made with regard to vessel cross-listing, although WCFPC observed that this did pose an additional burden on small fisheries administrations, for example in small island developing

³⁹¹ FAO Committee on Fisheries, Study on the implementation of the 1993 FAO Compliance Agreement (2022), at <https://www.fao.org/3/cc1871en/cc1871en.pdf>.

³⁹² Canada, Chile, Philippines.

³⁹³ Philippines.

³⁹⁴ ICCAT, NEAFC, NPFC, SIOFA. See also <https://www.ccamlr.org/en/compliance/iuu>.

³⁹⁵ See <https://www.ccamlr.org/en/compliance/iuu>.

States. The responses submitted also indicate efforts to reach beyond traditional mechanisms for compliance and enforcement, including through the use of communication campaigns and the involvement of diverse stakeholders.

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

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

D. Developing States and non-parties to the Agreement

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

1. Measures taken at the national and international levels

Enhancing the participation of developing States in high seas fisheries

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

271. The importance of the participation of developing States in RFMO/As and other treaty arrangements was highlighted by some States,³⁹⁶ and some developing States highlighted their participation.³⁹⁷

272. Some measures were taken by States to facilitate the participation of developing States in the work of RFMO/As, including financial contributions.³⁹⁸ Australia worked to ensure that measures adopted by RFMO/As, including those relating to access and allocation, took into account the rights and aspirations of developing States, and genuinely considered potential impacts on them.

273. Several RFMO/As have also taken measures to enhance the participation of developing States in their work, including by providing assistance in strengthening national and regional regulatory fisheries policies,³⁹⁹ inviting non-members to observe meetings,⁴⁰⁰ and promoting dialogue with non-members.⁴⁰¹ SPRFMO sends coastal States and States with an interest in its fisheries annual invitations to join the Organization. Furthermore, some RFMO/As have established dedicated funds to promote inclusiveness in decision-making by facilitating the participation of developing States in meetings.⁴⁰² For example, CCBST established a special Meeting Participation Fund aiming at supporting scientists and representatives from its Members which are developing States to participate in scientific CCBST meetings.⁴⁰³

274. Several States and an RFMO reported on concrete measures to facilitate developing States fisheries, including through training and provision of vessels and equipment.⁴⁰⁴

Strengthening the capacity of developing States

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

276. Several States reported on activities building the capacity of developing States to participate in high seas fisheries.⁴⁰⁵ Canada made voluntary contributions to the WCPFC's

³⁹⁶ Australia, Saudi Arabia.

³⁹⁷ Chile, Philippines, Togo.

³⁹⁸ European Union, Australia, Japan and the United Kingdom.

³⁹⁹ GFCM, NEAFC.

⁴⁰⁰ NPAFC.

⁴⁰¹ NPAFC.

⁴⁰² GFCM, ICCAT, SPRFMO, WCPFC, See CCSBT, "Resolution on the Establishment of a Meeting Participation Fund for Developing States of CCSBT Members", adopted at the 39th Annual Meeting.

⁴⁰³ See CCSBT, "Resolution on the Establishment of a Meeting Participation Fund for Developing States of CCSBT Members", adopted at the 39th Annual Meeting.

⁴⁰⁴ European Union, Australia, Japan, WCPFC.

Special Requirement Fund to help build fisheries capacity for developing State members. Australia provided support through RFMO/As to ensure all Pacific Island countries benefited from the sustainable use of tuna, and for fisheries to continue to operate during the COVID-19 pandemic. The European Union contributed funds to the development of the blue economy in developing countries, including projects that supported the sustainable development of fisheries and aquaculture.

277. Some RFMO/As reported mainstreaming strategies to assist developing States participate in high seas fisheries.⁴⁰⁶ WCPFC's 2018 Strategic Investment Plan, updated annually, targets investment to address priority needs as identified by developing States, including effective participation. It also sets out thematic capacity development needs and funding sources, including the WCPFC annual budget line for Regional Capacity Building Workshops. GFCM reported that almost all of its projects and programmes include capacity building for member States.

278. Several States reported providing support for, and cooperating with, developing States to strengthen national and regional fisheries management.⁴⁰⁷ The European Union was promoting ocean governance in developing countries, including the reinforcement of their scientific, administrative and technical capacity for fisheries management and control and regular funding FAO's capacity building and technical assistance.

279. Australia regularly provided capacity development to developing States through bilateral and multilateral arrangements, including with the Forum Fisheries Agency, to strengthen fisheries management in the Pacific. Canada also provided technical assistance to a number of developing States via the Forum Fisheries Agency, to help build capacity for monitoring and surveillance. The United Kingdom supported developing States strengthen fisheries management to deliver sustainable stocks and healthy marine ecosystems, provide inclusive livelihoods, and reduce overfishing through its Blue Planet Fund. Spain had 22 memorandums of understanding on capacity building with African and Latin American countries.⁴⁰⁸

280. Some RFMO/As also reported providing support for, and cooperating with, developing States to strengthen national and regional fisheries management.⁴⁰⁹ GFCM provided assistance, including through bilateral consultations, to strengthen the capacities of national research institutions, including in the field of data collection, stock assessment, and fisheries management. Given it had no developing State members, NEAFC contributed to capacity building in other regions by sharing its expertise and experience, both in direct cooperation and through the FAO. SIOFA provided financial assistance, human resource development, technical assistance, technology transfer, and participation in the various SIOFA committees to developing States bordering the area. SEAFO operated a voluntary Special Requirements Fund utilized for capacity building for developing States delegates.⁴¹⁰

⁴⁰⁵ European Union, Australia, Canada, Japan.

⁴⁰⁶ GFCM, WCPFC.

⁴⁰⁷ European Union, Australia, Canada, United Kingdom.

⁴⁰⁸ A/77/155/Corr.1.

⁴⁰⁹ GFCM, NEAFC, SIOFA.

⁴¹⁰ Please see: http://www.seafo.org/media/eb315a44-80a4-4ab6-9f59-70c2c4a0f16f/SEAFOweb/pdf/SCAF/open/eng/Special%20Requirements%20Fund_pdf.

IOTC implemented a capacity building program to improve developing States' compliance with Conservation and Management Measures from January 2018 to June 2020.⁴¹¹

281. Several States reported providing assistance to developing States in the fight against IUU fishing.⁴¹²

282. FAO reported providing legal assistance on the implementation of the Agreement and other related international fisheries instruments to a number of States,⁴¹³ including for national policy and legislation development. In 2017, FAO launched its Global Programme to support the implementation of international fisheries instruments, which has thus far provided technical assistance and training to a total of 48 developing States. It also supported the development and implementation of related global information exchange tools. FAO has also been working to build capacity in relation to the safety of fisheries.

283. The compilation of sources of available assistance for developing States and the needs of developing States for capacity-building and assistance in the conservation and management of straddling fish stocks and highly migratory fish stocks was last updated in 2009.⁴¹⁴ No subsequent request for updates was made by the General Assembly.

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

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

285. The Assistance Fund under Part VII of the Agreement, administered jointly by the Division and FAO, plays an important role in facilitating the participation in and effective implementation of the Agreement by developing States. However, due to a lack of recent contributions, the Assistance Fund has been effectively depleted for a number of years. The Division has made repeated appeals for contributions and has also sought to publicize the

⁴¹¹ Please see: <https://iotc.org/projects/improving-developing-countries%E2%80%99-compliance-iotc-conservation-and-management-measures>.

⁴¹² European Union, Australia, Canada, Japan.

⁴¹³ FAO.

⁴¹⁴ See

www.un.org/Depts/los/convention_agreements/fishstockmeetings/compilation2009updated.pdf.

Assistance Fund, including through its new capacity building website.⁴¹⁵ With the FAO, the Division continues to draw attention to the Fund, directly with States, at intergovernmental meetings and through the Regional Fishery Body Secretariats Network.⁴¹⁶ While no RFMO/As reported establishing a link to the Assistance Fund home page on their websites, the link does appear in the websites of some, though not prominently.⁴¹⁷

286. Following the resumed Review Conference, the FAO and the Division undertook a review of the terms of reference of the Assistance Fund under Part VII of the Agreement, which resulted in the terms of reference being revised at the fourteenth round of Informal Consultations of States Parties to the Agreement. These aimed at improving the whole functioning of the Assistance Fund, from contributions, to applications, and awards. Within the framework of the revised terms of reference, the European Union funded a project to increase awareness and implementation of, and participation in, the Agreement which is being implemented by FAO and the Division.⁴¹⁸

287. Some RFMO/As reported providing relevant assistance to developing States.⁴¹⁹ SEAFO conducted training to Port inspectors in South Africa and Namibia on the SEAFO port inspection procedures. CCSBT specifically earmarked funds within its budget for assistance to developing States, but this practice ceased in 2016 because those funds were largely unused.⁴²⁰ IOTC established a specific capacity building fund in 2016 that for the first five years focused on, *inter alia*, improving data collection among developing State members and developing capacity in the implementation of management measures.⁴²¹

288. Several States reported on efforts strengthening capacity-building mechanisms and programmes.⁴²² The European Union continued its support of capacity building mechanisms in RFMO/As, such as CCAMLR's General Science Capacity Fund, and provided targeted funding through sustainable fisheries partnership agreements (SFPAs) that contributed to most of the priority areas that the Review Conference requested be targeted by the Assistance Fund. Australia reported support for several capacity-building mechanisms and programmes through the Pacific Islands Forum Fisheries Agency (FFA), including providing legal and operational support to address IUU fishing, funding for the implementation of the FFA Regional Monitoring Control and Surveillance (MCS) strategy, as well as providing assets to enhance developing country capacity for the protection and surveillance of their resources.

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

⁴¹⁵ <https://www.un.org/oceancapacity/fishstocks>.

⁴¹⁶ FAO.

⁴¹⁷ See CCSBT (<https://www.ccsbt.org/en/content/links>); SPRFMO (<https://www.sprfmo.int/cooperation/other-organisations/>).

⁴¹⁸ See the Division's website: <https://www.un.org/oceancapacity/UNFSA>.

⁴¹⁹ CCSBT, Response from SEAFO on General Assembly Resolutions 64/72, 66/68; and 71/123, p. 21-22 and 28, at

https://www.un.org/Depts/los/bfw/SEAFO__2022.pdf.

⁴²⁰ See 2021 CCSBT Performance Review, p. 41, at

https://www.ccsbt.org/en/system/files/ESC27_07_PerformanceReviewReport.pdf)

⁴²¹ <http://extwprlegs1.fao.org/docs/pdf/mull165153.pdf>.

⁴²² European Union, Australia.

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

290. The importance of artisanal and small-scale fisheries in developing States was highlighted by some States⁴²³ and several States reported on measures taken to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, in addition to indigenous peoples in developing States.⁴²⁴

291. Australia continued to provide traditional small-scale fishers access to its waters through a memorandum of understanding concluded with Indonesia. It also reported scaling up support for community-based fisheries management and aquaculture assistance to enhance food security, nutrition and improve livelihoods in Kiribati, Solomon Islands and Vanuatu and that it was extending the framework across the region.

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

293. FAO undertook a large number of activities to implement Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication and support avoiding adverse impacts on, and ensuring the access to fisheries of, subsistence, small scale and artisanal fishers and women fish workers, as well as indigenous peoples in developing States. These activities included leading the International Year of Artisanal Fisheries and Aquaculture in 2022 and supporting States in achieving and reporting on SDG indicator 14.b.

294. Some RFMO/As also reported on measures in respect of subsistence, small-scale and artisanal fishers and fishworkers.⁴²⁵ WCPFC provided examples of measures designed to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and fishworkers.⁴²⁶ SPRFMO indicated that it had modified its measures to

⁴²³ Australia, Chile, Japan, Philippines, Togo.

⁴²⁴ European Union, Australia, Chile, Japan, Philippines, Saudi Arabia, Togo, United Kingdom.

⁴²⁵ GFCM, SPRFMO, WCPFC.

⁴²⁶ See, for example, its measure on the conservation and management of bigeye, yellowfin and skipjack tuna (CMM 2021-01).

support artisanal fishing, in particular regarding its lists of authorized vessels. Artisanal fishing vessels from coastal developing States of no more than 15 meters in length were exempt from providing otherwise-required information until 1 January 2026.⁴²⁷ GFCM noted that it actively promoted inclusion and strengthening of small-scale and artisanal fishers and women fishworkers and indicated that it took concerted action to promote sustainability of small-scale fisheries in the Mediterranean and Black Sea.

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

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

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

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

298. Several RFMO/As reported that the need to avoid such transfer is embedded in their decision-making and conservation and management measures.⁴²⁸ However, ICCAT indicated that no definition of the concept of “disproportionate burden” had been developed.

Activities to promote wider participation in the Agreement

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

300. Several States emphasized the importance they attached to the conservation and management of straddling fish stocks and highly migratory fish stocks and indicated that

⁴²⁷ See its measures on the Establishment of the Commission Record of Vessels Authorised to Fish in the Convention Area (CMM 05-2022).

⁴²⁸ ICCAT, SPRFMO, WCPFC.

they were encouraging others to become parties to the Agreement⁴²⁹ using bilateral or multilateral channels, including through RFMO/As. In addition, one State expressed its intention to become a party to the Agreement⁴³⁰ and another recalled that it had recently become party to it.⁴³¹ The United States hosted the Our Ocean Conference in 2016, and co-hosted the Conference with Palau in 2022, as an international, multi-disciplinary conference to draw attention to pressing international oceans and fisheries issues.

301. SIOFA and SPRFMO reported that they disseminated information relevant to the Agreement, including through their website.⁴³² Active participation in the Review Conference, as well as in the Informal consultations of States Parties to the Agreement, were presented as actions aimed at promoting the Agreement.⁴³³

302. Reference was made to the intergovernmental consultation on the Regional Cooperation for Sustainable Fisheries and Aquaculture in the Red Sea and Gulf of Aden, in particular to the ongoing discussions on the establishment of a regional fisheries management body in such area, considering that most of the countries therein are not yet parties to the Agreement.⁴³⁴

2. Conclusions

303. The overall effectiveness of the Agreement continues to depend on broad participation in, and effective implementation of, this instrument, together with participation in the work of RFMO/As that implement its provisions. Assistance to, and cooperation with, developing States are necessary to promote their adherence to and effective implementation of its provisions.⁴³⁵ The realization of the recommendations of the Review Conference relating to developing States and non-parties therefore remains vital to the success of the Agreement. While significant, it appears that progress made by States and RFMO/As remains uneven and that some recommendations are not being implemented.

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

305. Important measures continue to be put into place to strengthen capacity-building mechanisms and programmes, however, the current level of funding for capacity-building initiatives, in particular the Assistance Fund under Part VII of the Agreement, remains

⁴²⁹ Australia, Canada, Japan, Philippines.

⁴³⁰ Saudi Arabia.

⁴³¹ Togo.

⁴³² SIOFA.

⁴³³ Philippines, NEAFC, SPRFMO.

⁴³⁴ FAO, Saudi Arabia.

⁴³⁵ The General Assembly has called upon States to promote, through continuing dialogue and the assistance and cooperation provided in accordance with articles 24 to 26 of the Agreement, further ratifications of or accessions to the Agreement by seeking to address, among other things, the issue of lack of capacity and resources that might stand in the way of developing States becoming parties.

insufficient and irregular. The need for sustained voluntary contributions to the Assistance Fund to maintain its availability and effectiveness therefore remains critical.

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

307. The General Assembly has repeatedly called upon States that have not done so, in order to achieve the goal of universal participation, to become parties to the Agreement.⁴³⁶ While ten additional States have become parties to the Agreement since 2016, substantial additional efforts by States, RFMO/As and other stakeholders continue to be needed to achieve that goal. Encouraging non-parties to become parties to the Agreement necessarily involves identifying the reasons that impede further ratifications and the role of RFMO/As

IV. General conclusions

308. Twenty-eight years after its adoption, the Agreement remains a fundamental building block of the international legal framework for the conservation and management of marine living resources. Building on the provisions of the Convention, it provides a framework for enhanced cooperation to conserve and manage some of the world's most commercially significant high seas fish stocks, including through RFMO/As.

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

310. The full and effective implementation of the Agreement thus remains critical to achieving the long-term sustainability of straddling fish stocks and highly migratory fish stocks, as well as meeting global goals and commitments, including as reflected in the 2030 Agenda. While the Covid-19 pandemic and other factors resulted in challenges and delays for States and RFMO/As in the implementation of the Agreement over the course of the period under review,⁴³⁷ the emerging “new

⁴³⁷ www.fao.org/publications/card/en/c/CB5269EN/.

normal” provides rich opportunities for strengthening collaboration for fisheries management under the aegis of the Agreement and related instruments.

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

312. In particular, progress seems to have been achieved in the holding of performance reviews in many RFMO/As, which have in some cases led to improved functioning of RFMO/As, strengthening of measures and increased transparency. There have also been efforts to improve the integration of precautionary and ecosystems approaches into fisheries management. The entry into force and rapid growth of the PSMA has strengthened implementation of port state measures. The adoption of guidance by FAO on trans-shipment, catch documentation schemes, marking of fishing gear has also contributed to improving cooperation and implementation in these respective fields. There has also been a notable increase in cooperation amongst RFMO/As and with other organizations, including through mechanisms such as the Regional Fishery Bodies Secretariat Network and the Sustainable Ocean Initiative, as well as through the topical discussions at the Informal Consultations of States Parties to the Agreement. Moreover, the adoption of the WTO Agreement on Fisheries Subsidies, while not yet in force, is an important achievement which promises to reduce harmful subsidies while also improving transparency in the fisheries sector. All efforts should be made to bring the Agreement on Fisheries Subsidies into force as early as possible, with a view to effectively eliminating those subsidies which are most harmful to the sustainability of fish stocks, and to complete negotiations on outstanding issues within the framework of the WTO.

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

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

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