

## **Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks** (New York, 22 to 26 May 2006, 24 to 28 May 2010, and 23 to 27 May 2016)

Pursuant to General Assembly resolution 70/75, the Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Fish Stocks Agreement) will be resumed at United Nations Headquarters in New York, from 23 to 27 May 2016. The mandate of the Conference is to assess the effectiveness of the United Nations Fish Stocks Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. To this end, the Conference is to review and assess the adequacy of the provisions of this United Nations Fish Stocks 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.

### **Background**

The United Nations Fish Stocks Agreement was adopted on 4 August 1995 by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and opened for signature on 4 December 1995, marking a major step forward in the development of a comprehensive legal regime for the long-term conservation and sustainable use of straddling and highly migratory fish stocks. While further efforts are needed to ensure its full and effective implementation, the United Nations Fish Stocks Agreement has already had a profound impact on fisheries governance since it entered into force on 11 December 2001.

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

In order to achieve those objectives, the United Nations Fish Stock Agreements provides a framework for cooperation in the conservation and management of straddling fish stocks and highly migratory fish stocks. It promotes good order in the oceans through the effective management and conservation of high seas resources by: establishing, among other things, detailed minimum international standards for the conservation and management of straddling fish stocks and highly migratory fish stocks; ensuring that measures taken for the conservation and management of those stocks in areas under national jurisdiction and in the adjacent high seas are compatible and coherent; ensuring that there are effective mechanisms for compliance and enforcement of those

measures on the high seas; and recognizing the special requirements of developing States in relation to conservation and management as well as the development and participation in fisheries for two types of stocks.

The United Nations Fish Stocks Agreement covers species, such as tuna, swordfish and oceanic sharks (highly migratory species), which migrate long distances through both the high seas and areas under the jurisdiction of States. It also covers fish stocks that straddle the border between a country's exclusive economic zone (up to 200 nautical miles offshore—where coastal States have sovereign rights for the conservation and management of marine living resources), and the adjacent high seas. Examples of such stocks are cod, halibut, pollock, jack mackerel and squid (straddling fish stocks). The General Assembly has also recognized that the general principles of the Agreement may also be applicable to discrete high seas fish stocks.

The fundamental principle upon which the United Nations Fish Stocks Agreement is constructed is that countries should cooperate to ensure conservation of straddling fish stocks and highly migratory fish stocks and promote the optimum utilization of these resources, both within and beyond areas under national jurisdiction, as initially established in the United Nations Convention on the Law of the Sea. Pursuant to the Agreement, the conservation and management of such stocks must be based on the precautionary approach and the best scientific evidence available. The United Nations Fish Stocks Agreement also recognizes regional fisheries management organizations and arrangements as a primary vehicle for cooperation between coastal States and high seas fishing States in the conservation and management of straddling fish stocks and highly migratory fish stocks.

In its resolution [56/13](#) of 28 November 2001, the General Assembly requested the Secretary-General, once the Agreement enters into force, to consult with the States Parties to the United Nations Fish Stocks Agreement, for the purposes and objectives of, inter alia, considering the regional, subregional and global implementation of the Agreement; making any appropriate recommendations to the General Assembly on the scope and content of the annual report of the Secretary-General relating to the Agreement; and preparing for the review conference to be convened by the Secretary-General pursuant to article 36 of the Agreement (see [ICSP/UNFSA/REP/INF.1](#), para. 1). These informal consultations have been held annually from 2002 to 2010 and, after a brief hiatus, again since 2014.

## Review Conference

Pursuant to article 36 of the United Nations Fish Stocks Agreement, and in accordance with paragraph 16 of General Assembly resolution 59/25, the Secretary-General convened a review conference on the United Nations Fish Stocks Agreement four years after its entry into force.

That Review Conference, held in New York from 22 to 26 May 2006, was mandated to assess the effectiveness of the United Nations Fish Stocks Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of those stocks.

After one week of discussions, the Review Conference adopted a set of wide-ranging recommendations for strengthening the implementation of the United Nations Fish Stocks

Agreement (see [A/CONF.210/2006/15](#), Annex). Many of the recommendations were later endorsed by the General Assembly and included in its annual resolution on sustainable fisheries. The recommendations have also provided the impetus for many international efforts to improve the conservation and management of straddling fish stocks and highly migratory fish stocks.

At that time, the Review Conference decided to keep the United Nations Fish Stocks Agreement under review through the resumption of the Review Conference at a date not later than 2011 (see [A/CONF.210/2006/15](#), Annex, para 59.(b)), to be agreed, and to request the Secretary-General to convene the meeting.

Pursuant to General Assembly resolution [63/112](#) of 5 December 2008 and resolution [64/72](#) of 4 December 2009, the Review Conference was resumed at United Nations Headquarters in New York, from 24 to 28 May 2010. Participating States assessed the implementation of the United Nations Fish Stocks Agreement, as well as the recommendations adopted at the Review Conference in 2006 (see [A/CONF.210/2006/15](#), Annex).

At the Review Conference in 2010, many delegations highlighted specific developments since the adoption of the recommendations of the Review Conference in 2006, including: increased participation in the United Nations Fish Stocks Agreement, adoption of strengthened measures on monitoring, control, surveillance, compliance and enforcement, in particular, the adoption of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, the adoption of resolutions by the General Assembly on bottom fishing and protection of vulnerable marine ecosystems, and the work of the Food and Agriculture Organization of the United Nations towards establishing a global registry of vessels with a single vessel identification number and improving catch statistics (see [A/CONF.210/2010/7](#), para. 24).

It was generally felt that further efforts were needed to improve the status of fish stocks, including by strengthening requirements for timely and accurate fisheries data reporting, requiring measures to be consistent with the best available scientific information and applying the precautionary approach as set forth in article 6 of the United Nations Fish Stocks Agreement (see [A/CONF.210/2010/7](#), para. 26). Therefore, while the resumed Review Conference reaffirmed the recommendations adopted in 2006 and urged that implementation of the recommendations would continue and be strengthened; it also adopted a new set of recommendations (see [A/CONF.210/2010/7](#), Annex).

## The way forward

In General Assembly resolution 70/75, Member States of the United Nations decided to once again resume the Review Conference at United Nations Headquarters in New York, from 23 to 27 May 2016.

Since the 2010 Review Conference, six additional States have become parties to the United Nations Fish Stocks Agreement. The increased participation has contributed to enhancing the legal regime for the conservation and management of the world's fisheries for straddling fish stocks and highly migratory fish stocks (see [United Nations Treaty Collection](#)).

The recommendations of the Review Conference in 2006 and 2010 represent a significant step in improving the overall conservation and management of straddling fish stocks and highly migratory

fish stocks, including by progressing reform efforts within regional fisheries management organizations and arrangements and the implementation of the Agreement at all levels (see [A/CONF.210/2016/1](#), para. 361).

However, there is still much room for improvement, as highlighted by the Secretary-General's report in advance of this latest resumed Review Conference, which identifies a number of areas where progress is required. The report noted that while progress had been reported in certain fisheries, the current level of implementation of the United Nations Fish Stocks Agreement and the recommendations from the previous sessions of the Review Conference had been uneven, and did not appear to have contributed significantly to an improvement in the overall status of straddling fish stocks and highly migratory fish stocks, which have overall witnessed a decline (see [A/CONF.210/2016/1](#), para. 355).

As noted in the Secretary General's report, 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. Continuous and dedicated efforts by all States over the long term are needed if the Agreement is to fulfil its purposes (see [A/CONF.210/2016/1](#), para. 361).

As of April 2016, there are 83 parties to the Agreement: Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Brazil, Bulgaria, Canada, Chile, Cook Islands, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Guinea, Hungary, Iceland, India, Indonesia, Ireland, Islamic Republic of Iran, Italy, Japan, Kenya, Kiribati, Latvia, Liberia, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Nauru, Netherlands, New Zealand, Nigeria, Niue, Norway, Oman, Palau, Panama, Papua New Guinea, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Tonga, Trinidad and Tobago, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and the European Union.

For further information, please visit [www.un.org/Depts/los/index.htm](http://www.un.org/Depts/los/index.htm), or contact the United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, at [doalos@un.org](mailto:doalos@un.org).