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HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

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21 September 2023

Dear Sir or Madam,

I wish to draw your attention to the outcome of the resumed Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the “Agreement”), which was held in New York from 22 to 26 May 2023. As agreed by the meeting, the outcome of the Conference in 2023 consists of a summary of discussions at the Conference, prepared by the President of the Conference, Mr. Joji Morishita (Japan) (A/Conf.210/2023/6), and a negotiated outcome (A/Conf.210/2023/6, annex).

In its negotiated outcome, the resumed Review Conference, inter alia, agreed to request the President of the Conference to transmit the final report of the Conference to the secretariats of all regional fisheries management organizations and arrangements, including, where possible, those under negotiation, and to the General Assembly, the Food and Agriculture Organization of the United Nations, the International Maritime Organization and other relevant organizations, and to highlight the relevant recommendations and requests for action contained in the report.

In accordance with this request and on behalf of the President of the Conference, it is my pleasure to hereby transmit to your Organization the Report of the resumed Review Conference on the Agreement with a view to drawing its attention to the relevant recommendations and requests for action contained in the annex to that Report.

Yours sincerely,


Vladimir Jares

Director

Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs

Attachment

Regional fisheries management organizations and arrangements
and other relevant intergovernmental organizations



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**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, 22–26 May 2023

**Report of the resumed Review Conference on the
Agreement for the Implementation of the Provisions of
the United Nations Convention on the Law of the Sea of
10 December 1982 relating to the Conservation and
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Prepared by the President of the Conference



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I. Introduction

1. Pursuant to article 36 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement),¹ the Secretary-General convened a Review Conference on the Agreement in 2006. The Review Conference was mandated to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of those stocks.² The Review Conference was resumed from 24 to 28 May 2010³ and from 23 to 27 May 2016.⁴

2. In 2016, the resumed Review Conference agreed to keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2020, to be agreed at a future round of informal consultations of States parties to the Agreement (informal consultations).⁵ Pursuant to an agreement at the fourteenth round of informal consultations, in May 2019, the General Assembly, in its resolution [74/18](#), as amended by its resolutions [76/71](#) and [77/118](#), requested the Secretary-General to resume the Review Conference from 22 to 26 May 2023. The Assembly also requested the Secretary-General to submit to the resumed Review Conference an updated comprehensive report, prepared in cooperation with the Food and Agriculture Organization of the United Nations (FAO), to assist the Conference in discharging its mandate under article 36 of the Agreement.

3. The report of the Secretary-General ([A/CONF.210/2023/1](#)) contained an overview of the status and trends of straddling fish stocks and highly migratory fish stocks, discrete high seas stocks and non-target, associated and dependent species. It also provided a review and analysis of the extent to which the recommendations adopted by the Review Conference, in 2016, had been implemented by States and regional fisheries management organizations and arrangements, including a description of relevant activities of FAO.

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

II. Opening of the resumed Review Conference

5. On behalf of the Secretary-General, the Assistant Secretary-General for Legal Affairs, representing the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, opened the resumed Review Conference. He recalled that, owing to the untimely passing of the President of the Review Conference in 2016, Fábio Hazin (Brazil), elections for a new President would need to be held.

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

² General Assembly resolutions [59/25](#) and [60/31](#).

³ [A/CONF.210/2010/7](#).

⁴ [A/CONF.210/2016/5](#).

⁵ *Ibid.*, annex, para. 15 (b).

III. Election of the President

6. The resumed Review Conference elected Joji Morishita, Adviser on International Fisheries Affairs to the Minister of Agriculture, Forestry and Fisheries, Japan, as President of the Conference by acclamation.

IV. Opening statements

7. The President expressed his appreciation to delegations and to Mr. Hazin, whose untimely passing was noted as a loss to the international community. He recalled that his predecessors, Mr. Hazin and David Balton (United States of America), had set a high standard when presiding over the Review Conference. The Conference provided an opportunity to promote the effective conservation and management of the world's straddling fish stocks and highly migratory fish stocks and played a vital role in strengthening the implementation of the Agreement. He welcomed the increased participation under the Agreement, with 35 additional States having become parties thereto since the Conference held in 2006, and underscored the importance of continuing to work together towards the goal of universal participation. He highlighted some recent developments relevant to the implementation of the Agreement, including the adoption by the World Trade Organization (WTO) of the Agreement on Fisheries Subsidies; the amendment of the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora by its Conference of the Parties to include a number of shark species; the adoption, during the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, of the Kunming-Montreal Global Biodiversity Framework; and the finalization of the text of the draft agreement 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.

8. On behalf of the Secretary-General, the Assistant Secretary-General for Legal Affairs, representing the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, welcomed participants to the resumed Review Conference. He recalled that the Agreement had established a comprehensive legal regime for the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through the implementation of the United Nations Convention on the Law of the Sea,⁶ the fortieth anniversary of which had been celebrated in 2022. He noted that, although the overall status of straddling fish stocks and highly migratory fish stocks continued to deteriorate, the recommendations adopted in 2006, 2010 and 2016 had had a considerable impact on the practices of States and regional fisheries management organizations and arrangements, and had provided the impetus for many international efforts. He stressed the importance of full implementation of the Agreement, in particular considering that fisheries were critically important to food security, economic prosperity, employment, poverty alleviation, livelihoods and the sustainable development of many States, in particular developing States, including small island developing States.

V. Adoption of the agenda

9. The resumed Review Conference considered its provisional agenda (A/CONF.210/2023/L.1). The President noted that should it be decided to suspend the Conference rather than close it, the consequent amendment would be introduced by the secretariat. The Conference adopted the agenda on that understanding (A/CONF.210/2023/3).

⁶ United Nations, *Treaty Series*, vol. 1833, No. 31363.

VI. Election of officers other than the President

10. The President recalled that, in accordance with rule 10 of the provisional rules of procedure (A/CONF.210/2006/6), the Bureau of the Conference was composed of the President and seven Vice-Presidents: five Vice-Presidents to be elected from among representatives of the States parties to the Agreement, giving due consideration to geographical representation, and two Vice-Presidents to be elected from any region from among the representatives of the participating States not party to the Agreement. He explained that, since none of the Vice-Presidents who had been confirmed or elected at the resumed Review Conference in 2016 were in a position to resume their functions, elections would need to be held to fill seven vacancies in the Bureau.

11. The Review Conference elected the following to serve as Vice-Presidents: Juan Santibañez (Chile), Aahde Lahmiri (Morocco), Ariel Rodelas Peñaranda (Philippines) and Guíomar Henares Rodríguez (Spain) from among States parties; and Yong-Ern Nathaniel Khng (Singapore) from among States not party to the Agreement. The two remaining positions of Vice-President were not filled.

VII. Organization of work

12. The resumed Review Conference adopted its organization of work, contained in document [A/CONF.210/2023/L.2](#).

13. The resumed Review Conference agreed that the Drafting Committee would be chaired by Ariel Rodelas Peñaranda (Philippines). The Conference decided that representatives of NGOs would be able to attend meetings of the Drafting Committee as observers.

VIII. Credentials of representatives to the Conference

14. The President recalled that in 2006, in accordance with rule 8 of the provisional rules of procedure, the Review Conference had appointed a Credentials Committee of nine members. He informed the resumed Review Conference that there were currently two vacancies on the Committee. The Conference appointed Iceland and the United Kingdom of Great Britain and Northern Ireland and confirmed Nigeria, Norway, Saint Lucia, South Africa, Sri Lanka, Ukraine and Uruguay as members of the Committee.

15. On 25 May 2023, the Credentials Committee held a meeting during which it elected Nirmala Dias Paravitana (Sri Lanka) as Chair and Xolisa Mabhongo (South Africa) as Vice-Chair. During its meeting, the Committee examined and accepted the credentials of representatives to the resumed Review Conference from 48 participating States and the European Union.

16. On 26 May 2023, the resumed Review Conference approved the report of the Credentials Committee ([A/CONF.210/2023/5](#)).⁷

⁷ Following the approval of the report of the Credentials Committee, the secretariat received formal credentials for the representatives of Slovenia and information concerning the appointment of representatives of Bangladesh and Senegal, bringing the total number of credentials to 51.

IX. Presentation of the report of the thirteenth, fourteenth, fifteenth and sixteenth rounds of informal consultations

17. The resumed Review Conference took note of the reports of the thirteenth, fourteenth, fifteenth and sixteenth rounds of informal consultations of States parties to the Agreement, held on 22 and 23 May 2018,⁸ 2 and 3 May 2019,⁹ 17 to 19 May 2022¹⁰ and 13 and 14 March 2023,¹¹ respectively.

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

18. The representative of FAO presented the financial report on the status of the Assistance Fund under Part VII of the Agreement (A/CONF.210/2023/2). It was noted that, since 2016, contributions had been received from New Zealand and the European Union, but that further contributions were needed. The current balance of the Assistance Fund was \$24,132, while the balance for projects and programmes under the Assistance Fund was \$90,368. Owing to its near depletion, use of the Assistance Fund for general purposes had been suspended since the end of 2016.

19. It was highlighted that the terms of reference of the Assistance Fund had been revised during the fourteenth round of informal consultations of States parties to the Agreement to expand the means through which voluntary contributions to the Fund could be made and allow the Fund to be used to support its purposes, including through projects and programmes implemented by FAO or the Division for Ocean Affairs and the Law of the Sea. Following the revision, in 2021 the European Union and FAO entered into a donor agreement on a three-year project, valued at US\$ 1,127,599, entitled “Project of Assistance to Strengthen Participation in and Implementation of the United Nations Fish Stocks Agreement”, with the objective of strengthening participation in the Agreement and the effective implementation of its provisions.

20. Several delegations emphasized the importance of the Assistance Fund and expressed concerns regarding its current low balance.

21. The resumed Review Conference took note of the report.

General statements

22. Delegations reiterated their commitment to achieving greater participation in and more effective implementation of the Agreement, as well as to the work of regional fisheries management organizations and arrangements. Some delegations welcomed the nine States that had become parties to the Agreement since the Review Conference in 2016. It was suggested that the resumed Review Conference address the concerns of States, including non-parties, with a view to achieving universality.

23. Several delegations and one observer delegation expressed appreciation for the report of the Secretary-General, which formed the basis for the discussions at the resumed Review Conference, although several delegations expressed concern at the low rate of responses received from States.

⁸ ICSP13/UNFSA/INF.2.

⁹ ICSP14/UNFSA/INF.3.

¹⁰ ICSP15/UNFSA/INF.3.

¹¹ ICSP16/UNFSA/INF.3.

24. Delegations emphasized that the resumed Review Conference was an important opportunity to take stock of progress, share experiences and challenges and examine means to further strengthen implementation of the Agreement and the recommendations adopted by the Conference in 2016. It was generally agreed that considerable progress had been made since 2016; however, several delegations were of the view that many recommendations remained valid and that there was still scope for further improvement. Several delegations stated that efforts on the earlier recommendations, or possible new ones, should be guided by the need to remain up to date, concrete, practical and action-oriented. As a strategic approach, it was suggested that the recommendations of the 2016 resumed Review Conference should be prioritized and that efforts towards their implementation by States parties through regional fisheries management organizations and arrangements should be redoubled.

25. Several delegations highlighted the new instruments and tools that had been agreed on since 2016. Such developments included the WTO Agreement on Fisheries Subsidies; the finalization of the text of the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction; and the adoption of the Kunming-Montreal Global Biodiversity Framework, various FAO voluntary guidelines and the annual General Assembly resolutions on sustainable fisheries. It was important to consider the significance of those developments for the Agreement and the work of regional fisheries management organizations and arrangements. One delegation expressed the hope that the decisions taken at the resumed Review Conference would result in actionable outcomes to address the drivers that affected the oceans and the world's fisheries.

26. Delegations stated that, despite some positive examples, the overall status of fish stocks had remained the same or had deteriorated. Several delegations noted that it was difficult to adopt science-based measures owing to the lack of data, thereby increasing the need to rely on the precautionary approach to address challenges posed by climate change and ocean acidification. Several delegations considered that the application of an ecosystem approach to fisheries management had become increasingly necessary.

27. Several delegations emphasized the importance of fisheries to livelihoods, food security, economic activity and development. A number of delegations pointed out the interconnectedness of ocean ecosystems. Fisheries were affected by ecosystem degradation and biodiversity loss, and pollution, overfishing, illegal, unreported and unregulated fishing, destructive fishing practices and climate change were undermining the sustainability of the world's fisheries.

28. One delegation highlighted the need for proportionality during the review of the adoption and implementation of measures under the Agreement to ensure that the vulnerable small-scale and artisanal fisheries sector was not disproportionately overburdened.

29. Some delegations stressed that cooperation was crucial to strengthening the Agreement and that regional cooperation, through regional fisheries management organizations and arrangements, was a key mechanism under the Agreement. The advancement of ocean governance through partnerships with NGOs and other actors was also highlighted by some delegations, as was the importance of data collection and information-sharing. Some delegations urged improved collaboration and cooperation across sectors and instruments, as well as at the bilateral, regional and multilateral levels.

30. Some delegations expressed concern with respect to areas and fish stocks not covered by existing regional fisheries management organizations and arrangements

and highlighted the need to sustainably manage such areas and fish stocks in line with best practices.

31. Delegations emphasized the need to address illegal, unreported and unregulated fishing and expressed support for the work undertaken by regional fisheries management organizations and arrangements in that regard, in particular the listing of illegal, unreported and unregulated vessels and the development of catch documentation schemes. It was suggested that illegal fishing was not the only problem, since legal fishing might not necessarily be sustainable, as was demonstrated by the information on stock status.

32. Several delegations highlighted the importance of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; several delegations welcomed the recent adoption of the Bali Strategy on effective implementation of the Port State Measures Agreement; and one delegation noted the finalization of the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. The Global Information Exchange System and monitoring, control and surveillance tools were highlighted by some delegations and the entry into force of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean was noted by one delegation as mechanisms to address illegal, unreported and unregulated fishing. However, it was underscored that more work remained to be done.

33. The special requirements of developing States in developing and participating in high sea fisheries were acknowledged by several delegations. A number of delegations emphasized that States should take into account the interests of artisanal and subsistence fisheries, including the social dimension of fishing, in accordance with the principles of sustainable development.

34. Some delegations emphasized that capacity-building and the provision of assistance to developing States were key elements for the effective implementation of the Agreement.

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

A. Review of the implementation of the recommendations adopted at the Review Conference in 2016

1. Conservation and management of stocks

35. *Adoption and implementation of measures.* Several delegations provided information on measures adopted or implemented for the conservation and management of stocks and highlighted related challenges, including regarding the precautionary approach, data, compatibility of measures and gaps in governance. Some delegations also noted the importance of marine protected areas and other area-based measures in the conservation and management of stocks, as well as progress towards their establishment. One delegation suggested that all relevant instruments were in place for fisheries management and that the issues now were related to implementation and capacity.

36. One delegation provided examples of the national measures it had taken for the conservation and management of stocks, including surveillance mechanisms, online registration and licensing of fishing vessels, prohibition of destructive fishing practices, and stock enhancement programmes, including the installation of artificial

reefs and sea ranching. Following a review of its relevant national policies since the 2016 resumed Review Conference, the same delegation said that it had also taken precautionary measures to conserve fish stocks during breeding periods.

37. Some delegations noted that regional fisheries management organizations had adopted specific measures on climate change and encouraged States to promote conservation and management measures that accounted for climate change, including through the regional fisheries management organizations in which they participated.

38. The need for measures to be consistent with the precautionary approach or principle was also highlighted. One delegation reflected that the current status of stocks suggested that measures were not sufficiently precautionary when sufficient data was not available. Several delegations noted that the lack of data made it difficult to adopt science-based measures, which further increased the need to rely on a more precautionary approach.

39. Several delegations stressed the need for improvements in the exchange of information and data to support compatible measures, including through the centralization of information and sharing across regional fisheries management organizations and other international organizations. The need for cooperation between coastal States and fishing States in the development of compatible measures was also emphasized and was noted to be lacking in some areas. Another delegation highlighted the need for compatible measures spanning the entire range of populations and ecosystems meant to be addressed.

40. *Application of the precautionary and ecosystem approaches.* Several delegations reported on developments relating to the application of precautionary and ecosystem approaches, as well as their corresponding challenges, including in connection with the adoption of conservation and management measures in regional fisheries management organizations and challenges linked to lack of data. As had been emphasized by the resumed Review Conference and in many other international forums, States and regional fisheries management organizations were called upon to recommit to the ecosystem and precautionary approaches in order to protect living marine resources and preserve the marine environment.

41. Some delegations noted the developments that had been made since the 2016 resumed Review Conference and in the context of the informal consultations of States parties with regard to sharing best practices and promoting the implementation of an ecosystem approach to fisheries management. One delegation noted the commitment made under target 5 of the Kunming-Montreal Global Biodiversity Framework to apply the ecosystem approach and stressed the need to consider the wider ecosystem when taking decisions as fisheries managers and to move beyond single-species tools when developing management procedures.

42. One delegation noted the efforts that were under way in regional fisheries management organizations and arrangements to ensure that precautionary and ecosystem approaches were applied in decision-making and highlighted developments being taken by the Indian Ocean Tuna Commission to reduce and mitigate incidental catches of protected species and reduce by-catch. Another delegation recalled efforts by the Northwest Atlantic Fisheries Organization to implement an ecosystem road map, including ecosystem reference points, to complement stock assessments and inform management decisions on the risks of overfishing. The Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean was cited as an example of the precautionary approach, given that it proactively addressed the conservation and management of fish stocks in the Arctic.

43. A number of delegations reported on efforts at the national level to apply the precautionary and ecosystem approaches, including measures to conserve fish stocks

during breeding periods, the establishment of fisheries management areas and biospatial approaches, such as fishing prohibitions. The representative of FAO noted the development of tools in relation to the ecosystem approach to fisheries and highlighted two related projects.

44. Several delegations emphasized the importance of the precautionary and ecosystem approaches in the adoption of limit and target reference points and harvest control rules, including pre-agreed decision rules in the event that fish stocks declined below reference points. In that context, some delegations recalled that the application of the ecosystem approach was a continuous process and stressed the need for new knowledge and data to facilitate management decision-making. The importance of holistic management approaches, together with effective communication and stakeholder engagement, was noted.

45. Several delegations stressed the significance of precautionary and ecosystem approaches in the absence of sufficient data or scientific research. One delegation noted that the status of fish stocks suggested that measures were not sufficiently precautionary in some areas. It was noted that the application of the ecosystem approach required significant volumes of data that led to large-scale projects.

46. Several delegations highlighted the importance of the precautionary and ecosystem approaches in the light of the impacts of climate change, including as a result of shifting population distributions. In that regard, several delegations noted the importance of considering the impacts of climate change and ocean acidification in the scientific work and decision-making processes of regional fisheries management organizations. A delegation observed that the ecosystem approach necessarily entailed increased consideration of the impacts of climate change on fisheries decision-making and noted the specific measures that had been adopted by some regional fisheries management organizations and arrangements. Another delegation stressed the need for the consistent application of the ecosystem approach across regional fisheries management organizations in order to take into account the impacts of climate change on fish stocks as well as associated and dependent species and their habitats.

47. *Determination of reference points or provisional reference points for specific stocks.* Several delegations stressed the importance of reference points or provisional reference points in the conservation and management of stocks. Several delegations called upon States and regional fisheries management organizations to develop management procedures and harvest strategies with stock-specific reference points. Another delegation noted that 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 declined below predetermined reference points, was an integral part of the application of the precautionary approach.

48. One delegation reported on the institutionalization of its national stock assessment programme to monitor fish stocks and stressed the need for capacity-building for developing States in the determination of stock status. The same delegation also noted the related benefits in the determination of reference points or provisional reference points for specific stocks at the regional level.

49. *Environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification.* Many delegations highlighted links between the impacts of climate change and fisheries. Some delegations also cited specific examples of how the effects of climate change had had an impact on fisheries, such as changes in the migration patterns of fish stocks. An observer delegation also noted the important interlinkages between marine biodiversity and climate change.

50. Several delegations called for increased studies on and awareness-raising of the impacts of climate change on fisheries and the marine environment, including in

regional fisheries management organizations and arrangements. Some delegations noted the relevance of such studies in decision-making and the need for increased collaboration in scientific research. The importance of mainstreaming climate change factors into scientific work and decision-making was highlighted. In that regard, one delegation recalled the decision of the FAO Committee on Fisheries for the FAO to increase knowledge and awareness on climate change impacts on fisheries.

51. One delegation reported on studies that had shown the impacts of climate change on high-demand species of fish in small-scale fisheries owing to increases in global temperatures, especially close to the equator. Another delegation stressed the need for capacity-building in developing States in order to increase scientific research on the impacts of climate change on fisheries.

52. Some delegations stressed the importance of applying the precautionary and ecosystem approaches in order to account for the impacts of climate change and ocean acidification on fish stocks and related ecosystems, including in connection with shifting population distributions. One delegation emphasized the importance of consistent application of the ecosystem approach across regional fisheries management organizations to ensure that the impacts of climate change on fish stocks as well as associated dependent species and their habitats were taken into account. The recent decisions and upcoming special sessions of regional fisheries management organizations and arrangements on addressing the impacts of climate change in the management of fisheries were also noted, including those of the International Commission for the Conservation of Atlantic Tunas, the North Atlantic Salmon Conservation Organization, the Northwest Atlantic Fisheries Organization and the Pacific Tuna regional fisheries management organizations.

53. The importance of adaptation and mitigation in the context of fisheries and climate change was emphasized, including through the reduction of carbon dioxide emissions. Some delegations noted the progress that had been made in the development of guidance for regional fisheries management organizations and arrangements on adaptation and mitigation measures. The representative of FAO reported on developments to support member countries and partners to adapt to and mitigate the impacts of climate change on fisheries and aquaculture, and on the organization's support for ocean dialogues under the United Nations Framework Convention on Climate Change. Some delegations noted that climate change and adaptation to future environmental scenarios were broad challenges that required international cooperation and research, especially by regional fisheries management organizations. Another delegation noted that climate change was just one variable that affected fisheries and that a holistic approach was needed to support fisheries management. In that connection, the relevance of the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of life in areas beyond national jurisdictions in addressing ocean-related issues, including mitigation of the climate crisis, was noted.

54. *Achievement of compatible measures.* Several delegations stressed the need for coastal States and fishing States to cooperate in the establishment of regional fisheries management organizations and arrangements and the application of compatible measures, as set out in article 7 of the Agreement, in order to address gaps in fisheries management. Another delegation highlighted the need for compatible measures that spanned the entire range of the population and ecosystems meant to be addressed in order to ensure the effective implementation of the precautionary and ecosystem approaches to fisheries. Some delegations emphasized the need for improvements in the exchange of fisheries and biological data and information, including through the establishment of related mechanisms, in order to support the development of compatible measures.

55. *Development of area-based management tools.* Several delegations welcomed the negotiation of the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and its potential contribution to the protection of the oceans and seas through area-based management tools, including marine protected areas. Several delegations also noted the future contribution of the draft agreement to deliver on the Kunming-Montreal Global Biodiversity Framework and the target to designate 30 per cent of the oceans as protected areas by 2030. The need for holistic approaches and integration between existing instruments and bodies, including the draft agreement, was highlighted by several delegations.

56. One observer delegation stressed the central importance of biodiversity for area-based management tools as part of long-term management efforts and suggested the need to formulate guidelines and best practices for regional fisheries management organizations on the protection of marine biodiversity. The same observer delegation also noted the important interlinkages between marine biodiversity, climate change and area-based management tools, including marine protected areas.

57. Several delegations urged States parties and regional fisheries management organizations and arrangements to support the adoption and effective implementation of the new agreement in order to make progress on area-based management tools, including marine protected areas. Several delegations noted the importance of cooperation with regional fisheries management organizations in the implementation of the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and the need to ensure their participation in consultation and coordination processes so as not to undermine their competencies. The representative of the General Fisheries Commission for the Mediterranean reported on the adoption of fisheries restricted areas and noted that in more than 60 per cent of the Commission's area of competence bottom fishing activities were restricted.

58. One observer delegation encouraged States parties to become parties to the draft agreement 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, once adopted, and to promote its objectives to the regional fisheries management organizations and arrangements of which they were members, including with regard to the adoption and implementation of area-based management tools, so as to ensure consistency in efforts to protect marine biodiversity. Regional fisheries management organizations were also encouraged to have a proactive, constructive attitude towards the new instruments. The representative of FAO described the organization's work to support the implementation of area-based management measures, in particular other effective area-based conservation measures, and the publication of practical guidance for identifying, evaluating and reporting on those measures in the marine fisheries sector.

59. Several delegations encouraged the sharing of information on protected areas and management measures, including through the centralization of information across regional fisheries management organizations and other international organizations. One delegation indicated that the draft agreement 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 could provide a mechanism for coordination across regional fisheries management organizations and arrangements, as well as a mechanism and platform for the sharing of data. Another delegation stressed the need to develop and share tools and best practices on area-based management tools in regional fisheries management organizations and with environmental treaty bodies in order to improve cross-sectoral cooperation and make progress on the "30 by 30" target. It was noted that recent developments had presented

an opportunity to utilize inputs and tools provided by the secretariat of the Convention on Biological Diversity, the International Union for Conservation of Nature and Natural Resources and FAO and to increase such cooperation.

60. One delegation noted the need to achieve the “30 by 30” target through a global network of effectively managed and equitably governed marine protected areas and other effective area-based conservation measures and welcomed discussions in the Northwest Atlantic Fisheries Organization and the North-East Atlantic Fisheries Commission on other effective area-based conservation measures. One observer delegation stressed that other effective area-based conservation measures must be governed and managed in ways that achieved positive and sustained long-term outcomes for the in-situ conservation of biodiversity, as had been outlined in recent decisions of international forums and in relevant guidelines. The representative of the General Fisheries Commission for the Mediterranean provided an account of the Commission’s participation in joint activities with FAO with regard to deep sea fisheries, including cooperation in the preparation and implementation of the guidelines on other effective area-based conservation measures.

61. One delegation noted the crucial role of fisheries managers in achieving biodiversity targets and encouraged discussions on the benefits of area-based management measures in regional fisheries management organizations and arrangements, and highlighted the need for such measures to be based on the best available scientific information and in line with existing guidance, including the FAO handbook on identifying, evaluating and reporting other effective area-based conservation measures in marine fisheries.

62. Several delegations highlighted national efforts to develop area-based management tools, including marine protected areas and closed areas to protect endangered species and juveniles, safeguard critical habitats, spawning grounds and nursery areas, as well as marine parks and reserves, including marine resource reserves on the extended continental shelf. One delegation outlined the contribution of its Government to the structuring of the Eastern Pacific Marine Corridor. Another delegation noted challenges faced in national discussions concerning definitions and reporting to the international community on area-based management measures.

63. *Reduction of fishing capacity to levels commensurate with the sustainability of fish stocks.* Some delegations recalled that excessive fishing capacity contributed to overfishing and stressed the need for States to ensure that levels of fishing effort were commensurate with the sustainable use of fishery resources. Some delegations noted that the issue of overcapacity was linked to the problem of harmful fisheries subsidies, as subsidies sustained fisheries that were not otherwise economically viable.

64. One delegation noted that large-scale industrial fishing vessels accounted for an estimated 33 per cent of total engine power and 75 per cent of global marine fish catch, but represented only 5 per cent of the global fishing fleet. The same delegation stressed the need to limit that segment in the interests of sustainability and equity and to sustain the livelihoods of small-scale, artisanal and resource-poor fisher people in the least developed countries and developing countries. It advocated the common but differentiated responsibilities and the polluter pays principles in the sustainable management of shared fish stocks and called for collective action to reduce and transfer the capacities of large-scale industrial fishing fleets to developing countries and the least developed nations for the benefit of traditional coastal fisher communities.

65. One delegation provided examples of national efforts to reduce capacity and produce stocks at the maximum sustainable yield, including surveillance mechanisms; online vessel registries and licensing; prohibition of destructive fishing practices, such as artificial light-emitting diode (LED) lights; stock enhancement

programmes, including artificial reefs and sea ranching; precautionary measures to conserve fish stocks during breeding periods; and co-management of fisheries. Another delegation highlighted the importance of sustainable fish stocks for food security, including for future generations.

66. *Elimination of subsidies that contribute to illegal, unreported and unregulated fishing, overfishing and overcapacity.* Several delegations welcomed the adoption of the WTO Agreement on Fisheries Subsidies and called for its early entry into force, noting that the new Agreement on Fisheries Subsidies had been the outcome of more than 20 years of negotiations. Several delegations stressed the need for regional fisheries management organizations and arrangements to ensure that the agreed disciplines were implemented in order to ensure coherence in the implementation of the prohibitions and disciplines and to address illegal, unreported and unregulated fishing, unassessed stocks, overfished stocks and areas without any regulation. A delegation indicated that the new Agreement was an important first step towards the elimination of subsidies in fisheries altogether. Another delegation emphasized that its Government had a long history of support for measures to prevent, deter and eliminate illegal, unreported and unregulated fishing and that it had eliminated subsidies to its fishing industry approximately 30 years previously. Some delegations noted the importance of the continued negotiations to develop further disciplines to address overcapacity and overfishing.

67. The representative of FAO outlined the organization's efforts to support the negotiation of the WTO Agreement on Fisheries Subsidies and expressed its commitment to continue to do so, including by carrying out important analysis of the interrelations between the Agreement on Fisheries Subsidies, the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and the post-2020 global biodiversity framework.

68. One delegation noted that the new disciplines were complemented by binding subsidy commitments and prohibitions contained in free trade agreements with other countries, including the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and stressed the need for multilateral progress beyond WTO. One observer delegation, recalling article 6.14 of the FAO Code of Conduct for Responsible Fisheries, called upon States to ensure that policies, programmes and practices related to trade in fish and fishery products were consistent with the principles, rights and obligations established in the WTO Agreement and other relevant international agreements and that they did not result in obstacles to such trade or lead to environmental degradation or negative social and nutritional impacts.

69. A group of delegations noted the challenges faced by developing countries in the implementation of the Agreement on Fisheries Subsidies and expressed its commitment to providing capacity-building to developing States with respect to commitments and derivation of benefits under that Agreement.

70. In terms of future negotiations at WTO, some delegations stressed the need for effective and appropriate special and differential treatment for developing country and least developed country members. One delegation noted the importance of a holistic approach and seeking balance in crafting the disciplines and indicated that the disciplines should target harmful subsidies from large-scale fishers and subsidizers. Several delegations highlighted the need for clarification or objective criteria regarding the concept of "disproportionate burden".

71. *Lost, abandoned or otherwise discarded fishing gear including marine debris.* One delegation stressed the urgent need to address abandoned, lost and discarded fishing gear (i.e. "ghost nets") and encouraged engagement in the International Maritime Organization (IMO)-Food and Agriculture Organization of the United

Nations (FAO) GloLitter Partnerships Project to prevent and reduce marine plastic litter and, in particular, sea-based marine plastic litter in order to reverse the negative environmental impacts of lost and discarded plastic. Another delegation recalled the FAO Voluntary Guidelines on the Marking of Fishing Gear, which had been endorsed at the thirty-third session of the Committee on Fisheries, in 2018, and called for their continued implementation.

72. *Data collection and sharing of information.* Several delegations highlighted the prevailing lack of data on fisheries and called for increased efforts to collect and share fisheries data and knowledge. Several delegations highlighted challenges faced owing to lack of data, including in assessing the status of stocks, applying the precautionary and ecosystem approaches and ensuring the sustainability of fish stocks. One delegation also noted challenges arising from the expensive and capacity-intensive nature of scientific research, thereby highlighting the vital importance of sharing data and knowledge. The obligations of States to share data and other information, including through regional fisheries management organizations and arrangements, were recalled. The need for a precautionary approach to be taken in the absence of data was stressed by some delegations.

73. Several delegations stressed the need for improvements in the exchange of information and data to support conservation and management and the development of compatible measures, including through national stock assessment programmes and mechanisms to strengthen the exchange of information and data between regional fisheries management organizations and arrangements. Several delegations suggested that failure to provide regional fisheries management organizations and arrangements with timely and accurate data should be considered a type of non-compliance. Delegations were reminded of their obligations to cooperate in the sharing of data and knowledge in order to ensure the sustainability of fisheries resources.

74. The important role of the International Council for the Exploration of the Sea in the North-East Atlantic as the data repository and data manager for information collection by national research institutes was noted. Several delegations also highlighted the need for regional fisheries management organizations and arrangements to cooperate with FAO data arrangements and the global fisheries statistics database. One delegation emphasized the potential for the draft agreement 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 to provide a mechanism for coordination and sharing of data across regional fisheries management organizations and arrangements.

75. A delegation emphasized the need for clarity with regard to the mechanisms for the sharing of data, in particular where there were gaps in coverage by regional fisheries management organizations and arrangements. The importance of increased cooperation in those areas was highlighted and States were called upon to establish new mechanisms, organizations or agreements to address those gaps.

76. Several delegations highlighted the need to strengthen capacity in States and regional fisheries management organizations and arrangements, as well as FAO, in relation to data collection and compatibility. The importance of capacity-building for developing States was also emphasized. The important contribution of developing States to data integration and harmonization and the determination of regional reference points or provisional reference points for specific stocks was noted.

77. *FAO data arrangements and the global fisheries statistics database.* Several delegations stressed the importance of regional fisheries management organizations and arrangements cooperating with FAO data arrangements and the global fisheries statistics database. The representative of the General Fisheries Commission for the Mediterranean outlined the Commission's efforts to update its current methodology

to assess the status of stocks in order to address challenges relating to capacity and access to appropriate and complete information on stocks. The Commission was also reviewing its process for providing regular updates on the status of stocks under the Agreement.

78. *Conservation and management of sharks.* One observer delegation expressed concern about the status of shark stocks. One delegation noted that, since 2016, new shark species had been listed in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which was an indication of the poor biological status of sharks. One delegation emphasized the need to strengthen recommendations on the conservation of shark species.

79. Concerning effective mechanisms in the conservation and management of sharks, the role of area-based management tools, such as marine protected areas, as management tools for the conservation of sharks was highlighted by one delegation. Another delegation highlighted new legislative amendments aimed at prohibiting the capture of sharks, including ocean-going sharks. The representative of the North-East Atlantic Fisheries Commission reported an increased focus, since 2016, on the issue of conservation of sharks through a ban on the targeted fishing of particular pelagic sharks, as well as deep-sea sharks.

80. *Conservation and management measures for deep-sea fisheries.* Several delegations highlighted challenges and progress made in relation to deep-sea fisheries, including in connection with vulnerable marine ecosystems. One observer delegation recalled the relevance of provisions under the FAO Code of Conduct for Responsible Fisheries on international trade to the conservation and management of deep-sea fisheries. The same delegation reported examples of the impacts of deep-water trawl fisheries on deep-sea ecosystems, vulnerable marine ecosystems and biodiversity in the South Pacific and Indian Oceans.

81. The representative of the General Fisheries Commission for the Mediterranean noted efforts to address the impacts of fisheries on ecosystems by launching dedicated research programmes for deep-sea fisheries, with a focus on protecting vulnerable marine ecosystems. In addition, fisheries restricted areas had been adopted, with the result that in more than 60 per cent of the Commission's area of competence bottom fishing activities were restricted. The representative of FAO reported on progress in furthering responsible fisheries management, including a significant increase in designated areas for vulnerable marine ecosystems. Work was also under way to assess the implementation of the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and related follow-up measures.

82. *Strengthening of the science-policy interface.* Some delegations called for strengthening of the science-policy interface and provided information on instances of science-based decision-making. One delegation noted the challenge for policy communities and managers when scientists proposed the lowering of quotas or total allowable catch, but reported highly successful management of North-East Atlantic cod owing to robust science, the International Council for the Exploration of the Sea process for stock assessments and effective communication with policy communities. It was further noted that scientific input to fisheries management was developing continually, with increasing scientific understanding of the oceans, together with effective communication and stakeholder engagement.

83. A delegation called for the mainstreaming of climate change considerations into decision-making and scientific work as the basis for management decisions. The same delegation encouraged the collection and transparent sharing of scientific information to inform fisheries management decisions and called for management decisions by States and regional fisheries management organizations and arrangements to be consistent with the best available scientific information in order to ensure the

sustainable management of resources. One delegation reported on recently established fisheries management areas founded on science-based, participatory and transparent governance mechanisms.

84. The representative of the General Fisheries Commission for the Mediterranean noted the recent focus on promoting an efficient science-policy interface, including through the creation of subregional committees to provide technical advice to members. The increased assessment of many stocks and 50 per cent of catches had led to a reversal in overexploitation, which nevertheless remained a regional challenge.

85. *Establishment of rebuilding and recovery strategies.* Several delegations stressed the importance of establishing rebuilding and recovery strategies, including in the application of the precautionary and ecosystem approaches. Several delegations called upon States and regional fisheries management organizations and arrangements to adopt such strategies with regard to overfished stocks, including through the establishment of ecosystem management objectives, acceptable levels of probability of achieving and maintaining such objectives and time frames for reducing overfishing and rebuilding fish stocks. The importance of limit and target reference points and harvest control rules, including pre-agreed decision rules in the event that fish stocks declined below reference points, was also emphasized in that context.

86. One delegation noted that the establishment of rebuilding and recovery strategies could fall under the restoration concept envisaged under the Convention on Biological Diversity. An example of recovered stocks as a result of rebuilding strategies was reported by one delegation.

87. *By-catch management and discards.* Several delegations called for renewed commitment to minimize by-catch and discards to the greatest extent possible. It emphasized the need for more research, enhanced data collection and greater use of selective fishing gear and techniques, as well as the implementation of United Nations resolutions on vulnerable marine ecosystems in order to reduce and mitigate incidental catch of sensitive species.

88. One delegation noted that, in the period since the 2016 resumed Review Conference, technical guidelines to prevent and reduce marine mammal by-catch in capture fisheries had been adopted by FAO and called for their continued implementation. An observer delegation noted that the second World Ocean Assessment had confirmed the severe impacts on by-catch species of deep-water fisheries, highlighting the lack of progress on that issue.

89. One delegation highlighted the particular issue of seabirds in fisheries by-catch and noted the extinction risk for certain species. The same delegation noted that the recommendations of the 2016 resumed Review Conference had fallen short in relation to seabird by-catch and called for greater implementation of the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries.

90. One delegation noted the work being carried out at the level of regional fisheries management organizations and arrangements to reduce and mitigate incidental catch of protected species and the reduction of by-catch more generally. The representative of the North-East Atlantic Fisheries Commission noted that progress had been made since 2016 in updating requirements for by-catch and that a recent request had been made to the International Council for the Exploration of the Sea to improve information on discards and seabird by-catch.

91. *Compliance with obligations of members or cooperating non-members of regional fisheries management organizations and arrangements.* One delegation called for the reaffirmation of the recommendations of the 2016 resumed Review Conference, including those concerning increased compliance within regional

fisheries management organizations and arrangements. Several delegations underlined that the principle of flag State responsibility should be promoted as the basis for the control of fishing activities. One delegation emphasized the need to address the role of enforcement personnel in ensuring compliance with obligations as members or cooperating non-members of regional fisheries management organizations and arrangements.

92. Concerning strengthening compliance, one delegation noted that there was scope to strengthen and enhance cooperation and coordination among regional fisheries management organizations and arrangements, with the objective of increasing collective knowledge on fisheries ecosystems and ensuring compliance with rules. The use of compliance toolkits was highlighted by one observer delegation as a way to strengthen accountability and compliance. The representative of FAO noted that the Port State Measures Agreement was an effective instrument for verifying compliance with conservation and management measures and ensuring that such measures were not undermined.

93. *Establishment of new regional fisheries management organizations or arrangements.* Several delegations called for the establishment of new regional fisheries management organizations and arrangements to address gaps in areas where fisheries took place but which remained unregulated. Some delegations also urged regional fisheries management organizations and arrangements to expand coverage and measures, both in terms of extending their geographical scope and with respect to unmanaged fisheries. Another delegation emphasized the need to adopt interim measures to protect straddling and highly migratory species, as well as associated and dependent species and their habitats.

94. In that context, some delegations commended the conclusion and entry into force of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean.

2. Mechanisms for international cooperation and non-members

95. *Strengthening mandates and measures in regional fisheries management organizations and arrangements.* Several delegations emphasized the importance of effective cooperation among regional fisheries management organizations and arrangements. Some delegations proposed the establishment of new regional fisheries management organizations and arrangements where gaps existed. Some delegations recognized the need to modernize the rules and processes of regional fisheries management organizations and arrangements in order to adapt to the changing environment. One delegation highlighted the necessity of strengthening dialogue and implementing effective compliance measures. Some delegations highlighted the need to address climate change and biodiversity concerns in the recommendations of the resumed Review Conference.

96. Several delegations stressed the importance of ensuring the responsible conduct of fishing operations, including the need to prevent, deter and eliminate illegal, unreported and unregulated fishing. Several delegations highlighted the need to identify some objective criteria and definitions on the concept of “disproportionate burden”.

97. *Performance reviews and best practice guidelines.* Delegations continued to support regular performance reviews of regional fisheries management organizations and arrangements, including elements of independent evaluation. In that regard, some delegations suggested that the frequency of those reviews should be increased and their quality improved. One delegation proposed the establishment of an independent review of regional fisheries management organizations and arrangements and their track record in the sustainable management of fish stocks and protection of the marine

environment. Another delegation emphasized the need to develop and disseminate best practice guidelines on conducting performance reviews and effectively implementing their outcomes.

98. *Strengthening and enhancing cooperation and coordination among regional fisheries management organizations and arrangements.* Delegations highlighted the importance of cooperation and coordination among regional fisheries management organizations and arrangements to strengthen sustainable fishing practices. Some delegations emphasized the significant role of regional fisheries management organizations and arrangements in promoting international coordination and cooperation to achieve consistency of measures, especially in areas of mutual interest and in similar fisheries, including through the sharing of best practices and the sharing of information to strengthen enforcement actions. One delegation specifically encouraged cooperation among regional fisheries management organizations and arrangements and other relevant entities in areas where species migrated, and highlighted the need for collaboration with States that engaged in fishing activities in areas beyond national jurisdiction, in particular in areas adjacent to marine protected areas and the exclusive economic zones of coastal States. Another delegation highlighted the importance of promoting such collaboration between regional fisheries management organizations and arrangements that covered the same geographical area and targeted the same species, including through joint research programmes, the sharing of scientific data and coordination of monitoring, control and surveillance activities.

99. Several delegations welcomed the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of life in areas beyond national jurisdictions and stressed the need for future coordination between that agreement and regional fisheries management organizations and arrangements, as well as with other global governance regimes.

100. *Participation in regional fisheries management organizations and arrangements.* The need to strengthen efforts in establishing participatory rights and allocation criteria for members was recalled, and delegations encouraged States with a direct and real interest in certain fisheries to join relevant regional fisheries management organizations and arrangements in order to enhance cooperation. In that regard, one delegation suggested that regional fisheries management organizations and arrangements should not necessarily strive for the broadest possible participation, but rather should focus on States that had a direct interest, such as coastal States and States fishing in adjacent high seas areas. Another delegation said that it was encouraged by the fact that some non-fishing members were participating in the catch documentation schemes of regional fisheries organizations, which was essential if those schemes were to be effective and close off illegitimate markets.

101. On allocation regimes, one delegation explained the significant unintended consequences that could result from the absence of such a framework and emphasized the importance of effective and agreed total allowable catch and quota allocation regimes for ensuring sustainable fisheries and the protection of the marine environment.

102. *Improvement of decision-making and procedures in regional fisheries management organizations and arrangements.* One delegation pointed out that, in general, the rules and procedures of regional fisheries management organizations and arrangements had been adopted many years previously and needed to be modernized to ensure the long-term success of those organizations. The same delegation considered it necessary for virtual and hybrid meetings to continue to be held beyond the coronavirus disease (COVID-19) pandemic. Another delegation recalled that several long-established regional fisheries management organizations and

arrangements had amended their mandates since the adoption of the Agreement in order to adapt to previously unforeseen issues. The same delegation called upon regional fisheries management organizations and arrangements to ensure that they had a mandate to respond to new challenges and developments, such as the implementation of the Kunming-Montreal Global Biodiversity Framework and the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of life in areas beyond national jurisdictions. It also recommended avoiding applying a one-size-fits-all solution when it came to decision-making rules and procedures within regional fisheries management organizations and arrangements; instead, an approach that was tailored to work effectively for the specific regional fisheries management organization or arrangement in question should be found.

103. Regarding objection procedures to conservation management measures within regional fisheries management organizations and arrangements, one delegation explained that some regional fisheries management organizations and arrangements allowed such objections to be raised with little process transparency or accountability, thereby undermining attempts to manage fish stocks sustainably. In that context, some delegations called upon parties to review their regional fisheries management organization and arrangement objection procedures and to establish best practices for such procedures that ensured transparency and accountability, required a clear rationale and were limited to specific circumstances. Some delegations supported the establishment of criteria for objections to conservation and management measures so as to ensure that global conservation efforts were not undermined. In that regard, certain delegations emphasized the importance of States adopting alternative measures that had an equivalent effect that could be implemented on an interim basis.

104. *Implementation of interim measures.* One delegation expressed support for the recommendations of the 2016 resumed Review Conference on the need to implement interim measures that had been adopted by new regional fisheries management organizations and arrangements, but that were not yet in force. Some delegations highlighted the need to establish new regional fisheries management organizations and arrangements where gaps existed and to adopt interim measures to protect straddling and highly migratory species as well as associated species and their habitats.

105. *Effective control by flag States as members of regional fisheries management organizations and arrangements.* Several delegations voiced strong support for the principle of flag State responsibility as the basis for the control of fishing activities and to ensure compliance with management and conservation measures and respect for measures adopted by regional fisheries management organizations and arrangements. In that context, one delegation pointed out that regional fisheries management organizations and arrangements should assess the compliance of flag States.

106. Some delegations expressed concern about the need to prevent the operation of unidentified fishing vessels and combat illegal, unreported and unregulated fishing. They emphasized the responsibility of flag States to ensure compliance in relation to fishing vessels involved in illegal, unreported and unregulated fishing, while cooperating with relevant regional fisheries management organizations and arrangements. One delegation specifically highlighted the role of the compliance committees of regional fisheries management organizations and arrangements in actively assessing the performance of flag States and addressing instances of persistent non-compliance.

107. Another delegation expressed the view that flag States whose vessels were operating in areas not governed by a regional fisheries management organization or

arrangement had a special responsibility to effectively control their vessels, sustainably manage stocks and protect the wider ecosystem.

3. Monitoring, control and surveillance, compliance and enforcement

108. *Strengthening effective control over vessels and assessment of flag State performance.* Several delegations welcomed the progress made in implementing the recommendations on monitoring, control and surveillance of the 2016 resumed Review Conference, including on strengthening the capacity of flag States to exercise effective control over their vessels and nationals, in accordance with the FAO Voluntary Guidelines for Flag State Performance and the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

109. The need to stay abreast of developments in the field of new technologies was emphasized by many delegations. Some delegations highlighted the importance of expediting the utilization of technological advancements for improved monitoring, control and surveillance of fishing vessels. While many delegations acknowledged the value of vessel monitoring systems, the use of newer technologies, such as electronic monitoring and electronic reporting, was encouraged. The importance of self-assessment by flag States was also underlined.

110. *Control over fishing activities of nationals.* Some delegations reiterated the importance of enacting domestic legislation to ensure the effective implementation of global instruments and fulfil commitments made within the framework of regional fisheries management organizations and arrangements, whether as members or non-cooperating members. In that regard, some delegations highlighted the need for improved harmonization at the international, regional and national levels.

111. One delegation shared the experience of reviewing legislation from various jurisdictions with the aim of gaining insight from established frameworks. The same delegation commended examples that had been identified from among developed and developing States, noting that they had significantly contributed to informing and refining its own perspectives and approaches in the domain.

112. Another delegation outlined government strategies aimed at deterring nationals and vessels flying the national flag from engaging in illegal, unreported and unregulated fishing activities. Those strategies encompassed the implementation of regulations, the active prosecution of offenders and the imposition of penalties.

113. Many delegations underscored the critical importance of capacity-building to strengthen enforcement efforts and empower flag States in effectively monitoring and regulating their fishing vessels, especially in developing countries.

114. One delegation emphasized the crucial role of data collection in addressing harmful fishing practices, including forced labour and unsafe working conditions in the fishing industry. In that regard, support was expressed for the revised terms of reference of the Joint Ad Hoc Working Group of FAO, the International Maritime Organization and the International Labour Organization on Illegal, Unreported and Unregulated Fishing and Related Matters.

115. *Strengthening compliance, cooperation and enforcement schemes in regional fisheries management organizations and arrangements.* Many delegations emphasized the fundamental role of enforcement to support monitoring, control and surveillance in efforts to combat illegal, unreported and unregulated fishing. Several delegations highlighted the importance of implementing high seas boarding and inspection schemes as valuable means of improving compliance with conservation and management measures adopted by regional fisheries management organizations and arrangements. Delegations also stressed the need for increased efforts by regional

fisheries management organizations and arrangements to adopt high seas boarding and inspection schemes, in accordance with the provisions of the Agreement. Reference was made to the recent adoption by the South Pacific Regional Fisheries Management Organization of an enforcement framework based on the Agreement. Some delegations also highlighted the Illegal, Unreported and Unregulated Fishing Action Alliance.

116. Many delegations noted the advancements made in data-sharing since 2016, with particular attention given to two initiatives, namely the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, and the Global Information Exchange System. In that regard, several delegations highlighted cooperation as being essential in order to fully optimize the effectiveness of those platforms, with emphasis not only on the sharing of data but also on the need to regularly update such data to ensure its accuracy and relevance. The need for improved transparency in data-sharing was also stressed by some delegations.

117. *Regulation of trans-shipment, supply and refuelling vessels.* Several delegations emphasized the importance of the FAO Voluntary Guidelines for Trans-shipment and encouraged their full implementation by States and regional fisheries management organizations and arrangements.

118. *Strengthening fisheries access agreements.* Several delegations emphasized the need to ensure transparency in access agreements to facilitate efficient monitoring, control and surveillance measures. Several delegations stressed the importance of access agreements being applied in a non-discriminatory manner. In the light of those concerns, several delegations shared accounts of efforts made in that regard, such as the recent launch of a dedicated website providing access to relevant data on fishing authorizations.

119. *Market-related measures.* Some delegations, as well as an observer delegation, reiterated the importance of market-related measures in effectively combating illegal, unreported and unregulated fishing, such as by eliminating the financial gains of those involved in such activities. The importance of ensuring that market-based measures were non-discriminatory was also underscored, as was the need to promote transparency and traceability across the entire seafood supply chain. The importance of the FAO Voluntary Guidelines for Catch Documentation Schemes was highlighted by several delegations in that context.

120. *Participation in the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the adoption of port State measures.* Some delegations welcomed the entry into force of the Port State Measures Agreement and highlighted its rapid adoption, while calling upon States that had not yet done so to join as parties to that Agreement.

121. An observer delegation highlighted the ways in which the Port State Measures Agreement supported the implementation of the United Nations Fish Stocks Agreement and outlined various action points identified during the last Meeting of the Parties to the Port State Measures Agreement.

122. Many delegations noted that there was a need to work towards enhancing the effectiveness of the Port State Measures Agreement. Several delegations highlighted the significance of fostering cooperation between regional fisheries management organizations and arrangements and the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, as well as the Global Information Exchange System, thereby maximizing the efficiency of those platforms. The importance of building capacity for the full and effective implementation of the Agreement was also highlighted.

4. Developing States and non-parties

123. Several delegations stressed that the 2016 recommendations remained valid in respect of developing States and non-parties. Some delegations noted the importance of fish for food security.

124. *Promotion of wider participation in the Agreement.* Some delegations, welcoming the latest parties to the Agreement, stressed the importance of broader participation. Noting that a large number of States had become parties to the Agreement since the 2016 resumed Review Conference, several delegations expressed the wish to see a similar increase in the number of parties before future resumption of the Review Conference. In that regard, attention was drawn to the continued need to identify the obstacles that impeded further participation in the Agreement. A representative of a regional fisheries management organization noted that only about half of its members were parties to the Agreement.

125. On the importance of broader engagement and the participation of developing States, some delegations underscored the need for collaboration and collective efforts to achieve sustainable fisheries management. In that regard, the launch of the “Project of Assistance to Strengthen Participation in and Implementation of the United Nations Fish Stock Agreement”, which was aimed at increasing awareness of the Agreement, was highlighted.

126. *Enhancing the participation of developing States in regional fisheries management organizations and arrangements and in other international and regional forums.* Several delegations emphasized the importance of greater participation and engagement of developing States in all activities of regional fisheries management organizations and arrangements, including decision-making, for the effectiveness of the organizations and arrangements themselves. In that regard, one delegation noted that capacity and other constraints prevented some developing States from participating in the meetings of regional fisheries management organizations and arrangements and urged those organizations and arrangements to take steps to enhance the participation and engagement of developing States in such meetings, as well as in high seas fisheries.

127. *Strengthening the capacity of developing States.* Some delegations expressed support for and commitment to strengthening the capacity of developing States in a wide range of areas, including in data collection and reporting, in monitoring, control and surveillance, and in the development of their own sustainable fisheries for straddling fish stocks and highly migratory stocks. Examples were provided of capacity-development initiatives, such as sustainable fisheries partnership agreements and technical assistance for regional fisheries management organizations and arrangements to reinforce scientific, administrative, and capacities for fisheries conservation and management; training in the utilization satellite data to combat illegal, unreported and unregulated fishing; and training programmes for government officials on data collection and analysis. A delegation noted its partnerships with developing States, with a focus on marine science expertise, policy development and efforts to combat illegal, unreported and unregulated fishing. Another delegation noted the importance of capacity development for developing States in order to ensure that they could participate in fisheries organizations and control their own waters.

128. *Strengthening of capacity-building mechanisms, programmes and funds, including the Assistance Fund under Part VII of the Agreement.* Some delegations encouraged cooperation and complementarity between existing funds, regional fisheries management organizations and arrangements and donors to avoid duplication and ensure efficient resource allocation. One delegation stressed the importance for donors to better understand the capacity-building needs of developing

States in order to be able to better address those needs. The establishment of a new fund under the WTO Agreement on Fisheries Subsidies was noted.

129. Delegations expressed concern about the depletion of the Assistance Fund under Part VII of the Agreement and emphasized the need for contributions to be made to the Assistance Fund and other similar funds for capacity-building. A number of initiatives, such as the funding of specific programmes to increase awareness of the implementation of and participation in the Agreement and activities related to data collection and analysis, were highlighted.

130. *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.* Several delegations highlighted the importance of the effective participation and engagement of developing States in small-scale fisheries management. The need to ensure a participatory approach to small-scale fisheries management was also stressed. Several delegations encouraged States and regional fisheries management organizations and arrangements to implement the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, while ensuring that other important management principles, such as the maximum sustainable yield in science-based management, were respected.

131. Several delegations urged strong participation in the new Subcommittee on Fisheries Management of the Committee on Fisheries and encouraged the Subcommittee to address the challenges faced by subsistence, small-scale and artisanal fisheries. The importance of the FAO Code of Conduct for Responsible Fisheries in promoting sustainable trade and protecting the rights and well-being of fish-dependent communities was also highlighted.

132. *Avoiding the transfer of a disproportionate burden of conservation action onto developing States.* Several delegations acknowledged the special requirements of developing States and emphasized the need to avoid transferring disproportionate burdens onto those States. In that regard, the recommendation made by the resumed Review Conference in 2016 to better understand the concept of “disproportionate burden” was reiterated.

B. Proposed means of further strengthening, if necessary, the substance and methods of implementation of the provisions of the Agreement

133. Several delegations highlighted proposed means of further strengthening the substance and methods of implementation of the Agreement, in addition to those that had been put forward during the substantive discussions on the recommendations of the resumed Review Conference in 2016. Several delegations underscored the continued relevance of those recommendations, while the preference for strengthening and updating those recommendations, rather than beginning afresh, was also expressed. One delegation stressed the importance of identifying what had functioned well, noting that, while the Agreement was functioning well, there was always room for improvement.

134. Several delegations expressed the view that the informal consultations of States parties to the Agreement could be put to better use, including by playing a role in the review of the implementation of the Agreement each year. Doing so would ensure that some the recommendations from the Review Conference would be considered each year. A delegation noted that this could alleviate difficulties concerning the timely and complete submission of the questionnaire used to inform the report of the

Secretary-General to the resumed Review Conference. Alternatively, the possibility of extending the period for responding to the questionnaire was also suggested.

135. The need to promote greater participation in the Agreement and in regional fisheries management organizations and arrangements was emphasized, as was the need to strengthen cooperation and collaboration among States and among regional fisheries management organizations and arrangements, in particular in the light of new instruments. One delegation highlighted the fact that many areas were interrelated and that an emphasis on strengthening compliance would have a positive effect on fisheries data, which would improve stock assessments and the ecosystem approach and, in turn, improve science-based decision-making in fisheries. The role of science as the basis for making progress was emphasized by one delegation, while some delegations encouraged a focus on data collection and standardization.

136. Delegations outlined further specific areas of focus for strengthening implementation, including in relation to: flag State control; port State measures; by-catch; compliance; the precautionary approach; further emphasis on the ecosystem approach in fisheries decision-making at regional fisheries management organizations and arrangements; consideration of the impacts of climate change in fisheries decision-making at regional fisheries management organizations and arrangements, including the creation of adaptation plans; conservation and management of deep-sea fisheries objection procedures at regional fisheries management organizations and arrangements; regional fisheries management organization and arrangement performance reviews; prioritization in stock assessments; information-sharing among regional fisheries management organizations and arrangements concerning conservation measures and monitoring, control and surveillance; cooperation and coordination of monitoring, control and surveillance with regard to illegal, unreported and unregulated fishing; methods to address illegal, unreported and unregulated fishing; joint enforcement, inspection and boarding schemes; high seas boarding and inspection; efforts by regional fisheries management organizations and arrangements to address forced labour; special consideration for areas without regional fisheries management organizations and arrangements; and expanding species and area coverage of regional fisheries management organizations and arrangements, where necessary. Some delegations proposed new areas of focus to strengthen implementation, including in relation to seabird by-catch and environmental impact assessments.

137. One delegation highlighted the importance of the regional approach taken in the Agreement, emphasizing that this should be strengthened and reinforced. Several delegations underscored the role of FAO in further strengthening implementation of the Agreement.

138. Specific proposals were made with regard to updating the recommendations in the light of the targets of the Kunming-Montreal Global Biodiversity Framework; the conclusion of the negotiations on the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of life in areas beyond national jurisdictions, in particular with regard to its role in terms of coordination and cooperation among regional fisheries management organizations and arrangements; and the entry into force of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and the adoption of the WTO Agreement on Fisheries Subsidies and the FAO Voluntary Guidelines for Trans-shipment.

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

139. At the last plenary meeting, held on 26 May 2023, the President submitted to the Conference a document containing the draft outcome of the resumed Review Conference as negotiated and agreed to by the Drafting Committee. One delegation introduced a revised proposal with respect to recommendation A.12 regarding conservation and management of sharks and conservation of seabirds, which the concerned delegations had worked on since the Drafting Committee had met. The revised proposal was agreed and incorporated into a final draft of the outcome.

140. While welcoming the important progress reflected in the agreed text of the outcome of the resumed Review Conference, many delegations expressed regret that a number of points on which consensus had not been reached, despite having been supported by the wide majority of delegations, had not been included in the outcome, given the relevance of those points to the implementation of the Agreement. Some delegations noted that other effective area-based conservation measures, as defined in the Convention on Biological Diversity, could also be a useful tool for the conservation and sustainable management of the ocean. It was recalled that one delegation had objected to the inclusion of references to the draft agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of life in areas beyond national jurisdictions, the Kunming-Montreal Global Biodiversity Framework and climate change adaptation and mitigation since, in its view, biodiversity and climate change adaptation and mitigation did not fall within the competence of regional fisheries management organizations and arrangements, which was limited to fisheries management.

141. It was noted that deterioration of the climate, which was leading to widespread adverse impacts and related losses and damage to nature and people, as had been recognized in the most recent report of the Intergovernmental Panel on Climate Change, also affected the ocean and its biodiversity, including fish stocks. The view was expressed that States parties, through regional fisheries management organizations and arrangements, needed to do more to understand the impacts on fish stocks and the marine environment; in particular, it was noted that regional fisheries management organizations and arrangements could benefit from more explicit direction with respect to considering climate change in scientific research and in decision-making.

142. The Conference then adopted by consensus the outcome of the resumed Review Conference, as amended (see annex).

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

XIII. Suspension of the Conference

144. The Conference agreed to continue the informal consultations of States parties and to keep the Agreement under review through the resumption of the Review

Conference at a date no earlier than 2028, with the date and subject for discussion to be later determined at a future round of informal consultations.

XIV. Other matters

145. The President thanked delegations for their cooperation and hard work. He also expressed his deep appreciation to the interpreters, conference officers and technicians, as well as to the secretariat for its support.

146. The President declared the Conference suspended.

Annex

Outcome of the resumed Review Conference on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

New York, 26 May 2023

Preamble

1. The resumed Review Conference in 2023 reaffirmed that the United Nations Convention on the Law of the Sea (the Convention) and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement) provided the legal framework for conservation and management of straddling fish stocks and highly migratory fish stocks, taking due account of other relevant international instruments. The Conference emphasized the need to ensure the full and effective implementation of the provisions of the Convention and the Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks.
2. The resumed Review Conference recalled that all provisions of the Agreement shall be interpreted and applied in the context of, and in a manner consistent with, the Convention. Regional fisheries management organizations and arrangements were recognized as the primary mechanism for international cooperation in conserving and managing straddling fish stocks and highly migratory fish stocks.
3. The resumed Review Conference reaffirmed and consolidated the recommendations adopted in 2006, 2010 and 2016 and urged the full and effective implementation of the recommendations contained in the present outcome document.
4. The resumed Review Conference took note of important developments that had occurred since 2016 which were relevant to its work, including those highlighted in the report of the Secretary-General to the resumed Review Conference ([A/CONF.210/2023/1](#)), the annual resolutions of the General Assembly on sustainable fisheries and by participants during the resumed Review Conference. In that regard, it welcomed the significant progress that had been made in the implementation of several of the recommendations of the Review Conference in 2016, while expressing concern at the lack of progress in other areas.
5. The resumed Review Conference also expressed concern that, according to the report of the Secretary-General to the resumed Review Conference, the overall status of highly migratory fish stocks and straddling fish stocks had not improved since 2016, despite improvements for some stocks and in some regions.
6. The resumed Review Conference reaffirmed the importance of meeting the Sustainable Development Goals and targets set out in the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, held from 25 to 27 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development” (2030 Agenda for Sustainable Development), as adopted by the General Assembly in its resolution [70/1](#) of 25 September 2015, relevant to sustainable fisheries. The resumed Review Conference also reaffirmed the

commitment to conserve and sustainably use the oceans, seas and marine resources for sustainable development, as reflected in Goal 14 under the 2030 Agenda, and noted, in particular, the interrelationship between achieving some of the targets listed therein and the effective implementation of the Agreement and the recommendations of the Review Conference. In that regard, it was noted that the full and effective implementation of the Agreement could contribute substantially to the achievement of the commitments undertaken in the 2030 Agenda.

7. The resumed Review Conference reaffirmed the importance of the Paris Agreement on climate change, the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want” (General Assembly resolution [66/288](#)), and the SIDS Accelerated Modalities of Action (SAMOA) Pathway (Samoa Pathway) and noted the adoption of General Assembly resolutions relevant to its work, including the annual resolutions of the Assembly on oceans and the law of the sea and sustainable fisheries, including the periodic review on addressing the impact of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks; resolution [69/292](#) of 19 June 2015 on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction; and resolution [76/296](#) of 21 July 2022, in which the Assembly endorsed the declaration entitled “Our ocean, our future, our responsibility”, adopted by the 2022 United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

8. The resumed Review Conference noted with concern that, according to the second World Ocean Assessment, some of the world’s capture fisheries continued to experience overexploitation, vessel subsidization, ineffective management, by-catch and discards, habitat degradation, abandoned, lost or otherwise discarded fishing gear, and illegal, unreported or unregulated fishing.

9. The resumed Review Conference welcomed the entry into force of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean; the adoption of the World Trade Organization (WTO) Agreement on Fisheries Subsidies; and the adoption by the Food and Agriculture Organization of the United Nations (FAO) of the Voluntary Guidelines for Trans-shipment, the Voluntary Guidelines for Catch Documentation Schemes and the Voluntary Guidelines on the Marking of Fishing Gear, recognizing the importance of those instruments with regard to the implementation of the Agreement.

10. The resumed Review Conference acknowledged the vital contribution of FAO towards the implementation of some of the recommendations of the Review Conference. It also noted the important role that had been played by the informal consultations of States Parties to the Agreement, since 2016, in fostering dialogue on specific issues arising from the implementation of the Agreement, with a view to improving understanding, sharing experiences and identifying best practices. In particular, it took note of the reports on the thirteenth round of informal consultations, on the theme “Science-policy interface”; the fourteenth round, on the theme “Performance reviews of regional fisheries management organizations and arrangements”; and the fifteenth round, on the theme “Implementation of an ecosystem approach to fisheries management”.

11. The resumed Review Conference noted that many important commitments undertaken with regard to the conservation and management of fish stocks had not

yet been met and remained valid, including commitments under the Plan of Implementation of the World Summit on Sustainable Development (the Johannesburg Plan of Implementation) and those set out in the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, in relation to achieving sustainable fisheries, especially in respect of restoring depleted stocks at least to levels that could produce maximum sustainable yield on an urgent basis and, where possible, not later than 2015.

12. The resumed Review Conference, concerned that many straddling fish stocks and highly migratory fish stocks continue to be overexploited, determined that implementation of the Agreement should be further strengthened by recommendations that build on the 2016 outcome and, in some cases, addressed new issues relevant to strengthening the substance of and methods for implementing the provisions of the Agreement.

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

A. Conservation and management of stocks

1. Adoption and implementation of measures

(a) Commit themselves on an urgent basis to improving, through adoption and implementation of effective conservation and management measures, the current status of straddling fish stocks and highly migratory fish stocks, emphasizing the role of the ocean as a sustainable source of safe and nutritious food that contributes to food security and provides social, economic and environmental benefits;

(b) Regulate effectively the harvesting of stocks and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics.

2. Application of the precautionary and ecosystem approaches

(a) Apply the precautionary and ecosystem approaches to fisheries management with a view to achieving the commitment to sustainably manage and protect marine and coastal ecosystems so as to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans by 2020;

(b) Ensure the consistent application of the precautionary and ecosystem approaches among regional fisheries management organizations and arrangements, avoiding implementation gaps, including through enhanced exchange of information and the identification of best practices;

(c) Adopt appropriate conservation and management measures for new or exploratory fisheries in line with the precautionary approach, in accordance with article 6, paragraph 6, of the Agreement, and ensure that such measures, inter alia, catch and effort limits, remain in force until sufficient data allow for the assessment of the impact of the fisheries on the long-term sustainability of stocks, whereupon conservation and management measures based on that assessment should be implemented;

(d) Strengthen implementation of an ecosystem approach through promoting and conducting scientific research in support of fisheries management, applying

appropriate risk assessment tools and conducting stock assessments to conserve and manage associated and dependent species and their habitats, and adopting management measures for currently unregulated directed fisheries or for those species that are caught as by-catch and then traded commercially;

(e) Give effect to article 5 (d) of the Agreement by assessing the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks.

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

Apply the guidelines contained in annex II to the Agreement and:

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

(ii) Determine actions to be taken if they are exceeded; and develop and implement fishery management strategies that have a high probability of ensuring that agreed stock-specific reference points are not breached;

(iii) Improve data collection and information-sharing in connection with the recovery of fish stocks.

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

(a) Strengthen efforts, institutional capacity and research infrastructure in order to study and address environmental factors affecting marine ecosystems, including the adverse impacts of climate change and ocean acidification, and consider such impacts when establishing conservation and management measures for straddling fish stocks and highly migratory fish stocks, and associated or dependent species;

(b) Explore ways to incorporate consideration of the adverse impacts of climate change and ocean acidification and the uncertainties regarding such impacts on fisheries, including in relation to migration patterns and productivity, in decision-making processes related to the adoption of conservation and management measures, in line with the precautionary approach, so as to increase resilience;

(c) Collaborate closely with other States, regional fisheries management organizations and arrangements, regional seas conventions and action plans, scientific organizations, academia and civil society in conducting research to achieve an understanding of the impacts of, and risks associated with, climate change with respect to fish stocks, including the vulnerabilities of individual species to changes in marine ecosystems, with a view to identifying options for reducing such risk and promoting the health and resilience of marine ecosystems, sharing information and identifying and sharing best practices in this regard;

(d) Encourage participation in the annual United Nations Framework Convention on Climate Change ocean and climate change dialogue, including with regard to the impact of climate change on fisheries.

5. Achievement of compatible measures

(a) Strengthen efforts to improve cooperation between flag States whose vessels fish on the high seas and coastal States, including within regional fisheries management organizations and arrangements and areas not covered by a regional fisheries management organization or arrangement, so as to ensure compatibility of measures for the high seas and for areas under national jurisdiction with respect to straddling fish stocks and highly migratory fish stocks, in accordance with article 7 of the Agreement and relevant provisions of the Convention;

(b) Seek practical options for operationalizing the sharing of information, facilitating capacity-building in monitoring, control and surveillance and data collection, and improving decision-making processes in regional fisheries management organizations and arrangements, where required, with a view to promoting the compatibility of measures put in place for the conservation and management of straddling fish stocks and highly migratory fish stocks;

(c) Improve the exchange of data and information to support the development of compatible measures, including through the establishment and operation of data and information exchange mechanisms between regional fisheries management organizations and arrangements.

6. Development of area-based management tools

(a) Develop appropriate area-based management tools, including closed areas, marine protected areas and marine reserves and criteria for their implementation, to effectively conserve and manage straddling fish stocks, highly migratory fish stocks and high-seas discrete stocks and protect habitats, marine biodiversity and vulnerable marine ecosystems, on a case-by-case basis, and in accordance with the best available scientific information, the precautionary and ecosystem approaches and international law, recalling all existing relevant commitments in this respect, as applicable;

(b) Combine, to the extent possible, the development and implementation of area-based management tools with other appropriate conservation and management measures, taking into account the need to avoid negative impacts such as overfishing in other areas which may be caused by the displacement of the fishing efforts resulting from the adoption of such tools;

(c) Ensure that area-based management tools are dynamic and flexible in order to account for ecological connectivity and are subject to periodic review to assess their effectiveness in achieving their objectives, taking into account relevant guidelines, such as those developed by FAO, as well as the unique characteristics of straddling fish stocks and highly migratory fish stocks;

(d) Ensure that sufficient resources are allocated to the monitoring, control and surveillance of the implementation of area-based management tools;

(e) Improve cross-sectoral cooperation and the sharing of information regarding the utilization of area-based management tools for conservation and sustainable use, including through the exchange of lessons learned and best practices with other treaty bodies.

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

(a) Reaffirm the commitment to urgently reduce the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other

fisheries or areas in a manner that undermines the sustainability of fish stocks, including, inter alia, those areas where fish stocks are overexploited or in a depleted condition, recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the Code of Conduct for Responsible Fisheries of FAO and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity adopted by FAO;

(b) Develop and implement a range of measures for reducing fishing capacity to levels commensurate with the sustainability of fish stocks, including capacity assessment and capacity management plans providing incentives for voluntary reduction, which take into account all of the factors that contribute to fishing capacity, including, but not limited to, engine power, fishing gear technology, fish detection technology and storage space;

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

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

(a) Implement the commitment under target 14.6 under Goal 14 of the 2030 Agenda, including by giving consideration to accepting the WTO Agreement on Fisheries Subsidies and completing further negotiations to achieve a comprehensive agreement on fisheries subsidies and enhance data availability and transparency on fisheries subsidies consistent with WTO rules.

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

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

(b) Enhance efforts to prevent and mitigate the impacts of all kinds of lost, abandoned or otherwise discarded fishing gear (including from ghost fishing and marine debris from plastics and microplastics), including by encouraging application of the FAO Voluntary Guidelines on the Marking of Fishing Gear, establish mechanisms and incentives for the regular retrieval of derelict gear and adopt mechanisms for monitoring and reducing discards of fishing gear, in support of the commitment under the 2030 Agenda to, by 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution;

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

(d) Encourage engagement in the GloLitter Partnerships Project of FAO and the International Maritime Organization (IMO) and similar initiatives aimed at the prevention and reduction of marine plastic litter and, in particular, sea-based marine plastic litter in order to reverse the negative environmental impacts caused by marine plastic waste.

10. Data collection and sharing of information

(a) Improve the collection and sharing of data on catches, including in areas without regional fisheries management organizations and arrangements, in accordance with annex I to the Agreement, including by-catch and discards, in order

to improve stock assessments, as well as on related economic and social information, taking into account confidentiality requirements, and recognizing that the timely collection, compilation and analysis of data are fundamental to the effective conservation and management of straddling fish stocks and highly migratory fish stocks;

(b) Improve understanding of the underlying causes of the lack of timely, complete and accurate submission of data and develop means of overcoming these difficulties through the utilization, as appropriate, of both incentives and disincentives, including sanctions and other compliance measures (e.g. “no data, no fishing”), taking into account the special requirements of developing countries;

(c) Improve cooperation and, to the extent possible, develop standards or standardized requirements for the collection and sharing of data on catch and fishing effort and consider new tools for fisheries-independent data collection;

(d) Recognize the importance of the Assistance Fund under Part VII of the Agreement and the provision of financial and technical assistance by regional fisheries management organizations and arrangements in strengthening the capacity of developing countries to participate in fisheries and comply with obligations on data collection and information-sharing;

(e) Enhance understanding of emerging technologies and their role in improving the collection and sharing of fisheries-related data;

(f) Identify the minimum required data in order to further increase the number of fully assessed stocks, in particular for data-poor stocks, taking into account the need to collect and provide the data necessary for stock assessments in a timely manner, noting the challenges in this regard for some stakeholders, such as small-scale and artisanal fishers, and, where necessary, strengthen scientific capacity and information to support these stock assessments.

11. Data arrangements and the global fisheries statistics database of the Food and Agriculture Organization of the United Nations

(a) Fulfil their obligations in connection with the collection and submission of data and information on fisheries to FAO;

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

12. Conservation and management of sharks and conservation of seabirds

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

(i) Establishing and implementing species-specific data collection requirements for shark species caught in directed shark fisheries or as by-catch in other fisheries;

(ii) Conducting biological assessments for such shark species;

(iii) Developing science-based conservation and management measures for sharks, including safe handling guidelines;

(iv) Strengthening, on the basis of the best scientific information available, enforcement of existing prohibitions on shark finning by requiring that sharks

be landed with their fins naturally attached or through different means that are equally effective and enforceable;

(b) Taking into account the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries, the best practices to reduce incidental catch of seabirds in capture fisheries and, as appropriate, the work carried out under the Agreement on the Conservation of Albatrosses and Petrels, encourage cooperation to strengthen the protection of seabirds from the impact of fishing, by taking, to the extent possible, national and regional action to:

(i) Establish and implement monitoring, data collection and reporting requirements for seabird by-catch species;

(ii) Develop, implement and monitor risk and science-based by-catch mitigation measures for seabirds;

(iii) Encourage regional fisheries management organizations and arrangements to, as appropriate, develop harmonized measures and cooperate with the Agreement on the Conservation of Albatrosses and Petrels.

13. Conservation and management measures for deep-sea fisheries

(a) Accelerate, where applicable, the establishment and strengthen the implementation of long-term conservation and management measures for deep-sea fisheries and vulnerable marine ecosystems, including their associated and dependent species in accordance with relevant General Assembly resolutions and the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas of FAO;

(b) Improve the data collection and cooperation between States and regional fisheries management organizations and arrangements with regard to conservation and management measures for deep-sea fisheries, including use of the precautionary approach.

14. Strengthening of the science-policy interface

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

15. Establishment of rebuilding and recovery strategies

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

16. By-catch management and discards

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

(b) Encourage the widest application of the International Guidelines on By-catch Management and Reduction of Discards of FAO and the technical guidelines to prevent and reduce marine mammal by-catch in capture fisheries.

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

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

(b) Strengthen mechanisms within regional fisheries management organizations and arrangements for promoting compliance, including through the establishment and strengthening of a regular process of review. To the extent possible, regional fisheries management organizations and arrangements should cooperate and seek to harmonize measures so as to foster compliance.

18. Establishment of new regional fisheries management organizations or arrangements

(a) Consider the establishment of new regional fisheries management organizations and arrangements as soon as possible, so as to avoid any geographical or species gaps among regional fisheries management organizations and arrangements, including by transforming existing regional fisheries advisory bodies into such organizations and arrangements, and agree on interim measures based on the best scientific information available and the precautionary approach, until such organizations and arrangements are established. Where regional fisheries management organizations and arrangements already exist, encourage, as appropriate, the expansion of their geographical and/or species coverage to close those gaps;

(b) Collaborate with other States to establish mechanisms for sharing information in areas of the ocean where there is no regional fisheries management organization or arrangement in place, taking action to ensure long-term conservation, management and sustainable use of the relevant fish stocks.

B. Mechanisms for international cooperation and non-members

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

(a) Modernize the mandates of regional fisheries management organizations and arrangements, where this has not yet occurred, to ensure that they encompass explicit provisions for the use of modern approaches to fisheries conservation and management and responsible conduct of fishing operations, as set forth in the Agreement and other relevant international instruments, including with respect to the aspirations of developing States, in particular the least developed among them and small island developing States;

(b) Promote the early entry into force of revised agreements for regional fisheries management organizations and arrangements and recently concluded treaties establishing new organizations and arrangements.

2. Performance reviews and best practice guidelines

(a) Undertake regular performance reviews of regional fisheries management organizations and arrangements which include some element of independent evaluation, while seeking relevant information from all stakeholders;

(b) Develop best practice guidelines for conducting performance reviews and implementing their results, inter alia, where appropriate, through the use of “Kobe-like” processes by other regional fisheries management organizations and arrangements, while ensuring consistency and harmonization to the extent possible;

(c) Establish mechanisms for follow-up actions in response to performance reviews, including the implementation of the recommendations, when necessary, in a timely manner, including such facets as transparency, publicity and accountability, and ensure that information on actions taken to implement the recommendations emanating from performance reviews are made publicly available.

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

(a) Encourage the regional fisheries management organizations and arrangements of which they are members to strengthen cooperation through the establishment of joint working groups or other mechanisms to facilitate the development of harmonized or consistent measures across regional fisheries management organizations and arrangements, in particular with regard to data collection and data-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, sharing positive and negative lists of vessels, and establishing measures related to crew, inspector and observer working conditions within their fisheries, in accordance with applicable international instruments;

(b) Strengthen cooperation and coordination between regional fisheries management organizations and arrangements and regional seas conventions and action plans;

(c) Strengthen cooperation between regional fisheries management organizations and arrangements and other regional fishery bodies with competence over the same stocks or associated or dependent species.

4. Participation in regional fisheries management organizations and arrangements

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

(b) Strengthen, where appropriate, efforts to agree on participatory rights and allocation criteria for members, new members and cooperating non-members of regional fisheries management organizations and arrangements, giving due regard to the aspirations of developing States, in particular the least developed among them and small island developing States, and the status of the stocks;

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

5. Improvement of decision-making rules and procedures in regional fisheries management organizations and arrangements

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

(b) Examine best practices in objection processes and ensure that post opt-out behaviour is constrained by rules for preventing objecting parties from undermining conservation, by establishing clear processes for dispute resolution and for the adoption of alternative measures with equivalent effect that would be implemented in the interim;

(c) Improve the transparency of regional fisheries management organizations and arrangements, in terms of both decision-making that incorporates the precautionary approach and the best scientific information available and providing for the reasonable participation of intergovernmental and non-governmental organizations under the rules and procedures of those organizations and arrangements;

(d) Encourage regional fisheries management organizations and arrangements to review their decision-making procedures, noting the need for procedures that facilitate the adoption of conservation and management measures in a timely and effective manner, and, in particular, to consider provisions for voting and objection procedures.

6. Implementation of interim measures

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

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

(a) Strengthen effective control over vessels flying their flag and ensure that such vessels comply with, and do not undermine, conservation and management measures adopted by regional fisheries management organizations and arrangements and other applicable international instruments;

(b) Develop the capacity of the members of regional fisheries management organizations and arrangements to comply with conservation and management measures;

(c) Ensure that flag States have the ability to fulfil their responsibilities with regard to vessels flying their flag, before they grant the right to fly their flag to fishing vessels or issue authorization for fishing to such vessels;

(d) Encourage regional fisheries management organizations and arrangements, as appropriate, to adopt standards for decent working conditions for crew, inspectors and observers within the fisheries within their competence, in accordance with international instruments;

(e) Ensure that the compliance committees of regional fisheries management organizations and arrangements actively assess flag State performance and address cases of continued non-compliance.

8. Improving the administration of regional fisheries management organizations and arrangements

Encourage regional fisheries management organizations and arrangements to regularly review their administrative rules and procedures, and modernize them as appropriate, to support the long-term success of these organizations and arrangements.

C. Monitoring, control and surveillance, compliance and enforcement

1. Strengthening of flag State responsibility

(a) Cooperate on examining and clarifying the “genuine link” in relation to the duty of flag States to exercise effective control over fishing vessels flying their flag;

(b) Further strengthen effective control over vessels flying their flag, wherever they operate, and exercise due diligence, including by developing or amending national rules and regulations, where needed, in order to ensure that such vessels do not engage in illegal, unreported and unregulated fishing, and otherwise comply with, and do not undermine, conservation and management measures adopted by regional fisheries management organizations and arrangements, while reaffirming the importance, under international law, including as reflected under the Convention and the Agreement, of the responsibilities of flag States regarding fishing vessels flying their flag, including with respect to safety at sea and labour conditions on fishing vessels;

(c) Maintain and make public through existing international mechanisms, including regional fisheries management organizations and arrangements and the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, as appropriate, records of their fishing vessels that operate beyond their national jurisdiction;

(d) Encourage States to strengthen their capacity to take action against vessels flying their flag that have engaged in illegal, unreported and unregulated fishing, including through the imposition of adequate sanctions as an alternative to deregistering such vessels, thereby rendering them without nationality;

(e) Effectively implement the duty of flag States under the Convention with respect to labour conditions, taking into account applicable international instruments and national laws; and, in this regard, encourage States to become parties to the International Labour Organization (ILO) Work in Fishing Convention, 2007 (No. 188) and implement the Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188);

(f) Develop measures for prohibiting supply, transport and refuelling vessels flying their flag from engaging in operations with vessels listed by regional fisheries management organizations and arrangements as engaging in illegal, unreported or unregulated fishing, under their applicable national legislation;

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

2. Assessment of flag State performance

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

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

3. Fishing vessels without nationality

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

4. Participation under the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the adoption of port State measures

(a) Encourage States that are party to the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing to fully implement that Agreement and to adopt, through regional fisheries management organizations and arrangements of which they are a member, port State measures consistent with that Agreement, noting that the said Agreement establishes minimum standards and does not preclude the adoption of more stringent measures, as appropriate, in accordance with international law; and encourage States that have not yet become party to that Agreement to do so and in the interim to adopt port State measures consistent with that Agreement;

(b) Encourage States and regional fisheries management organizations and arrangements that do not have an electronic system in place for exchanging information on port inspections and port denials of foreign fishing vessels, to consider the use of the Global Information Exchange System; and, where such systems exist, call upon FAO to work with regional fisheries management organizations and arrangements and States to ensure the compatibility and interoperability of the Global System with those existing systems;

(c) Call upon States, regional fisheries management organizations and arrangements and other potential donors referred to in the terms of reference to contribute to the trust fund established under Part 6 of the Port State Measures Agreement and to provide other financial and technical assistance and capacity-

building, including through FAO, to assist developing States in the implementation of that Agreement, recognizing the special requirements of developing States, in particular the least developed among them and small island developing States, in relation to the implementation of port State measures, as set out in article 21 of that Agreement.

5. Control over fishing activities of nationals

(a) Strengthen domestic and other mechanisms for identifying and deterring nationals and beneficial owners from engaging in or supporting illegal, unreported and unregulated fishing activities and facilitate cooperation to ensure that such actions can be investigated and sanctions of adequate severity, having a deterrent effect and depriving them of accrued benefits, can be imposed so as to deprive nationals and beneficial owners of the benefits of such activities;

(b) Control fishing and fishing-related activities of their nationals, to the extent possible, that undermine the effectiveness of conservation and management measures adopted in accordance with international law, and take measures and cooperate to ensure compliance by their nationals in order to prevent, deter and eliminate illegal, unreported and unregulated fishing;

(c) Improve cooperation and coordination between States and regional fisheries management organizations and arrangements in the sharing of information and intelligence to ensure effective control over fishing vessels and compliance by nationals and to prevent, deter and eliminate illegal, unreported and unregulated fishing, taking into account in this regard the role of the International Criminal Police Organization (INTERPOL) and other enforcement bodies.

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

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

(b) Ensure the compliance of fishing vessels with obligations and requirements for vessel monitoring systems adopted by regional fisheries management organizations and arrangements and also ensure that all vessels fishing on the high seas carry vessel monitoring systems as soon as practicable;

(c) Assess annually the compliance of members with measures of regional fisheries management organizations and arrangements and, where appropriate, cooperation of non-members with respect to those measures; improve transparency, including through regular review of compliance schemes, and create incentives to promote compliance and cooperation with respect to those measures; and take steps to address persistent non-compliance and non-cooperation, while noting in this regard the special requirements of developing countries and the need for capacity-building;

(d) Encourage States and regional fisheries management organizations and arrangements to utilize a wide range of tools and new and emerging technologies to strengthen compliance, cooperation and enforcement schemes in those organizations and arrangements, including monitoring, control and surveillance, vessel monitoring systems, vessel monitoring centres, electronic reporting, observer coverage, catch documentation schemes, vessel identifier systems, vessel lists and joint at-sea

boarding inspection, while noting the need for a balanced approach for developing and developed States;

(e) Develop high seas boarding and inspection measures where they do not currently exist, effectively implement such measures where they already exist and review implementation of existing measures, in accordance with articles 21 and 22 of the Agreement;

(f) Call for improved cooperation and coordination in order to strengthen compliance and enforcement schemes in regional fisheries management organizations and arrangements, including through the sharing of information, vessel lists and best practices, bearing in mind the need for confidentiality, as appropriate;

(g) Note the importance of the development of a global record of fishing vessels and unique vessel identifiers for strengthening compliance, and encourage States and regional fisheries management organizations and arrangements to use the IMO Ship Identification Number Scheme for fishing vessels of 100 gross tonnage and above, adopted by the IMO Assembly in its resolution A.1078(28) of 4 December 2013, as well as to continue to provide the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels with more and up-to-date information;

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

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

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

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

(a) Encourage States and regional fisheries management organizations and arrangements to implement the FAO Voluntary Guidelines for Trans-shipment;

(b) Encourage, to the maximum extent possible, trans-shipment to occur in ports. In the case of trans-shipment at sea, call upon States and regional fisheries management organizations and arrangements that have not done so to adopt clear and stringent measures for monitoring and regulating trans-shipment activity, including, as a minimum, verification of the registration of such vessels, prior notifications of such activities, vessel monitoring systems and observer coverage, encouraging, to the extent possible, real-time reporting;

(c) Develop measures to prohibit supply, transport and refuelling vessels flying their flag from engaging in operations with vessels listed as engaging in illegal, unregulated or unreported fishing;

(d) Improve cooperation and coordination relating to trans-shipment at sea, including in the sharing of information and vessel lists and in the making of such lists publicly available; recall in this respect that the FAO Voluntary Guidelines for Trans-shipment recommend that all vessels involved in trans-shipment activities under the competence of an regional fisheries management organization or

arrangement should be included in all vessel authorization records of relevant regional fisheries management organizations and arrangements and, where applicable, in the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.

9. Strengthening fisheries access agreements

(a) Taking into account the provisions of the FAO Voluntary Guidelines for Flag State Performance, call upon States to strengthen fisheries access agreements to promote good governance and cooperation between flag and coastal States, in accordance with the Convention and the Agreement, with regard to fisheries activities of fishing vessels operating under the access agreement not flying the flag of the coastal State providing fisheries access within the areas under the jurisdiction of that State, including by providing sectoral assistance, inter alia, for monitoring, control and surveillance, compliance and enforcement, including through the use of vessel monitoring systems, as feasible, and on-board observers or other monitoring measures, as appropriate;

(b) Encourage greater transparency regarding fisheries access agreements, including by making them publicly available, subject to confidentiality requirements.

10. Market-related measures

(a) Take necessary measures, consistent with international law, to ensure that only fish that have been taken in accordance with applicable conservation and management measures reach their markets, and take steps consistent with national and international law to require those involved in fish trade to cooperate fully to this end; and, at the same time, recognize the importance of market access, in accordance with provisions 11.2.4 to 11.2.6 of the Code of Conduct for Responsible Fisheries of FAO, for fishery products and fish caught in a manner that is in conformity with the applicable conservation and management measures, including by enhancing consistency between the actions of States and those of regional fisheries management organizations, in order to maintain market access, recognizing that particular attention should be drawn to fish products landed in ports located outside flag States;

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

(c) Encourage States to implement the FAO Voluntary Guidelines for Catch Documentation Schemes.

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

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

12. Participation in the Joint Ad Hoc Working Group of the Food and Agriculture Organization of the United Nations, the International Maritime Organization and the International Labour Organization on Illegal, Unreported and Unregulated Fishing and Related Matters

Encourage States and regional fisheries management organizations and arrangements, as appropriate, to participate in the Joint FAO/ILO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters.

13. Participation under the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and advancing related information exchange tools

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

(b) Encourage States to use and keep up-to-date the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, which incorporates all available information on beneficial ownership, subject to confidentiality requirements in accordance with national law;

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

D. Developing States

1. Take concrete measures to enhance the ability of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks, including facilitating access to such fisheries, consistent with articles 24 and 25 of the Agreement.

2. Enhancing the participation of developing States in regional fisheries management organizations and arrangements and in other international and regional forums

(a) Enhance the participation of developing States in international and regional forums on matters relating to global and regional fisheries issues and their decision-making, including through raising awareness of their role and relevance;

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

(c) Establish mechanisms to assist developing States in regional fisheries management organizations and arrangements that do not already have such mechanisms and ensure that those mechanisms support the implementation of the Agreement in its entirety.

3. Strengthening the capacity of developing States

(a) Cooperate with and assist developing States in designing, strengthening and implementing their domestic regulatory fisheries policies and those of the regional fisheries management organizations and arrangements in their regions;

(b) Identify the challenges to and provide assistance in building the capacity of developing States, in particular the least developed among them and small island developing States, to implement the Agreement, in particular in the areas of science; data collection, data management and reporting; stock assessment; monitoring, control and surveillance; port and flag State control; and fisheries conservation and management, including the implementation of harvest strategies and other management measures, facilitating access to and development of sustainable fisheries for straddling fish stocks and highly migratory fish stocks;

(c) Strengthen the capacity-building of developing States based on the needs and challenges identified, in particular in the areas of science; data collection and reporting; monitoring, control and surveillance; port and flag State control; and fisheries conservation and management;

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

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

(f) Contribute to building the capacity of developing States to effectively assess, mitigate and adapt to the impacts of climate change on fisheries;

(g) Build the capacity of, and urge further development and mainstreaming of strategies to assist, developing States, in particular small island developing States and the least developed countries, with respect to participating in high-seas fisheries, including for straddling fish stocks and highly migratory fish stocks, receiving a greater share of the benefits from sustainable fisheries of such stocks, developing their national capacity to exploit fishery resources, consistent with the duty to ensure conservation and management of those resources, and improving market access, strengthening regional efforts to sustainably conserve and manage such stocks in support of the 2030 Agenda.

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

(a) Invite FAO and the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat to (i) further publicize the availability of assistance through the Assistance Fund under Part VII of the Agreement; and (ii) solicit the views of developing States parties regarding the application and award procedures under the Assistance Fund and consider changes, where necessary, aimed at improving the process, including prioritizing activities;

(b) Collectively, through their regional fisheries management organizations and arrangements, establish and maintain a link to the Assistance Fund home page (www.un.org/oceancapacity/UNFSFund) on the website of those organizations and arrangements;

(c) Urgently contribute to the Assistance Fund so as to allow for the diversified use of the Fund in accordance with its terms of reference. Such assistance should be targeted to such areas as (i) stock assessment and scientific research; (ii) data collection and reporting; (iii) monitoring, control and surveillance; (iv) port

State control; (v) compliance with market and trade-related measures and meeting of market access requirements, including with respect to health and quality standards; (vi) development of fisheries for straddling fish stocks and highly migratory fish stocks; (vii) human resource development; (viii) sharing of information, including vessel information; (ix) flag State responsibility; and (x) settlement of disputes.

5. 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

(a) Avoid adverse impacts on, and ensure the access to fisheries of, subsistence, small-scale and artisanal fishers and women fish workers, as well as Indigenous Peoples, in developing States, in particular small island developing States, when establishing conservation and management measures for straddling fish stocks and highly migratory stocks;

(b) Support subsistence, small-scale and artisanal fishers and women fish workers, as well as Indigenous Peoples, in developing States in building their administrative capacities and participating in international meetings;

(c) Encourage 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, such as maximum sustainable yield management, the ecosystem and precautionary approaches and science-based management, are respected;

(d) Building on the International Year of Artisanal Fisheries and Aquaculture 2022, continue the dialogue with small-scale fishers, advance understanding about issues in relation to the implementation of the Agreement and inspire more actions and collaboration, as outlined in the global action plan for the International Year of Artisanal Fisheries and Aquaculture 2022.

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

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

E. Non-parties

1. Promotion of wider participation in the Agreement

(a) Call upon all States that are involved or may become involved in fisheries for straddling fish stocks and highly migratory fish stocks that have not yet done so to become parties to the Agreement, in particular those that are already members of regional fisheries management organizations and arrangements;

(b) Disseminate to States non-parties, inter alia, through the regional fisheries management organizations and arrangements of which they are members, information concerning the Agreement, including its objective and the rights that it bestows and the duties that it imposes, as well as potential benefits arising from becoming a party to the Agreement, as well as information on the Assistance Fund;

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

Dissemination of the final report and further reviews

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

15. The resumed Review Conference also agreed:

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

(b) To continue the informal consultations of States parties to the Agreement and keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2028, to be agreed at a future round of informal consultations, and to request the Secretary-General to convene such meetings;

(c) That the resumed Review Conference will be mandated to assess the effectiveness of the Agreement in securing the conservation and management of straddling and highly migratory fish stocks by reviewing and assessing the adequacy of its provisions and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions in order to better address any continuing problems regarding the conservation and management of those stocks, as provided for in article 36 of the Agreement.

16. The resumed Review Conference recommends that the informal consultations of States parties continue to be dedicated, on an annual basis, to the consideration of specific issues arising from the implementation of the Agreement, with a view to improving understanding, sharing experiences and identifying best practices for the consideration of States parties, as well as the General Assembly and the Review Conference.
