

**Third Informal Consultations of the States Parties to the Agreement for the Implementation
of the Provisions of the United Nations Convention on the
Law of the Sea of 10 December 1982 relating to the Conservation
and Management of Straddling Fish Stocks and Highly
Migratory Fish Stocks**

(New York 8 – 9 July 2004)

Report

SUMMARY

This document contains the report of the third informal consultations of the States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement), which was held in New York, on 8-9 July 2004.

The major areas of focus of the meeting were: new developments in the implementation of the Agreement by States Parties, including the strengthening of flag States duties; implementation at the regional level, including the establishment of new regional fisheries organizations and arrangements; implementation by regional fisheries management organizations and arrangements; update on initiatives by States at the global level, for example, through the Food and Agriculture Organization of the United Nations (FAO); review of the implementation of the provisions of Part VII of the Agreement, including contribution by States, international financial institutions and donor organizations to the Assistance Fund established by the General Assembly in resolution 58/14; and preparatory work for the review conference, pursuant to article 36 of the Agreement.

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I. Introduction

1. Pursuant to General Assembly resolution 58/14, paragraph 12, of 24 November 2003 the Secretary General convened a third round of informal consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement), for the purposes and objectives of considering the national, regional, subregional and global implementation of the Agreement, in particular by conducting an evaluation of the implementation of the Agreement by regional fisheries management organizations as well as considering initial preparatory steps for the review conference to be convened by the Secretary-General pursuant to article 36 of the Agreement, and making any appropriate recommendation to the General Assembly.

2. In the above mentioned resolution, the General Assembly reiterated the importance of the effective implementation of the Agreement, including those provisions relating to bilateral, regional and subregional cooperation in enforcement, and urged continued efforts in this regard (paragraph 6). It called upon all States to ensure that their vessels comply with the conservation and management measures adopted by subregional and regional fisheries management organizations (RFMOs) and arrangements in accordance with the Agreement (paragraph 8). Moreover, it invited States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including through the development of special financial mechanisms or instruments to assist developing States, in particular the least developed amongst them and small island developing States (paragraph 9).

3. The General Assembly also established an Assistance Fund under Part VII of the Agreement to assist developing States Parties in the implementation of the Agreement, to be administered by the Food and Agricultural Organization of the United Nations (FAO), which should act as the implementing office for the Fund, in collaboration with the United Nations, in accordance with the terms of reference as agreed at the second round of informal consultations of the States Parties to the Agreement and appropriate arrangements between them (paragraph 10). In this regard, it emphasized the importance of outreach to potential donors organizations to contribute to the programme of assistance, including the Assistance Fund.

II. Organization of work

A. Opening of the second informal consultations

4. The Director of the Division for Ocean Affairs and the Law of the Sea, Mr. Vladimir Golitsyn, opened the third informal consultations of the States Parties to the Agreement.

B. Election of the Chairperson

5. The meeting elected by acclamation Mr. David Balton, Deputy Assistant Secretary for Oceans and Fisheries, Department of State (United States) as Chairperson of the informal consultations of the States Parties.

C. Attendance

6. Representatives of the following Parties attended the meeting: Australia, Austria, Barbados, Belgium, Brazil, Canada, European Community, Finland, France, Germany, Iceland, India, Iran (Islamic Republic of), Ireland, Italy, Malta, Marshall Islands, Namibia, Nauru, Netherlands, New Zealand, Norway, Portugal, Russian Federation, South Africa, Spain, Sri Lanka, Tonga, United Kingdom of Great Britain and Northern Ireland and United States of America.

7. Observers from the following States, United Nations specialized agencies, programmes and bodies, and intergovernmental and non-governmental organizations also attended the meeting:

(a) Observer States: Argentina, Belize, Chile, China, Colombia, Guatemala, Indonesia, Japan, Kenya, Madagascar, Myanmar, Nigeria, Peru, Philippines, Republic of Korea, Republic of Moldova, Sierra Leone, Timor-Leste, Uganda, United Republic of Tanzania, Venezuela and Viet Nam;

(b) United Nations specialized agencies: Food and Agriculture Organization (FAO);

(c) Other intergovernmental organizations: International Union for the Conservation of Nature and Natural Resources (IUCN);

(d) Subregional and Regional Fisheries Management Organizations and Arrangements: Comisión Permanente Del Pacifico Sur (CPPS);

(e) UN bodies and offices: United Nations Development Programme (UNDP); and

(f) Non-governmental organizations: International Collective in Support of Fish workers (ICSF) and Natural Resources Defense Council (NRDC).

D. Adoption of the agenda

8. The Informal Meeting considered the provisional agenda of the meeting. The agenda was adopted as modified (see Annex I).

III. New developments in the implementation of the Agreement

A. Update on implementation by States, at the national level of the provisions of the Agreement concerning the strengthening of flag States' duties.

9. In his opening statement the Chairman welcomed the new States Parties to the Agreement. He indicated that the informal consultations were aimed at exchanging views towards the implementation of the Agreement. He also pointed that despite the fact that States Parties have incorporated provisions of the Agreement into their national legislation, and established new RFMOs, they still

faced many problems and challenges in the management of straddling fish stocks and highly migratory fish stocks. These include over-capacity and over-fishing; illegal, unreported and unregulated (IUU) fishing; the effects of fishing on ecosystems (e.g. by-catch and the impacts of fishing gear); and a lack of capacity in developing States Parties in the implementation of the Agreement. He stressed that the Assistance Fund under Part VII was established to address the issue of capacity of developing States Parties.

10. During the debate under this item, a number of States Parties provided information on measures they had adopted at the national level, to implement the relevant provisions of the Agreement and strengthen flag States duties. Measures include the adoption of laws and regulations requiring compliance with RFMOs fisheries conservation and management measures and regulating the conduct of fishing activities in areas beyond national jurisdiction. Most of these laws and regulations require the flag State to provide fishing authorization to vessels flying its flag before they were allowed to conduct fishing operations on the high seas; to provide monitoring, control and surveillance systems for vessels flying its flag; and to establish penalties from non-compliance with regional fisheries conservation.

11. In reporting on the implementation of this particular provision of the Agreement, the **United States** enumerated a number of steps it had taken to strengthen its flag State responsibilities. These included the recent review of the High Seas Fishing Compliance Act, which led to the strengthening of the legislation in relation to measures required of US-flagged vessels operating on the high seas. It also stated that the US now applied its domestic environmental regulations to vessels flying its flag operating on the high seas, and required an increase in the number of observers and vessel monitoring systems (VMS) on-board of such vessels.

12. Moreover, the US indicated that it had completed its National Plan of Action for the Conservation and Management of Sharks as well as its National Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries. It has also finalized its National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and National Plan of Action for the Management of Fishing Capacity.

13. With respect to the issue of by-catch, the US further indicated that it had developed and begun to implement a National “by-catch” strategy to reduce catch of non-target species. A number of other regulatory measures had also been taken to ensure the application by fishing vessels of the US “by-catch” strategy, including measures intended to reduce the “by-catch” of sea turtles and seabirds.

14. **New Zealand** stated that it had comprehensive regulations to ensure implementation of its flag State’s duties. It indicated that its 1996 Fisheries Act, as amended in 1999, provided the legislative basis for implementation of the Agreement. The Act establishes a detailed permit system for vessels fishing on the high seas as well as observer coverage, and requires for all vessels the mandatory use of VMS. The legislation applied also to New Zealand nationals engaged in high seas fishing on board vessels flying the flag of another State, mainly by restricting their choice of flag States to those that were parties either to the Agreement, to the FAO Compliance Agreement or to certain regional fisheries agreements.

15. Similarly, **Canada** informed the Consultations that it had adopted measures to facilitate implementation of flag State's duties and strengthen compliance by vessels flying its flag on the high seas. Those measures included provisions for prior authorization, licences, on-board observers, vessel monitoring systems and port State measures. Sanctions for non-compliance included seizures, large monetary penalties, and withdrawal of the authorization to fish.

16. **The Russian Federation** indicated that in 2003 it had adopted a long-term fisheries conservation and management plan intended to cover activities until 2020. The plan stressed international cooperation.

17. A number of delegations referred to measures taken to combat IUU fishing. Most prominent were national licensing and permit requirements providing officials with some means of exercising control over the activities of their vessels engaged in high seas fishing and the adoption of national plans of action to combat IUU fishing.

18. **Namibia** stated that following its ratification of the Agreement in 1998, it had replaced the Namibian Sea Fisheries Act with the Marine Resources Act in August 2001. It pointed out that under current legislation, control over vessels flying its flag on the high seas was exercised through a system of licencing. It informed also the Consultations that Namibia had just elaborated its national plan of action to combat IUU fishing. Furthermore, the Namibian Minister of Fisheries and Marine Resources was participating in the OECD Ministerial Task Force on IUU Fishing on the High Seas, launched on 1 December 2003.

19. **India** reported that it had taken steps to implement the Agreement. To this end, it amended its Marine Fishing Regulation Acts (MFRA) in order to promote sustainable management of marine capture fisheries. In addition, the Maritime Zones of India Act of 1981 was under review in order to provide a new comprehensive marine fishing policy, including uniform fishing ban during monsoon seasons to improve fisheries conservation and guidelines for fishing operations in the EEZ.

20. The observer delegation of the **Republic of Korea** pointed out that while it was not a party to the Agreement, it had ratified the FAO Compliance Agreement in 2003. With respect to the enforcement provisions of the Agreement, it reiterated its position according to which control and enforcement measures for high seas fishing should be exercised by the flag State only.

21. **Indonesia** informed the meeting that it was in the process of reviewing the relevant domestic legislation in preparation for its ratification of the Agreement.

B. Update on the implementation by States at the subregional and regional levels

22. States Parties reported on the activities and measures they have adopted at the subregional and regional levels in order to provide implementation of the Agreement. States also reported on the establishment of new organizations and called for States who were not yet parties to existing RFMOs to ratify them, as appropriate. The meeting was informed that the Convention for the Conservation

and Management of Highly Migratory Fish Stocks in the Western and Central Pacific had entered into force on 19 June 2004. The sixth preparatory conference for the establishment of the Convention had been held in Bali in April 2004. The Convention was modeled on, and was intended to implement, the Agreement.

23. In the eastern Pacific, the Convention establishing the Inter-American Tropical Tuna Commission was revised in 2003 to incorporate many of the fundamental principles in the Agreement, including the application of precautionary approach for the conservation of the highly migratory fish stocks managed by the Commission, and the adoption of measures to allow specifically the conservation of other marine living resources in the Convention area. The Consultations were also informed of the adoption of an amendment to the 1981 US-Canada Albacore Treaty and its Annexes in order to introduce a limitation mechanism to the instrument with a view to better conserving and managing the stocks under its purview.

24. With respect to the Southern Ocean, the Consultations were informed that a cooperative agreement on surveillance activities had recently been concluded between Australia and France. Other similar cooperative arrangements were under negotiation in order to enhance the effectiveness of surveillance activities.

25. In the Indian Ocean region, information was provided on the transformation in April 2003 of the Bay of Bengal Programme (BOBP) into an intergovernmental organization known as “BOBP-IGO”, with the participation of four member States - Bangladesh, India, Maldives and Sri Lanka. The organization’s main objective was to promote sustainable coastal fisheries management and development in the Bay of Bengal. Another regional initiative was the Bay of Bengal Large Marine Ecosystem Programme (BOBLME), with eight participating countries (Bangladesh, India, Indonesia, Malaysia, Myanmar, Maldives, Thailand and Sri Lanka), the overall objective of which was to develop an agreed Strategic Action Programme (SAP) for the Bengal Large Marine Ecosystem to enhance national and regional efforts to protect health of ecosystem and manage the living resources of the bay on a sustainable basis, and to improve the food and livelihood security of the region’s coastal population.

26. In addition, a number of States underlined the importance of protecting vulnerable marine ecosystems in and beyond national jurisdiction. To this end, they encouraged the sharing of best practice among States, concerning the protection of vulnerable ecosystems and establishment of marine protected areas (MPAs), which should be aimed at providing a balance between conservation and sustainable use. They also indicated that relevant policy framework should be global while implementation ought to be regional.

27. The representative of **FAO** reported that the organization has addressed regional management issues at two levels: promoting and strengthening of existing regional bodies; and encouraging the establishment of regional fisheries management bodies in regions where none existed. In addition, FAO has facilitated biennial meetings of RFMOs as a means of fostering closer collaboration on fisheries matters of common concern.

C. Update on initiatives and activities by States at the global level, including initiatives within FAO and other international fora

28. The representative of the FAO provided an update of activities undertaken within FAO to follow progress in the implementation of the Agreements in view of its importance in promoting the long-term sustainable use of straddling fish stocks and highly migratory fish stocks. FAO has expressed the view in many international fora that the United Nations Fish Stocks Agreement, the 1993 FAO Compliance Agreement and the 1995 FAO Code of Conduct for Responsible Fisheries, together with FAO international plans of action, reinforced and supplemented each other with the overall objective of promoting responsible fishing practices by all States. FAO had seized every opportunity to encourage its members to abide by relevant instruments and to adopt concrete steps to ensure that they are fully and effectively implemented.

29. To that end, several FAO meetings had emphasized the importance of ratifying or acceding to and implementing the Fish Stocks Agreement and the 1993 FAO Compliance Agreement as well as implementing the 1995 FAO Code of Conduct for Responsible Fisheries. Examples of such meetings included the FAO Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing (Miami, USA, September 2003); the Thirty-second Session of the FAO Conference (Rome, Italy, November-December 2003); and the FAO Technical Consultation to Review Progress and Promote the Full Implementation of the IPOA to Prevent, Deter and Eliminate IUU Fishing and the IPOA for the Management of Fishing Capacity (Rome, Italy, June 2004).

30. Several delegations expressed support for the activities of the FAO. They once again highlighted the importance of more ratification and wide implementation by States of the Agreement and relevant FAO instruments. States which had not yet done so were urged to become parties to and implement these instruments. In this connection, States such as Australia and Iceland informed the Consultations that they would soon complete the necessary internal steps to become parties to the FAO Compliance Agreement. In addition, delegations were also invited to participate in the FAO Technical Consultation on Interaction between Sea Turtles and Fisheries within an Ecosystem Context, to be held in Bangkok, Thailand, 29 November - 2 December 2004.

31. With particular reference to the issue of IUU fishing, a number of delegations noted that the new established OECD Ministerial Task Force on IUU fishing could be beneficial in terms of creating the political will necessary for implementation of these agreements. They also expressed support for the need to continue work to eliminate the use of “flags of convenience” and to address “transparency of ownership” of IUU fishing vessels and companies. In this regard, they called upon relevant international organizations, such as the IMO and FAO, to cooperate in taking a leading and active role in fulfilling the request contained in General Assembly resolutions 58/14 and 58/240 to “study, examine and clarify the role of the genuine link in relation to the duty of flag States to exercise control over ships flying their flag.”

32. As to the issue of “transparency of ownership”, it was stressed that flagging arrangements should identify who had responsibility for the operation and control of fishing vessels and who ultimately profited from their operations. States were encouraged to request international organizations which were working on the question of the genuine link to consider international investment aspects of the issue and make recommendations for further action to address this complex problem.

IV. Review of the implementation of the Agreement by regional fisheries management organizations and arrangements

33. With respect to the overall effectiveness of RFMOs, a number of States stressed the need for these organizations to adopt measures addressing current issues, such as IUU fishing, bottom-trawling and flag-State compliance. Such measures should build upon the Agreement, in particular on its provisions on the application of precautionary approach and ecosystems approach as well as on the need to exchange of data. It was noted that some RFMOs, such as ICCAT and IATTC, had already adopted stronger measures, including the imposition of penalties and sanctions against member States in order to encourage greater flag-State compliance and to reduce IUU fishing. It was also noted that RFMOs would need to consider the overall adequacy, competence and strength of their governance structures. In particular, they have to address the increasing problem of non-contracting parties fishing outside RFMOs management framework, and the conduct of members that might facilitate illegal fishing operations. It was stressed that existing compliance regimes within RFMOs will have to be developed and strengthened in accordance with the relevant provisions of the Agreement, and penalties and sanctions systems may have to become necessary to deter IUU fishing.

34. With respect to enforcement measures, attention was drawn to articles 21 and 22 of the Agreement, which give a State Party which is a member of a RFMO the right to board and inspect vessels flying the flag of another State Party to the Agreement by its duly authorized inspectors, whether or not such State Party is also a member of such RFMO. In that context, the Agreement, pursuant to article 21 (4), required States Parties to inform other States whose vessels fish in the region or subregion of the form of identification issued to their duly authorized inspectors. They were also obligated, at the time of becoming a Party to the Agreement, to designate an appropriate authority to receive such notifications and to publicize this information through the RFMOs concerned.

35. In addition, attention was drawn to the growing problem of “high seas bottom-trawling”, and the need for RFMOs to address this issue. In particular, it was noted that some RFMOs did not cover fishing activities associated with discrete high seas species located, for example, on seamounts. The practice of “bottom trawling” generally involves fishing vessels that haul heavy, metal-weighted nets across the ocean floor in order to catch the greatest possible amount of bottom-dwelling marine life. Though viewed by some as a generally efficient method for harvesting large amounts of an intended target or a particular fish stock, the practice was fundamentally destructive and non selective. The unwanted or unintended species, taken as “by-catch”, which were later discarded, often include

endangered or critically over-fished species. Moreover, the heavy steel equipment used by bottom trawling vessels was known to have damaged deep sea ecosystems, including cold water coral reefs.

36. Several delegations have urged RFMOs to consider adopting conservation and management measures for fish stocks which fell under their jurisdiction but were not yet managed by them, particularly for those which had vulnerable life-histories, which scientific data found to be in decline, and /or for those which were subject to an FAO International Plan of Action. Another possibility to be considered in the future was to extend the application of the Agreement to cover high seas discrete stocks. The representative of an NGO suggested that the General Assembly should consider a temporary moratorium on high seas bottom- trawling until the situation was better understood and the long-term measures needed to deal with it were agreed upon at the global and regional levels.

V. Review of the implementation of the provisions of part VII of the Agreement on the requirements of developing States

37. At its Fifty-eight session, the General Assembly in its resolution 58/14, paragraph 10, decided to

“establish an Assistance Fund under Part VII of the Agreement to assist developing States parties in the implementation of the Agreement, to be administered by the Food and Agriculture Organization of the United Nations, which should act as the implementing office for the Fund, in collaboration with the United Nations, in accordance with the terms of reference as agreed at the second round of informal consultations of the States parties to the Agreement and appropriate arrangements made between them.”

38. The representative of **FAO** informed the Consultations that the FAO Conference at its Thirty-second session in November-December 2003 considered the issue of the Assistance Fund under Part VII of the Agreement as well as the designation of FAO as the implementing office for the Fund. Following the approval by the Conference of FAO’s role in the operation of the Fund, the organization had now completed the internal procedures for the establishment of the Fund, and was in the process of finalizing an agreement with the United Nations (DOALOS) for the administration of the Fund, in accordance with the agreed terms of reference for the Fund and the relevant provisions of General Assembly resolution 58/14. The representative stressed also that FAO would work diligently, together with DOALOS, to ensure that the Assistance Fund was operated effectively and transparently in order to meet the objectives for which it was established.

39. For information, the representative of FAO indicated that the **United States** has deposited \$200,000 into the Assistance Fund. He hoped that other donors would be in a position to make contributions to the Fund now that it has been established.

40. Several delegations welcomed the establishment of the Fund, as it would assist developing States Parties in the implementation of the Agreement and in helping such countries in participating in data collection. Establishment of the Fund would certainly encourage more States to become Parties to the Agreement. Other delegations stressed the need for transparency in the operation of the Fund as

well as the importance for States to make contributions to the Fund. In this connection, the delegation of **Norway** indicated that it would soon contribute to the Fund.

VI. Convening of the Review Conference under article 36 of the Agreement

41. The Fish Stocks Agreement entered into force on 11 December 2001. Under article 36 of the Agreement, four years after the entry into force of the Agreement, the Secretary-General of the United Nations, “shall convene a conference with a view to assessing the effectiveness of this Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. ... The conference shall review and assess the adequacy of the provisions of this Agreement and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of straddling fish stocks and highly migratory fish stocks.” Article 36 provides also that the Secretary-General shall invite to the conference all States Parties and those States and entities which are entitled to become parties to the Agreement as well as those intergovernmental and non-governmental organizations entitled to participate as observers.

42. During the debate on this item, most delegations agreed on the idea of convening a Review Conference, while some States underlined the need to clarify certain aspects of such review. There was a general understanding that States Parties should carry out an initial exchange of views on the convening of the Review Conference, while the General Assembly would take the necessary decisions, on the basis of such an exchange of views.

43. In relation to organizational issues, there was an agreement that if the conference were to be held, as proposed, in the first half of 2006, the Consultations should recommend to the General Assembly at its Fifty-ninth session the adoption of a decision requesting the Secretary-General to convene the Review Conference in 2006 and for the General Assembly to make budgetary provisions to this effect.

44. In view of the importance of a preparatory work for such conference, one delegation raised the question as to whether a preparatory mechanism, such as a Coordinating Committee or similar mechanism, needed to be set up to prepare for the Review Conference. Another delegation proposed that the next Informal Consultations of States Parties act as a preparatory meeting for the Review Conference. Other delegations noted that, States Parties would also have to undertake some preliminary work for the conference, including preparation of a set of rules of procedure, draft agenda for the review conference and consideration of background information papers, which could be prepared by the UN secretariat.

45. As regards the specific scope and overall objectives of the Review Conference, there was a general agreement among Parties that the conference should assess the overall implementation and effectiveness of the Agreement, on the basis of the mandate under article 36 of the Agreement. It was proposed that the conference should adopt a cautious approach and avoid any measures that would discourage broad participation in the Agreement. The conference should also aim at making the

Agreement acceptable to as many States as possible. Delegations agreed that the Review Conference should be an opportunity for States Parties to have an exchange of views on the Agreement.

46. Proposals were also made that the Review Conference should lead to a broadening of the species coverage of the Agreement to include discrete high seas fish stocks. In this regard, suggestion was made that that a Protocol and/or Annexes could be adopted to extend the Agreement to all high seas fish stocks, while specific regional arrangements to cover unregulated high seas bottom trawl fisheries could also be developed.

47. One State Party stressed that that the Review Conference should focus on the implementation of the Agreement as it stands and not to reopen any negotiation on its provisions.

48. Other proposals on the scope of the Review Conference included the following: establishment of a formal meeting of States Parties to the Agreement; strengthening of port State control measures; review of the implementation by RFMOs, including conformity of measures adopted by them with the relevant provisions of the Agreement; setting up of deadline for the conclusion of specific arrangements for unregulated fisheries; adoption of an additional annex relating to article 6, paragraph 6, of the Agreement, which would require States to apply the precautionary approach in respect of new or exploratory fisheries involving bottom-trawling; and elaboration of criteria and procedures for establishing straddling areas to protect habitats of special concern that were adversely affected by fishing activities within and beyond national jurisdiction.

49. An observer State indicated that the Review Conference should offer an opportunity to clarify the provisions of the Agreement that had made it difficult for some States to ratify it, including a clarification of the provisions of article 7 of the Agreement. Another observer State expressed the view that the conference should open the possibility for States to suggest a revision of some provisions of the Agreement to attract more parties to it.

50. With reference to the Review Conference, the delegation of **Canada** informed the Consultations that its country would hold an international conference in St. John's, Newfoundland in May 2005, where issues concerning the scope and implementation of the Agreement would be discussed. Although that conference was not intended to be a preparatory meeting for the Review Conference, it would nonetheless provide delegations with an opportunity to discuss substantive issues that would be raised during the Review Conference.

VII. Consideration of a next round of informal consultations

51. There was broad agreement on the need for a fourth round of Informal Consultations of States Parties in 2005, especially in view of the general agreement among Parties to convene a Review Conference in 2006. Such Consultations would be useful in preparing for the Review Conference. The current Informal Consultations of the States Parties would, therefore, make the relevant recommendation to the General Assembly in that regard.

VIII. Adoption of recommendations to the Fifty-ninth session of the General Assembly

52. The third round of the Informal Consultations of the States Parties to the United Nations Fish Stocks Agreement agreed to submit to the 59th session of the General Assembly for its consideration under the agenda item “ Oceans and the law of the sea”, the sub-item “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments” a set of recommendations contained in Annex II of the present report.

Annex I

Agenda

Second informal consultations of the States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement)

8-9 July 2004

United Nations, New York

1. Opening of the third informal consultations by the Chairperson of the second informal consultations.
2. Election of the Chairperson.
3. Adoption of the Agenda.
4. Organization of work.
5. New developments in the implementation of the United Nations Fish Stocks Agreement by States Parties, including welcome of States and relevant entities that have become parties since the second informal consultations, with an emphasis on review of Parts III, IV and V of the Agreement concerning cooperation, non-parties to regional agreements, and duties of the flag State:
 - a. Update on implementation by States, at the national level and at the level of member States of such entities:

Strengthening of flag States' duties.
 - b. Update on implementation by States at the subregional and regional levels:
 - (i) Establishment of new regional fisheries management organizations and arrangements (RFMOs).
 - (ii) Other measures to strengthen cooperation for the conservation and management of straddling fish stocks and highly migratory fish stocks.
 - c. Update on initiatives and activities by States at the global level:

- (i) Activities in the Food and Agriculture Organization of the United Nations (FAO).
 - (ii) Other initiatives in international fora benefiting the implementation of the Agreement.
- 6. Review of the implementation of United Nations Fish Stocks Agreement by regional fisheries management organizations and arrangements (RFMOs):
 - a. Evaluation of implementation by RFMOs.
 - (i) Strengthening of the functions of RFMOs
 - (ii) Cooperative mechanisms on compliance control and enforcement.
 - b. Measures to improve implementation by RFMOs.
- 7. Review of the implementation of provisions of Part VII on the Requirements of developing States:
 - a. Contribution by States, International Financial Institutions and donor organizations to the Assistance Fund under Part VII of the Agreement, established by the General Assembly in accordance with resolution 58/14 of 24 November 2003.
 - b. Information by States, FAO and other relevant organizations on existing arrangements and assistance available to developing States Parties that may be relevant under the Agreement;
 - c. Other possible forms of assistance.
- 8. Preparatory works for the Review Conference, pursuant to Article 36 of the Agreement:
 - a. Issues to be considered in the assessment of effectiveness of the Agreement.
 - (i) Substantive issues.
 - (ii) Institutional and procedural issues.
 - b. Dates and venue of the Conference.
 - c. Information on the International Conference in St John, Newfoundland, to be hosted by the Government of Canada to assist in the Review Conference.
- 9. Consideration of next round of the Informal Consultations of States Parties.

10. Adoption of any recommendation(s) of the third round of the Informal Consultations to be carried out by States Parties to the fifty-ninth session of the General Assembly.

11. Other matters.

ANNEX II

Recommendations of the Third round of the Informal Consultations of the States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement)

The third round of the Informal Consultations of States Parties to the United Nations Fish Stocks Agreement recommends that the General Assembly:

- (i) Urge States Parties to the United Nations Fish Stocks Agreement, in accordance with Article 21(4) of the Agreement, to inform, either directly or through the relevant regional or subregional management organization or arrangement, all States whose vessels fish on the high seas in the same region or subregion of the form of identification issued by those States Parties to officials duly authorized to carry out boarding and inspection functions under the provisions of articles 21 and 22 of the Agreement;
- (ii) Encourage regional fisheries management organizations and arrangements, and States Parties which are members of or participate in such organizations and arrangements, to consider adopting conservation and management measures for fish stocks which fall under their jurisdiction but are not yet managed by them, particularly for those fish stocks which have vulnerable life-histories, scientific data indicate are in decline, and/or which are subject to an FAO International Plan of Action;
- (iii) Request the Secretary-General to convene, pursuant to article 36 of the United Nations Fish Stocks Agreement, a review conference in the first part of 2006 and to begin the necessary preparatory work; and adopt budgetary decisions in this regard;
- (iv) Convene the fourth round of informal consultations of States Parties to the United Nations Fish Stocks Agreement to consider, inter alia, issues related to the preparation for the review conference;
- (v) Take note of the intention of Canada to convene a conference in St. John's, Newfoundland, in May 2005, at which some of the issues related to the United Nations Fish Stocks Agreement will be discussed; and
- (vi) Encourage donations to the Assistance Fund established under Part VII of the United Nations Fish Stocks Agreement to assist developing States Parties to that Agreement in its implementation.

