

## ANNEX

### Outcome of the resumed Review Conference

1. The resumed Review Conference reaffirmed that the United Nations Convention on the Law of the Sea (“the Convention”) and the United Nations Fish Stocks Agreement (“the Agreement”) provide the legal framework for conservation and management of straddling fish stocks and highly migratory fish stocks, taking due account of other relevant international instruments.
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 (RFMO/As) 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 the recommendations adopted in 2006 and urged that implementation of the recommendations continue and be strengthened.
4. The resumed Review Conference, concerned that some straddling fish stocks and highly migratory fish stocks continue to be overexploited or depleted, determined that implementation of the Agreement would be further strengthened by additional recommendations that build on the 2006 outcomes and, in some cases, address new issues relevant to strengthening the substance and methods of implementing the provisions of the Agreement.
5. The resumed Review Conference emphasized that full implementation of and compliance with conservation and management measures, adopted in accordance with international law and that apply the precautionary approach and are based on the best available scientific evidence, are essential to ensure recovery and long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks.
6. As a result, the resumed Review Conference recommended that States and regional economic integration organizations, individually and collectively through RFMO/As:

#### **Conservation and management of stocks**

- (a) Commit on an urgent basis to improve the status of straddling fish stocks and highly migratory fish stocks that are over-exploited or depleted through effective conservation and management measures;
- (b) Strengthen efforts to improve cooperation between flag States whose vessels fish on the high seas and coastal States 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;

- (c) Comply fully with their obligations as members or cooperating non-members of RFMOs to submit timely, complete, and accurate fisheries data; create incentives to promote compliance with those obligations; and take steps to address persistent failure to fulfill those obligations;
- (d) Further to the recommendation in paragraph 19 of the Outcome of the Review Conference in 2006, provide the requested information to the Food and Agriculture Organization of the United Nations (FAO);
- (e) 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, and 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 the FAO, and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity of the FAO;
- (f) 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 commercially traded;
- (g) 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 and develop associated conservation and management measures for such sharks; and
  - iii. strengthening, on the basis of the best scientific information available, enforcement of existing prohibitions on shark finning, including through, inter alia, requiring that sharks be landed with their fins naturally attached or through different means that are equally effective and enforceable;
- (h) Establish long-term conservation and management measures for deep-sea fisheries in accordance with the International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the FAO;
- (i) Apply the guidelines in Annex II of the Agreement and determine, on the basis of the best scientific information available, reference points for specific stocks and provisional reference points when information for a fishery is poor or absent in accordance with the precautionary approach and 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;

- (j) Where a stock is identified as being overfished or depleted, establish rebuilding and recovery strategies, with timeframes and probabilities of recovery, guided by scientific assessments and with periodic evaluation of progress;
- (k) Strengthen interaction between fisheries managers and scientists to ensure that conservation and management measures are based on the best available scientific evidence and meet the management objectives set by the RFMO/A, including through:
  - i. considering the use of the “Kobe II Strategy Matrix for Setting Management Measures” in RFMO/As; and
  - ii. regular scientific review of the effectiveness of conservation and management measures adopted by RFMO/As;
- (l) Encourage participation in the FAO process to develop international guidelines on by-catch management and reduction of discards, including the Technical Consultation to be convened by FAO in December 2010 on this issue;
- (m) Strengthen the commitment to eliminate subsidies that contribute to illegal, unreported and unregulated fishing, overfishing and overcapacity, while completing the efforts undertaken through the World Trade Organization in accordance with the Doha Declaration and the 2005 Hong Kong Ministerial Declaration to clarify and improve its disciplines on fisheries subsidies, taking into account the importance of the fisheries sector to developing countries;
- (n) Strengthen efforts to study and address environmental factors affecting marine ecosystems, including adverse impacts of climate change and ocean acidification, and, where possible, consider such impacts in establishing conservation and management measures for straddling fish stocks and highly migratory fish stocks;
- (o) Give effect to Article 5(d) of the Agreement to assess 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;

#### **Mechanisms for international cooperation and non-members**

- (a) Modernize the mandates of RFMO/As, where this has not yet occurred, to reflect explicit provisions for the use of modern approaches to fisheries conservation and management set forth in the Agreement and other relevant international instruments, including with respect to the aspirations of developing States, particularly the least developed among them and small island developing States;
- (b) Promote the early entry into force of revised RFMO/A agreements, and recently concluded treaties establishing new RFMO/As;

- (c) Conclude negotiations among all interested States to establish new RFMO/As as soon as possible, and seek to avoid any geographic gaps between those convention areas and the convention areas of existing RFMOs/As covering similar fisheries;
- (d) Undertake performance reviews that include some element of independent evaluation not later than 2012 for those RFMOs where such reviews have not yet been undertaken; undertake such reviews on a regular basis, for example every 5 years; and ensure that information about actions taken to implement the recommendations from performance reviews is made publicly available;
- (e) Encourage RFMO/As 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 RFMO/As, particularly with regard to 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;
- (f) Invite RFMOs with competence to manage straddling fish stocks to consider holding joint meetings to exchange views on key issues and to share best practices where appropriate;
- (g) Ensure implementation of interim measures adopted by the participants in negotiations to develop new RFMO/As that are not yet in force, including those relating to the South Pacific and North Pacific regions; and provide to the appropriate interim bodies 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 light of the status of the resource based on updated scientific advice;
- (h) Where appropriate, strengthen efforts to agree on participatory rights of RFMO members, new members and cooperating non-members, giving due regard to the aspirations of developing States, particularly the least developed among them and small island developing States, and the status of the stocks;

### **Monitoring, control and surveillance and compliance and enforcement**

- (a) Annually assess compliance by members with RFMO measures and, where appropriate, cooperation by non-members with those measures; create incentives to promote compliance and cooperation with those measures; and take steps to address persistent non-compliance and non-cooperation;
- (b) Encourage States to consider becoming party to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the FAO with a view to its early entry into force; and adopt port State measures consistent with that agreement through RFMO/As that have not already done so;
- (c) Prevent illegally harvested fish or fish products from entering into commerce through the greater use and better coordination of catch documentation schemes and other market-related

measures, strengthen law enforcement cooperation, and facilitate the commerce in fish or fish products caught in a sustainable manner;

- (d) Fully implement their responsibilities as flag States; develop through FAO, including at a Technical Consultation to be convened no later than 2011, a set of criteria for assessing the performance of flag States in carrying out those responsibilities, including steps to address persistent failure to carry out those responsibilities;
- (e) Control fishing 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 and, where relevant, share information on steps taken in this regard with other States and RFMO/As;
- (f) Expedite efforts through FAO, in cooperation with the International Maritime Organization (IMO), to create a unique vessel identifier system as part of a comprehensive global record of fishing vessels that includes refrigerated transport and supply vessels;
- (g) Strengthen RFMO/A measures to monitor and regulate transshipment activity, particularly by considering stronger rules relating to transshipment at sea and the landing of fish and fish products that have been transshipped at sea; and strengthen the monitoring of high seas fishing vessels by increasing the coverage of independent on-board observers and through other equally effective means;
- (h) Consider joining the International Monitoring, Control and Surveillance Network and share information and practices that would strengthen enforcement of fisheries conservation and management measures and consider providing funding for the Network;

#### **Developing States and non-parties**

- a) Build capacity of developing States, including the least developed among them and small island developing States, to facilitate a greater level of participation in high seas fisheries including for straddling fish stocks and highly migratory fish stocks, to receive greater benefits from sustainable fisheries for such stocks, to develop their own fisheries, and to improve their market access;
- b) Provide assistance to build the capacity of developing States, in particular the least developed among them and small island developing States, to implement the Agreement, particularly in the areas of science, data collection and reporting, monitoring, control and surveillance, port and flag State control, and fisheries conservation and management, facilitating access to and development of sustainable fisheries for straddling fish stocks and highly migratory fish stocks;
- c) Observe the need when establishing conservation and management measures for straddling fish stocks and highly migratory stocks to avoid adverse impacts on, and ensure access to,

fisheries by subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous peoples in developing States, particularly small island developing States;

- d) Urge the mainstreaming of efforts to assist developing States, in the context of the Agreement, in particular the least developed and small island developing States, with other relevant international development strategies with a view to enhancing international coordination to enable them to develop their national capacity to exploit fishery resources, consistent with the duty to ensure the conservation and management of those fisheries resources;
- e) Encourage the identification of strategies that further assist developing States, in particular the least developed and small island developing States, in realizing a greater share of the benefits from the catch of straddling fish stocks and highly migratory fish stocks and in strengthening regional efforts to sustainably conserve and manage such stocks;
- f) Ensure that the compilation of available sources of funding for developing States is kept readily available and up-to-date so as to make such forms of assistance more accessible for developing States;
- g) Contribute to the Assistance Fund established under Part VII of the Agreement and to other mechanisms to assist developing States in the conservation and management of straddling fish stocks and highly migratory fish stocks and the implementation of the Agreement in its entirety;
- h) Establish mechanisms to assist developing States through RFMOs that have not already created such mechanisms and ensure that such mechanisms support the implementation of the Agreement in its entirety; and
- i) 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.

### **Dissemination of the final report and further reviews**

7. 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, including, where possible, those under negotiation, and to the General Assembly, IMO, FAO and other relevant organizations, and to highlight relevant recommendations and requests for action contained in the report.

8. The resumed Review Conference further agreed:

- (a) That the Review Conference has provided a useful opportunity to assess the effectiveness of the Agreement and its implementation. Further review is also necessary;

(b) To continue the Informal Consultations of States Parties and keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2015, to be agreed at a future round of Informal Consultations, and to request the Secretary-General to convene such meetings; and

(c) 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 better to address any continuing problems in the conservation and management of those stocks, as provided in article 36 of the Agreement.