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**Twelfth 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**

**(New York, 22-23 March 2016)**

**Report**

**SUMMARY**

The present document contains the report of the twelfth 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), which was held in New York, from 22 to 23 March 2016.

As provided in paragraph 48 of General Assembly resolution 70/75 of 8 December 2015, the twelfth round of Informal Consultations served primarily as a preparatory meeting for the resumed Review Conference on the Agreement.

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## **I. Introduction**

1. Pursuant to paragraph 48 of General Assembly resolution 70/75 of 8 December 2015, on *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*, the Secretary-General convened the twelfth 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”), at United Nations Headquarters, in New York, on 22 March 2016.

2. Pursuant to the request by the General Assembly, the meeting served primarily as a preparatory meeting for the resumed Review Conference on the Agreement.

## **II. Organization of work**

### **A. Opening of the twelfth round of Informal Consultations**

3. The Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Miguel de Serpa Soares, opened the twelfth round of Informal Consultations of States Parties to the Agreement.

4. In his opening remarks, Mr. Serpa Soares recalled that the twelfth round of Informal Consultations would serve primarily as a preparatory meeting for the resumed Review Conference, which, pursuant to General Assembly resolution 70/75, was scheduled to be held from 23 to 27 May 2016. He recalled that the Review Conference was convened in 2006, and resumed in 2010, with a view to reviewing and assessing the adequacy of the provisions of the Agreement, and, if necessary, proposing means of strengthening the substance and methods of implementation of those provisions.

5. Mr. Serpa Soares drew the attention of delegations to some of the important steps they would be expected to take in relation to the resumption of the Review Conference, including through the identification of possible priorities and areas of focus for the Conference. He noted that the advance and unedited reporting material for the updated report to the resumed Review Conference, prepared by the Secretary-General in cooperation with the Food and Agriculture Organization of the United Nations (FAO),<sup>1</sup> could assist States in this regard.

6. He noted that the reporting material highlighted actions undertaken by States and regional fisheries management organizations and arrangements to improve the status of the fish stocks, pursuant to the recommendations of the Review Conference. He also noted that although the overall implementation of the recommendations had improved, FAO’s Overview of the state and trends of straddling fish stocks and highly migratory fish stocks, discrete high seas stocks and non-target, associated and dependent species<sup>2</sup> indicated that the status of most fish stocks had not improved. In that regard, he stressed that efforts of delegations during the Informal Consultations and the upcoming resumed Review Conference

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<sup>1</sup> Available at: [http://www.un.org/Depts/los/convention\\_agreements/review\\_conf\\_fish\\_stocks.htm](http://www.un.org/Depts/los/convention_agreements/review_conf_fish_stocks.htm).

<sup>2</sup> Available at: [http://www.un.org/Depts/los/2016\\_FAO\\_Overview.pdf](http://www.un.org/Depts/los/2016_FAO_Overview.pdf).

will be crucial in improving this situation through better implementation of the Agreement and the recommendations of the Review Conference.

7. The need for participation by as many States as possible in the resumed Review Conference was also stressed by Mr. Serpa Soares. In this regard, he underscored the critical role of the Assistance Fund established under Part VII of the Agreement, as a key tool to facilitate the implementation of the Agreement by developing States Parties to it, including by covering the costs of the participation of representatives of those States in important meetings. He thanked the Government of Norway for its contribution to the Assistance Fund, and, echoing the call by the General Assembly, invited States to make contributions so that the Fund could continue to play its important role in assisting the wider participation of developing States in important meetings.

8. In concluding, Mr. Serpa Soares noted that since the last round of Informal Consultations in 2015, Chile had become party to the Agreement, bringing the total number of Parties to 83, including the European Union.

## **B. Election of the Chairperson**

9. The meeting elected Mr. Fábio Hazin, Professor of the Fisheries and Aquaculture Department of the Universidade Federal Rural of Pernambuco, Brazil, as Chairperson.

## **C. Attendance**

10. Representatives of the following Parties attended the twelfth round of Informal Consultations: Australia, Bangladesh, Barbados, Brazil, Bulgaria, Canada, European Union, Fiji, Greece, Iceland, India, Indonesia, Italy, Japan, Marshall Islands, Micronesia (Federated States of), Morocco, Namibia, Netherlands, New Zealand, Norway, Palau, Papua New Guinea, Philippines, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Trinidad and Tobago, Tuvalu, Ukraine and United States of America.

11. Observers from the following States, United Nations specialized agencies, programmes and bodies, as well as other intergovernmental organizations and non-governmental organizations attended the twelfth round of Informal Consultations:

a. States non-parties: Angola, Bosnia and Herzegovina, Holy See, Iraq, Lebanon, Madagascar, Malaysia, Mali, Myanmar, Thailand, Turkey and Viet Nam;

b. Specialized agencies, related organizations and offices of the United Nations: FAO;

c. Intergovernmental organizations, subregional and regional fisheries management organizations and arrangements: Sub Regional Fisheries Commission, Western and Central Pacific Fisheries Commission (WCPFC);

d. Non-governmental organizations: International Coalition of Fisheries Associations, Greenpeace International.

#### **D. Opening statement of the Chairperson**

12. In his opening statement, the Chairperson recalled that at the previous round of Informal Consultations, held in 2015, delegations had agreed on the draft provisional agenda and draft organization of work for the resumed Review Conference, and commemorated the twentieth anniversary of the opening for signature of the Agreement by holding an informative round-table discussion, featuring a number of eminent speakers.

13. He then recalled the major developments that had taken place since the eleventh round of Informal Consultations in 2015. He noted that the General Assembly had requested the Secretary-General to resume the Review Conference on the Agreement from 23 to 27 May 2016 and to prepare, in cooperation with the FAO, and with the assistance of an expert consultant hired by the Division for Ocean Affairs and the Law of the Sea (DOALOS), an updated report to be submitted to the resumed Review Conference, which was available as advance and unedited reporting material on the website of DOALOS.

14. The Chairperson also recalled that the General Assembly had also agreed to review in 2016 the actions taken by States and regional fisheries management organizations and arrangements (RFMO/As) in response to paragraphs 113, 117 and 119 to 124 of resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68 addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks. For that purpose, the Assembly also decided to hold a two-day workshop on 1 and 2 August 2016, prior to that review.

#### **E. Adoption of the meeting documents**

15. The Informal Consultations considered and adopted the provisional agenda of the meeting (see annex) and draft organization of work for the meeting as proposed.

### **III. General statements, including with regard to the advance and unedited reporting material for the updated report prepared by the Secretary-General in cooperation with the Food and Agriculture Organization of the United Nations**

16. Many delegations reiterated their strong support for the Agreement and called for its full implementation. It was highlighted that the Agreement provided a global framework for the conservation and management of straddling fish stocks and highly migratory fish stocks through RFMO/As. The steady growth in the number of parties was noted, and many delegations welcomed Chile's recent accession to the Agreement. Several delegations reiterated their commitment to achieving broader participation in the Agreement and expressed the hope that even more States would consider becoming parties thereto, as the broadest possible participation was key to achieving the Agreement's objectives. It was highlighted that Parties should continue to explore ways to increase participation in the Agreement, including through the work of RFMO/As.

17. Several delegations noted that healthy, productive and resilient oceans and seas were critical for, inter alia, poverty eradication; access to sufficient, safe and nutritious food; economic development and essential ecosystem services.

18. Several delegations noted the inclusion in the 2030 Agenda for Sustainable Development of a stand-alone goal dedicated to the conservation and sustainable use of

oceans and seas, namely Goal 14 (Conserve and sustainably use the oceans, seas and marine resources for sustainable development). It was noted that fisheries continued to be relevant to achieving the goals of the 2030 Agenda for Sustainable Development, and that many of the targets included in Goal 14 were relevant to the work to be undertaken by the resumed Review Conference.

19. Several delegations also noted the importance of actions supporting implementation of the 2030 Agenda for Sustainable Development, including through the United Nations Conference to Support the Implementation of Sustainable Development Goal 14. The need to start work immediately in the implementation of this Goal, to meet the targets on protecting marine ecosystems, addressing ocean acidification, ending illegal, unreported and unregulated (IUU) fishing and increasing benefits to small island developing States (SIDS), and least developed countries (LDCs), among others was underlined.

20. Many delegations thanked the Secretary-General of the United Nations and the FAO for the comprehensive and helpful advance and unedited reporting material, noting that it provided a useful basis for the deliberations to be held in the framework of the resumed Review Conference. A delegation indicated its concurrence with most of the conclusions set out in the reporting material. However, several delegations expressed the view that the reporting material could not be considered complete due to the low number of State submissions and encouraged States to consider ways to improve the level of responses to subsequent questionnaires.

21. Several delegations noted that although in paragraph 16 of the advance and unedited reporting material, it was stated that in some areas of the Pacific increase of capture of skipjack tuna might be sustainable, an interim target reference point for the Western Pacific skipjack stock agreed in December 2015 at WCPFC indicated that the stock was actually fully exploited. On the other hand, another delegation expressed its view that the adoption of target reference points would not necessarily mean that the skipjack tuna stock was fully exploited, as target reference points were a precautionary measure. An observer delegation stated that the reference in the report correctly reflected the assessed status of the stock before the adoption of the target reference point in December 2015. The Scientific Committee of WCPFC had not met since then and it was the appropriate body to assess the implication of the adoption of the target reference point.

22. Another delegation noted the use of the wording “shark finning” in paragraph 106 of the advance and unedited reporting material and thereafter, and suggested that a footnote be added to provide a definition of the concept used in the measures referred to in the report with an explanation that the definition of “shark finning” was yet to be agreed at the global level. The delegation noted that two years before, there had been a discussion on the definition of “shark finning” during the informal consultations on the General Assembly resolution on sustainable fisheries which had proven inconclusive. Several other delegations suggested that the issue of shark finning could be addressed by the resumed Review Conference.

23. Several delegations noted the positive developments in the implementation of the Agreement and the recommendations of the Review Conference highlighted in the advance and unedited reporting materials, such as the establishment of new RFMO/As and the undertaking of performance reviews by such organizations. Several delegations considered that the quality of performance reviews, as well as the implementation of the

recommendations stemming from them, could be further improved, including by ensuring full transparency in decision-making and outcomes. The need to improve coordination and cooperation among RFMO/As, as a means to achieve consistency of measures, was also highlighted.

24. Several delegations highlighted domestic and regional measures addressing IUU fishing and the prevention of illegally caught fish from entering legal trade flows. Several delegations also supported the work undertaken by RFMO/As to address IUU fishing, in particular the listing of vessels engaging in IUU fishing and the development of catch documentation schemes.

25. Many delegations highlighted the importance of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSM Agreement) in addressing IUU fishing, and encouraged States to become parties thereto, so as to ensure its entry into force as soon as possible. It was stated that the implementation of the PSM Agreement would not only curb IUU fishing, but also contribute significantly to strengthening fisheries governance and management at all levels, including by supporting efforts of RFMO/As to sustainably manage fish stocks and enhancing the effective implementation of the Agreement. A delegation noted that an efficient Port State control system and blacklisting of vessels had been used to combat IUU fishing in the North Atlantic for many years, leading to IUU fishing activities being close to eliminated in that area.

26. Several delegations expressed concern that despite the best efforts of States to improve implementation of the Agreement and the recommendations stemming from the Review Conference, including through the improvement of domestic legislation and the functioning of RFMO/As, the overall state of the fish stocks had not improved, but actually slightly worsened. They noted that this was not only the case for targeted species, but also for associated and dependent species. Many delegations noted that the current state of stocks did not evidence any progress on the targets agreed in the Johannesburg Plan of Implementation, and reiterated in “The future we want”, to maintain or restore stocks to levels that can produce maximum sustainable yield on an urgent basis.

27. Several delegations referred to the recent findings of the First Global Integrated Marine Assessment (first World Ocean Assessment), which underscored the urgency of the conservation and management of highly migratory fish stocks and straddling fish stocks, and monitoring, control and surveillance activities, highlighting that exploitation of capture fisheries is nearing the ocean’s productive capacity.

28. Delegations noted the mounting negative impacts on ocean health of human activities such as: overfishing; IUU fishing; the destruction of marine habitats and other threats to marine biodiversity; climate-driven impacts and ocean acidification. Such threats also constituted a challenge to sustainable development. Several delegations noted that the application of the precautionary approach was necessary to address challenges resulting from climate-driven impacts. It was proposed that the resumed Review Conference consider how to address new and emerging challenges, such as impacts of climate change and ocean acidification, on the sustainability of fish stocks.

29. Several delegations noted that one of the issues hampering the sustainability of fish stocks remained overall global overcapacity of the fishing fleet. Many delegations stated that they were committed to reducing capacity to the level commensurate with the state of the

stocks and to eliminate subsidies which contributed to such overcapacity and to IUU fishing. Several delegations highlighted that it was also necessary to reduce by-catch and discards to the extent possible, to ensure healthy oceans and stocks.

30. Delegations noted the critical role of RFMO/As in attaining the goals of the Agreement, and more importantly to sustainably managing highly migratory fish stocks and straddling fish stocks and their marine ecosystems. The importance of the incorporation of the essential governance principles of the Agreement into the work of RFMO/As, including the precautionary approach and ecosystem considerations, was underlined. Several delegations stated that the upgrading of fisheries advisory bodies to fully fledged decision-making bodies would help to improve fisheries management in areas covered by such bodies.

31. Several delegations were of the view that RFMO/As should be open to the participation of all States with a real interest in the fisheries they covered, and that there should be no discrimination or hindrance for any State to become party to RFMO/As. Many delegations expressed the wish for more participation in RFMO/As by developing States that might benefit from high seas fisheries. In this regard, several delegations underscored the need to recognize and provide for the development aspirations of developing States, particularly SIDS, and their rights to establish their own fisheries and to participate in high seas fisheries for straddling and highly migratory fish stocks.

32. Attention was also drawn to the importance of monitoring, control and surveillance measures as especially important tools in the fight against IUU fishing. It was noted that while the Agreement envisaged international cooperation in compliance and enforcement activities, the advance and unedited reporting materials showed that there had not been sufficient progress in this area. In that regard, it was proposed that States consider at the resumed Review Conference issues of coordination, information sharing and capacity-building in relation to monitoring, control and surveillance, as well as maritime domain awareness activities.

33. Several delegations highlighted that the major challenge in fisheries remains the effective control by flag States and the fulfillment of flag State duties. In that regard, the importance of applying the Voluntary Guidelines for Flag State Performance was underscored.

34. A delegation expressed concern over the increase in the number of stateless fishing vessels, flying the flag of a particular State without actually being registered in that State or not entitled to do so, operating on the high seas over the last couple of years. The view was expressed that taking actions against such ships should be a high priority, as stateless fishing vessels were not under the control of a flag State and threatened the integrity of measures adopted by RFMO/As. It was posited that any State should have jurisdiction to impose penalties on such vessels for engaging in IUU fishing. The delegation further stated that all flag States should be encouraged to adopt national legislation that would enable them to take enforcement action against fishing vessels without nationality.

35. Several delegations highlighted the importance of adequate data, including data submitted to RFMOs and FAO, to assess the status of stocks and determine appropriate conservation and management measures in view of that status. Reference was made to the



report of the Secretary-General to the resumed Review Conference in 2010<sup>3</sup>, which had noted that one of the major obstacles for assessing the state of exploitation of highly migratory species, straddling fish stocks and other high seas fish stocks was the considerable limitation in fisheries and biological data. It was noted that information gaps could have negative impacts on the effective development and implementation of conservation and management measures by RFMO/As, and that the quality and evaluation of performance in accordance with the Agreement depended on the availability of data on high sea stocks and fisheries. Several delegations noted that limitations in data continued to exist, and delegations called for substantial improvement in the exchange of information and data to support the development of compatible measures. It was noted that without data it was not possible to adopt measures based on sound science, thus increasing the need to rely on precautionary approaches.

36. Several delegations noted that more needed to be done in order to tackle the social dimension of fisheries, including by addressing the interests of artisanal and subsistence fisheries.

37. Several delegations stated that there was a need to support the health and resilience of the marine environment, including its biological diversity, and for this reason, stressed the need to establish more area-based management tools, in particular marine protected areas (MPAs), in line with international commitments. A delegation noted that the Agreement authorized States, through RFMO/As, to establish fisheries-related MPAs on the high seas, as a tool for ecosystems approaches to fisheries management, which were not only binding on members of the relevant RFMO/A but on all Parties to the Agreement. It was also noted that a number of RFMO/As had closed high seas areas with the aim of protecting vulnerable marine ecosystems from significant adverse impacts of bottom fishing.

38. A delegation called for the Review Conference, and the Informal Consultations during years when the Conference did not meet, to take a more active role of in promoting implementation of the Agreement. Several delegations stated that there was a need to ensure that the resumed Review Conference would continue to improve the implementation of the Agreement, as well as the understanding of the concerns of States non-parties, in order to facilitate broader participation in the Agreement. Several delegations expressed support for the Review Conference to adopt strong, robust and meaningful recommendations focused on implementation.

39. A delegation expressed regret that the resumed Review Conference was scheduled to take place at the same time as the second session of the United Nations Environment Assembly, and encouraged proper coordination in the future to avoid overlap of related meetings.

#### **IV. Initial preparatory work for the resumed Review Conference**

##### **(a) Discussion of priorities and identification of areas of focus for the resumed Review Conference**

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<sup>3</sup> A/CONF.210/2010/1.

40. Several delegations identified specific issues or areas which they considered could be addressed by the resumed Review Conference during their general statements (see paras. 16-39) and during the consideration of agenda item 6(b).

41. Several delegations called for prioritizing flag State performance and monitoring, control and surveillance. In this regard, a delegation expressed concern, specifically in relation to the North Pacific area, over the rapid increase of fishing vessels, some of which were deemed to be conducting illegal activities including hiding and falsifying their vessel names. While the delegation was approaching the issue bilaterally with the particular flag State, it expressed the hope for the resumed Review Conference to work on this issue.

42. Another delegation noted that its priority issues for the resumed Review Conference were those related to the health of fish stocks, development and implementation of harvest strategies and catch-based management arrangements, strengthening compliance monitoring processes within RFMO/As, discussion on outcomes of performance reviews, and strategies to encourage States non-parties to join the Agreement. A third delegation listed the following priority topics: improving governance, transparency and participation in RFMO/As, as well as compliance with and enforcement of conservation and management measures.

43. Several delegations called for the review of the implementation of the provisions in the Agreement relating to the need to ensure that conservation and management measures did not result in transferring a disproportionate burden of conservation action onto developing States.

44. Several delegations raised the issue of labour conditions as meriting consideration at the resumed Review Conference, as it had not been addressed previously by the Review Conference.

45. It was recalled that in the context of General Assembly resolution 69/292 and the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, States had stressed that a new legally binding instrument should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies. In this context, a suggestion was made that the resumed Review Conference could clarify the precise scope of the Agreement.

46. A delegation noted that the current *modus operandi* of the resumed Review Conference whereby the implementation of the recommendations of 2006 and 2010 would be reviewed in 2016, needed further consideration, as some recommendations from the first Review Conference might no longer be relevant, while there was a need to consider means to address new and emerging challenges. Another delegation noted that the resumed Review Conference could review the steps taken to ensure the implementation of the 2030 Agenda for Sustainable Development, and how implementation of the Agreement could help meet the targets in the Agenda and other international commitments concerning fisheries.

47. It was further noted by a delegation that some of the targets in the Sustainable Development Goals matched closely the recommendations from the Review Conference, but unlike those recommendations, the 2030 Agenda for Sustainable Development provided a more time-bound political commitment and a set of measurable indicators widely agreed by the whole membership of the United Nations. It was considered important by that delegation

to have a better understanding of how the data for indicators for the 2030 Agenda for Sustainable Development, which had recently been adopted by the United Nations Statistical Commission, could be developed or transmitted, including within the context of the Agreement.

48. Another delegation emphasized that the main role of monitoring implementation of the 2030 Agenda for Sustainable Development was vested in the High-level Political Forum on Sustainable Development, under the auspices of the Economic and Social Council. Thus, while relevant issues could be addressed, the resumed Review Conference should not try to pre-empt or substitute the High-level Political Forum. That delegation also noted that work was ongoing on the indicators for the Sustainable Development Goals and objected to any reference being made to the indicators in the context of the resumed Review Conference.

49. Several delegations noted the low number of contributions to the report of the Secretary-General to the resumed Review Conference and indicated that it would be difficult to make a proper assessment of whether progress had been made since the resumed Review Conference in 2010. These delegations suggested that implementation of the recommendations adopted at the resumed Review Conference in 2010 should, therefore, continue to be evaluated during the resumed Review Conference. Several delegations suggested that the Conference could also address how to improve the level of submissions in the future.

50. The need for the resumed Review Conference to address the strengthening of the capacity of developing countries was highlighted, as it would in turn strengthen implementation of the Agreement. In this regard, reference was made to the planned establishment of the World Fisheries University, by the FAO and the Government of the Republic of Korea.

51. An observer delegation from an intergovernmental organization proposed that the resumed Review Conference could discuss options for improving the utility of the Part VII Assistance Fund beyond merely supporting travel of national experts to technical and statutory meetings, with a view to directing assistance more towards enhancing the capacity of such States and RFMOs in implementing the Agreement. In addition, it suggested that mechanisms to increase financial contributions to the Part VII Assistance Fund should be explored, noting that, for legal and administrative reasons, some donors were not able to contribute to the Fund in its current form.

52. According to another observer delegation, the failure to manage fishing capacity and to effectively quantify it was one of the areas where progress was most desperately needed, and which needed to be highlighted by the resumed Review Conference.

53. Six major challenges to the effective implementation of the Agreement identified by another observer delegation were: the need for a strong science-policy interface as the basis for robust conservation and management measures; how to ensure compatibility between conservation and management measures adopted on the high seas and those adopted in areas under national jurisdiction; advances in technology and sophistication in the use of fish aggregation devices (FADs); enforceability of, and compliance with, conservation and management measures; the need to strengthen RFMO/As, including through the initiation of performance reviews, and to enhance cooperation amongst them; and how to meet the

capacity needs of developing States, especially SIDS, in the conservation and management of fish stocks.

54. A delegation queried whether priorities raised during the meeting would be reflected in the organization of work and agenda for the resumed Review Conference, in particular the 2030 Agenda for Sustainable Development. In response, the Chairperson confirmed that the recommendations from the Review Conference in 2006 and 2010 were already included in the draft organization of work for the upcoming meeting. He also indicated that issues raised during the Informal Consultations would be reflected in the draft Organization of Work. Concerning the 2030 Agenda for Sustainable Development, the Chairperson noted that relevant documents, namely, General Assembly resolution 70/1 and the report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators, could be made available on the DOALOS website as background documents for the upcoming resumed Review Conference. He indicated that it would be up to delegations to decide whether the related targets should be taken into account during the meeting. He also noted it would be important that the resumed Review Conference did not repeat or take the place of discussions and decisions taking place in other fora.

55. The Chairperson further indicated that any available outcome of the first session of the Preparatory Committee established by General Assembly resolution 69/292 would also be made available on the website of the resumed Review Conference as a background document.

#### **(b) Officers for the resumed Review Conference**

56. The Chairperson recalled rule 10 of the Provisional rules of procedure of the Review Conference,<sup>4</sup> and reminded delegations that at ICSP-11, delegations agreed to once again retain the officers from the resumed Review Conference in 2010 unless they were unavailable. As one position of Vice-President was not filled in 2010, it would need to be filled regardless. He also informed delegations that the President of the Review Conference, Ambassador David Balton, had announced that he could not continue in this function for the forthcoming resumed Review Conference. The delegation of the United States confirmed that Ambassador Balton will not be able to take up these functions.

57. The Chairperson also noted that Ms. Carmen-Paz Marti and Mr. Sainivalati S. Navoti were no longer in a position to serve as Vice-Presidents and, due to accession to the Agreement by Chile, Mr. Andrés Couve was no longer eligible to represent States non-parties to the Agreement as Vice-President. The delegation of Spain confirmed that Ms. Carmen-Paz Marti would not be available to serve in that capacity in the resumed Review Conference.

58. The Chairperson stated that the Secretariat had sent letters to the Chairs of regional groups for the month of March, in which they were requested to ascertain the availability of the other Vice-Presidents, who had served in 2010 representing States Parties in their regions and, should the Vice-Presidents not be available, to nominate candidates from amongst States Parties to the Agreement to serve as Vice-Presidents of the resumed Review Conference. He also noted the possibility that one or possibly two Vice-Presidents representing States non-parties might need to be nominated.

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<sup>4</sup> A/CONF.210/2006/6.

59. In relation to the filling of the vacancy for President of the Review Conference, many delegations expressed support for the appointment of Mr. Fábio Hazin of Brazil. In that regard, the delegation of Brazil stated that it looked forward to formally presenting the candidature of Mr. Hazin in due course.

#### **V. Consideration of the next round of Informal Consultations of the States Parties to the Agreement.**

60. While acknowledging that the discussions regarding the next round of the Informal Consultations of States Parties to the Agreement would take place in the context of the resumed Review Conference, several delegations noted the value of regular meetings of the Informal Consultations of States Parties focused on a particular issue and the Review Conference in terms of evaluating and promoting implementation of the Agreement and proposed that States Parties should leave open the possibility of holding future meetings.

61. A delegation stressed that the meetings of the Informal Consultations should only be held when needed.

62. It was generally agreed that the meetings of the Informal Consultations should be continued without protracted breaks and should be well-focused, with attention devoted to particular issues, when possible. Furthermore, that the meetings should try to identify practical ways forward for the implementation of the Agreement.

#### **VI. Other matters.**

63. The Chairperson noted that, as in the past, a formal report of the meeting of the Informal Consultations would be prepared with the assistance of the Secretariat and posted on the DOALOS website in English only for two weeks to allow delegations the opportunity to make comments before the report was finalized.

64. He encouraged delegations to consult concerning the appointment of a Vice-President from the Group of Eastern European States and to advance consideration of the outcome of the resumed Review Conference.

#### **VII. Closing of the twelfth round of Informal Consultations of States Parties to the Agreement**

65. The Chairperson expressed his appreciation to all delegations for their efficient work and cooperation, as well as to the Secretariat for its assistance in the organization of the meeting.



## Annex

### **Twelfth 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)**

#### **Agenda**

**22-23 March 2016  
United Nations, New York**

1. Opening of the twelfth round of Informal Consultations by the Representative of the Secretary-General.
2. Election of the Chairperson.
3. Adoption of the agenda.
4. Organization of work.
5. General statements.
6. Initial preparatory work for the resumed Review Conference:
  - (a) Consideration of the advance and unedited reporting material for the updated report prepared by the Secretary-General in cooperation with the Food and Agriculture Organization of the United Nations;
  - (b) Discussion of priorities and identification of areas of focus for the resumed Review Conference;
  - (c) Officers for the resumed Review Conference.
7. Consideration of the next round of Informal Consultations of the States Parties to the Agreement.
8. Other matters.