

**UN** 

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

**Regional Training Course on the United Nations Convention on the Law of the Sea 1982 (UNCLOS 1982) in Fisheries Perspective**

*Overview of the United Nations Fish Stocks Agreement*


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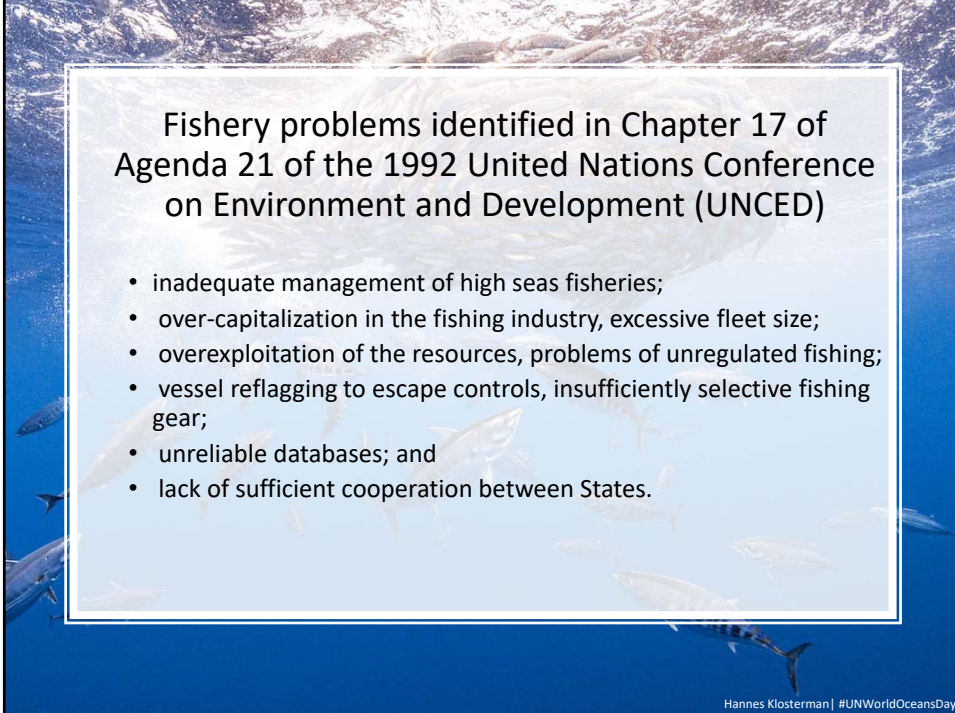
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Fishery problems identified in Chapter 17 of Agenda 21 of the 1992 United Nations Conference on Environment and Development (UNCED)

- inadequate management of high seas fisheries;
- over-capitalization in the fishing industry, excessive fleet size;
- overexploitation of the resources, problems of unregulated fishing;
- vessel reflagging to escape controls, insufficiently selective fishing gear;
- unreliable databases; and
- lack of sufficient cooperation between States.

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United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks

- At the request of UNCED, the General Assembly 1992 in its resolution 47/192 (1992) convened the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks to focus on the best way to ensure the long term-sustainability of these stocks, including measures for their conservation and management;
- On 4 August 1995, the Conference adopted the UN Fish Stocks Agreement;
- On 11 December 2001, the Agreement entered into force, following the deposit by Malta of the thirtieth instrument of accession with the Secretary-General.

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## United Nations Fish Stocks Agreement

- Full title: United Nations 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
- Concluded 4 August 1995; in force 11 December 2001
- 93 Parties (including the European Union)
- Provides a framework for cooperation in the conservation and management of fishery resources within and beyond areas of national jurisdiction
  - Precautionary approach
  - Compatibility between measures within and beyond national jurisdiction
  - Role of regional fisheries management organizations and arrangements
  - Strengthened compliance and enforcement regime
  - Recognition of special requirements of developing States

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## UNCLOS and the United Nations Fish Stocks Agreement

- UNCLOS = overarching legal regime for sustainable fisheries under international law
- United Nations Fish Stocks Agreement = detailed legal regime for straddling fish stocks and highly migratory fish stocks
- Complemented by other international rules



The Law of the Sea  
United Nations Convention on the Law of the Sea  
Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea





Food and Agriculture Organization of the United Nations  
International Fisheries  
Instruments with Index  
Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs  
United Nations

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## United Nations Fish Stocks Agreement

THE FULL AND EFFECTIVE IMPLEMENTATION OF UNFSA HELPS STATES:

 <p>Promote the long-term sustainability of fisheries</p>	 <p>Combat illegal, unregulated and unreported fishing</p>	 <p>Maintain and strengthen the current system of regional governance in fisheries</p>	 <p>Strengthen the inclusiveness and effectiveness of RFMOs</p>	 <p>Meet global goals and commitments on fisheries</p>	 <p>Address current and future challenges to sustainability of fish stocks</p>
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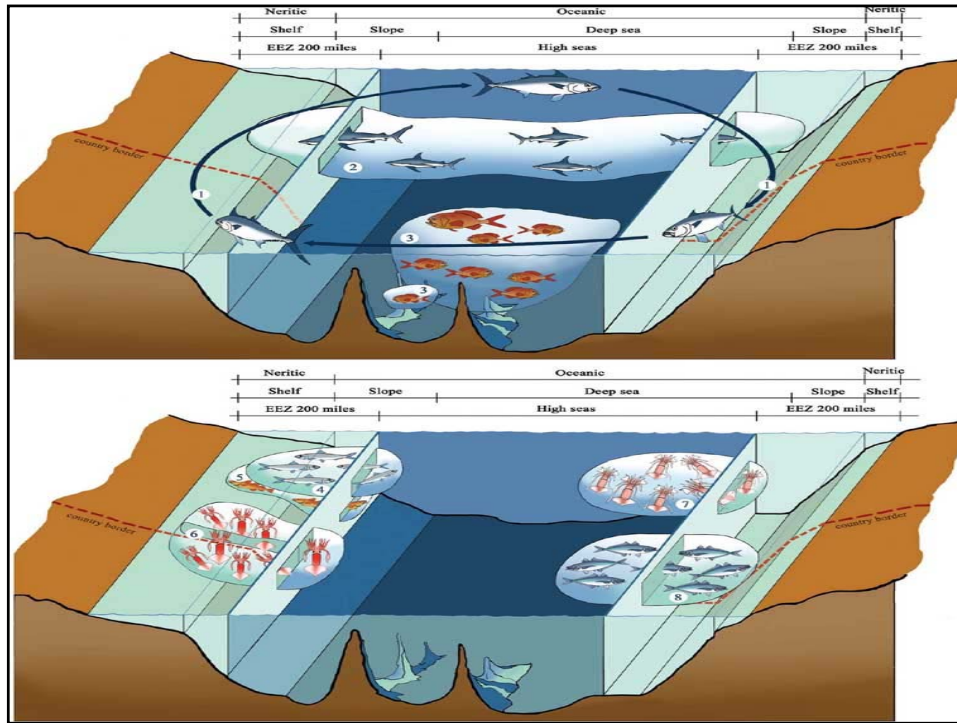
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## Part I UNFSA: General Provisions

- Use of terms and scope (Article 1)
- Objective (Article 2)
  - The objective of this Agreement is to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through effective implementation of the relevant provisions of the Convention.
- Application (Article 3)
  - Mainly conservation and management in ABNJ except articles 5, 6 and 7.
- Relationship between this Agreement and the Convention (Article 4)
  - Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of States under the Convention. This Agreement shall be interpreted and applied in the context of and in a manner consistent with the Convention.

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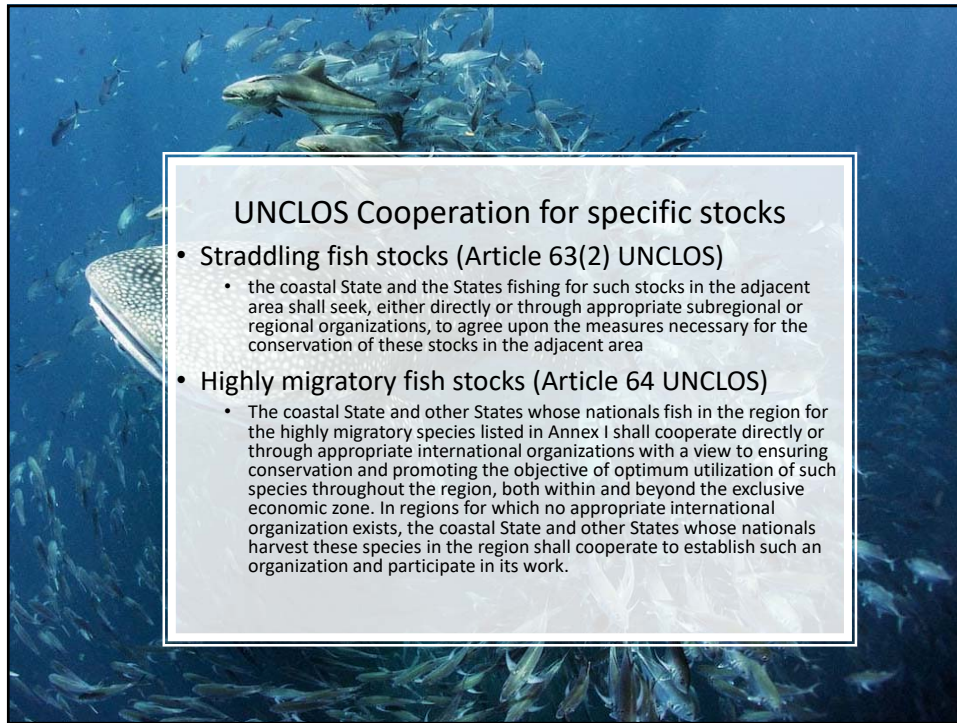
**High Seas**

**Straddling Fish Stocks:** Can be found both within a country's national jurisdiction and in the adjacent high seas.  
Examples: cod, halibut, pollock, jack mackerel and squid

**Highly Migratory Fish Stocks:** Regularly travel long distances through high seas areas and areas under national jurisdiction.  
Examples: tuna, swordfish and oceanic sharks

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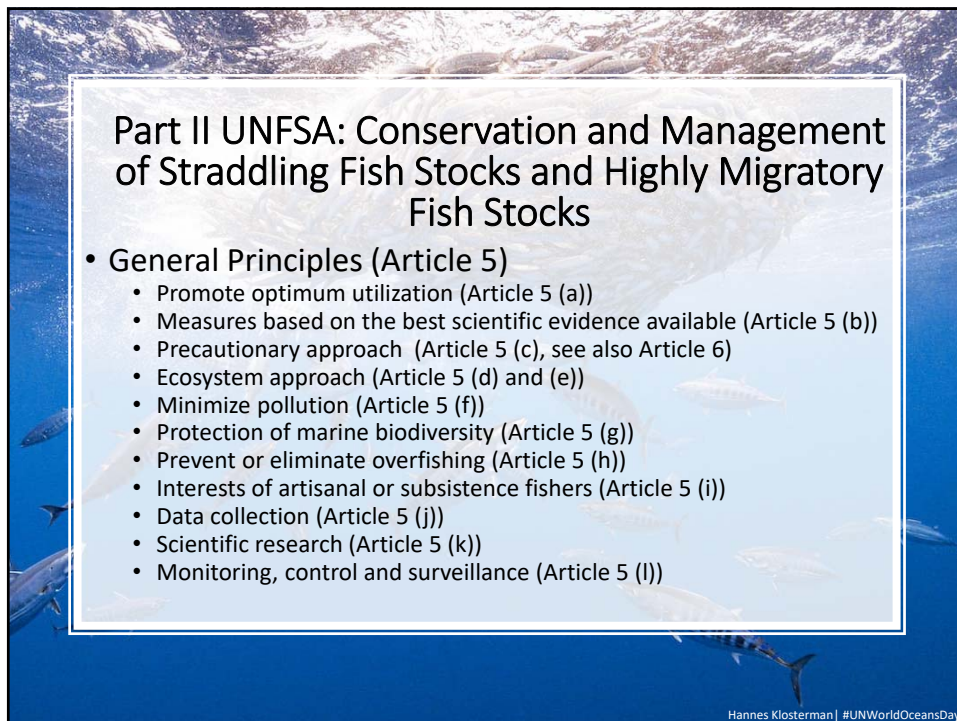




**UNCLOS Cooperation for specific stocks**

- **Straddling fish stocks (Article 63(2) UNCLOS)**
  - the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area
- **Highly migratory fish stocks (Article 64 UNCLOS)**
  - The coastal State and other States whose nationals fish in the region for the highly migratory species listed in Annex I shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region shall cooperate to establish such an organization and participate in its work.

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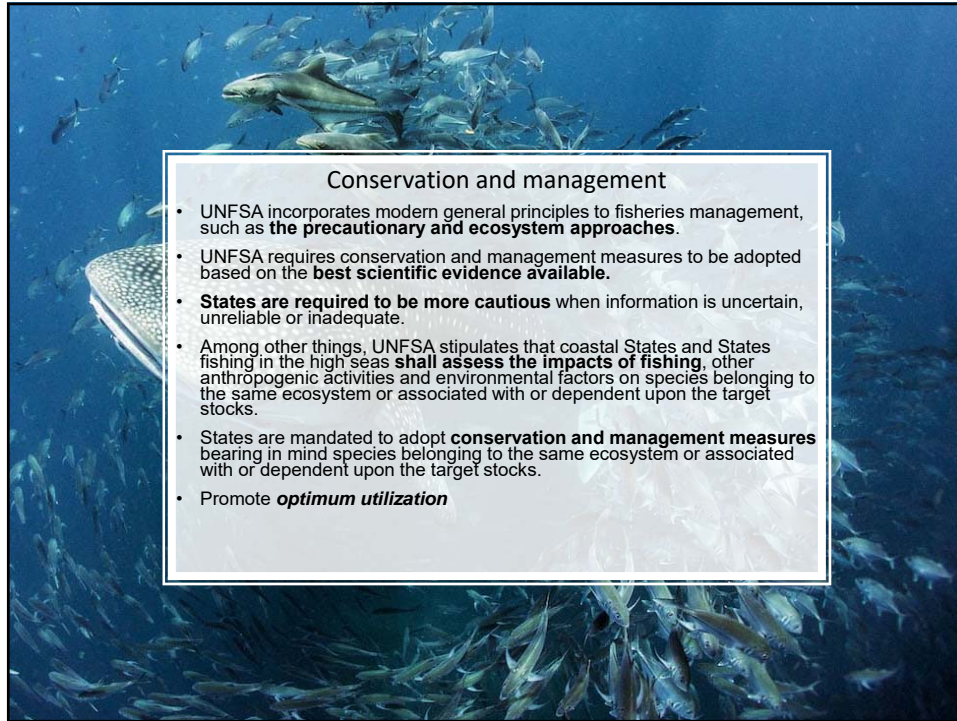


**Part II UNFSA: Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks**

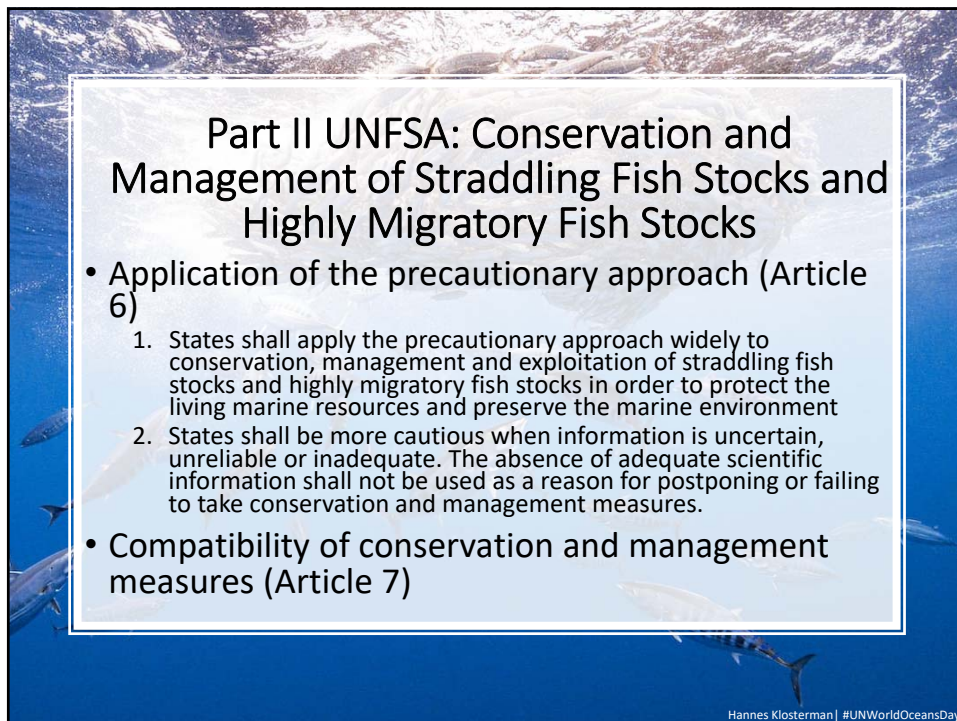
- **General Principles (Article 5)**
  - Promote optimum utilization (Article 5 (a))
  - Measures based on the best scientific evidence available (Article 5 (b))
  - Precautionary approach (Article 5 (c), see also Article 6)
  - Ecosystem approach (Article 5 (d) and (e))
  - Minimize pollution (Article 5 (f))
  - Protection of marine biodiversity (Article 5 (g))
  - Prevent or eliminate overfishing (Article 5 (h))
  - Interests of artisanal or subsistence fishers (Article 5 (i))
  - Data collection (Article 5 (j))
  - Scientific research (Article 5 (k))
  - Monitoring, control and surveillance (Article 5 (l))

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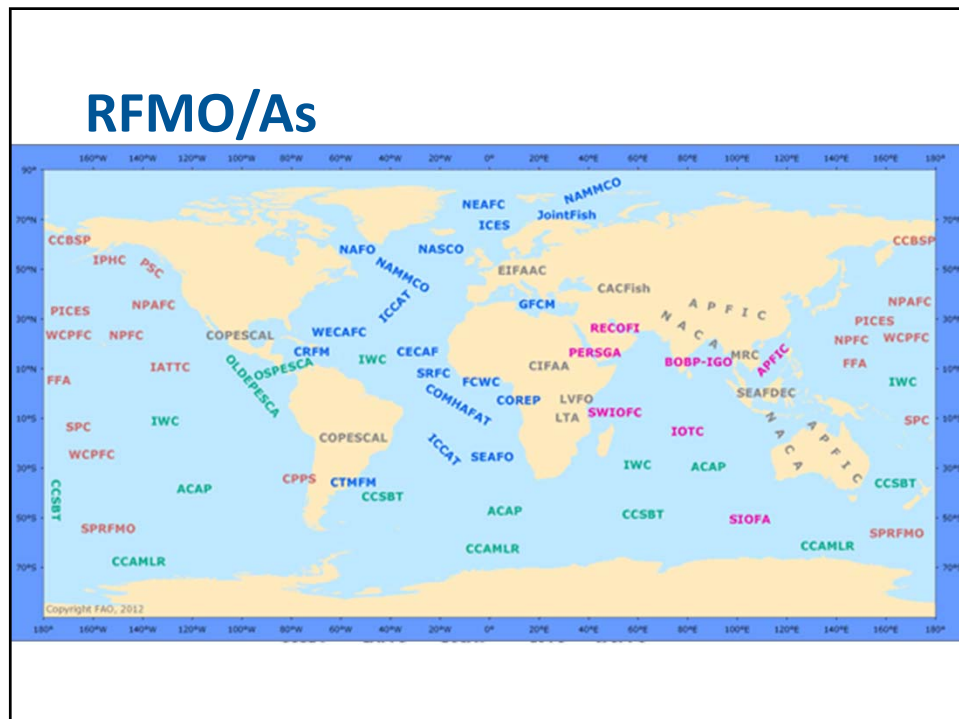


### Part III UNFSA : Mechanisms for International Cooperation

- Cooperation for conservation and management (Article 8)
- Subregional and regional fisheries management organizations and arrangements (RFMO/As) (Article 9)
- Functions of RFMO/As (Article 10)
- New members or participants (Article 11)
- Transparency in activities of RFMO/As (Article 12)
- Strengthening of existing organizations and arrangements (Article 13)
- Collection and provision of information and cooperation in scientific research (Article 14)
- Enclosed and semi-enclosed seas (Article 15)
- Areas of high seas surrounded entirely by an area under the national jurisdiction of a single State (Article 16)

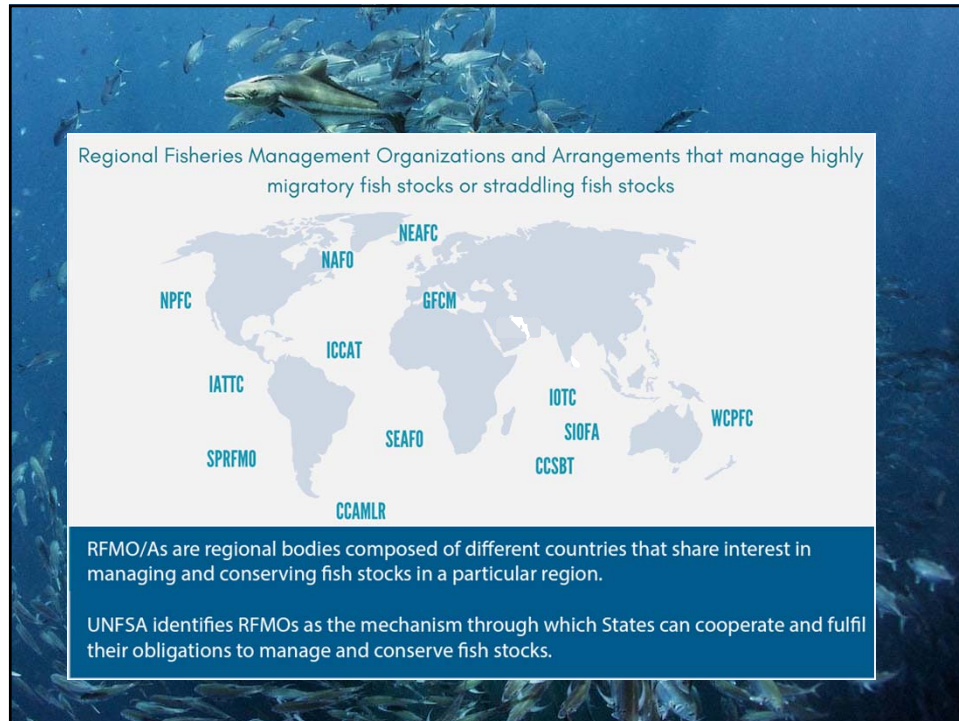
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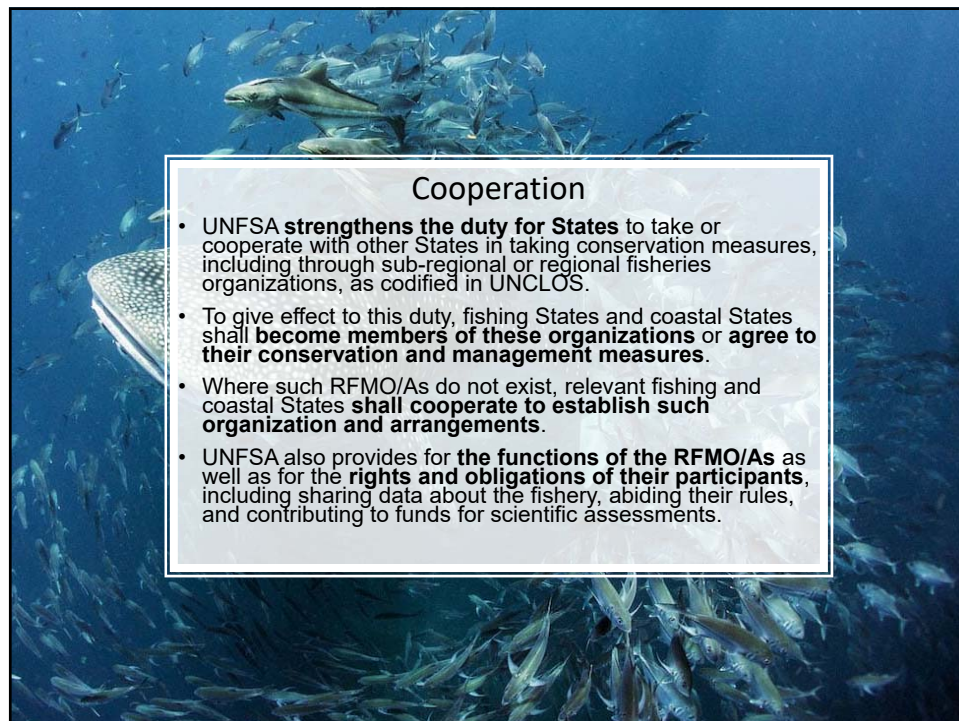


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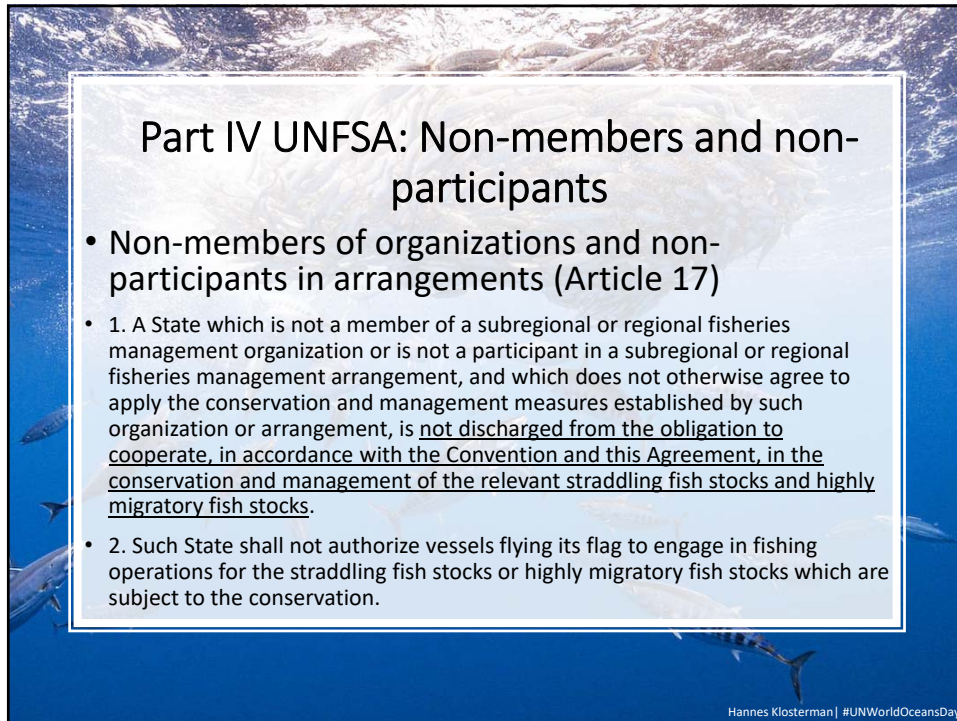




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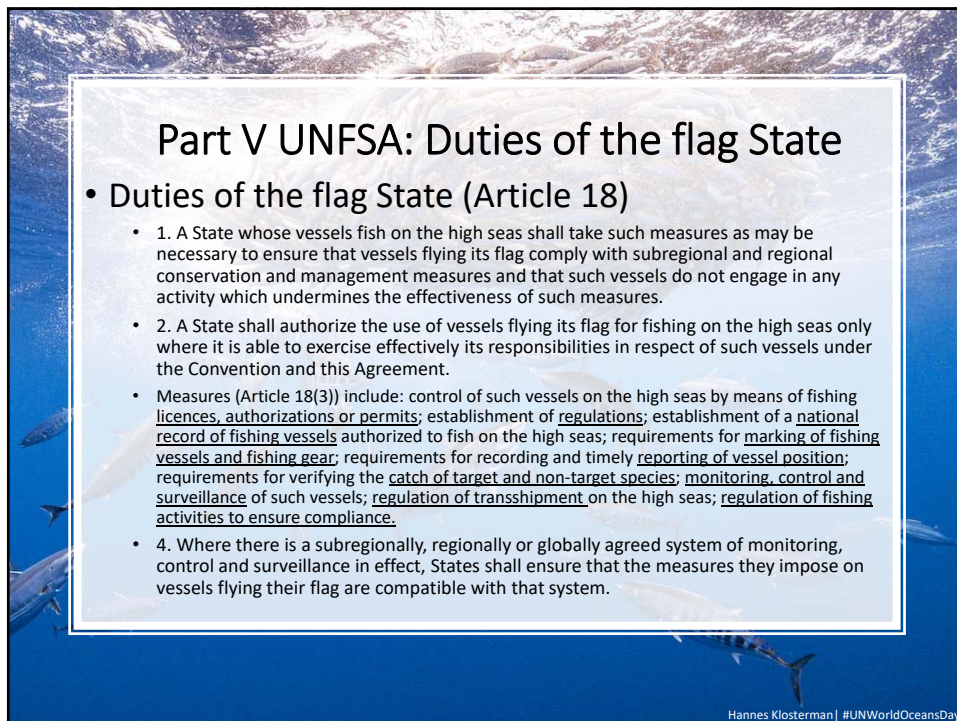


## Part IV UNFSA: Non-members and non-participants

- Non-members of organizations and non-participants in arrangements (Article 17)
  - 1. A State which is not a member of a subregional or regional fisheries management organization or is not a participant in a subregional or regional fisheries management arrangement, and which does not otherwise agree to apply the conservation and management measures established by such organization or arrangement, is not discharged from the obligation to cooperate, in accordance with the Convention and this Agreement, in the conservation and management of the relevant straddling fish stocks and highly migratory fish stocks.
  - 2. Such State shall not authorize vessels flying its flag to engage in fishing operations for the straddling fish stocks or highly migratory fish stocks which are subject to the conservation.

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## Part V UNFSA: Duties of the flag State

- Duties of the flag State (Article 18)
  - 1. A State whose vessels fish on the high seas shall take such measures as may be necessary to ensure that vessels flying its flag comply with subregional and regional conservation and management measures and that such vessels do not engage in any activity which undermines the effectiveness of such measures.
  - 2. A State shall authorize the use of vessels flying its flag for fishing on the high seas only where it is able to exercise effectively its responsibilities in respect of such vessels under the Convention and this Agreement.
  - Measures (Article 18(3)) include: control of such vessels on the high seas by means of fishing licences, authorizations or permits; establishment of regulations; establishment of a national record of fishing vessels authorized to fish on the high seas; requirements for marking of fishing vessels and fishing gear; requirements for recording and timely reporting of vessel position; requirements for verifying the catch of target and non-target species; monitoring, control and surveillance of such vessels; regulation of transshipment on the high seas; regulation of fishing activities to ensure compliance.
  - 4. Where there is a subregionally, regionally or globally agreed system of monitoring, control and surveillance in effect, States shall ensure that the measures they impose on vessels flying their flag are compatible with that system.

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## Part VI UNFSA: Compliance and enforcement

- Compliance and enforcement by the flag State (Article 19)
- International cooperation in enforcement (Article 20)
- Subregional and regional cooperation in enforcement (Article 21)
- Basic procedures for boarding and inspection pursuant to article 21 (Article 22)
- Measures taken by a port State (Article 23)

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## Compliance and enforcement

- UNFSA contains a **list of obligations for Flag States**, including maintaining records on fishing activities or establishing appropriate regulations respecting its vessels.
- **Flag States are required to ensure compliance by States flying their flag** with relevant conservation and management measures, as well as to carry the appropriate proceedings to enforce it.
- **Port States** are required to adopt measures to promote conservation efforts. These measures may include inspection of documents, fishing gear and catch on board fishing vessels, and the adoption of specific regulations regarding landings and transshipments, among others.
- The UNFSA also allows at-sea boarding and inspections of documents, catch and fishing gear by **members of competent RFMO/As**.

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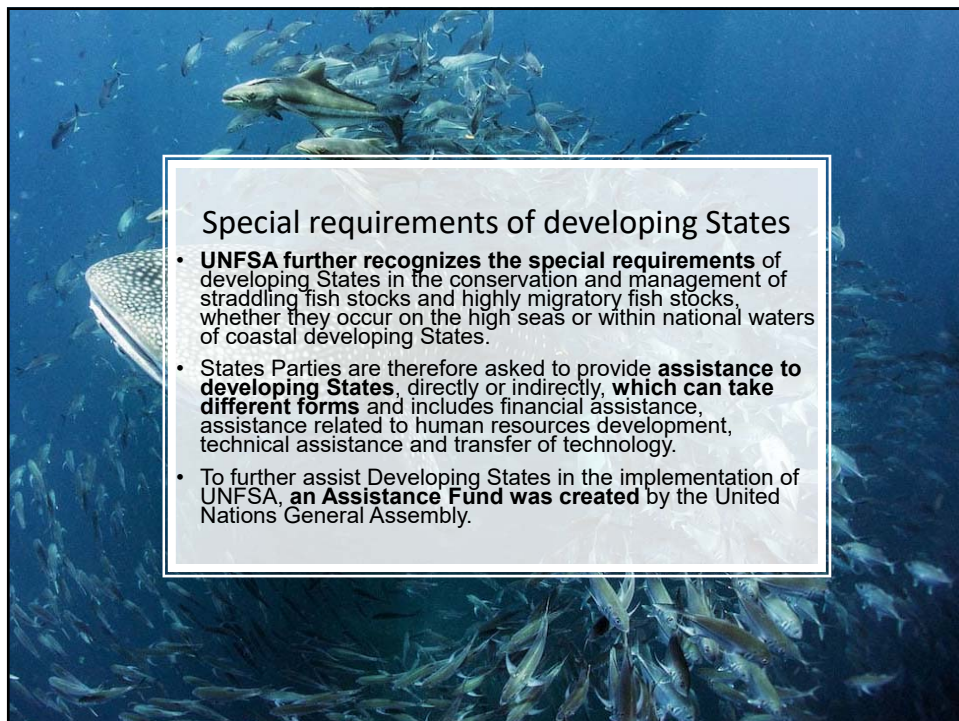


**Part VII UNFSA: Requirements of developing States**

- Recognition of the special requirements of developing States (Article 24)
- Forms of cooperation with developing States (Article 25)
- Special assistance in the implementation of this Agreement (Article 26)

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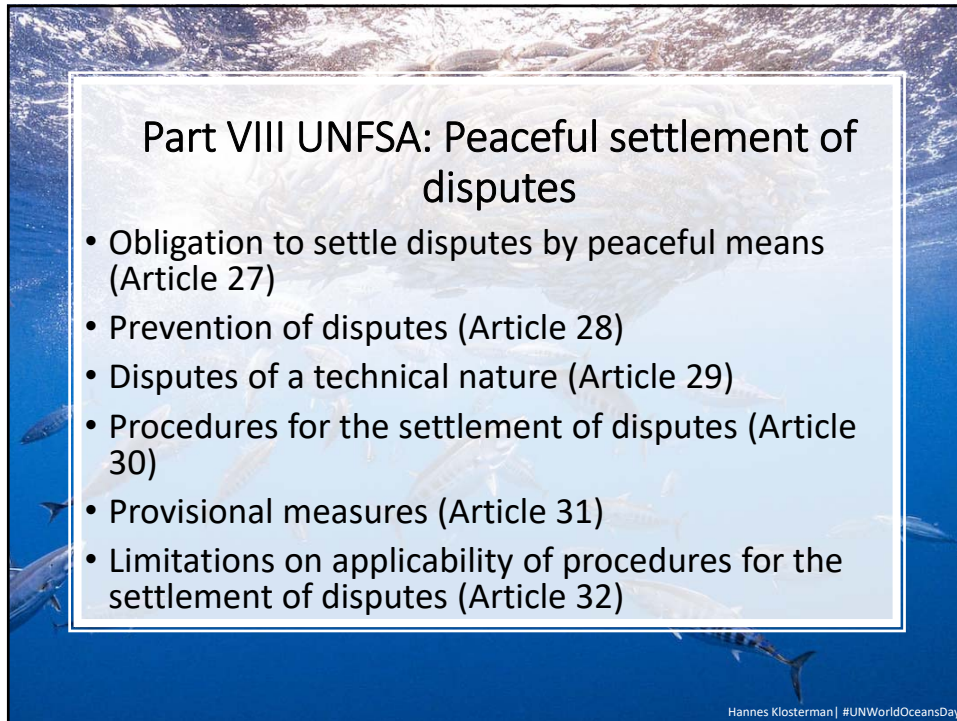
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**Special requirements of developing States**

- **UNFSA further recognizes the special requirements** of developing States in the conservation and management of straddling fish stocks and highly migratory fish stocks, whether they occur on the high seas or within national waters of coastal developing States.
- States Parties are therefore asked to provide **assistance to developing States**, directly or indirectly, **which can take different forms** and includes financial assistance, assistance related to human resources development, technical assistance and transfer of technology.
- To further assist Developing States in the implementation of UNFSA, **an Assistance Fund was created** by the United Nations' General Assembly.

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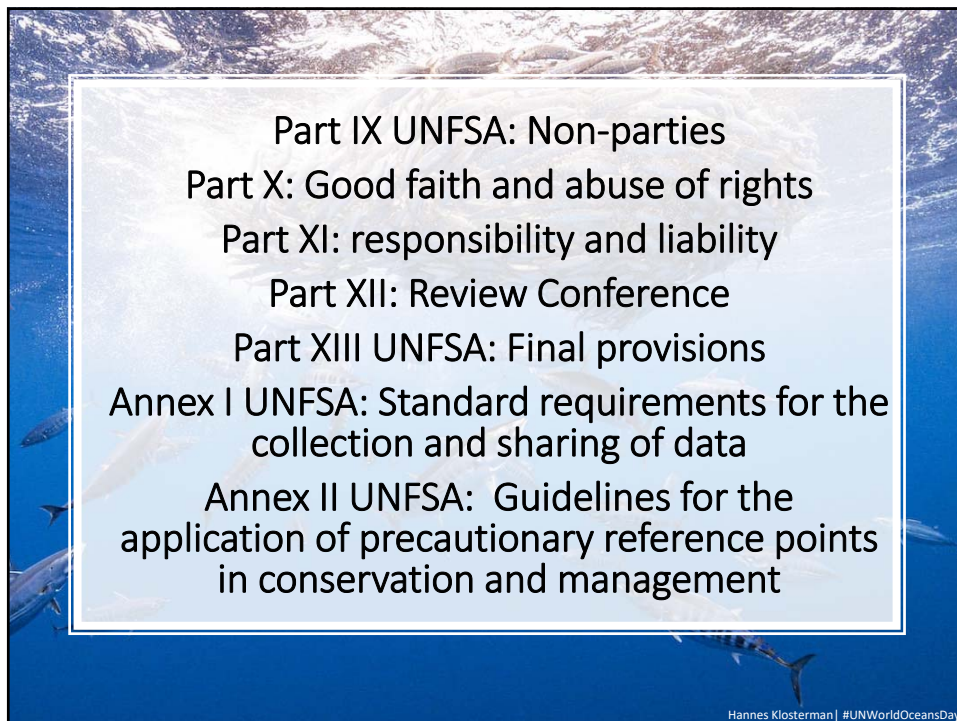


**Part VIII UNFSA: Peaceful settlement of disputes**

- Obligation to settle disputes by peaceful means (Article 27)
- Prevention of disputes (Article 28)
- Disputes of a technical nature (Article 29)
- Procedures for the settlement of disputes (Article 30)
- Provisional measures (Article 31)
- Limitations on applicability of procedures for the settlement of disputes (Article 32)

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**Part IX UNFSA: Non-parties**

**Part X: Good faith and abuse of rights**

**Part XI: responsibility and liability**

**Part XII: Review Conference**

**Part XIII UNFSA: Final provisions**

**Annex I UNFSA: Standard requirements for the collection and sharing of data**

**Annex II UNFSA: Guidelines for the application of precautionary reference points in conservation and management**

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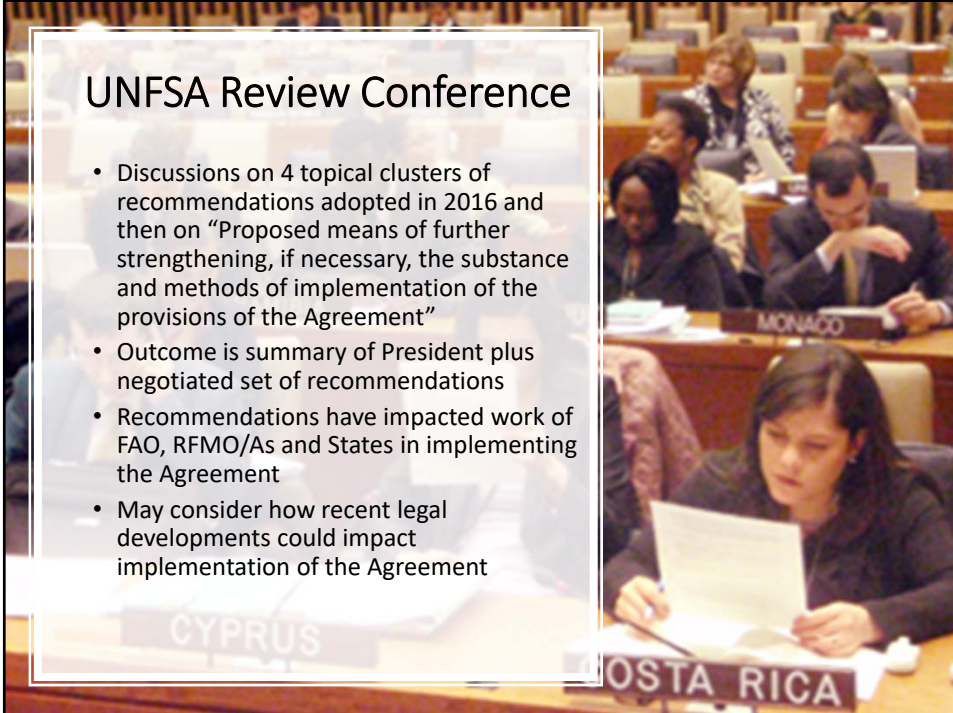




## UNFSA Review Conference

- Convened pursuant to Art. 36 of UNFSA
- Mandated to assess the effectiveness of the Agreement 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.
- Held in 2006, resumed in 2010 and 2016; adopted a series of recommendations
- Review Conference was resumed from 22 to 26 May 2023
- Open to States Parties and States or entities entitled to become parties, as well as observers, including
  - Relevant IGOs, including RFMO/As
  - Relevant NGOs.

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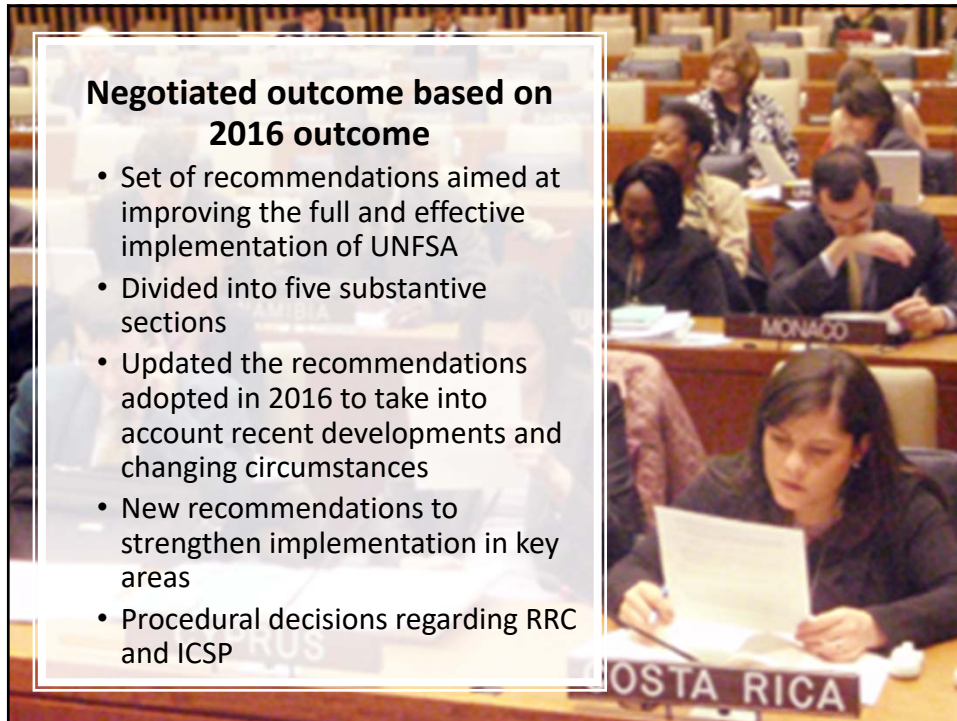


## UNFSA Review Conference

- Discussions on 4 topical clusters of recommendations adopted in 2016 and then on “Proposed means of further strengthening, if necessary, the substance and methods of implementation of the provisions of the Agreement”
- Outcome is summary of President plus negotiated set of recommendations
- Recommendations have impacted work of FAO, RFMO/As and States in implementing the Agreement
- May consider how recent legal developments could impact implementation of the Agreement

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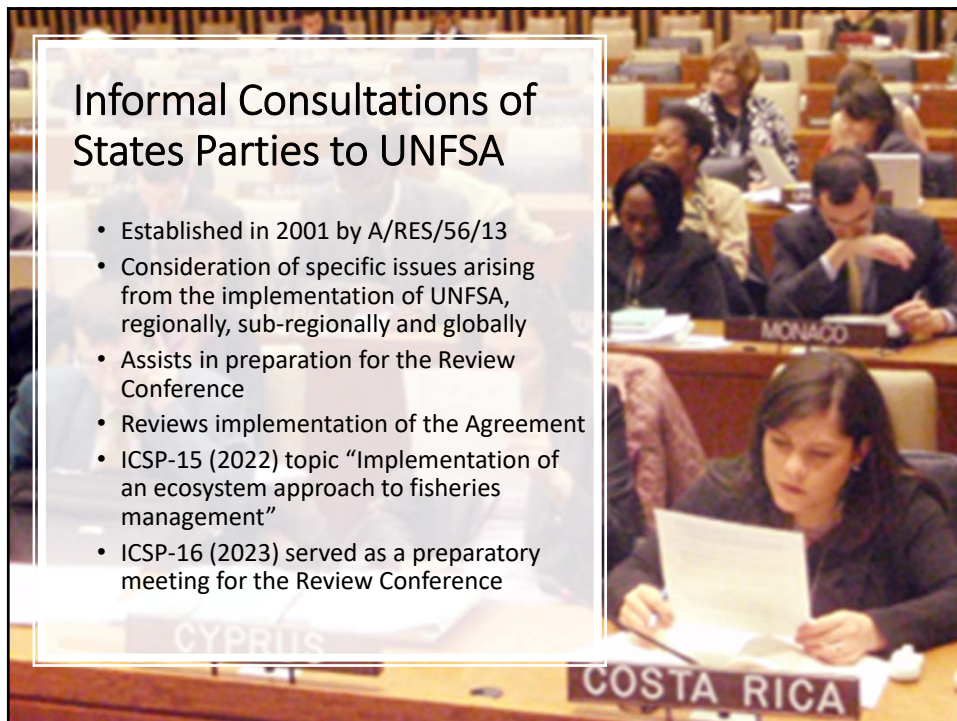




**Negotiated outcome based on 2016 outcome**

- Set of recommendations aimed at improving the full and effective implementation of UNFSA
- Divided into five substantive sections
- Updated the recommendations adopted in 2016 to take into account recent developments and changing circumstances
- New recommendations to strengthen implementation in key areas
- Procedural decisions regarding RRC and ICSP

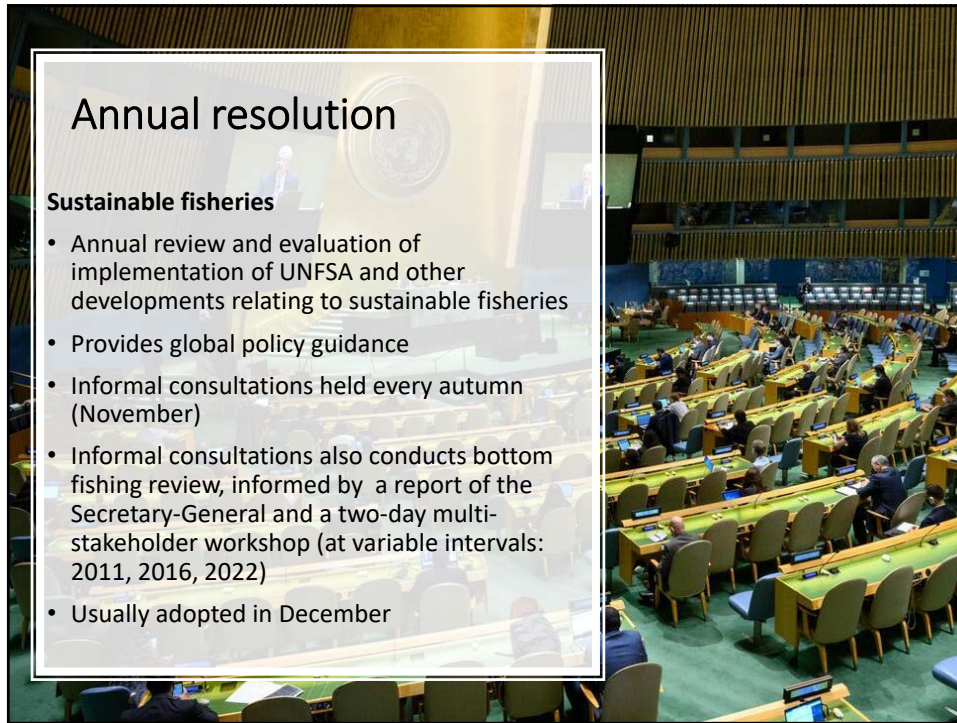
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**Informal Consultations of States Parties to UNFSA**

- Established in 2001 by A/RES/56/13
- Consideration of specific issues arising from the implementation of UNFSA, regionally, sub-regionally and globally
- Assists in preparation for the Review Conference
- Reviews implementation of the Agreement
- ICSP-15 (2022) topic "Implementation of an ecosystem approach to fisheries management"
- ICSP-16 (2023) served as a preparatory meeting for the Review Conference

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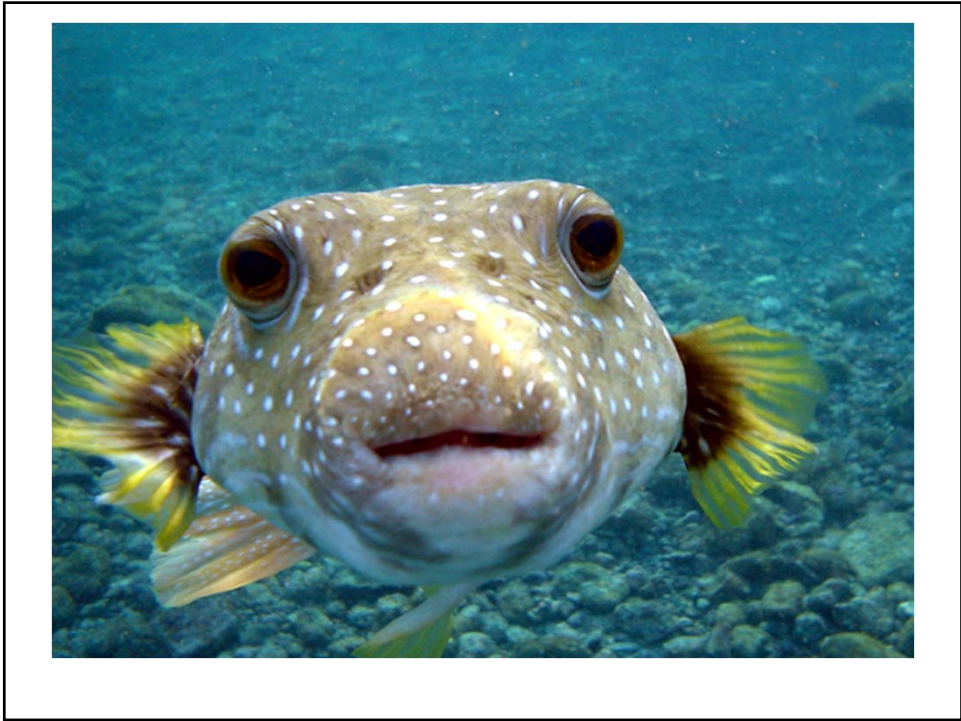


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