

Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas

The problem of fishing vessels reflagging, sometimes repeatedly and rapidly, to avoid compliance with national or international fisheries conservation and management measures was first raised for urgent action at the International Conference on Responsible Fishing held in Cancun, Mexico, in May 1992. The Declaration of Cancun adopted by that Conference called upon States “to take effective action, consistent with international law, to deter reflagging of fishing vessels as a means of avoiding compliance with applicable conservation and management rules for fishing activities on the high seas.” Other injunctions for the eventual agreement came from the United Nations Conference on Environment and Development and the FAO Technical Consultation on High Seas Fishing in September 1992.

The Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (<http://www.fao.org/DOCREP/MEETING/003/X3130m/X3130E00.HTM>) was approved by the FAO Conference on 24 November 1993. In April 2003, upon the date of deposit of the 25th instrument of acceptance, the Agreement entered into force. As of 19 February 2014, 39 instruments of acceptance have been deposited. The Agreement is an integral part of the FAO Code of Conduct for Responsible Fisheries.

At the heart of the Agreement are the requirements that Parties:

- permit only their flag vessels that they have authorized to fish on the high seas to do so and prohibit all others from fishing on the high seas;
- control their vessels authorized to fish on the high seas so that all applicable rules governing such fishing are observed;
- collect data on their vessels authorized to fish on the high seas and their catches;
- submit to the FAO a list of vessels authorized to fish on the high seas;
- maintain such list as vessels are added or deleted. If an authorization to fish is withdrawn for misconduct, report the specifics of the misconduct and any punitive measures to the FAO.

The Agreement is implemented within the United States through the High Seas Fishing Compliance Act (16 U.S.C. 5501 *et seq.*) and regulations promulgated by NOAA Fisheries. NOAA Fisheries issues the authorizations for U.S.-flagged vessels to fish on the high seas, collects data on such vessels, and submits the list of vessels to the FAO.

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