

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 (UNFSA)

UNFSA was adopted in 1995 and sets out principles for the conservation and management of straddling and highly migratory fish stocks. It, *inter alia*, prescribes that a precautionary approach and the best available scientific information be used in fishery management, impacts of fishing on associated and dependent species be managed, pollution be minimized, and overfishing and excess fishing capacity be prevented or eliminated. The UNFSA has provisions which help to ensure that key fishery resources that occur both within a State's exclusive economic zone (EEZ) and on the high seas are conserved and managed on a sustainable basis. The UNFSA balances the sovereign rights of coastal States with respect to resources in their EEZs with the rights of all States to authorize their vessels to fish on the high seas. UNFSA also reinforces the conservation and management capacities of Regional Fisheries Management Organizations (RFMOs) so that non-member fishing does not undermine them, specifies means for cooperation between coastal States and distant water fishing States, articulates the duties of States with respect to vessel flying their flags, requires parties to settle disputes using procedures in the UN Convention on the Law of the Sea, and reaffirms the sovereign rights of coastal States with respect to their EEZs.

UNFSA also elaborates on the fundamental principle, established in the Convention, that States should cooperate to ensure conservation and to promote the objective of optimum utilization of fisheries resources both within and beyond the EEZ by providing as the framework regional and sub-regional fisheries management organizations. It promotes effective management and conservation of high seas resources by, among other things:

- Prescribing specific roles and functions for RFMOs, and standards of operation;
- Establishing principles and minimum international standards for the conservation and management of straddling fish stocks and highly migratory fish stocks, such as data collection and the application of the precautionary approach;
- Establishing that measures taken for the conservation and management of those stocks in areas under national jurisdiction and in the adjacent high seas be compatible;
- Establishing standards for flag State control and effective mechanisms for compliance and enforcement on the high seas; and
- Recognizing the special requirements of developing States.

Article 36 of UNFSA required the Secretary-General of the UN to convene a conference to assess the effectiveness of the Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. The Review Conference was held in May 2006. The Review Conference was suspended, following agreement on the resumption of the Conference at a date no later than 2011. The Review Conference resumed in May 2010 to review and assess the adequacy of the provisions of UNFSA and, if necessary, to propose ways to strengthen the substance and methods of implementation of those provisions in order to better address any continuing problems in the conservation and management of straddling and highly migratory fish stocks.

The Resumed Review Conference recommended specific actions and approaches that States and RFMOs could undertake to strengthen the implementation of UNFSA's provisions. These recommendations are centered around 4 core themes: (1) Conservation and Management of Stocks; (2) Mechanisms for international cooperation and non-members; (3) Monitoring, control and surveillance and compliance and enforcement; and (4) Developing States and non-parties. The Review Conference also agreed that further review is necessary and, to that end, agreed to continue the informal consultations of States parties and review the Agreement again not earlier than 2015. The final report of the Resumed Review Conference can be found at:

http://www.un.org/Depts/los/convention_agreements/review_conf_fish_stocks.htm

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