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REFERENCE:

28 December 2018

Dear Sir/Madam,

I wish to draw your attention to General Assembly resolution 73/125, adopted on 11 December 2018, entitled “*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*” (currently available as document A/72/L.41).

In paragraph 60 of resolution 73/125, the General Assembly, inter alia, reiterated its request, in paragraph 55 of resolution 72/72, that the Secretary-General convene the fourteenth 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) for two days in May 2019 to focus on the topic “*Performance reviews of regional fisheries management organizations and arrangements*”.

In paragraph 63 of resolution 73/125, the General Assembly requested the Secretary-General to invite States parties to the Agreement, as well as States and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement not parties to the Agreement and others invited to participate in the consultations as observers pursuant to paragraph 62 of resolution 73/125, to submit their views on the above-referred topic, together with a translation into English, to the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, and requested the Division to post such views, unedited and in the languages in which they are received, on its website, in accordance with past practice.

Relevant non-governmental organizations



Accordingly, your Organization is kindly invited to submit a contribution outlining its view on the topic “*Performance reviews of regional fisheries management organizations and arrangements*”. It is suggested that the contribution could include information on the following areas, as appropriate:

- (i) the scope of performance reviews of regional fisheries management organizations and arrangements and the importance and role of such reviews for the implementation of the Agreement;
- (ii) the process and structure of performance reviews of regional fisheries management organizations and arrangements, including in relation to independent evaluation, participation, transparency, accountability and periodicity;
- (iii) implementation of the recommendations of, and other follow-up to, performance reviews of regional fisheries management organizations and arrangements;
- (iv) lessons learned and best practices from past performance reviews of regional fisheries management organizations and arrangements; and
- (v) actions needed to further strengthen the effectiveness of the performance review process, including through capacity-building.

Additional background information on both the relevant provisions of the Agreement and the outcomes of the Review Conference on the Agreement is provided in an attachment to the present letter.

It would be greatly appreciated if contributions could be transmitted, together with a courtesy English translation, as appropriate, directly to the Division for Ocean Affairs and the Law of the Sea of this Office (email: doalos@un.org, with a copy to amerim@un.org), in electronic format, by 30 March 2019.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. de S. Soares'.

Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel

Annex

Background information

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 (the Agreement) is an implementing agreement to the 1982 United Nations Convention on the Law of the Sea (the Convention), which sets forth the obligations to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks. It also sets forth the obligation to cooperate in the conservation and management of living resources in the areas of the high seas, including through subregional and regional fisheries organizations. The Agreement aims 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.

The Agreement expands on the obligations set out in the Convention, *inter alia*, by providing detailed mechanisms for international cooperation concerning straddling fish stocks and highly migratory fish stocks in its Part III, which foresee a principal role for regional fisheries management organizations and arrangements. In this context, the Agreement provides for the establishment of regional fisheries management organizations and arrangements; the functions of regional fisheries management organizations and arrangements; new members or participants in regional fisheries management organizations and arrangements; transparency in activities of subregional and regional fisheries management organizations and arrangements; and collection and provision of information and cooperation in scientific research. It also sets out obligations in relation to compliance and cooperation in enforcement, including at subregional and regional levels, in Part VI and the requirements of developing States in Part VII.

Of particular note, article 13 of the Agreement, entitled “Strengthening of existing organizations and arrangements” provides that “States shall cooperate to strengthen existing subregional and regional fisheries management organizations and arrangements in order to improve their effectiveness in establishing and implementing conservation and management measures for straddling fish stocks and highly migratory fish stocks.”

The Review Conference on the Agreement, in 2006, 2010 and 2016, adopted a number of recommendations aimed at strengthening the implementation of the above-mentioned provisions of the Agreement, including through performance reviews of regional fisheries management organizations and arrangements. For example, in 2006, the Review Conference agreed to recommend that States individually and collectively through regional fisheries management organizations:

(j) Urge those regional fisheries management organizations of which they are members to undergo performance reviews on an urgent basis, whether initiated by the organizations themselves or with external partners; encourage the inclusion of some element of independent evaluation in such reviews; and ensure that the results are made publicly available. The reviews should use transparent criteria based on the Agreement and other relevant instruments, including best practices of regional fisheries management organizations” (A/CONF.210/2006/15, Annex, recommendation 32 (j)).

In 2010, the resumed Review Conference recommended that States and regional economic integration organizations, individually and collectively through regional fisheries management organizations and arrangements, inter alia:

“(d) Undertake performance reviews that include some element of independent evaluation not later than 2012 for those regional fisheries management organizations and arrangements for which such reviews have not yet been undertaken; undertake such reviews on a regular basis, for example every five years; and ensure that information about actions taken to implement the recommendations from performance reviews is made publicly available” (A/CONF.210/2010/7, Annex, recommendation II (d)).

In 2016, the resumed Review Conference adopted a recommendation on “Performance reviews and best practice guidelines” which provides as follows:

“Performance reviews and best practice guidelines

(a) Undertake regular performance reviews of RFMO/As which include some element of independent evaluation, while seeking relevant information from all stakeholders.

(b) Develop best practice guidelines for conducting performance reviews and implementing their results, inter alia, where appropriate, through the use of Kobe-like processes by other RFMO/As, while ensuring consistency and harmonization to the extent possible.

(c) Establish mechanisms for follow-up actions in response to performance reviews, including the implementation of the recommendations, when necessary, in a timely manner, including such facets as transparency, publicity and accountability, and ensure that information on actions taken to implement the recommendations emanating from performance reviews are made publicly available.”

(A/CONF.210/2016/5, Annex, recommendation B.2)