



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

(New York, 2-3 May 2019)

Report

SUMMARY

The present document contains the report of 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), which was held in New York from 2 to 3 May 2019.

The fourteenth round of Informal Consultations was convened to focus on the topic “Performance reviews of regional fisheries management organizations and arrangements”. The resumed Review Conference on the Agreement in 2016 had recommended that the Informal Consultations of States Parties to the Agreement be dedicated, on an annual basis, to the consideration of specific issues arising from the implementation of the Agreement, with a view to improving understanding, sharing experiences and identifying best practices for the consideration of States Parties, as well as the General Assembly and the Review Conference.

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Annex I: Key points relating to performance reviews of regional fisheries management organizations and arrangements that emerged from the presentations and discussions during the fourteenth round of Informal Consultations summarized by the Chairperson

Annex II: Terms of reference of the Assistance Fund under Part VII of the Agreement, as agreed on 3 May 2019

Annex III: Agenda of the fourteenth round of Informal Consultations of States Parties to the Agreement

I. Introduction

1. Pursuant to paragraph 55 of General Assembly resolution 72/72 of 5 December 2017, and paragraph 60 of General Assembly resolution 73/125 of 11 December 2018, 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) was held at United Nations Headquarters, in New York, from 2 to 3 May 2019.

2. In paragraph 58 of resolution 73/125, the General Assembly recalled the recommendation of the resumed Review Conference in 2016 that the informal consultations of States parties to the Agreement be dedicated, on an annual basis, to the consideration of specific issues arising from the implementation of the Agreement, with a view to improving understanding, sharing experiences and identifying best practices for the consideration of States parties, as well as the General Assembly and the Review Conference (A/CONF.210/2016/5, annex, para. 15).

3. In paragraph 60 of resolution 73/125 of 11 December 2018, the General Assembly 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 to focus on the topic “Performance reviews of regional fisheries management organizations and arrangements”.

II. Organization of work

A. Opening of the fourteenth round of Informal Consultations of States Parties to the Agreement

4. The Assistant Secretary-General for Legal Affairs, Mr. Stephen Mathias, opened the fourteenth round of Informal Consultations of States Parties to the Agreement.

5. In his opening remarks, Mr. Mathias noted that since the last round of Informal Consultations in 2018, Viet Nam had become a party to the Agreement, bringing the total number of parties to 90, including the European Union. He considered it important to continue to encourage broader participation in the Agreement, as called for by the General Assembly in its annual resolutions on sustainable fisheries. Full participation in, and effective implementation of, the Agreement were essential for the conservation and sustainable use of straddling fish stocks and highly migratory fish stocks.

6. Mr. Mathias also drew attention to the fact that the first day of the fourteenth round of Informal Consultations coincided with World Tuna Day, which was marked every year on 2 May pursuant to General Assembly resolution 71/124 of 7 December 2016. He stressed the importance of cooperation by States, including through regional fisheries management organizations and arrangements (RFMO/As), for the effective management of tuna stocks, many of which were no longer sustainable due in large part to overfishing. In this regard, he suggested that World Tuna Day provided an opportunity to consider how best to ensure the long-term sustainability of these important stocks.

7. Mr. Mathias recalled that, in line with the recommendation of the resumed Review Conference in 2016, the fourteenth round would be dedicated to the consideration of a specific issue arising from the Implementation of the Agreement, namely “Performance reviews of regional fisheries management organizations and arrangements”. In this regard, Mr. Mathias stressed the key role that RFMO/As play in the implementation of the Agreement, and that, therefore, the full and effective implementation of the Agreement depended on the effective performance of RFMO/As. He also recalled that the regular conduct of performance reviews of RFMO/As has been cited by the resumed Review Conference in 2016 as one of the measures to be undertaken to ensure full implementation of the recommendations from the Review Conference.

8. Mr. Mathias noted that performance reviews provided opportunities for RFMO/As to assess their performance in light of their functions and mandates, with a view to ensuring the full and effective implementation of the international legal regime for sustainable fisheries, as set out in the 1982 United Nations Convention on the Law of the Sea (the Convention), the Agreement and related instruments. He stressed in this regard the need for performance reviews to be ambitious, to be effectively and transparently implemented, and followed-up on in order to maximize their impact. The opportunity provided by performance reviews for States Parties to consider their own performance as flag States and port States was also noted in this context.

9. In conclusion, Mr. Mathias expressed the view that the discussion panel at the fourteenth round of Informal Consultations would inform further discussions on ways to improve the effectiveness of performance reviews, including through the Resumed Review Conference, as well as other intergovernmental processes.

B. Election of the Chairperson

10. 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

11. Representatives of the following Parties attended the fourteenth round of Informal Consultations: Australia, Barbados, Brazil, Bulgaria, Canada, Chile, Cook Islands, Costa Rica, Cyprus, European Union, Fiji, Greece, Ghana, Iceland, India, Indonesia, Italy, Japan, Kiribati, Micronesia (Federated States of), Nauru, New Zealand, Nigeria, Papua New Guinea, Philippines, Portugal, Republic of Korea, Russian Federation, Senegal, Spain, Sri Lanka, Thailand, Tonga, Tuvalu, United States of America and Viet Nam.

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

- a. States non-parties; China, Colombia, Holy See, Jamaica, Kuwait, Lebanon, Sierra Leone, Singapore, Sudan and Turkey;
- b. Specialized agencies and other relevant organizations, bodies, funds and programmes within the United Nations system and secretariats of relevant

organizations and conventions: The Food and Agriculture Organization of the United Nations (FAO) and the United Nations Environment Programme (UNEP);

c. Intergovernmental organizations, subregional and regional fisheries management organizations and arrangements: General Fisheries Commission for the Mediterranean (GFCM), International Commission for the Conservation of Atlantic Tunas (ICCAT), Inter-American Tropical Tuna Commission (IATTC), International Pacific Halibut Commission (IPHC), International Union for Conservation of Nature (IUCN), North Atlantic Salmon Conservation Organization (NASCO), North East Atlantic Fisheries Commission (NEAFC), Northwest Atlantic Fisheries Organization (NAFO), South Pacific Regional Fisheries Management Organization (SPRFMO) and the Western and Central Pacific Fisheries Commission (WCPFC).

d. Non-governmental organizations: Fundacion Lonxanet Para la Pesca Sostenible, Greenpeace, International Coalition of Fisheries Associations (ICFA), International Collective in Support of Fishworkers (ICSF), International Seafood Sustainability Foundation and the Pew Charitable Trusts.

D. Opening statement of the Chairperson

13. In his opening statement, the Chairperson recalled that the informal nature of the Informal Consultations had fostered an environment where States Parties and States non-parties alike could exchange information and views and engage in an open and constructive dialogue on issues of mutual concern.

14. The Chairperson underscored that one of the main achievements of the Agreement was the strengthening of RFMO/As, and that independent performance reviews were one of the important tools for the achievement of this goal. In this regard, he pointed out that RFMO/As had already updated their practices and procedures and even amended their constitutive documents on the basis of performance reviews. As more remained to be done, however, he considered that performance reviews of RFMO/As was an important and timely topic of focus for the fourteenth round of Informal Consultations.

15. Finally, the Chairperson expressed optimism that presentations by experts during the different panel segments would spark substantive and interactive discussions and lead to concrete recommendations for the consideration of the Resumed Review Conference.

E. Adoption of the meeting documents

16. The Informal Consultations considered and adopted the agenda (see Annex III) and the organization of work for the meeting as proposed.

17. The Informal Consultations also had before it written contributions received pursuant to paragraph 63 of General Assembly resolution 73/125, whereby the Secretary-General was requested 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 the resolution, to submit their views on the topic "Performance reviews of regional fisheries management organizations and arrangements." The contributions received

are available on the website of the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs.¹

18. A proposal for amendments to the Terms of Reference of the Assistance Fund established under Part VII of the Agreement was also circulated by DOALOS to all States in advance of the Informal Consultations, at the request of the delegation of Norway.

III. General statements

19. Delegations expressed strong support for the Agreement as the appropriate legal framework through which States can ensure the effective conservation and management of straddling fish stocks and highly migratory fish stocks, in accordance with the obligations under the Convention. Delegations welcomed Viet Nam as the most recent State party to the Agreement, noting that its accession brought the Agreement closer to the goal of universal participation.

20. The role of RFMO/As in the implementation of the Agreement, and in sustainable fisheries management more generally, was highlighted by delegations. Some delegations also highlighted the role played by RFMO/As in ocean science, the fight against illegal, unreported and unregulated fishing (IUU fishing) and ocean governance. These delegations emphasized the importance of recognizing this role, including in the context of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (“BBNJ Conference”). They recalled, in this regard, that the work and outcome of the BBNJ Conference should not undermine existing relevant legal instruments and relevant global, regional and sectoral bodies, and underscored the importance of guaranteeing the full compatibility of the future instrument with the Agreement and the work carried out by RFMO/As. A delegation called for stronger coordination between RFMO/As at the global level.

21. Many delegations welcomed the topic of focus of the fourteenth round as important and timely and stressed the role of performance reviews of RFMO/As as a tool to further the full and effective implementation of the Agreement. Several delegations also recalled their potential contribution to meeting the commitments set out in the 2030 Agenda for Sustainable Development, in particular, target 14.4. A view was expressed that in order to be effective, performance review processes should not only be linear but could also benefit from connections with other processes, such as the resumed Review Conference.

22. Delegations noted that significant progress had been achieved since the Review Conference in 2006 had encouraged the undertaking of performance reviews with elements of independent evaluation, called for the results to be made available publicly and recommended the use of transparent criteria based on the Agreement, including best practices of RFMO/As. Moreover, several delegations recalled that the report of the Secretary-General to the resumed Review Conference in 2016 had noted the benefits of performance reviews in strengthening the mandates and measures of RFMO/As (A/CONF.210/2016/1), including strengthening the exchange of data and other information to support the development of compatible measures and the recommendations on reduction of capacity. Considerable progress had also been

¹ www.un.org/Depts/los/convention_agreements/ICSP14/ICSP14.html.

made in the completion of performance reviews, with some degree of independent input, and the results of these performance reviews were being made public.

23. Several delegations welcomed the fact that many RFMO/As had already undertaken one or more performance reviews, and commended RFMO/As that had implemented recommendations from those performance reviews. It was noted in this regard that some RFMO/As had already undertaken major reforms as a result of performance review processes. A delegation encouraged RFMO/As that had not yet initiated a performance review, or not followed up in a timely way on previous ones, to do so as soon as possible.

24. Some delegations highlighted specific areas in which the performance of RFMO/As could still be strengthened. It was observed that not all RFMO/As were at the same level of performance in terms of the utilization of the best available scientific advice in fisheries management. Some delegations called for the fishing allocation processes to also be reviewed, in light of the perceived unfairness to developing coastal States and small island developing States resulting from allocations still being based primarily on historical catches. A delegation made reference to the obligation under article 87 of the Convention that fishing on the high seas should be undertaken with due regard for the interests of coastal States and called for more training and sharing of knowledge. A suggestion was also made to review the compliance of RFMO/As with international instruments related to IUU fishing.

25. In terms of structure and organization of performance reviews, a view was expressed that performance reviews should be conducted on a regular basis, ideally every five years. Several delegations underscored that performance reviews should be undertaken in a timeframe that would ensure priority was given to the consideration of recommendations.

26. Some delegations suggested that terms of reference for performance reviews should be designed to ensure effectiveness in the review process and a meaningful outcome. A view was expressed that each RFMO/As was unique and the terms of reference for a performance review needed to be tailored to the specific regional needs and geo-political environment of the RFMO/A under consideration. It was noted that the structure and organization of performance reviews should be flexible to accommodate specificities or priorities of the organization conducting the review, but that there could be common elements across different RFMO/As. Several delegations underscored the need to also identify the financial implications of different review options, with the assistance of the secretariat of the RFMO/A concerned. It was also suggested that attention be given to defining decision-making processes on the panel, as well as the format of reports and recommendations.

27. With regard to the content of performance reviews, several delegations considered that recommendations from previous reviews could be a useful point of departure, while new solutions should also be considered. A view was expressed that it should be very clear what aspects of an RFMO/A would be reviewed. Several delegations noted that subsequent performance reviews could focus on a limited number of crucial issues. The view was expressed that the common criteria for RFMO/A review processes developed through the Kobe process² could be reassessed, including in relation to whether they retained their usefulness for subsequent reviews. Several delegations called for a reassessment of flag State duties and a review of RFMO/A decision-making processes.

² www.iattc.org/Meetings/Meetings2008/IATTC-78/Docs/_English/IATTC-78-15_Performance-evaluation.pdf, annex c.

28. Many delegations stressed the need for the review process to be broad and inclusive of all stakeholders, including observers and the scientific community. Several delegations underscored the need for the review process to be transparent, and the results to be made public.

29. Some delegations noted the benefit of involving independent evaluators in the performance review from a number of related fields, including legal, technical and fisheries experts. A delegation noted that hybrid panels, made up of both internal and external reviewers might produce the best results.

30. Several delegations noted that, while progress had been made in the regular conduct of the reviews, improvement was still needed in respect of the implementation and publicity of recommendations. It was suggested that attention be given to the structure of the follow-up and review process for implementation, such as the inclusion of a standing agenda item in RFMO/A meetings. It was noted that performance reviews would only be effective if the RFMO/A and its members evaluated and, where appropriate, implemented the relevant recommendations. Several delegations called for the implementation of previous recommendations to be reviewed in order to assess the status of implementation, as well as identify any challenges to implementation. However, it was recalled that the outcomes of performance reviews were only recommendations, and that the decision to implement them would always be made at the political level. The need for the views of all contracting States to be respected in the decision-making process was stressed. Several delegations suggested that the implementation of the recommendations from the performance review process should be overseen at the global level to ensure that RFMO/As were held accountable, based on the Agreement and global standards, criteria and guidelines.

31. A delegation expressed concern over the depletion of funds in the Assistance Fund under Part VII of the Agreement, which, among other things, impaired the participation of developing States in meetings of RFMO/As, as well as other relevant intergovernmental meetings on issues pertaining to sustainable fisheries, such as the Informal Consultations.

32. Some delegations, noting that the first day of the Informal Consultations fell on World Tuna Day, recalled the importance of tuna stocks to both developed and developing countries, as a significant source of food and an economic driver, also having a cultural value.

33. An observer delegation stressed that issues relating to small-scale fishers, safety at sea and the role of women in fisheries for highly migratory fish stocks, especially in small island developing States, should be integrated into the management of fisheries. It was underscored that RFMO/As should recognize the importance of strengthening the social pillar of sustainable development in the long-term conservation and sustainable use of fish stocks. As a complement to the application of the precautionary approach to the conservation and management of fish stocks, RFMO/As should recognize a human rights-based approach and secure the equal participation of women in the decision-making processes, including for policies directed towards small-scale fisheries. The observer also called for RFMO/As to ascertain which activities and operators are considered small-scale in their area of jurisdiction, and identify vulnerable and marginalized groups that are dependent on highly migratory fish stocks in these areas.

34. Another observer delegation from the United Nations Environment Programme noted that the experience of some Regional Seas Conventions and Action Plans in reviewing their performance could serve to inform the experience of RFMO/As. Attention was also drawn by an observer delegation from the FAO to developments in relation to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA).

IV. Discussion panel on “Performance reviews of regional fisheries management organizations and arrangements”

35. In accordance with the agreed agenda of the fourteenth round of Informal Consultations, the discussion panel on “Performance reviews of regional fisheries management organizations and arrangements” was divided into the following four segments: (1) Importance and role of performance reviews; (2) Structure and conduct of performance reviews: experiences, best practices, challenges and opportunities; (3) Recommendations of and mechanisms for follow-up to performance reviews: experiences, best practices, challenges and opportunities; and (4) Further enhancing the effectiveness of performance reviews through the resumed Review Conference on the Agreement and other intergovernmental processes. The presentations of the invited panellists which have been shared with DOALOS are available on the website of DOALOS.³

A. Segment 1: Importance and role of performance reviews

36. Ms. Judith Swan, an international consultant on fisheries law, policy and institutions, gave a presentation via teleconference on the importance and role of performance reviews in improving the conservation and management of straddling fish stocks and highly migratory fish stocks. Ms. Swan traced the major milestones in the evolution of performance reviews over the course of two decades, which had resulted in the institutionalization of regular performance reviews. She also highlighted the role of performance reviews in guiding and incentivizing members to strengthen the effectiveness of their RFMO/As by recommending reforms and priority areas to address. Ms. Swan provided examples of the impact of RFMO/A governance on the conservation and management of fish stocks and the role of performance reviews in identifying progress and challenges for conservation and management of these resources. She noted key differences in the reviews undertaken thus far and highlighted some challenges in the implementation of performance reviews, including the reliance on the members’ agreement, ability and will and the capacity of the RFMO/A to undertake the review and implement its recommendations.

37. The presentation by Mr. Dmitry Gonchar, Principal Legal Officer, DOALOS, traced the historical evolution of RFMO/A performance review processes and their importance for the full and effective implementation of the Agreement. Mr. Gonchar pointed out that since some RFMO/As predated the development of the Agreement, performance reviews were an important tool for strengthening implementation of novel provisions of the Agreement by such organizations. Mr. Gonchar also observed that international binding and non-binding instruments, including the Convention, the Agreement and the Code of Conduct for Responsible Fisheries, as well as General Assembly resolutions and recommendations from the Review Conference, provided standards and criteria for assessing the performance of RFMO/As, and had contributed to strengthening performance review processes over time.

³ www.un.org/Depts/los/convention_agreements/ICSP14/ICSP14.html.

38. In his presentation, Mr. Piero Mannini, Senior Fishery Liaison Officer and Secretary of the Regional Fishery Body Secretariats Network (RSN), Food and Agriculture Organization of the United Nations (FAO), explained the principal characteristics of performance review processes of RFMO/As, as well as practices and challenges. He drew attention to FAO Fisheries and Aquaculture Circulars that provided a list of common criteria for conducting performance reviews. Mr. Mannini expressed the view that performance reviews needed to be consistent and mandatory for RFMO/As. While recognizing that each RFMO/A operated in a different geo-political and socioeconomic environment, he considered that there was a strong degree of commonality in the factors affecting the performance of RFMO/As. Mr. Mannini concluded that common key criteria needed to be identified and established for performance review processes with elements of independence, transparency and inclusivity. Furthermore, he noted that performance reviews should be institutionalized and carried out on a periodic basis, with follow-up actions monitored and reviewed.

B. Segment 2: Structure and conduct of performance reviews: experiences, best practices, challenges and opportunities

39. The first presentation was given by Mr. Sebastian Rodriguez, Executive Secretary of the South Pacific Regional Fisheries Management Organization (SPRFMO). Considering the first performance review conducted by SPRFMO in 2018, Mr. Rodriguez highlighted some of the lessons learned, including the need to provide guidance on drafting, the benefits of an easy-to-respond questionnaire and an executive summary, the need for secretariat involvement in the review process and clarity in the follow-up process, including regarding specifying the body responsible for the implementation of the recommendations and indicating a prioritization and timeline for recommendations. Mr. Rodriguez also identified several challenges and opportunities arising from the review. Among the key challenges, he identified selection of review panel members, the high number of recommendations, scheduling reviews at the same time as other meetings and the need to build the capacity and resources of the organization. In terms of opportunities, Mr. Rodriguez indicated that proper budgeting, promoting the participation of observers, adopting a qualitative approach, encouraging forward-thinking, incorporating best practices of other RFMO/As, and conducting annual follow-up of the implementation of recommendations could further enhance the achievements stemming from performance reviews.

40. Mr. Fred Kingston, Executive Secretary of the Northwest Atlantic Fisheries Organization (NAFO) described the experience of NAFO in carrying out performance reviews in 2011 and 2018, respectively, with a focus on the latter. Mr. Kingston recalled the terms of reference of the 2018 review and noted that the panel was comprised of both internal and external experts, whose expertise covered fisheries science, management and the international legal framework, and had defined the guiding principles and process for the review. In particular, the panel had identified progress achieved since the first performance review, as well as further issues relating to process and policy that needed to be addressed. He informed that NAFO would then develop an action plan to address the panel recommendations. Reflecting on the challenges of the performance review process, Mr. Kingston highlighted the budgetary implications, as well as the need for clear terms of reference and time needed for external panel members to become familiar with the workings of NAFO.

41. Ms. Alexa Cole of the National Oceanic and Atmospheric Administration, United States Department of Commerce (NOAA), addressed the structure and conduct of performance reviews based on her experiences participating in such reviews. She stressed that appropriate terms of reference were essential to provide guidance to the review panel. Furthermore, diversity in panel composition, including with respect to geographic representation, subject-matter expertise and representation of flag States, port States and coastal States, as well as both developed and developing States, could promote buy-in from members. Cautioning against having too many recommendations, Ms. Cole noted that recommendations should be developed so as to encourage implementation, including by distinguishing short-term from medium and long-term recommendations to support the development of a strategic plan by the organization. She also noted the benefits of aspirational recommendations as goals for the organization to work towards.

42. In the following presentation, Ms. Bárbara Boëchat de Almeida, Second Secretary, Permanent Mission of Brazil to the United Nations, recalled her experience as an external panel member of performance reviews of two RFMO/As. She considered that panels comprising internal and external experts were advantageous. Internal experts understood the real challenges of the organization and had institutional memory, while external experts offered neutrality and a fresh perspective. In her experience, assessment criteria could help to create an organizational baseline for the performance review and then later be adapted in response to specific priorities and needs of the organization. Concurring with Ms. Cole, Ms. Boëchat observed that recommendations should be action-oriented and implementable. She concluded by underscoring that performance reviews would not bring change without the political will of RFMO/A members to implement relevant recommendations.

43. In the final presentation under this segment, Mr. Alexandre Rodriguez, Executive Secretary of the Long Distance Advisory Council (LDAC), provided a perspective from fisheries stakeholders from the European Union on the present and future role of RFMO/As in international ocean governance. He observed that RFMO/As must continue to demonstrate good governance, including by ensuring meaningful stakeholder participation, transparency in deliberations and publication of results. Also important in this regard was the need for RFMO/As to adopt follow-up roadmaps with implementation timelines, assignment of responsibilities and achievement indicators. Mr. Rodriguez stressed the need for performance reviews to be periodic, independent and include external panel members. More generally, Mr. Rodriguez advocated strengthening coordination amongst RFMO/As, including for the establishment of a coherent network of marine protected areas, increasing reliance on robust and reliable scientific advice, fostering transparency and dialogue on fishing access conditions and promoting a regional approach to monitoring, control and surveillance.

44. In the ensuing discussion, delegations expressed appreciation for the new format of the Informal Consultations, which provided an opportunity to share experiences, best practices and lessons learned regarding RFMO/A performance reviews. With respect to the composition of review panels, several delegations queried whether there was an ideal balance to be struck between internal and external experts, and how diversity in expertise and geographic representation could be promoted in the performance review process. Several delegations and Ms. Boëchat de Almeida, Ms. Cole, Mr. Kingston and Mr. Alexandre Rodriguez expressed a preference for panels composed of both internal and external experts, noting both the combined benefits of new perspectives and institutional knowledge. Some delegations also underlined the importance of geographic balance in this regard. With respect

to identifying members of the panel, Ms. Cole considered it important to identify the key issues for the organization and the type of review to be conducted. A delegation suggested that RFMO/As should be encouraged to select experts from developing countries. Mr. Sebastian Rodriguez and Mr. Kingston noted that performance reviews could also serve as a capacity-building opportunity to build expertise regarding the work of both RFMO/As and performance review panels.

45. Benefits and challenges posed by different methods of gathering information were highlighted during the discussion. Some delegations stressed the importance of incorporating the views of members of RFMOs and other stakeholders in the performance review process, including through interviews, questionnaires and written submissions. A delegation noted that, while the review process should be open, full transparency could raise issues of confidentiality which could make it difficult for some members to provide information. Another delegation observed that engagement with industry could be better achieved through open discussions. A third delegation observed that written responses could be time-consuming and less candid and queried whether more complete responses could be obtained through interviews. Ms. Cole indicated that informal input was essential to fully understand written comments and obtain a “behind-the-scenes” view. Ms. Boëchat de Almeida observed that, while open discussions could be valuable, written submissions afforded an opportunity for all stakeholders to participate. Some delegations, as well as Ms. Boëchat de Almeida, Ms. Cole and Mr. Alexandre Rodriguez noted the benefits of the attendance of panel members at meetings of RFMO/As, while the implications in terms of costs and time were also pointed out.

46. With respect to decision-making, several delegations queried whether recommendations should be required to be adopted by consensus or whether voting could be allowed under some circumstances. Ms. Boëchat de Almeida, Ms. Cole and Mr. Alexandre Rodriguez took the view that all reasonable attempts should be made to achieve consensus and that resorting to a vote in case of strong disagreement among panel members could hinder follow-up and implementation.

47. Some delegations also highlighted the need for sufficient time to be given for RFMO/As to consider and implement recommendations. Mr. Alexandre Rodriguez noted that a methodology needed to be developed by the RFMO/A to assess the implementation of recommendations. A delegation pointed out that performance reviews and the implementation of recommendations could also be impacted by the performance of coastal States.

48. Delegations also discussed the interval and scope of subsequent performance reviews in RFMO/As. A delegation suggested that an interval of eight to ten years was sufficient for an RFMO/A to act upon the recommendations from a performance review, while another delegation considered that an interval of five years was appropriate. Mr. Kingston noted that an interval of eight years, matching the term of office of an RFMO executive secretary, might be convenient. It was suggested that performance reviews should not occur too frequently and should be appropriately sequenced, taking into account the work of the particular RFMO/A. Another delegation suggested that the timing for subsequent performance reviews should be decided by the RFMO/A, and that a uniform or standard timeline for review was unnecessary. Ms. Boëchat de Almeida observed that the review interval should be linked to the scope of the performance review, whereby a longer interval may be expected between general reviews and a shorter time between more focused or thematic performance reviews.

Mr. Sebastian Rodriguez noted that the review interval would also depend on the type of fisheries regulated by the RFMO/A and external factors.

49. In terms of the scope and criteria of the performance review, Ms. Cole and Mr. Alexandre Rodriguez suggested that a more focused approach could be appropriate for subsequent reviews. Conversely, Mr. Kingston cautioned that the scope of subsequent reviews should not be too specific, to avoid conducting more frequent reviews across different areas and perceptions of avoidance of difficult issues. A delegation proposed that RFMO/As could carry out self-assessments using a set of assessment indicators, which could then be subject to external review. A delegation and Mr. Alexandre Rodriguez considered that it could be useful to also review how well the services of RFMO/A secretariats are being used as part of the performance review process.

50. In response to a question by a delegation regarding how performance review panels addressed new and emerging issues, Ms. Boëchat de Almeida and Ms. Cole provided examples where some cross-cutting or emerging issues, such as climate change, observer safety and forced labour, had been raised in performance reviews, while highlighting the difficulty of fully addressing issues which scope was broader than the mandate of the RFMO/A in question.

51. Some delegations raised issues over the costs associated with performance reviews. A delegation suggested that to avoid additional one-time requests for extra-budgetary contributions from contracting parties, it could be useful to prepare for upcoming reviews by setting aside annual contributions for that purpose in the regular budget of RFMOs/As. This suggestion was supported by Mr. Kingston.

C. Segment 3: Recommendations of and mechanisms for follow-up to performance reviews: experiences, best practices, challenges and opportunities

52. In his presentation, Mr. Guillermo Compean, Director of the Inter-American Tropical Tuna Commission (IATTC), described how IATTC decided to undertake a performance review in response to global concern over the deterioration of fish stocks. He noted that the IATTC performance review also served as a review of the Agreement on the International Dolphin Conservation Program (AIDCP). He shared the experience of IATTC with respect to implementing performance review recommendations. Mr. Compean recalled the terms of reference of the IATTC review, noting that they encompassed both human resource and financial resource management. He noted also that many issues which had arisen in the context of the reviews of other organizations were already addressed when in 2010 the IATTC replaced its constitutive instrument with the adoption of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (2010 Antigua Convention). In spite of that, the performance review still identified important governance issues. He then explained how, after completing the assessment, IATTC prepared an action plan recommending how to implement each of the recommendations, but that members were not yet prepared to reopen the 2010 Antigua Convention which would have been necessary to implement some of the recommendations.

53. Mr. Stefaan Depypere, First Vice-Chair of the International Commission for the Conservation of Atlantic Tunas (ICCAT), recalled the 2008 performance review of ICCAT,

which was strongly critical of the organization, and the steps taken to implement the recommendations, including a comprehensive recovery plan with respect to bluefin tuna. He also described a second review conducted by ICCAT in 2015, which although more positive than the first review, still yielded a significant number of recommendations. He noted that, following the review, an ad hoc working group was established to develop an action plan to implement the recommendations, and there was annual follow-up by ICCAT on progress in implementation. Reflecting upon the lessons learned, Mr. Depypere noted the benefits of implementing the recommendations of performance reviews but cautioned that to be effective reviews needed to be structured and resourced adequately, besides requiring political will to implement the recommendations.

54. Mr. Javier Garat, Secretary-General of the Confederación Española de Pesca and President of the International Coalition of Fisheries Associations (ICFA), provided an industry perspective, noting that RFMO/As were crucial to managing fish stocks on the high seas, promoting the Sustainable Development Goals, combatting IUU fishing and creating a level playing field for fisheries. He considered they were best placed to develop a network of high seas marine protected areas based on science, noting the example of the beneficial effect of area closures for the protection of vulnerable marine ecosystems from the impacts of bottom fishing. Mr. Garat stressed that RFMO/As needed to be strengthened in order to effectively implement the Agreement, including by garnering political will of contracting parties, improving the funding of RFMO/As in particular to reinforce their scientific capacity and using market-based measures. He also expressed concern about non-RFMO/A organizations such as the Convention on Biological Diversity and the Convention on the International Trade of Endangered Species of Wild Animals, expanding their mandates to include fisheries. Rather than creating new instruments or mechanisms, in his view RFMO/As should be further strengthened. Mr. Garat stressed the need for the BBNJ process not to undermine existing relevant legal instruments and relevant global, regional and sectoral bodies, particularly the existing RFMO/As.

55. In the following presentation, Mr. Darius Campbell, Executive Secretary of the North East Atlantic Fisheries Commission (NEAFC), outlined the process at NEAFC's 2006 and 2013-2014 performance reviews, respectively, and lessons drawn from them. He emphasized the importance of independent inputs from relevant international organizations, such as FAO and the International Council for the Exploration of the Seas (ICES), recalling that in the NEAFC context, ICES provided scientific advice and NEAFC made the management decisions. As a result of the performance reviews, NEAFC governance had become more transparent and the organization modernized. Regarding the follow-up to the performance review, Mr. Campbell observed that, while not every recommendation was accepted, each was discussed and considered by the organization.

56. Mr. Gerald Leape, Principal Officer/International Government Relations of Pew Charitable Trusts, recalled the recommendations resulting from independent reviews of several tuna RFMO/As and subsequent follow-up. He suggested that more extensive implementation of recommendations was needed in order to prevent overfishing and rebuild fish stocks. Mr. Leape proposed that RFMO/As should establish permanent working groups tasked with implementing recommendations, carrying out annual audits and reporting on the progress of implementation. Additionally, he suggested that members of RFMO/As should support stronger compliance regimes, including greater accountability for flag State compliance, and transparency and move from year-to-year management of fish stocks to a harvest strategy approach. At the next resumption of the Review Conference, Mr. Leape

suggested there could be reporting by RFMO/As on the implementation of recommendations from performance reviews and any obstacles thereto.

57. In the final presentation of the segment, Ms. Holly Koehler, Vice President for Policy and Outreach of the International Seafood Sustainability Foundation (ISSF), indicated the need to strengthen the independence and transparency of performance reviews in the context of the implementation of recommendations, for example, through the participation of outside experts in the development of action plans and in working groups and through comprehensive publication of review information. She noted that in order to assess the full performance of an RFMO/A, terms of reference must allow for consideration of the marine ecosystem and the status of fisheries. Furthermore, recommendations should be specific and measurable, with clear steps for implementation to make it easier to set accountability goals and assess implementation.

58. In the subsequent discussion, many delegations and Mr. Compean, Mr. Campbell, Mr. Depypere and Mr. Leape agreed that transparency was vital to measuring progress in addressing recommendations. Several delegations noted that whether and how to implement the recommendations emanating from performance reviews was a matter for the members of RFMO/As to decide on, rather than the review panels. Several delegations and Mr. Depypere, Ms. Koehler and Mr. Leape also suggested that follow-up to a performance review could be a recurring agenda item in the context of RFMO/A meetings until all recommendations emanating from a particular review had been addressed. With regard to the establishment of working groups to follow-up on recommendations, a delegation cautioned that a proliferation of such bodies could pose challenges in terms of participation, particularly for smaller delegations.

59. A delegation queried whether there had been a difference in uptake of recommendations based on the composition of the panel. Ms. Koehler and Mr. Campbell responded that, in practice, different compositions of review panels had each resulted in solid recommendations, but underscored that there were advantages to having panels composed of both internal and external experts.

60. A delegation queried whether a uniform review process would be advantageous, or whether differences between RFMO/As necessitated different approaches. Mr. Compean did not consider uniformity in performance review processes optimal due to the different organizational structures of RFMO/As. Mr. Campbell, Mr. Depypere and Ms. Koehler noted that, while each RFMO/A was unique, some general areas of commonality among them could be drawn. Mr. Depypere noted that there was merit in standardizing certain aspects of performance reviews so that comparisons could be drawn across RFMO/As, which could also encourage exchanges of views and cooperation among RFMO/As, and suggested that the Kobe process be revived. Mr. Campbell and Ms. Koehler noted that there were common elements for follow-up that could be standardized, for example, the publication of information and the development of implementation plans, as well as the inclusion of a standing agenda item on the implementation of recommendations. They, however, pointed out that differences in fisheries, regions and politics needed to be taken into consideration and, therefore, some differences were natural in light of the diversity among RFMO/As. A delegation did not support uniform guidelines for implementation and follow-up, but suggested that guidelines could aid specific actions to be taken by RFMO/As, for example to have an agenda item which would provide for a secretariat report on implementation.

61. In response to a question regarding how RFMO/A performance reviews could balance or reflect different interests, in particular the special situation of small island developing States (SIDS), Ms. Koehler indicated that the special interests of SIDS should be adequately reflected in the terms of reference of a performance review. Mr. Garat, Ms. Koehler and an observer delegation underscored the need for recommendations to be implemented in order to be meaningful, which in turn required the support of States. The same observer delegation encouraged States to place the Agreement at the center of the performance review process and indicated that such reviews needed be more focused on the conservation of biodiversity. Oversight was also needed to ensure that shortcomings identified were fully addressed, whether by performance review or other means.

D. Segment 4: Further enhancing the effectiveness of performance reviews through the resumed Review Conference on the Agreement and other intergovernmental processes

62. In the first presentation of this segment, Mr. Robert Day, Director of the International Fisheries Management and Bilateral Relations Bureau, Fisheries and Oceans Canada, shared Canada's perspective on further enhancing the effectiveness of performance reviews through the resumed Review Conference on the Agreement and other intergovernmental processes. Based on Canada's long history in regional fisheries bodies, Mr. Day stressed the need for a review process to take into account timing, cost, composition of review teams, implementation of recommended outcomes and the importance of a consensus-based approach. For example, he noted that, while there was no standard solution, a general format could include reviews every five years, with subsequent reviews being less onerous and focusing on specific key areas. He emphasized the need for political will in the review process, assessing results and considering implementation of recommendations. In this regard, he noted that RFMO/A members needed to consider their ability to adopt outcomes, identify organizational weaknesses, and consider the special requirements of developing States members of RFMOs, including SIDS and participating territories. Key opportunities for improvement included the integration of external drivers and new processes, including the impacts of climate change.

63. Ms. H.P.R. Hewapathirana, Director Fishing Operations, Ministry of Agriculture, Rural Economic Affairs, Livestock Development, Irrigation and Fisheries and Aquatic Resources Development, Sri Lanka, described the perspective of an RFMO developing contracting party, based on the experience of Sri Lanka in the Indian Ocean Tuna Commission (IOTC). She stressed the benefits in IOTC of annual assessments, but noted the need for capacity-building for contracting parties to improve fisheries management and effective participation in RFMO/As. She also noted difficulties for developing States relating to ensuring the participation of experts, science-based decision-making, socioeconomic factors in conservation and management and enforcement, stock assessments, compliance, and collection of data in small-scale fisheries. She considered important in this regard to ensure that the conservation and management measures did not result in, or transfer directly or indirectly, a disproportionate burden of conservation action onto developing States.

64. In his presentation, Mr. Feleti P. Teo, Executive Director, Western and Central Pacific Fisheries Commission (WCPFC), provided the perspective of the WCPFC on potential areas where performance reviews of RFMO/As could be enhanced, including adapting assessment criteria and targeting performance reviews to the needs and requirements of the RFMO, for example by focusing on particular issues, such as the special requirements of developing States. He noted the benefits of tailoring performance review processes and assessment

criteria to the needs of the specific RFMO/A, including by performing a cost-benefit analysis for the review. He also stressed the need for transparency and broad participation in the performance review process for political buy-in, as well as a process to ensure implementation of recommendations. He concluded by noting the benefits of the resumed Review Conference and General Assembly resolution on sustainable fisheries setting out best practices, identifying global issues and guiding the future direction of performance reviews.

65. Ms. Kristina Gjerde, High Seas Policy Advisor, International Union for Conservation of Nature (IUCN), noted uneven progress in implementation of ecosystem approaches to fisheries management and other measures to integrate marine biodiversity into fisheries management and the resulting challenges of maintaining healthy marine ecosystems in the face of global stressors. Taking the example of the Sargasso Sea as an area of the high seas where management could be improved, she outlined three ways an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction could enhance the effectiveness of performance reviews, namely: (i) building on principles and obligations on how to cooperate to implement States obligations to advance ecosystem-based management; (ii) aligning goals and operations through a conference of parties; and (iii) better informing decisions through a global scientific advisory process. She gave examples of how the proposed framework could help implement international obligations already contained in the Convention and the Agreement.

66. In the ensuing discussion, the need for political will in strengthening and implementing conservation and management measures in fisheries was stressed. Ms. Hewapathirana and Mr. Teo emphasized in this context the need for contracting parties to support the performance review process in RFMO/As, including through the participation of experts, in order to ensure political support and implementation of recommendations.

67. A delegation suggested that RFMO/As should give greater recognition and incentives, including in terms of quotas, to contracting parties that are making significant efforts to improve fisheries management and to combat IUU fishing. This delegation noted in this context the effectiveness of recent national actions to reform its fisheries, including banning transshipment, managing by-catch and sinking vessels engaged in IUU activities. Mr. Day and Mr. Teo commended these efforts to combat IUU fishing and noted the need for political will and investment by national governments. Mr. Teo also noted that most violations actually occurred when authorized vessels failed to properly report fishing activities.

68. It was suggested by Mr. Teo that collective efforts would be more effective in combating IUU fishing, including in order to reduce costs. The FAO observer delegation stressed the need for concerted actions and reminded delegations of the global frameworks already in place to address IUU fishing in a cost-effective way, in particular the PSMA. That delegation emphasized in this regard the crucial role of RFMO/As in the effective implementation of the minimum standards in the PSMA.

69. The need for global coordination in efforts to address IUU fishing was also stressed by Mr. Teo. He then described the measures adopted in WCPFC to combat IUU fishing, including identification and circulation of IUU vessel lists, while noting challenges in locating such vessels. He also noted the WCPFC's compliance and monitoring schemes to address IUU fishing and annual reporting to review performance and compliance with conservation and management measures.

70. In response to suggestions for standardized performance review processes, a delegation emphasized the need for performance reviews to take account of the unique characteristics and interests in RFMO/As, including the rights and interests of SIDS. The same delegation noted in this context that conservation and management measures in RFMO/As can place a disproportionate burden on SIDS working to improve fisheries in areas under national jurisdiction and stressed the need for compatibility between conservation and management measures taken for areas under national jurisdiction and those taken for adjacent high seas areas.

71. Several delegations highlighted the importance of fisheries for food security and employment and the need to ensure healthy ecosystems. The BBNJ process was highlighted in this context as an important forum to promote healthy marine ecosystems in order to support fish stocks. Several delegations noted the important role of RFMO/As and fisheries experts in the BBNJ process. Ms. Gjerde also stressed the need to incorporate strategies and action plans already developed in the fisheries sector to reduce impacts arising from activities in specific sectors and cumulative impacts on biodiversity. She also noted the need to draw on the knowledge and experience in the fisheries sector of issues that impact biodiversity, such as climate change.

72. Several delegates noted concerns over flag State performance in the context of long-distance fishing fleets. The FAO observer delegation noted the lack of processes within RFMO/As to assess flag State performance, which was crucial in the overall performance of RFMO/As. That delegation recalled in this regard the development of the 2014 FAO Voluntary Guidelines for Flag State Performance and called on States Parties to implement these Guidelines to ensure that vessels registered under their flags do not conduct IUU fishing. Ms. Gjerde also highlighted the importance of voluntary audits of flag State performance in order to assess the capacity of States to implement conservation and management measures.

73. Several delegations queried the extent to which performance reviews in RFMO/As have integrated global developments and processes, including the implementation of recommendations from the resumed Review Conference and the annual resolutions of the General Assembly on sustainable fisheries.

74. Ms. Gjerde recalled in this context the importance of resolutions adopted by the General Assembly in efforts by RFMO/As to address the impacts of bottom fishing on the vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks. She noted the importance of global accountability and key drivers in this process, including a series of review workshops as inputs to the informal consultations of the General Assembly on the draft resolution on sustainable fisheries, as well as market initiatives to change consumer perceptions, such as those of the Marine Stewardship Council and the Monterey Bay Aquarium Seafood Watch. Mr. Teo noted a past initiative in WCPFC to track implementation of the recommendations of the Review Conference, which unfortunately had been discontinued.

75. Mr. Day noted the effective implementation of these General Assembly resolutions on bottom fishing by RFMO/As, including NAFO. He, likewise, observed the importance of such external drivers in the RFMO/A performance review process, in order to update and energize these organizations, but also stressed the need for RFMO/As to be proactive in

addressing new activities and issues that impacted the conservation and sustainable use of fish stocks. He also described, in this context, a national model to promote healthy ecosystems and reduce biodiversity loss that involved the sharing of information across management bodies within national governments and incorporating existing and new legal and regulatory global frameworks.

76. A delegation queried the way emerging issues could be incorporated in the performance review process. In response, Mr. Teo recalled the efforts in WCPFC to address emerging issues, such as standards on conditions of employment for crews on board fishing vessels and marine pollution from lost and abandoned fishing gear.

77. Several delegations noted the dissonance between global processes which dealt with issues in a very general manner and performance review processes which had to examine specific issues in detail. They stressed the need for regional and global fora to encourage discussions on common impediments, as well as sharing best practices and successes. Several delegations expressed support in this context for the revival of the Kobe process as a way to share and promote common successes and best practices among tuna RFMOs. Mr. Teo noted concerns by contracting parties in some tuna RFMOs over the setting of standards and taking of decisions in such fora.

78. The FAO observer delegation reminded delegations of the existing frameworks in place for global discussions on fisheries, in particular the FAO's Committee on Fisheries (COFI), which meets biennially to examine international fisheries and aquaculture issues and provides recommendations to governments, RFMO/As, non-governmental organizations, fishworkers and the international community.

79. The importance of international instruments and guidelines was stressed by Mr. Day, including the annual resolutions of the General Assembly and the 2008 FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, in order to ensure long-term conservation and sustainable use of marine living resources in the deep-seas and to prevent significant adverse impacts on vulnerable marine ecosystems. It was suggested that implementation of these instruments and frameworks by States in areas under national jurisdiction and the high seas be reviewed at the next resumed Review Conference.

V. Revision of the Terms of Reference of the Assistance Fund under Part VII of the Agreement and Status of the Assistance Fund

80. Following discussions during the thirteenth round of Informal Consultations of States Parties to the Agreement (see ICSP13/UNFSA/INF.2, paras 19, 72-83 and 89-96), as well as consultations in the form of an informal working group chaired by the delegation of Norway in the margins of the informal consultations on the draft General Assembly resolution on sustainable fisheries, and further consultations in the margins of the fourteenth round of Informal Consultations, the delegation of Norway presented a revised proposal for an amendment to the Terms of Reference of the Assistance Fund under Part VII of the Agreement (Part VII Assistance Fund).

81. States Parties agreed to the proposal with oral amendments as introduced by Norway. The Terms of Reference of the Part VII Assistance Fund, as revised on 3 May 2019, are set

forth in Annex II to the present report, and will be posted on the website of the Part VII Assistance Fund.⁴

82. The Chairperson and several delegations expressed appreciation to the delegation of Norway for their efforts in steering the discussions that led to the successful adoption of the revised Terms of Reference of the Part VII Assistance Fund. Delegations expressed their support for the amendments to the Terms of Reference in order to, inter alia, facilitate future contributions and further assist developing States Parties in the implementation of the Agreement.

83. Ms. Gabriele Goettsche-Wanli, Director, DOALOS, provided an update on the status of the Part VII Assistance Fund. At the outset, she underscored the importance of Part VII of the Agreement and noted, in particular, that article 25 required States Parties to cooperate in order to enhance the ability of developing States, in particular the least-developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks, to enable their participation in high seas fisheries for such stocks and to facilitate their participation in sub-regional and RFMO/As. In this regard, one of the forms of cooperation identified in article 25 of the Agreement was the provision of financial assistance. In accordance with article 26 of the Agreement, States were required to cooperate to establish special funds to assist developing States in the implementation of the Agreement.

84. Ms. Goettsche-Wanli recalled that the Assistance Fund was established by the General Assembly in resolution 58/14 of 24 November 2003, to be administered by FAO, in collaboration with the United Nations. Taking into account the wide scope of assistance envisioned by the Terms of Reference of the Assistance Fund, Ms. Goettsche-Wanli noted that proper capitalization of the Assistance Fund could contribute significantly to the enhancement of the ability of developing States to exercise their rights and fulfil their obligations under the Agreement.

85. Although the Part VII Assistance Fund was essential to meeting the aims of the Agreement, Ms. Goettsche-Wanli noted the Fund was depleted and no assistance could be granted. New contributions were therefore urgently needed. Without such assistance, many developing States, in particular the least-developed among them and small island developing States, faced great challenges in implementing the provisions of the Agreement, and also in participating in relevant meetings, a situation of concern to all States.

86. Ms. Goettsche-Wanli recalled in this regard that the General Assembly, in resolution 73/125 of 5 December 2018, had urged States, intergovernmental organizations, international financial institutions, national institutions and non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the Assistance Fund. It was hoped that the revisions adopted to the Terms of Reference of the Assistance Fund would contribute to the Fund's capitalization.

⁴ https://www.un.org/depts/los/convention_agreements/fishstocktrustfund/fishstocktrustfund.htm.

VI. Initial preparatory work for the resumption of the Review Conference on the Agreement and consideration of the next round of Informal Consultations of the States Parties to the Agreement.

87. The Chairperson indicated his intention to treat agenda items 8 and 9 concurrently, given the overlapping nature of these subjects. He recalled in this regard the decision of the resumed Review Conference in 2016 to keep the Agreement under review through the resumption of the Review Conference at a date not earlier than 2020, to be agreed at a future round of Informal Consultations of States Parties to the Agreement. He also recalled the discussions during the thirteenth round of Informal Consultations of States Parties to the Agreement in which delegations supported convening the resumed Review Conference in 2021 in order to avoid conflicts with other intergovernmental processes. In particular, he noted the work of the BBNJ Conference, as well as the decision of the General Assembly in resolution 71/123 to conduct the next review of actions taken by States and RFMO/As to implement the General Assembly resolution provisions on the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks in 2020.

88. He also invited delegations to take into account the time needed to prepare for the resumed Review Conference and to consider whether such preparations needed to be conducted over two rounds of the Informal Consultations of States Parties to the Agreement, consistent with the past practice, as well as the possible need to decide on a new topic of focus for consideration during the fifteenth round of Informal Consultations of States Parties, to be convened in 2020.

89. Several delegations welcomed an opportunity to consider the structure and format of the resumed Review Conference and expressed an interest in narrowing the focus of the issues considered at the upcoming meeting of the Conference. These delegations also indicated a preference for continuing the recent practice of considering thematic topics of focus during the Informal Consultations of States Parties. A delegation noted that more time would be needed to prepare for the resumed Review Conference if the scope and format of the meeting was to be reconsidered.

90. Several delegations suggested that a hybrid approach could be adopted for the fifteenth round of Informal Consultations of States Parties to the Agreement, with part of the meeting dedicated to a thematic topic of focus and part of the meeting spent on preparations for the resumed Review Conference, including considering its structure and format. These delegations also suggested more time could be allocated for the fifteenth round of Informal Consultations of States Parties to the Agreement to accommodate this approach. A delegation queried how to structure and organize the meeting in order to allow more focused consideration of the thematic topic.

91. Following these exchanges, delegations decided to convene the fifteenth round of Informal Consultations of States Parties for three days in 2020, with two days dedicated to considering a thematic topic of focus and one day for preparing for the resumed Review Conference in 2021. Furthermore, it was decided that the sixteenth round of Informal

Consultations of States Parties in 2021 would be for two days and be dedicated exclusively to preparations for the resumed Review Conference.

92. Regarding the topic of focus for the fifteenth round of Informal Consultations of States Parties, delegations decided that the next round of Informal Consultations of States Parties in 2020 would focus on the topic “Implementation of an ecosystem approach to fisheries management”. Several delegations noted in this context the complexity of effectively implementing an ecosystem approach to fisheries management, including issues relating to lack of resources and knowledge and capacity constraints, as well as the importance of healthy marine ecosystems for fisheries and food security. These delegations also underscored the importance in these discussions of sharing the knowledge, best practices and experiences of RFMO/As. The Chairpersons recalled that comprehensive discussions on this topic had last been held in the context of the Reykjavík Conference on Responsible Fisheries in the Marine Ecosystem in 2001. It was suggested that the Chairperson, with the assistance of the Secretariat, could circulate a proposal for the structure for the consideration of the topic of focus, including the organization of panels, for the consideration of States Parties.

93. In preparing for the next two rounds of Informal Consultations, it was suggested that delegations indicate the presumptive Chairperson for the Consultations in order to facilitate the organization of the meetings by the Secretariat (DOALOS), as had been done at the thirteenth round of Informal Consultations. In this regard, several delegations expressed their support for the current Chairperson, Mr. Fabio Hazin, who is also serving as President of the resumed Review Conference, to continue chairing the Informal Consultations during the fifteenth and the sixteenth rounds of the Informal Consultations to be held in 2020 and 2021, respectively. Mr. Hazin confirmed his availability to do so.

VII. Other matters

A. Sustainable Development Goal Indicator 14.6.1 on “Progress by countries in the degree of implementation of international instruments aiming to combat illegal, unreported and unregulated fishing”

94. Under this agenda item, the Chairperson drew attention to the Sustainable Development Goal 14, in particular, indicator 14.6.1 entitled “Progress by countries in the degree of implementation of international instruments aiming to combat illegal, unreported and unregulated fishing”. He noted in this regard that FAO, as the custodian Agency for indicator 14.6.1, had developed a set of questions for measuring progress in respect of the indicator, which had been included in the biannual FAO questionnaire on the implementation of the FAO Code of Conduct for Responsible Fisheries. Those questions were developed to evaluate the state of implementation of several international instruments that combat IUU fishing. The responses from States would be converted using a “weighing” algorithm to obtain a score for indicator 14.6.1.

95. The Chairperson recalled in this regard that implementation of the Agreement was an important component of assessing progress in achieving 14.6.1., highlighting, in this context, that the Review Conference is the competent intergovernmental forum for assessing the effectiveness of the Agreement by reviewing its implementation. The Chairperson suggested that delegations, therefore, may wish to provide some guidance as to how to properly integrate the outcomes of the Review Conference into the measurement of progress in respect of target 14.6.

96. FAO provided details on the reporting mechanism for implementation of the FAO Code of Conduct for Responsible Fisheries and the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, including the variables used in the calculation, as well as the success of the questionnaire in terms of responses from States in the past. FAO also described the efforts it had taken, as the custodian Agency, to provide reporting on indicator 14.6.1, including the responses already provided by States in numerical terms. In this regard, attention was drawn to the different scope of assessment under the Review Conference, which was a measure of effective implementation of the Agreement as a whole, and the FAO questionnaire, which was designed to assess implementation of relevant fisheries instruments by individual States, including the Agreement. FAO queried whether any equivalency could be achieved, in terms of the performance of individual States, through the mechanism of assessment at the Review Conference.

97. In response to an inquiry, FAO noted that the relevant decisions taken by the Committee on Fisheries in respect of indicator 14.6.1 were publicly available. FAO also noted the need for a decision to be taken on this matter by States, as it was beyond the mandate of the respective secretariats. Several delegations requested further time to consider the issue, recognizing the need to review the respective mandates and decisions taken in the matter.

98. Following a proposal by the Chair, delegations decided to request DOALOS, as the secretariat for the Agreement, to work together with the FAO secretariat to discuss how to enable the incorporation of data from the Review Conference, as the designated intergovernmental forum for assessing the implementation of the Agreement, for the purposes of assisting States in measuring progress in achieving target 14.6, for consideration by the States Parties at the next round of Informal Consultations.

VII. Closing of the fourteenth round of Informal Consultations of States Parties to the Agreement

99. The Chairperson noted that, as an informal meeting, the outcome of the fourteenth round of Informal Consultations would consist of an informal report, summarizing the discussions and key points raised during the meeting, to be prepared by the Chairperson with the assistance of the Secretariat. The report would be posted on the website of DOALOS in English only to allow delegations two weeks to comment on the electronic version of the document before it is finalized.

100. In addition, as was done in the report of the thirteenth round, the key points relating to the performance reviews of RFMO/As that emerged from the presentations and discussions during the fourteenth round of Informal Consultations would be summarized by the Chairperson. These are presented in annex I to the present report.

101. The Chairperson expressed his appreciation to all delegations for their efficient work and cooperation, as well as to the Secretariat for its excellent assistance in the organization and substantive servicing of the meeting. He also expressed appreciation to all panellists who had provided their expertise in the context of the discussion panel.



Annex I

Key points relating to the performance reviews of regional fisheries management organizations and arrangements raised during the fourteenth round of Informal Consultations, summarized by the Chairperson

On the basis of the presentations and discussions at the fourteenth round of Informal Consultations of States Parties to the Agreement, the Chairperson would like to draw attention to the following key points that, in his personal view, emerged from the Consultations. It is noted that since these key points were not discussed at the Consultations, they remain under the sole responsibility of the Chairperson.

- The Agreement assigns a fundamental role to RFMO/As in the conservation and management of straddling fish stocks and highly migratory fish stocks as a primary vehicle for cooperation amongst States in this regard. Thus, the full and effective implementation of the provisions of the Agreement depends on the effectiveness of RFMO/A performance in fulfilling the functions set out in the Agreement.
- Over the past fifteen years, performance reviews of RFMO/As have proven to be an effective tool for strengthening the performance of RFMO/As, bringing them closer to the standards set out in the Agreement. However, regular performance reviews remain critical and have a continuing benefit, particularly since many covered fish stocks remain overexploited and their sustainability still needs to improve substantially in order to meet the goals set forth in the 2030 Agenda for Sustainable Development.
- Performance reviews are also an important tool for the implementation of the recommendations of the Review Conference, the resolutions of the General Assembly and other relevant commitments set forth in international instruments.
- RFMO/As should be encouraged to continue to undertake periodic performance reviews, with a view to continuing to improve their ability to effectively conserve and manage fish stocks in accordance with the Convention, the Agreement and related instruments.
- The success of performance review processes, and their follow-up, ultimately depends on the level of support and commitment of member States of RFMO/As.
- Performance reviews should be undertaken in a timeframe that would ensure priority is given to the consideration of recommendations, bearing in mind the overall workload and workflow of the RFMO/A in question. The interval between performance reviews should be set so as to maximize their impact and effectiveness. For example, the time between reviews could be adjusted on the basis of the scope of performance reviews, whereby a longer interval would be expected between general reviews and a shorter interval between more focused or thematic performance reviews.

- Consideration should also be given to financing the costs of the performance review, including the possibility of setting aside annual contributions for that purpose in the RFMO/A regular budget rather than requesting a special assessment.
- In developing the terms of reference for an RFMO/A performance review, both the commonalities among different RFMO/As, including with regard to their role and functions under the Convention and the Agreement and related instruments, their processes and the challenges they face, and the differences among them, including with regard to their different organizational structures, specific regional needs and geo-political environment should be taken into account. The need for RFMO/As to integrate the impacts of external factors, including cross-cutting issues and new and emerging issues, into their working processes through performance reviews should also be considered.
- Performance reviews may benefit from the participation of a wide-range of relevant stakeholders, including States, intergovernmental organizations, non-governmental organizations, and academia in the performance review process. Input should also be sought from the secretariat of the relevant RFMO/A, where appropriate.
- In the selection of review panels, consideration should be given to including experts from both within and outside the organization, representing developed States and developing States, including SIDS, and different areas of expertise (e.g. fisheries science, fisheries management and law). Financial and practical considerations, including in relation to allowing panel members to attend meetings of the RFMO where practical, should also be considered.
- The recommendations emanating from performance reviews should be prepared in such a manner as to facilitate their implementation, for example, by indicating priorities, timelines and projected costs, to the extent possible.
- There should be a process in place for the timely consideration, implementation and follow-up of performance review recommendations, for example, through the introduction of a standing agenda item on performance reviews. It is important that all recommendations emanating from performance reviews be considered by the appropriate RFMO/A body, with a view to determining their acceptability and ensuring their implementation.
- The performance review process, outcomes and follow-up should be transparent, including by making all relevant performance review reports publicly available.
- The Review Conference on the Agreement, the General Assembly and other relevant intergovernmental processes can play an important role in performance reviews as a source of global standards and criteria for performance reviews, as well as other guidance, as appropriate. Consideration should be given on how to reinvigorate the Kobe process as a forum for the exchange of information, best practices and lessons learned in relation to performance review processes.
- The need for States to cooperate in order to enhance the ability of developing States, in particular the least-developed among them and SIDS, to conserve and manage

straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks, to enable their participation in high seas fisheries for such stocks and to facilitate their participation in sub-regional and RFMO/As, must be considered and addressed, including through the Assistance Fund under Part VII of the Agreement. It is crucial that this important funding mechanism, which is an essential part of the Agreement itself and which could significantly enhance the ability of developing States to exercise their rights and fulfil their obligations under the Agreement, be revitalized and maintained through adequate and sustainable funding.



Annex II

Assistance Fund under Part VII of 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

Terms of Reference*

Background and scope

1. Article 25 of Part VII of 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 (hereinafter referred to as “the Agreement”) requires States Parties to cooperate either directly or through subregional, regional and global organizations to enhance the ability of developing States, in particular the least-developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks; to enable their participation in high seas fisheries for such stocks, including facilitating access to such fisheries subject to articles 5 and 11 of the Agreement; and to facilitate the participation in subregional and regional fisheries management organizations and arrangements.
2. Article 25 of the Agreement further provides that cooperation with developing States for the purposes of that article shall include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, including through joint venture arrangements, and advisory and consultative services. Such assistance, pursuant to article 25(3), “shall inter alia be directed specifically towards” improved conservation and management of straddling fish stocks and highly migratory fish stocks through collection, reporting, verification, exchange and analysis of fisheries data and related information as well as stock assessment and scientific research and monitoring control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.
3. Under Article 26 of the Agreement, States are required to cooperate to establish special funds to assist developing States in the implementation of the Agreement, including assisting developing States to meet the costs involved in any proceedings for the settlement of disputes to which they may be parties.
4. Contributions to the Assistance Fund will be used to support the purposes of the Fund as enumerated in paragraph 16, including through project(s) and programme(s) implemented by the Food and Agriculture Organization (FAO) or the Division for Ocean Affairs and the

* As revised at the fourteenth round of Informal Consultations of the States Parties to the Agreement, New York, 2 to 3 May 2019.

Law of the Sea, Office of Legal Affairs of the United Nations (UN/OLA/DOALOS), acting on behalf of the United Nations, as provided for in paragraph 13.

Establishment of the Assistance Fund

5. The Assistance Fund established pursuant to General Assembly resolution 58/14 will be administered by the FAO.
6. The purpose of the Fund is to provide financial assistance to developing States Parties to the Agreement to assist in the implementation of the Agreement in accordance with Part VII of the Agreement.
7. This Fund is one component of assistance to be provided in accordance with Part VII of the Agreement and supplements other sources of assistance.

Implementing Office

8. The FAO will administer the Fund and act as the implementing office for the Fund in accordance with its Financial Regulations and other applicable Rules, and in collaboration with UN/OLA/DOALOS.
9. In the administration of the Fund, the FAO and UN/OLA/DOALOS will take into account experience and best practice in the management of other trust funds established within the framework of the 1982 United Nations Convention on the Law of the Sea.

Collaboration between the United Nations and the Food and Agriculture Organization

10. The FAO and UN/OLA/DOALOS will collaborate with each other and will make available to each other all information and assistance as may be required in relation to the administration and operation of the Fund. In particular, they will, as appropriate, seek to achieve mutual benefits from any arrangements under this Fund with similar activities, including in relation to the promotion and implementation of the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the 1995 FAO Code of Conduct for Responsible Fisheries.
11. UN/OLA/DOALOS will receive applications, ensure that the agreed procedural requirements are met, and then forward them expeditiously to the FAO for review and decision, in accordance with these Terms of Reference. In the case of applications for assistance under paragraph 13 (projects and programmes) which are to be implemented by UN/OLA/DOALOS, and paragraph 16(g) (proceedings for the settlement of disputes under the Agreement), UN/OLA/DOALOS will review and decide on these applications in accordance with these Terms of Reference.

Contributions to the Assistance Fund

12. The FAO and UN/OLA/DOALOS will invite States, intergovernmental organizations, international financial institutions, national institutions, non-governmental organizations, as well as natural and juridical persons, to make voluntary financial contributions to the Fund. Such contributions will be deposited in the Fund referred to in paragraph 7.

13. In addition to general voluntary contributions to the Fund, contributions may also be made through donor agreements for specific activities which meet any of the purposes of the Fund set forth in paragraph 16. Such donor agreements between a donor, the FAO and the UN/OLA/DOALOS, will set out all activities to be undertaken, as mutually agreed upon by them. Such activities will be implemented by the FAO or UN/OLA/DOALOS.

Applications for assistance

14. a) An application for financial assistance from the Fund may be submitted by any developing State Party to the Agreement. Such an application may also be submitted on behalf of the Party by an appropriate sub-regional or regional organization or arrangement;

b) An application for financial assistance by a developing State Party to the Agreement will be submitted by way of an official communication from the relevant national authority of the applicant. An application for financial assistance on behalf of a developing State Party by an appropriate sub-regional or regional organization or arrangement will be accompanied by an official communication from the relevant national authority of the developing State Party confirming that the application is submitted on its behalf;

c) All applications for financial assistance for travel will be submitted to UN/OLA/DOALOS at least one month in advance of the date of the event or activity for which assistance is requested. Applications for assistance for other types of activities will be submitted at least four months in advance of the planned activity.

15. The application should specify how it relates to the implementation of the Agreement and include a description of the desired outputs of the project/expenditure and an itemisation of anticipated costs.

Purposes of assistance

16. The purpose of the financial assistance applied for should be specified and may be sought for the following purposes:

a) Facilitating the participation of representatives from developing States Parties, in particular the least-developed among them and Small Island developing States Parties to the Agreement, in the meetings and activities of relevant regional and subregional fisheries management organizations and arrangements.

Such assistance may include such costs as travel costs and, if appropriate, daily subsistence allowances for delegations participating in relevant regional and subregional fisheries management organisations or arrangements, including technical experts.

b) Assisting with travel costs, and if appropriate daily subsistence allowances, associated with the participation of developing States Parties, in particular the least-developed among them and small island developing States Parties to the Agreement, in relevant meetings concerning high seas fisheries of relevant global organizations, such as the United Nations Development Programme, the Food and Agriculture Organization and other specialised agencies, the Global Environment Facility and other appropriate international and regional organizations and bodies.

Applications for this purpose will include details of how the meeting in question relates to implementation of the Agreement.

c) Supporting ongoing and future negotiations to establish new regional or subregional fisheries management organizations and arrangements in areas where such bodies are not currently in place, to renegotiate founding agreements for such organizations and arrangements and to strengthen existing subregional and regional fisheries management organizations and arrangements in accordance with the Agreement.

A condition for such support is that reference to implementing the Agreement is made in founding documents and/or work programmes of the regional or subregional fisheries management organizations or arrangements and in the national fisheries policies and/or management plans of States Parties.

d) Enhancing the ability of developing States Parties, in particular the least-developed among them and small island developing States Parties, to develop at the national level a legal basis for the implementation of effective flag State measures, in conformity with the provisions of the Agreement and in accordance with international law.

e) Building capacity for activities in key areas such as effective exercise of flag State responsibilities, monitoring, control and surveillance, enforcement, data collection and scientific research relevant to straddling and highly migratory fish stocks on a national and/or regional level.

f) Facilitating exchange of information and experience on the implementation of the Agreement.

g) Assisting developing States Parties to the Agreement, in particular the least-developed among them and small island developing States, with human resources development, technical training, and technical assistance in relation to conservation and management of straddling and highly migratory fish stocks and development of fisheries for such stocks, consistent with the duty to ensure the proper conservation and management of such stocks.

h) Assisting in meeting the costs involved in proceedings for the settlement of disputes between States Parties to the Agreement concerning the interpretation or application of the Agreement in accordance with Part VIII of the Agreement or proceedings concerning the interpretation or application of a subregional, regional or global fishery agreement relating to straddling fish stocks or highly migratory fish stocks to which they are parties, including any dispute concerning the conservation and management of such stocks and complementary to any assistance provided under the ITLOS Trust Fund established by General Assembly resolution 55/7 or the Trust Fund for the International Court of Justice established by General Assembly resolution 47/444 or the financial assistance fund established by the Permanent Court of Arbitration.

Consideration of applications, granting of assistance and conditions

17. Requests for financial assistance will be considered without delay in the order in which they have been submitted. The FAO or UN/OLA/DOALOS, will establish a panel, which may be composed of the Chairs of the Regional Groups of Member States for the month during which the panel is being convened, or their designate, or other independent and

impartial experts of the highest professional standing, to assist in the review of the applications and to make recommendations on the amount of financial assistance to be given in each case. In cases where applications for assistance from the Fund are made against specific activities for which funding has been made available through a donor agreement in accordance with paragraph 13, a representative of the donor(s) that have entered into the said donor agreement will also be invited to participate in the panel.

18. In cases of applications for assistance with travel related expenses under paragraph 16, the FAO may make decisions on applications without referral to the panel.

19. Review of applications and decisions will be guided by the purposes of the Fund, the provisions of the Agreement, the financial needs of the requesting developing State Party(ies) and availability of funds, with priority given to least developed countries and small island developing States Parties to the Agreement. The financial assistance will be provided on an impartial basis. Consideration of applications will also include an assessment of whether any existing alternative sources of assistance are available. All decisions on assistance from the Fund will take into account the size of the Fund and the need for cost effectiveness in its use.

20. In considering applications, the FAO and UN/OLA/DOALOS should also work together to inform relevant regional fisheries management organizations and UN bodies about applications under the Fund in order that they may comment if they so choose.

21. The FAO will disburse financial assistance from the Fund in an expeditious manner in accordance with paragraphs 17-20 of these Terms of Reference.

22. a) Financial assistance provided from the Fund will be applied by the applicant solely for the purpose specified in the application for financial assistance.

b) If an applicant wishes to apply such financial assistance for a purpose other than the purpose for which it is provided, the applicant will submit an amended application for financial assistance. The amended application will be submitted and considered in accordance with these Terms of Reference.

c) If financial assistance provided from the Fund is not applied by an applicant for the purpose for which it is approved, the applicant will notify the FAO and UN/OLA/DOALOS as soon as possible and take immediate steps to refund promptly the financial assistance to the FAO. Failure to comply with these requirements may affect the decision concerning any future application for assistance.

Reporting

23. An annual report on the activities of the Fund, including a financial statement of the contributions to, and disbursements from the Fund, will be included in the report of the Secretary-General of the United Nations 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”. A report on the activities of the Fund to date, including a financial statement of the contributions to and disbursements from the Fund will also be presented at the Review Conference provided for in Article 36 of the Agreement.

24. Additional reports on project(s) and programme(s) referred to in paragraphs 4 and 13 will be presented to the donor by FAO and the UN/OLA/DOALOS, in accordance with any specific reporting requirements set out in the donor agreement, and in accordance with the donor agreement and the Rules and Regulations of FAO and the United Nations, as may be applicable.

25. Recipients of assistance will be required to provide a report on the purpose and outcome of the approved expenditure to the FAO or UN/OLA/DOALOS, as appropriate, for the above-mentioned report(s). The FAO and UN/OLA/DOALOS will share these reports. Failure of the recipients to provide such a report promptly may affect the decision concerning any future application for assistance.

Revision and Review

26. These Terms of Reference may be revised if circumstances so require.

27. The States Parties to the Agreement will periodically review the activities of the Fund with a view to assessing and evaluating the effectiveness of the financial assistance provided pursuant to these Terms of Reference.

28. Taking into account paragraph 19 of these Terms of Reference, the States Parties to the Agreement may also make recommendations on priorities for the use of the Fund.

Publicity

29. The FAO and UN/OLA/DOALOS will maintain on their websites details of the Fund, including details on application procedures, assistance provided, and links to other relevant websites. The FAO and UN/OLA/DOALOS should also explore ways to promote contributions to the Fund and knowledge of the fund through regional fisheries management organizations and arrangements, multilateral donor organizations, and international financial institutions.



Annex III

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)

Agenda

2-3 May 2019

United Nations, New York

1. Opening of the fourteenth round of Informal Consultations by a representative of the Secretary-General.
2. Election of the Chairperson.
3. Adoption of the agenda.
4. Organization of work.
5. General statements.
6. Discussion panel on “Performance reviews of regional fisheries management organizations and arrangements”
 - (a) Segment 1: Importance and role of performance reviews;
 - (b) Segment 2: Structure and conduct of performance reviews: experiences, best practices, challenges and opportunities;
 - (c) Segment 3: Recommendations of and mechanisms for follow-up to performance reviews: experiences, best practices, challenges and opportunities;
 - (d) Segment 4: Further enhancing the effectiveness of performance reviews through the resumed Review Conference on the Agreement and other intergovernmental processes.
7. Revision of the Terms of Reference of the Part VII Assistance Fund.
8. Initial preparatory work for the resumption of the Review Conference on the Agreement.
9. Consideration of the next round of Informal Consultations of States Parties to the Agreement.
10. Other matters.