



## **Main features, obligations and benefits under the *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas***

### **OVERVIEW**

The high seas are the marine areas beyond national jurisdiction, where States enjoy a relative freedom of fishing while having to comply with certain rules under the Law of the Sea, such as their treaty obligations, and the rights and duties as well as the interests of coastal States and the obligation to protect the marine environment. Complementing the law of the sea, the [Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas](#) (the Compliance Agreement or the Agreement) was developed in response to the need to strengthen flag State responsibility over its vessels on the high seas and to tackle the problem of reflagging or flag hopping by vessels to flags that are unable or unwilling to exert flag State responsibility over such vessels on the high seas. Consequently, the Agreement contributes to the global efforts against overfishing, and illegal, unreported and unregulated (IUU) fishing on the high seas.

The Compliance Agreement was approved by the FAO Conference in 1993 and entered into force on 24 April 2003.

### **OBJECTIVES**

The Compliance Agreement's main objectives are to strengthen the role of flag States in exercising effective jurisdiction and control over the fishing vessels flying their flag and used, or intended to be used for fishing, on the high seas, while promoting compliance of such vessels with the applicable international conservation and management measures.

### **MAIN ELEMENTS**

The Agreement contains 14 Articles, including the following core obligations on each State Party:

- Duty to take measures to ensure fishing vessels entitled to fly its flag do not engage in any activity that undermines the effectiveness of international conservation and management measures – Article III.1(a);
- Duty to prevent unauthorized fishing vessels entitled to fly its flag to be used for fishing on the high seas – Article III.2;
- Duty to cancel the authorization to fish on the high seas of fishing vessels when the Party ceases to be entitled to fly the flag of that Party – Article III.4;
- Duty to ensure all authorized fishing vessels entitled to fly its flag are marked in accordance with applicable accepted standards such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels – Article III.6;
- Duty to take enforcement measures in respect of fishing vessels entitled to fly its flag which act in contravention of the provisions of the Agreement – Article III.8;
- Duty to maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing on the high seas – Article IV;
- Duty to exchange information relating to activities of fishing vessels flying its flag and authorized to be used for fishing on the high seas – Article V;
- Duty to make readily available to FAO information with respect to each fishing vessel entered in the record required to be maintained under Article IV, such as name of the fishing vessel, registration number, type of vessel, length – Article VI.



## POTENTIAL BENEFITS FOR PARTIES

On becoming a party to the Compliance Agreement and implementing its provisions effectively, States and Regional Economic Integration Organizations (REIOs) stand to gain numerous benefits, including:

### A. SUSTAINABLE MANAGEMENT OF FISHERIES RESOURCES

Flag States can improve the conservation and management of fisheries resources on the high seas as well as the dependent and associated species, ecosystems and biodiversity, with the exercise of effective control and jurisdiction over the fishing vessels flying their flag on the high seas, ensuring that such vessels do not undermine the effectiveness of applicable international conservation and management measures. With better information about the authorized fishing vessels operating on the high seas, details about what is caught and landed, and what is transshipped, there are more opportunities for cross-checking data with other States and ensuring fishing on the high seas is carried out sustainably.

### B. ECONOMIC BENEFITS

Flag States demonstrate to the international community their commitment to ensure that their vessels do not undermine the effectiveness of international conservation and management measures. With this, flag States attract the interests of market States that prefer fish and/or fisheries products landed or transshipped legally and sustainably, owing to their commitment to combat overfishing and IUU fishing on the high seas. As a result, State Parties benefit from increased income through fishing on the high seas and associated industries activities.

### C. FOREIGN INVESTMENT IN THE FISHERIES AND MARITIME SECTORS

Flag States are perceived as compliant, transparent, reliable and cooperative. This reputation can attract foreign investment in the fisheries and maritime sectors, and income for fishing and fishing-related activities on the high seas.

### D. IMPROVED GOVERNANCE OF THE FISHERIES ON THE HIGH SEAS

Ensuring the effective authorization, registration, and marking of fishing vessels used or intended to be used on the high seas prevents the issue of re-flagging to avoid compliance with international conservation and management measures. These measures also significantly enhance fisheries governance on the high seas, ensuring improved monitoring, control, and surveillance of fishing vessels on the high seas, and consequently minimizing costs, boosting transparency, and limiting opportunities for corruption.

### E. COOPERATION WITH DEVELOPING STATES TO IMPLEMENT THE COMPLIANCE AGREEMENT

Article VII of the Compliance Agreement provides that developing countries can get assistance, including technical assistance in the incorporation and effective implementation of the Agreement in national legal framework, training and capacity development in areas of enforcement and monitoring, control and surveillance including inspections, flag State performance and risk assessment. Parties have the duty to cooperate at the global, regional, subregional, and/or bilateral level, with the support of FAO, in this regard.

**FOR MORE INFORMATION** on the Compliance Agreement, model instruments for adherence to the Compliance Agreement and treaty processes in FAO, please contact: [treaties@fao.org](mailto:treaties@fao.org)