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COMMITTEE ON FISHERIES

Thirty-third Session

Rome, 9–13 July 2018

PROGRESS IN THE IMPLEMENTATION OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND RELATED INSTRUMENTS

Executive Summary

This paper provides a summary of the analyses on the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries (the Code) and its related instruments by FAO Members, regional fishery bodies (RFBs) and non-governmental organizations (NGOs) since the last report to the FAO Committee on Fisheries (COFI) in 2016.

Suggested Action by the Committee

The Committee is invited to:

- note the progress on the implementation of the Code and advise on how to address the gaps and constraints identified on various components of the Code and in this regard;
- note the record response rate to the questionnaire and encourage Members to maintain their commitment in responding;
- provide guidance on how to continue to broaden and deepen the implementation of the Code;
- advise on the broader use of the data and information submitted through the Code questionnaire, including for reporting on other processes, ad hoc assessments and studies, and specific technical reports; and
- advise on the review of the contents of the questionnaire and further enhancements of the web-based application and related data management and data processing tools.

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I. INTRODUCTION

1. Article 4 of the 1995 FAO Code of Conduct for Responsible Fisheries (the Code) states, *inter alia*, that FAO will report to the FAO Committee on Fisheries (COFI) concerning its implementation. This report is the tenth prepared by the Secretariat for COFI presenting the key findings on the progress of implementation of the Code on the basis of the responses to the questionnaire by FAO Members, RFBs and NGOs. A detailed analyses of the information submitted, namely on the activities and applications of the Code at national level as well as activities of RFBs and NGOs, is presented in a supplementary information document COFI/2016/Inf.7. Statistical tables summarizing Members' responses are also made available on the COFI Website and in the document COFI/2016/SBD.1 to be read in conjunction with the information document.

2. At its Thirty-second Session, the Committee welcomed the improvements in the 2015 questionnaire¹ on the implementation of the Code and noted the all-time record in response rate. It requested FAO to continue improving the web-based questionnaire and related information systems and encouraged Members to maintain their commitment in reporting. In line with the committee's request in 2016, the Secretariat continued improving the web-based system, adding and expanding several sections within the questionnaire and developing its associated data processing tools. For the supplementary questionnaire on aquaculture, submitted to the Sub-Committee on Aquaculture, a new separate but similar version of the questionnaire directed at RFBs was developed using the same information technology platform whilst ensuring coherence with the main Code questionnaire.

3. At its Thirty-second Session, the Committee agreed that the data and information submitted through the Code questionnaire could be used by Members for reporting on Sustainable Development Goals (SDGs) indicators and Aichi Biodiversity Targets, for which supplementary questions could be added, as necessary. In using the data for ad hoc reports and assessments, the Committee called upon FAO to consider confidentiality aspects in consultation with the Members concerned, as appropriate. In follow-up to the Committee's decision, the Secretariat developed new sections and expanded others as required to ensure that Members were able to report on the implementation of international instruments to combat IUU fishing as required for SDG indicator 14.6.1. Furthermore, the Secretariat made slight alteration to certain questions to ensure the availability of information for reporting on AICHI Biodiversity Targets.

4. In view of the interest from Members in understanding the impact of abandoned lost and otherwise discarded fishing gear (ALDFG) on the marine environment and the role that fishing gear marking could have in limiting it, the Secretariat introduced two structured questions into the questionnaire to monitor the actions that Members have taken in this respect.

5. For the 2018 report, 128 Members² (65 percent of FAO Members³) responded to the questionnaire⁴, setting an all-time record in response rate and corresponding to an increase of 11 percent since the last report in 2016. Four Members reporting this year had never submitted a questionnaire in the past, and an additional seven Members reporting this year had not submitted a questionnaire for ten years or more. The greatest increase in response rate was for the Near East (eight Members reported; 33 percent increase), South West Pacific (ten Members reported; 25 percent increase) and Africa (31 Members reported; 19 percent increase) regions.

¹ www.fao.org/fishery/topic/166326/en

² The EU responded on behalf of its Member States, except for sections 19.2, 19.3, 20, 21, 41 and 51. In the case of 41 and 51, both the EU and its Member States have provided a response.

³ In this report, reference to "Members" refers to the FAO Members that responded to the questionnaire and whose responses were taken into account in compiling the report.

⁴ The questionnaire was circulated to FAO Members, RFBs and NGOs by email through the Code questionnaire information system on 31 January 2018. Three "registration" reminders and three "submission" reminders were sent between 15 March 2018 and 28 March 2018. Notifications were sent between 13 March 2018 and 17 April 2018 to extend the submission deadline from 15 March 2018 to 25 April 2018.

6. Thirty-three RFBs⁵ out of 52 submitted a response to the questionnaire reflecting a 32 percent increase since the 2016 report. In the case of NGOs⁶, 11 submitted a response, corresponding to an increase of one from 2016.

II. FAO ACTION TO SUPPORT THE CODE'S IMPLEMENTATION

7. FAO supports the Code's implementation in a variety of ways including through regular and field programme activities. Directed activities to support the Code's implementation, including regional and national workshops to strengthen the Code's implementation, as well as ongoing work for the development of technical guidelines, the translation of some guidelines and assistance to elaborate national plans of action, are regularly undertaken by FAO. A number of programmes at national and regional levels supporting the implementation of the International Plans of Action (IPOAs), voluntary guidelines and strategies have also been developed by FAO to assist Members in increasing their capacity to develop and manage their fisheries and aquaculture sectors in line with the provisions of these supplementary instruments, including through regional mechanisms and cooperation.

8. In 2017 FAO published Technical Guidelines on Aquaculture Development: Aquaculture Governance and Sector Development (Supplement 7)⁷ bringing the total number of Technical Guidelines in the series to thirty.

III. SUMMARY ON THE PROGRESS OF THE IMPLEMENTATION OF THE CODE BY MEMBERS

A. General

9. Almost all Members reported having a fisheries policy in place, and on average Members reported that it was largely in conformity with the Code. Of those that had marine and/or inland fisheries, most reported to have developed and implemented fisheries management plans. In the case of marine fisheries, the most common management measures relate to prohibiting destructive fishing; in inland fisheries, the most common types relate to recognizing processes for identifying species of conservation concern, and protecting species of concern being encountered in fisheries.

10. Three quarters of the Members have started implementing the ecosystem approach to fisheries (EAF), and most of these have taken appropriate management action and established ecological, socio-economic and governance objectives. Many have also established monitoring and evaluation mechanisms. Close to three quarters of the Members have developed target reference points (TRPs) for managing fisheries, and most of these reported that one or more TRP had been approached. Less than half of those having developed TRPs reported that one or more TRP had been exceeded. Several Members reported that indicators other than target reference points were also being used in managing their fisheries. Limiting fishing effort, increasing research activities and strengthening monitoring, control and surveillance (MCS) were the most commonly used remedial actions employed in cases where TRPs were exceeded.

11. Nearly all of the Members reported to have taken steps to control fisheries operations within and outside of their Exclusive Economic Zone (EEZ). Within the EEZ this was done largely through

⁵ ACAP, APFIC, BOBP-IGO, CACFish, CCSBT, CIFAA, COFREMAR, COMHAFAT, EIFAAC, FCWC, FFA, GFCM, IATTC, ICCAT, IOTC, LTA, LVFO, MRC, NACA, NAFO, NAMMCO, NEAFC, NPAFC, NPFC, OSPESCA, PSC, RECOFI, SEAFDEC, SEAFO, SIOFA, SPRFMO, SRFC and WECAFC.

⁶ CFFA, CI, EBCD, FEAP, ICSF, ISSA, ITF, MSC, OPRT, PCT and WFTU.

⁷ www.fao.org/3/a-i7797e.pdf

strengthening their MCS schemes; outside their EEZ this was done largely through mandatory authorization schemes.

12. Bycatch and discards continue to occur in major fisheries of most Members. More than half of the Members monitor bycatch and discards. Close to three quarters of these Members established that bycatch and discards were contributing to unsustainability and reported they were implementing measures to minimise bycatch and discards.

13. On average Members reported that abandoned lost or otherwise discarded fishing gear (ALDFG) was of medium concern, whilst there was little information available on gear loss rates. Close to half of the Members reported that they had requirements for gear marking. Some of the Members reported the requirement that port facilities for receiving fishing vessel waste and receiving and/or recycling of old fishing gear.

14. Aquaculture development occurs in most countries; however, only half of the Members have complete and enabling policy, legal and institutional frameworks specifically for aquaculture. Nevertheless, most Members have adopted codes or instruments to promote responsible aquaculture practices, and in many cases the private sector had also done so. Although procedures to undertake environmental assessments, monitor aquaculture operations, and minimize the harmful effects of alien species introductions are being implemented by almost all Members, most also report that these are in need of improvement. Additionally, most Members have taken measures to promote responsible aquaculture practices to support rural communities, producer organizations and fish farmers.

15. Complete and enabling policy, legal and institutional frameworks for integrated coastal zone management have been put in place by less than a third of Members with a coastline, while about half have partially developed frameworks. The most common conflicts reported within the coastal area were fishing gear conflicts and conflicts between coastal and industrial fisheries; however, most of the concerned Members have conflict resolution mechanisms in place.

16. Food safety and quality assurance systems for fish and fisheries products are largely complete and effective in half of Members. Post-harvest losses and waste were reported to be a problem by most Members; however, almost all of them report having taken appropriate measures to minimize these losses and waste. Measures to improve bycatch utilization have also been widely applied. More than three-quarters of Members reported that processors were in a position to trace the origin of the fisheries products they purchase, but only a third of the Members declared that consumers were able to do so. Although processing and trading in illegally harvested fisheries resources are commonly recognized as problems, almost all Members have taken measures to address these, most frequently through enhanced fisheries control and inspections, as well as through custom and border controls, and implementation of national plans of action to prevent, deter and eliminate IUU fishing.

17. The status of up to half of the stocks targeted by fishing fleets of Members has been determined. Three quarters of Members collect statistics on catch and fishing effort in a timely, complete and reliable manner, even though over half of the Members have insufficient qualified personnel to generate data to support sustainable fisheries management. Historical data, routine data collection, and in-port/landing site sampling surveys are the most the prominent data sources used by Members for the development of fishery management plans. Almost all Members reported that data gaps undermine the management of their fishery resources. Although various types of gaps were reported, most commonly they were related to stock status. More than half of the Members reported that they routinely monitored the state of the marine environment and conducted research to assess and predict the impact of climate change on fisheries.

18. Most Members conduct fisheries within waters under their jurisdiction and on the High Seas, while less than half also do so within waters under the jurisdiction of other States. Foreign-flagged vessels were authorized by most Members to enter and use their ports. A quarter of Members have developed a national plan of action for the management of fishing capacity, while the average level of implementation of their related governance framework was medium to high. Half of the Members have recognized overcapacity as a problem, almost all of which have taken steps to prevent further build-up of overcapacity, mainly through limited entry regimes and a freeze on the number of licenses

and/or vessels. Furthermore, most Members also reported that measures were implemented to reduce overcapacity and to prevent further negative impacts of overcapacity.

19. Over the years, increasing importance has been given by Members to assessments of shark stocks, and this has led to the development of national plans of action for the conservation and management of sharks in many Member countries. Importance has also been attached to assessing the impact of fisheries on seabirds and several Members have developed a national plan of action to reduce incidental catches of seabirds, where relevant, and are applying mitigation measures.

20. Just over half of responding Members reported to have launched preliminary assessment of fishing capacity, half of which reported to have developed a national plan of action for the management of fishing capacity. The most commonly used methods to measure fishing capacity were using key fleet and vessel characteristics and potential catch to be harvested by fleet. IUU fishing is perceived as a problem by the vast majority of Members, while most have developed a national plan of action to combat IUU fishing. The most prominent relevant measures taken by Members include improved legal frameworks, and improved coastal State controls and MCS.

21. Members reported on the implementation of various binding international instruments, including, the UN Convention of the Law of the Sea,⁸ the Agreement on Port State Measures,⁹ and the Compliance Agreement.¹⁰ Overall, Members reported medium to high levels of implementation of the provisions of these agreements with regard to their governance framework. Some Members that were not party to these agreements also reported to have initiated the process to becoming so. The provisions of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas were found to be widely implemented within governance frameworks by the Members conducting deep-sea fisheries in the High Seas.

22. The implementation of plans and programmes related to the Strategies on improving status and trends in capture fisheries and aquaculture is being carried out by over half the Members, mainly by improving data collection, analysis and dissemination.

B. Small-Scale Fisheries

23. Small-scale fisheries are present in almost all countries. On average small-scale fisheries were reported to account for more than half of Members' total production, both in terms of quantity and value. Members reported that up to seventy percent of the people in the fisheries sector are involved in small-scale fisheries, mostly in fishing activities and to a lesser extent in post-harvest and other related activities.

24. Although information on gender distribution of people involved in small-scale fisheries is generally scarce, reporting showed that there is a higher percentage of men engaged in full-time employment globally, except for post-harvest activities, in which a higher percentage of women are engaged in full-time employment in Africa, Asia and, Latin America and the Caribbean.

25. Small-scale fisheries are legally defined by slightly less than half of the Members, while a third of the remaining Members have an informal definition of small-scale fisheries. More than half of those Members that have a legal or informal definition intend to review it through a multi-stakeholder process as indicated in paragraph 2.4 of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines). About half of those Members that do not have a definition, whether legal nor informal, also intend to develop one through such a participatory process.

⁸ UN Convention on the Law of the Sea of 10 December 1982.

⁹ 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

¹⁰ 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

26. Most countries which have defined small-scale fisheries also collect sector-specific data, mainly on production, value of production, employment and trade. In fewer cases consumption data are also collected. Most countries have introduced or developed regulations, policies, laws, plans or strategies specifically addressing small-scale fisheries.
27. Almost half of the Members have specific initiatives to implement the SSF Guidelines. These mainly include the support to resources management-related activities, the enhancement of value chains, post-harvest operations and trade, as well as the promotion of social development, employment and decent work. The most prominent constraints encountered by Members in implementing such initiatives is the lack of financial resources and organizational structures among small-scale fishers and fish workers. Additional hindering factors include limited public awareness of the importance of small-scale fisheries and insufficient coordination with other related administrations. Opportunities to implement the SSF Guidelines by Members are mainly identified in the context of on-going/planned projects, programmes, initiatives, the possibility of involving small-scale fishers in fisheries management, and through the engagement with existing small-scale fisheries organizational structures.
28. Mechanisms through which small-scale fishers and fish workers can contribute to decision-making processes are in place in most countries, and over three quarters of these mechanisms include the promotion of the active participation of women.

C. Constraints and suggested solutions

29. In implementing the Code, most Members face some constraints which are mainly related to insufficient budgetary and human resources. Access to more financial resources, training and awareness raising, improvement of research, statistics and access to more human resources are among the primary solutions identified by Members to overcome these constraints. Nonetheless, Technical Guidelines on the implementation of the Code are widely distributed among Members, especially those on the Ecosystem Approach to Fisheries, fisheries management, and implementation of IPOA-IUU.¹¹

IV. ACTIVITIES OF REGIONAL FISHERY BODIES AND NON-GOVERNMENTAL ORGANIZATIONS

D. Regional Fishery Bodies (RFBs)

30. RFBs were invited to report on their current number of Contracting Parties, and the responses ranged from two to 52 Contracting Parties with an average of 14 Contracting Parties per responding RFB. Over a third of the RFBs have between one and five Cooperating non-Contracting Parties, and half of them also have observers. Fisheries management is the most common primary mandate of responding RFBs, followed by an advisory role. Most RFBs cover both exclusive economic zones and areas beyond national jurisdiction, and close to a third of them covered inland waters. Just over half of responding RFBs reported that they adopt binding measures, while most reported that they adopt non-binding measures.
31. Established management plans to ensure the sustainable utilization of living aquatic resources in marine capture fisheries mainly include measures related to ensuring that the level of fishing is commensurate with the state of fisheries resources and addressing the protection of endangered species. In the case of inland capture fisheries, prohibiting destructive fishing methods, addressing the biodiversity of aquatic habitats and ecosystems, and addressing the interests and rights of small-scale fishers were the most common elements associated with management plans.

¹¹ International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

32. More than half of the RFBs reported having taken steps to ensure that only fishing operations in accordance with their adopted fisheries management plans are conducted within their area of competence. The precautionary approach has been applied by almost all RFBs in the management of fisheries resources. In the last two years, close to three-quarters of respondents have either taken or strengthened measures to limit bycatch and discards. Historical data, followed by routine data collection, in-port/landing site sampling surveys, and FAO and/or other organizations' statistics are the most commonly used sources of information in the fisheries management process by RFBs.

33. Two-thirds of RFBs reported that they have obtained reliable estimates of stock status within the last three years for on average more than 50 percent of the stocks they consider important. Close to half of RFBs reported to have developed stock specific target reference points (TRPs). Out of those, the majority reported that one or more TRPs have been approached; however, the majority also reported that one or more TRPs had been exceeded. Limiting fishing effort was the most common measure put in place when TRPs were exceeded. Catch and effort indicators were by far the most popular alternative to the use of TRPs.

34. Half of RFBs have established requirements for the implementation of VMS for the entire fishing fleet or a segment of the fishing fleet, the majority of which are complied with by their members.

35. Efforts have been made by many RFBs on several fronts and in different ways to assist in the implementation of IPOAs. This was done commonly in relation to IPOA-IUU but also IPOA-Capacity¹², IPOA-Sharks¹³ and IPOA-Seabirds.¹⁴ Two-thirds of RFBs have taken action to strengthen and develop innovative ways to prevent, deter and eliminate IUU fishing, along with cooperating in the exchange of information, developing awareness raising programmes and undertaking other activities prescribed in the IPOA-IUU. Close to half have carried out assessments of conservation and management of sharks in line with IPOA-Sharks and a third have carried out regional management measures to assist in implementing IPOA-Seabirds.

36. About a third of responding RFBs have taken measures to ensure that their members have in place procedures for good practice in aquaculture operations. Of those RFBs that had taken measures, their members were reported to have procedures in place for good practice in aquaculture operations, although almost all were reported to be in need of further improvements, especially with respect to legal frameworks and institutional technical capacity.

E. Non-Governmental Organizations (NGOs)

37. Establishing principles for responsible fishing and fisheries activities was identified by NGOs as the most important objective of the Code to achieve sustainability in fisheries and aquaculture. They also highly regarded the Code as an instrument to establish principles and criteria to implement policies for the conservation of fishery resources and fisheries management and development. Of the eight substantive themes developed in the Code and in the relevant FAO Technical Guidelines for Responsible Fisheries, the top three priorities identified by NGOs were fisheries management, fishing operations and fisheries research.

38. The main constraints identified by NGOs for the implementation of the Code related to institutional weakness and incomplete policy and/or legal frameworks. Improving institutional and organizational structures and strengthening collaboration were among the most important solutions suggested. The ways considered by the responding NGOs to be the most effective in making the Code more widely known and understood were the organization and/or hosting of national and international workshops and the promotion of standards based on the Code.

¹² International Plan of Action for the Management of Fishing Capacity.

¹³ International Plan of Action for Conservation and Management of Sharks.

¹⁴ The International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries.

39. According to NGOs, prohibiting destructive fishing methods and practices and addressing the protection of endangered species were the most common measures within existing marine and inland fishery management plans of countries and/or RFBs.

40. Most of the NGOs considered that countries did not have adequate procedures in place for good practice in aquaculture operations. For those NGOs that did, they deemed that improvements were needed.

41. All the NGOs have engaged in efforts to assist in the implementation of IPOAs. This was especially the case with IPOA-IUU where all respondents reported to have assisted in its implementation. Most NGOs also reported to be involved with the implementation of IPOA-Capacity.

V. THE WEB-BASED QUESTIONNAIRE AND DATABASE

42. The increasing response rates to the web-based questionnaire on the Code, along with the responses to the supplementary web-based questionnaires on aquaculture and trade, have provided for more complete and reliable analyses of the implementation of the Code. The vast amount of information submitted has been appropriately stored in a database since 2014 but its use has so far been limited to producing this working document and associated documents for COFI. However, COFI at its 32nd Session agreed to the use of this data for reporting on SDG indicators and AICHI Biodiversity Targets, with due consideration of confidentiality aspects. Subsequently, the methodologies for SDG indicators 14.6.1 and 14.b.1 were finalized in consultation with the COFI Bureau and approved by the Inter Agency Expert Group on SDG Indicators. In parallel to this process, the Secretariat expanded sections within the questionnaire that are relevant to SDG indicators and AICHI Biodiversity Target reporting.

43. To ensure transparency of the indicator reporting system and in line with the methodology of the indicators, the Secretariat would like introduce an indicator tool into the questionnaire application that would allow users to extract a report of each indicator after completing the questionnaire. This would include the indicator score for user review and eventual validation, as well as a description of the methodology used to calculate the score.

44. Taking into account continuous developments in the fisheries and aquaculture sectors, it is advisable that the questionnaire is reviewed periodically, including the addition of sections, as appropriate. Moreover, the web-based application and related data management and data processing tools could be further enhanced to improve usability, data quality control and to expand functionality.