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PROGRESS IN THE IMPLEMENTATION OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES, RELATED INTERNATIONAL PLANS OF ACTION AND STRATEGY

SUMMARY

This paper provides a summary of activities by FAO Members, regional fishery bodies (RFBs), non-government organizations (NGOs) and the Secretariat that have supported the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries and its related instruments since 2007. It is the sixth such report prepared for the FAO Committee on Fisheries. Following the paper's introduction action by FAO to promote and strengthen the implementation of the Code is addressed, activities and applications at the national level are reviewed, the activities of RFBs and NGOs are examined and the role of FAO FishCode Programme is considered. The final section of the paper proposes action by the Committee.

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 sixth report prepared by the Secretariat for COFI. The information contained in the report has been supplied by Members, regional fishery bodies (RFBs), non-government organizations (NGOs) and the Secretariat. The information is collated and analyzed on the basis of self-assessment questionnaires submitted to FAO. A statistical summary of Members responses is made available at COFI to be read in conjunction with this paper.

2. For the 2009 report 68 Members¹ (33 percent of FAO Members)² responded to the questionnaire in comparison to 70 Members for the 2007 report. In addition, 14 RFBs³ (41 percent of the bodies to which questionnaires were sent) responded for this report in comparison to 19 RFBs in 2007. In addition, responses were received from six NGOs (27 questionnaires were despatched) in comparison to nine NGOs in 2007.⁴

ACTION BY FAO TO PROMOTE AND STRENGTHEN IMPLEMENTATION

3. FAO continues to support the implementation of the Code through its regular and field programme activities. Since the 2007 report, the Fisheries and Aquaculture Department has undertaken a number of key activities specifically intended to promote and strengthen implementation.

4. FAO commissioned a study in 2008 to analyze the extent of the implementation and impact of the Code since 1995.⁵ The analysis was global and covered aquaculture and fisheries. The objective of the study was to establish by whom and to what extent the Code had been implemented and what its major impacts had been in facilitating more responsible and sustainable management of aquatic resources. The analysis showed that fundamental changes in the fisheries sector since 1995 remained limited. A summary of the document is available as COFI/2009/Inf.10. The full report will be made available at the Session.

¹ The letter and questionnaire requesting input from Members was despatched on 5 May 2008 with a submission date of 7 July 2008. After two reminders, the closure date was eventually extended until 15 August 2008. By this date 68 Members had submitted completed questionnaires. After 15 August 2008 an additional seven responses were received (in receipt order from Cambodia, Portugal, Slovenia, Italy, Azerbaijan, New Zealand and the European Union). These responses are not reflected in the analysis. One Member, Switzerland, responded by e-mail that the questionnaire was not relevant. In the analysis this communication was not counted as a response.

² In this report, reference to "Members" refers to the FAO Members who responded to the questionnaire and whose responses were taken into account in compiling the report.

³ Asia-Pacific Fishery Commission (APFIC), Commission for the Conservation of Antarctic Marine Living Resource (CCAMLR), Commission for the Conservation of Southern Bluefin Tuna (CCSBT), General Fisheries Commission for the Mediterranean (GFCM), Inter-American Tropical Tuna Commission (IATTC), International Pacific Halibut Commission (IPHC), Mekong River Commission (MRC), North Atlantic Salmon Conservation Organization (NASCO), North Pacific Anadromous Fish Commission (NPAFC), Northeast Atlantic Fisheries Commission (NEAFC), Permanent Commission for the South Pacific (CPPS), Regional Commission for Fisheries (RECOFI), South East Atlantic Fisheries Organization (SEAFO) and Western Central Pacific Fisheries Commission (WCPFC).

⁴ Responses were received from the Cluster of Fishing Companies in Third Countries (CEPPT), Coalition for Fair Fisheries Agreement (CFFA), International Collective in Support of Fishworkers (ICSF), Network of Aquaculture Centres in Central and Eastern Europe (NACEE), Organization for Promotion of Responsible Tuna Fisheries (OPRT) and the World Conservation Union (IUCN).

⁵ Hosch, G. 2008. Analysis of the Implementation and Impact of the FAO Code of Conduct for Responsible Fisheries since 1995. FAO Fisheries Circular No. 1038. Rome, FAO. (In preparation).

5. In 2008 FAO commissioned a study⁶ to assess the technical practicability, advantages, constraints and cost of using electronic reporting as part of the biennial Code reporting. In this context, electronic reporting was defined as conducting a survey (questionnaire) electronically in a format that enabled statistical analysis and reports to be generated without re-entering the survey information manually. Two types of electronic reporting were investigated: spreadsheet-based surveys and web-based surveys. The results of the study and its recommendations are summarized in COFI/2009/Inf.11. The full report will be made available at the Session.

6. FAO has undertaken several activities and proposed mechanisms to improve long-term access to, and sharing of, essential information to support the Code's implementation.⁷ In 2008 Technical Guidelines for Responsible Fisheries: Information and Knowledge Sharing were elaborated. This work was undertaken because many Members, in particular developing countries, had indicated that the lack of access to timely, relevant and accurate information was a major constraint to the Code's implementation. COFI/2009/Inf.12 explores pertinent issues and reviews information and knowledge sharing in support of the implementation of the Code.

7. FAO also undertook a broad range of other directed activities to support the implementation of the Code. Some of these activities included regional and national workshops to deepen the Code's implementation, the development of technical guidelines, the translation of some guidelines into Russian and the elaboration of national plans of action to combat IUU fishing.

ACTIVITIES AND APPLICATIONS AT THE NATIONAL LEVEL

General

8. Article 2 of the Code sets out ten specific objectives and Members were requested to rank their relevance with respect to their national context. Top priorities continued to be attributed to objectives a) and b), while the lowest relevance was attributed to objectives d) and j).⁸ This reflected 2007 trends with the difference that the lowest ranking objective h) moved up from last position to third last position in 2009, indicating that trade implications in fisheries might be receiving greater attention than was the case previously.

9. The Code is subdivided into themes embracing eight technical areas of the fisheries and aquaculture sectors. Members were requested to rank these areas on a national scale. Fisheries management and aquaculture development continued to be ranked as top priorities, continuing the trend since 2001. Integration of fisheries into coastal and area management and inland fisheries were ranked as the last two priorities. Post-harvest practices and trade issues, bottom ranked in 2007, moved upwards by two positions, probably for the same reasons as those reported above in relation to the objectives.

⁶ Bueno, P, Hosch, G. and P. Macgillivray. 2008. Electronic Options for Monitoring Implementation of the FAO Code of Conduct for Responsible Fisheries. FAO Fisheries Circular No 1039. Rome, FAO. (In preparation).

⁷ Guidelines on Digital Publishing aimed at smaller fisheries institutions with limited resources were produced. Support for the Aquatic Commons <<http://aquacomm.fcla.edu>>, a digital repository managed by International Association of Aquatic and Marine Science Libraries and Information Centers to facilitate the exchange of aquatic science research and management information, was welcomed by the FAO Advisory Committee on Fisheries Research at its sixth session in 2006.

⁸ Objective a): Establish principles for responsible fisheries considering all their relevant biological, technical, economic, social environmental and commercial aspects; Objective b): Establish principles and criteria to implement policies for the conservation of fishery resources and fisheries management and development; ... Objective d): Provide guidance to formulate and implement international agreements and other legal instruments; ... Objective j): Promote research on fisheries as well as on associated ecosystems and relevant environmental factors; ... Objective h): Promote trade in fish and fishery products in conformity with relevant international rules.

10. Ninety-three percent of responding Members reported to have national policies and legislation in place that totally or partially conformed to the Code. In terms of promoting awareness about the Code, the most common mechanisms used by Members were meetings, workshops, seminars and the improvement of policy and legal frameworks. The use of media which doubled in importance in 2007 retreated in 2009 to the lower levels of previous years. The situation also applied to “grassroots” awareness building and promotional work by NGOs.

Fisheries management

11. A matter of concern is that almost 33 percent of Members reported that they had no fishery management plans in place. Of the plans developed, the reported percentage implemented for inland fisheries was 84 percent and 94 percent for marine fisheries.

12. The most commonly applied management tool in inland and marine fisheries remained the prohibition of destructive fishing practices. The protection of endangered species now ranked as the second most important fisheries management tool, moved up from number five in 2007.

13. As in 2007, just over half of Members reported to have developed stock specific target reference points for managing fisheries. In a majority of cases, stock specific target reference points were either being approached or exceeded, signifying a continued upward trend in managed fisheries either nearing full exploitation (70 percent) or being overexploited (60 percent). Other reported “indicators” used for managing fish stocks pertained mostly to catch and effort data and stock assessment data. In situations where stock specific target reference points were exceeded the most commonly reported remedial action was the regulation of fishing effort (41 percent). Other reported measures included the use of closed areas and seasons (23 percent), recovery programmes (14 percent) and the regulation of fishing gear and minimum species sizes (14 percent).

14. Eighty-four percent of Members reported that they applied the precautionary principle in fisheries management. Reported tools for applying the principle were similar to those reported in previous years. The implementation of precautionary mechanisms and approaches, such as the setting of quotas in a conservative and precautionary manner, remained low (between 20 and 50 percent depending on the region).

Fishing operations

15. Members were requested to report on mechanisms to control fishing operations within and outside waters of national jurisdiction. In both areas, and as reported in 2007, the improvement of monitoring, control and surveillance (MCS) arrangements and mandatory licensing regimes were reported as the main mechanisms through which this control was being achieved. Cooperation among countries and through regional fisheries management organizations or arrangements (RFMO/As) now ranked as the third most important option for controlling fisheries operations in waters outside national jurisdiction (24 percent), marking a continued rise in importance of cross-border collaboration and control.

16. Sixty-seven percent of Members reported that they used gear restrictions and tighter controls to limit bycatch and discards. All other mechanisms scored rather low (less than 20 percent). They included seasonal and area closures, the setting of minimum catch sizes and the banning of discards. Policies on bycatch and discards continued to vary widely among Members with some countries banning discarding completely while others prohibited the landing of non-target species.

17. With respect to vessel monitoring systems (VMS), 67 percent of Members reported to have partially or fully implemented VMS while the remainder of Members were planning to do so in future. These data supported the 2007 assertion that the rate of adoption of VMS showed some signs of levelling off.

18. Concerning fishing operations, abandoned, lost, or otherwise discarded fishing gear (ALDFG) was of increasing concern due to its numerous negative environmental, social and economic impacts that had increased significantly over the last 50 years with increasing fishing capacity and use of more durable fishing gear. The United Nations General Assembly (UNGA) had called on States, FAO, the International Maritime Organization (IMO), the United Nations Environment Programme (UNEP), RFMO/As and others to take action to address the issue.⁹ To this end FAO and UNEP had prepared a report with overarching recommendations.¹⁰

19. The issue of the safety in the fisheries sector was raised at the Twenty-seventh session of COFI.¹¹ A large number of Members expressed concern about the safety at sea for fishing vessels, especially for small-scale vessels. FAO was urged to continue collaboration with IMO. A summary of FAO's activities that support the implementation of the Code with regard to safety at sea and the outcomes of the November 2008 Expert Consultation on Best Practices for Safety at Sea in the Fisheries Sector are in document COFI/2009/Inf.13.

Aquaculture development

20. Seventy-three percent of Members stated that they had a basic legal framework regulating the development of responsible aquaculture. The Code encourages countries to elaborate, adopt and implement codes of best practice and procedures, specifically with respect to introductions and transfers of organisms. More than 50 percent of Members stated that they had developed such instruments at the government level while just over 33 percent stated to have done so at the producer level. These results marked a strong increase in government-level involvement. The involvement of suppliers and manufacturers had also risen strongly to 25 percent.

21. The Code encouraged Members to regularly conduct environmental assessments of aquaculture operations, to monitor operations and to minimize harmful effects of alien species introductions.¹² Over 80 percent of Members reported to have been involved actively in implementing these mechanisms. Members also identified a number of needs to improve the implementation of these mechanisms, including *inter alia*, the strengthening of technical capacity in the areas of environmental assessment and minimizing the harmful effects of alien species introductions and improving the scope and coverage of aquaculture monitoring operations.

22. States are encouraged to promote responsible aquaculture practices in support of rural communities, producer organizations and fish farmers. Some 98 percent of Members stated that they had taken steps in this direction, marking a rather strong increase over 2005 and 2007 figures. The most common form of achieving this goal was through legal framework improvements and the development of national aquaculture development strategies, plans and policies.

Integration of fisheries into coastal area management¹³

23. Sixty-two percent of Members indicated that a legal framework for the integrated management of fisheries resources and coastal areas was in place, slightly up from 2007 results. It appeared that the greatest challenges facing the integration of fisheries into coastal area management (ICAM) were of a policy and institutional nature. This was because integrating fisheries into ICAM frameworks was not a policy priority in many countries.

⁹ UNGA resolutions including A/RES/60/30, A/RES/60/31 and A/RES/61/222.

¹⁰ FAO. 2008. Abandoned, Lost or Otherwise Discarded Fishing Gear. FAO Fisheries and Aquaculture Technical Paper No 523. (in preparation).

¹¹ FAO. 2007. Report of the Twenty-seventh Session of the Committee on Fisheries. FAO Fisheries Report No 830. FAO. Rome. 74p. (paragraph 82). Fishing is considered to be one of the world's most dangerous occupations with an estimated 24,000 deaths per year. See ILO. 1999. Report of the Tripartite Meeting on Safety and Health in the Fishing Industry. ILO. Geneva.

¹² Alien species include non-native and genetically altered stocks.

¹³ The questions under this header are the only ones responded to by EU Members in their own right.

24. Conflict trends within fisheries and between the fisheries sector and other sectors in the coastal zone have changed little over the last eight years. Conflicts within the fisheries sector remain the most prominent with fishing gear conflicts in coastal waters earning the highest rank, followed by conflicts between coastal and industrial fisheries. Likely conflict areas engendering the least amount of conflict remained between the fisheries sector on one hand, and port development and coastal aquaculture sectors on the other. Conflict resolution mechanisms were in place in about 80 percent of Members for the serious conflicts, a 10 percent increase over 2007 figures.

Post-harvest practices and trade

25. Seventy-seven percent of Members reported that an effective food safety and quality assurance system for fish and fisheries products was in place. It remained unclear for many developing countries whether reported quality assurance systems applied to the entire national seafood sector or to the seafood export sector only.

26. Eighty-four percent of Members stated to have taken steps to reduce post-harvest losses in processing, distribution and marketing. The three main measures taken referred to the improvement of awareness raising and training, the enacting of food-safety regulations, procedures and standards and Hazard Analysis and Critical Control Points (HACCP) implementation and training.

27. About 67 percent of Members had taken steps to promote the improved use of bycatch in processing, distribution and marketing, marking a strong increase over 2007 figures. Key measures taken for achieving this objective remained generic, with distribution and value addition and research and development projects topping the list. Eighty-percent of Members reported to have mechanisms to eliminate processing of, and trading in, illegally harvested resources. The most prominent mechanisms used to achieve this goal were improved control and inspection regimes and the use of traceability and certificate of origin schemes.

28. While a majority of producers were in a position to trace the origin of the fisheries products they purchased (83 percent), more than 50 percent of consumers remained unable to do so (43 percent).¹⁴

Fisheries research

29. Sixty-eight percent of Members reported that they had reliable figures on at least some of the stocks exploited in their countries.¹⁵ This would suggest a continued rising trend as detected over earlier years. The fraction of commercially important stocks for which reliable figures were obtained was about equal in 2009 and 2007 (58 percent and 56 percent).

30. Seventy-five percent of Members stated that statistics on catch and fishing effort were collected in a timely, complete and reliable manner. At the same time, only two-thirds of Members reported that enough qualified personnel were available to generate data in support of sustainable fisheries management. On the latter issue, the situation of Africa and Latin America and the Caribbean was the weakest, singling out the challenges faced by these regions in terms of qualified human and financial resources.

¹⁴ The questionnaire does not distinguish between capture and cultured product. There were also marked differences among regions especially for consumer identification.

¹⁵ Assuming a blank response means “no” or “nil”.

31. The ranking of data sources for the development of fishery management plans continued unchanged. The most prominent source of information for managers was generated from catch and effort data, followed by in-port sampling surveys and research vessel surveys. Less prominent sources included data from processing plants and markets, frame survey data and socio-economic data. Key data gaps were reported to exist in the areas of stock status data, catch and effort data, artisanal fisheries data and not landed data.¹⁶ The most common constraint faced by developed and developing nations alike to address data gaps were human and financial resource shortages.

32. While just over 70 percent Members stated to routinely monitor the state of the marine environment, only 50 percent of Members reported to monitor bycatch and discards on a regular basis, reflecting 2005 and 2007 trends. Many prominent commercial fisheries achieved significant bycatch and discard rates, sometimes exceeding 100 percent of target catches.

International plans of action

33. Seventy percent of Members identified illegal, unreported and unregulated (IUU) fishing as a problem. Of these Members 60 percent had taken steps to develop a national plans of action to combat IUU fishing (NPOAs-IUU). Just under two thirds of them had elaborated their NPOAs-IUU.

34. Implementation of the 1999 FAO International Plan of Action for the Management of Fishing Capacity (IPOA-capacity) appeared to have progressed slightly with less than 70 percent of Members having launched preliminary assessments. However, 40 percent of Members claimed to have finished the preliminary assessment, marking a six-fold increase over 2007 figures. Preferred methods of measuring capacity were catch and effort assessment (56 percent), frame surveys and censuses (32 percent) and the assessment of technical fleet capacity (20 percent).

35. About 50 percent of Members had conducted an assessment as to whether a national plan to implement the 1999 FAO International Plan of Action for the Management and Conservation of Sharks (IPOA-sharks) was needed, marking a plateau with 2007 figures. However, 90 percent of Members had developed and implemented the national plans of action for the management of sharks (NPOAs-sharks), a significant increase over 2007 figures. The intention to develop a plan for countries not yet having done so increased from 2007 (44 percent) to 2009 (67 percent), indicating that shark resources management was being paid greater attention.

36. Thirty-eight percent of Members had assessed longline fisheries and incidental seabird bycatch problems. About 67 percent of Members that had conducted assessments concluded that the national plans of actions for reducing incidental catches of seabirds in longline fisheries (NPOAs-seabirds) were required, an increase over 2007 figures. The number of Members having implemented their NPOAs-seabirds had trended healthily upwards from 33 percent (2005), to 60 percent (2007), to 78 percent (2009).

37. In response to the request made at the Twenty-seventh session of COFI,¹⁷ an Expert Consultation to Develop Best Practice Technical Guidelines for the 1999 FAO International Plan of Action for Reducing Incidental Catches of Seabirds in Longline Fisheries (IPOA-seabirds) and NPOAs-seabirds was held in September 2008.¹⁸ The Consultation recommended that FAO publish and disseminate best practice technical guidelines and other FAO draft technical texts on seabird mitigation measures.

¹⁶ "Not landed data" include discards and transshipments at sea.

¹⁷ FAO. 2007. Report of the Twenty-seventh Session of the Committee on Fisheries. FAO Fisheries Report 830. FAO. Rome. 74p. (paragraphs 14 and 80).

¹⁸ FAO. 2008. Report of the Expert Consultation to Develop Best Practice Technical Guidelines for IPOA/NPOA-Seabirds. FAO Fisheries Report No 880. FAO. Rome. (In preparation).

38. Almost 67 percent of Members stated to be aware of FAO's Strategy for Improving the Information on Status and Trends in Capture Fisheries (Strategy-STF), while the same proportion was aware of the Strategy claimed to have started to elaborate plans and programmes, a more than 50 percent increase over 2007 figures.

Constraints, suggested solutions, and key findings

39. Overall trends in constraints and solutions identified for the implementation of the Code remained essentially unaltered from 2007. The top constraints were tied to financial (43 percent), human resource (42 percent) and information and awareness (38 percent) areas. This underlined a generic long-term global trend apparent in both developed and developing countries that fisheries sectors were rarely endowed with the necessary human and financial resources to manage a sector of ever increasing complexity.

40. Solutions identified to improve the Code's implementation mirror the constraints to a large degree. The top ranking solutions were training and awareness building for all stakeholders, including Government (57 percent), increased budgets for fisheries administrations (33 percent) and improved institutional and organizational structures (29 percent).

41. It appeared that the number of fully exploited and overexploited stocks continued to increase. About 33 percent of Members lacked fisheries management plans. On the other hand, the assessment of fishing capacity seemed to have received more attention over the last two years. This development was positive and will be of importance for countries to conclude their capacity assessments and use them to effect necessary adjustments.

42. Trade implications for fisheries were attracting greater attention. This could be due to the current world economic situation, the rising price of inputs (especially fuel), a globalizing economy, and rising commodity prices. Trade mechanisms stood to gain in importance as fisheries management tools in coming years.

ACTIVITIES OF REGIONAL FISHERY BODIES AND NON-GOVERNMENT ORGANIZATIONS

Regional fishery bodies

43. Ten RFBs¹⁹ responded that existing fisheries management plans and/or measures, including those adopted by their respective organizations, contained key management tools. The majority of them reported that those plans and/or measures were intended to ensure that the level of fishing was commensurate with the state of fisheries resources and that measures would allow depleted stocks to recover. Most RFBs indicated they were addressing fishing gear selectivity and providing for stakeholder participation in determining management decisions. More than 50 percent of them reported that they took into account the interests of small-scale fishers. Half of the RFBs took measures to prohibit destructive fishing methods and practice, to manage capacity, to address the biodiversity of aquatic habitats and ecosystems. Three RFBs²⁰ advised that they had fisheries management plans and/or measures for inland fisheries.

44. Six RFBs²¹ stated that they had established stock specific target reference points. The number of stocks for which they had developed the reference points and ways of setting such reference points varied. Four RFBs reported, however, that the reference points they had set were being approached or exceeded. To remedy the situation, a variety of measures had been adopted including restrictive measures such as binding measures to freeze or decrease fishing effort and/or capacity of concerned fleet as well as development of guidelines on stock rebuilding programmes.

¹⁹ CCAMLR, CCSBT, GFCM, IATTC, IPHC, NASCO, NEAFC, RECOFI, SEAFO and WCPFC.

²⁰ MRC, NASCO and RECOFI.

²¹ CCAMLR, CCSBT, GFCM, IPHC, NASCO and NEAFC.

45. Ten RFBs²² reported that the precautionary approach had been applied in fisheries management. The ways in which it had been implemented included setting precautionary reference points, catch limits, threshold as well as buffer zones around reference points, introducing measures to protect sensitive habitats such as deep-water areas and developing a new convention and/or instruments such as agreements, action plans and guidelines.

46. Ten RFBs²³ responded that they had taken measures to ensure that only fishing operations consistent with management measures were conducted within their areas of competence. The steps taken by these RFBs included listing of authorized and IUU fishing vessels, MCS programmes, VMS, port State measures and non-contracting party schemes. Eight RFBs²⁴ reported that VMS had been adopted by their organizations.

47. Eight RFBs²⁵ reported that they had adopted measures over the last two years to limit or strengthen existing measures on fisheries bycatch and discards. Those measures included introducing bycatch limits as well as mitigation technologies and adopting agreements and/or resolutions to minimize discards and bycatch, to the extent possible, of non-target species such as sharks, sea turtles, seabirds and dolphins. In order to protect vulnerable marine ecosystems (VMEs) in deep-sea areas, some of these RFBs have introduced or are in the process of introducing mitigating measures including closure of seamounts areas.

48. Five RFBs²⁶ stated that they had taken steps to ensure responsible aquaculture by undertaking environmental assessment of aquaculture operations, monitoring aquaculture operations and/or minimizing the harmful effects of the introduction of non-native species or genetically altered stocks used in aquaculture. The specific needs for improvement of those measures were identified such as the need for national legislation, capacity building, common environmental assessment criteria and strengthening database.

49. Eleven RFBs²⁷ responded that they used catch and effort data from commercial fisheries for the development of fisheries management plans and/or the adoption of management measures. The majority of these RFBs also used data from research vessel surveys, onboard sampling from commercial vessels as well as in-port sampling surveys. Other specific research programmes included a quantitative survey on inland fisheries on consumption estimate, active and mandatory scientific observer schemes and tagging programmes.

50. Nine RFBs²⁸ listed their efforts or intention to assist directly or indirectly in implementation of the IPOA-capacity. Those efforts included raising awareness in member countries by, *inter alia*, organizing workshops, elaborating regional plans of action, limiting effort and catch by introducing measures such as a fleet based management approach and capacity reference points and attempting to control the number of vessels based on a record of fishing vessels authorize to fish.

51. Seven RFBs²⁹ provided details of their efforts to assist in the implementation of the IPOA-sharks. Efforts included the implementation of conservation measures such as those specifically for the conservation of sharks; the prohibition of directed fishing on sharks and shark finning, the adoption of the ratio of fin weight to shark weight of five percent on board vessels; the establishment and implementation of NPOAs-sharks; the promotion of research programmes on alternate capture gears to minimize shark bycatch, and the examination of genetic structure of shark stocks.

²² CCAMLR, GFCM, IATTC, IPHC, MRC, NASCO, NEAFC, RECOFI, SEAFO and WCPFC.

²³ CCAMLR, CCSBT, GFCM, IATTC, IPHC, MRC, NASCO, NEAFC, SEAFO and WCPFC.

²⁴ CCAMLR, CCSBT, GFCM, IATTC, IPHC, NEAFC, SEAFO and WCPFC.

²⁵ CCAMLR, IATTC, IPHC, NASCO, NEAFC, RECOFI, SEAFO and WCPFC.

²⁶ CCSBT, GFCM, MRC, NASCO and RECOFI.

²⁷ CCAMLR, CCSBT, GFCM, IATTC, IPHC, NASCO, NEAFC, NPAFC, RECOFI, SEAFO and WCPFC.

²⁸ APFIC, CCAMLR, CPPS, GFCM, IATTC, IPHC, NEAFC, SEAFO and WCPFC.

²⁹ CCAMLR, CPPS, IATTC, IPHC, NEAFC, SEAFO and WCPFC.

52. Seven RFBs³⁰ gave information on their efforts to assist in the implementation of the IPOA-seabirds. These efforts included the implementation of conservation measures aimed at mitigating seabird bycatch; the introduction of devices to minimize seabird interaction such as tori poles; the establishment and implementation of NPOAs-seabirds; monitoring and research programmes such as data collection on seabird interaction; ecological risk assessment, and the further development and refinement of measures to mitigate seabird bycatch.

53. Thirteen RFBs³¹ listed their efforts to assist in the implementation of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU). These efforts included organizing regional workshops; supporting the development and implementation of NPOAs-IUU; introducing strengthened MCS measures including port State measures; implementing trade monitoring and control measures; listing of fishing vessels authorized to fish including regional register of fishing vessels; listing IUU fishing vessels; implementing VMS, and promoting cooperation and coordination among contracting Parties and with other RFBs, including information sharing on IUU fishing activities and joint enforcement activities.

54. Thirteen RFBs³² outlined their efforts to assist with the implementation of the Strategy-STF. Several RFBs reported on their cooperation with FAO such as the Coordinating Working Party on Fisheries Statistics and the Fisheries Resources Monitoring System. Other efforts included publishing bulletins and organizing workshops on statistical information collection; requiring stringent catch and effort reporting and establishing minimum standard for catch statistics and a regional strategy for the use of fisheries statistical information.

55. Two RFBs indicated that they did not have management mandates and had some difficulty to respond to the questionnaire, while it was also reported that they took a collaborative approach with contracting parties and other RFBs in order to promote implementation of the Code at regional as well as national levels. The Code was recognized as the basis upon which RFBs could elaborate their own management plans and measures. One RFB reported its independent performance review process and recent development as follow-up.

Non-government organizations

56. The Code's objectives were assessed by six NGOs³³ in terms of their relevancy for sustainable fisheries and aquaculture. All NGOs indicated that the objective to establish principles for responsible fishing and fisheries activities considering all their relevant biological, technical, economic, social, environmental and commercial aspects was extremely relevant for the achievement of sustainable fisheries and aquaculture. They also indicated higher relevance with regard to promotion of research on fisheries including on associated ecosystems and relevant environmental factors and provision of standards of conduct for all involved in the fisheries sector. Some differences in the level of priority were observed in particular with regard to aquaculture, post-harvest practices and inland fisheries development.

³⁰ CCAMLR, CCSBT, IATTC, IPHC, NEAFC, SEAFO and WCPFC.

³¹ APFIC, CCAMLR, CCSBT, CPPS, GFCM, IATTC, IPHC, NASCO, NEAFC, NPAFC, RECOFI, SEAFO and WCPFC.

³² APFIC, CCAMLR, CCSBT, CPPS, GFCM, IATTC, IPHC, MRC, NASCO, NEAFC, RECOFI, SEAFO and WCPFC.

³³ CEPPT, CFFA, ICSF, NACEE, OPRT and IUCN.

57. NGOs identified the lack of awareness of the Code, political will, transparency, human and financial resources, scientific information and effective trade control, as well as inadequate and inappropriate national level policy frameworks, subsidies and soaring fuel prices as the main constraints to implementation of the Code. They suggested, as possible solutions, raising public awareness, promoting transparency, *inter alia*, by developing information sharing system on fishing policy, developing specific national level frameworks to promote self-regulation, community-based and co-management systems as well as regional and global mechanisms and/or guidelines to promote further the implementation of the Code and responsible fishing and trade.

58. NGOs were promoting a range of activities to make the Code more widely known and understood, including efforts to raise public awareness of the Code through websites, publications and meetings such as symposiums, seminars and workshops. Some of them were directly involved in policy making process at a regional level through consultative bodies established by Members. Some also supported financially stakeholders' involvement in these processes. They reported that these efforts led to the higher awareness of the Code and greater opportunities for stakeholders, in particular fishers and fishworkers' representatives, to become involved in the process of the Code implementation and to interact with each other.

59. A few NGOs considered that countries and/or RFBs did not respond fully to the expectation to establish fisheries management plans to ensure the sustainable utilization of living aquatic resources. It was indicated that there was the large gap between the stated objectives of fisheries policies and actual implementation of national and regional fisheries management plans mainly due to the lack of capacity and political will. These NGOs provided suggestions for improving the content and effectiveness of fisheries management plans and measures, including establishing a global register of fishing efforts for better monitoring, amending angling-related legislation, adopting ecosystem-based management, eliminating opt-out provisions of RFBs, ensuring transparency in catch data and decision-making, exploring satellite-based monitoring systems, removing subsidies, establishing marine protected areas and prohibiting bottom fishing except where it has been shown that it will not adversely affect VMEs. It was also suggested by an NGO to address the issues of biodiversity, ecosystem and endangered species separately from the fisheries management plans due to their complication and sensitivity.

60. A few NGOs also considered that most Members did not have adequate procedures to undertake environmental assessments of aquaculture operations, monitor aquaculture operations and minimize the harmful effects of the introduction of non-native species or genetically altered stocks used for aquaculture. The specific needs identified for improvement included developing national aquaculture development plans, conducting pre-project social and environmental impact assessments as well as establishing environmental and social criteria for the assessments, introducing better monitoring frameworks by independent authorities, improving self-control of farms with the support by fish-farmers' associations, introducing precautionary approach and a multi-step procedures for the introduction of non-native species and genetically altered stocks, introducing more effective control and prevention of escape from aquaculture facilities and promoting research on minimizing harmful effects of aquaculture.

61. Four NGOs³⁴ indicated that they had been making efforts to assist in implementing of all or some of IPOAs and Strategy-STF. With regard to IPOA-capacity, those efforts involved establishing a database of fishing fleets, organizing consultations among stakeholders, participating in a regional advisory process, establishing and implanting an agreement among members of an organization as well as requesting non members to reduce fishing capacity. For the IPOA-sharks, the efforts included active participation in a regional process for conservation of sharks, urging all countries to adopt management plans to support conservation and management of sharks and including sharks into a list of threatened and/or endangered species. With regard to IPOA-seabirds, an NGO reported to conduct education and encouragement activities for fishers to implement the IPOA. For the IPOA-IUU, NGOs reported to participate actively in various regional and global fora, organize consultations and workshops among stakeholders, develop action plans, better practices guidelines and/or a pilot project and monitor trade by members in order to combat IUU fishing.

FAO FISHCODE PROGRAMME

62. Established at the request of Members to respond to the special requirements of developing countries, the FishCode Programme operates in support of activities to facilitate the implementation of the Code and related fisheries instruments. FishCode Programme activities are wide ranging and include technical assistance, human-capacity development and specialized survey and study missions.

63. Building on the successful outcomes of activities initiated in 1998 FAO has continued to expand the FishCode Programme through global and regional projects covering a range of areas. Donor funding for the Programme is provided either through contributions to a common fund, the FishCode Trust, or through direct single donor funding of one or more individual project activities.

SUGGESTED ACTION BY THE COMMITTEE

64. The Committee is invited to:

- continue to make best efforts to broaden and deepen the implementation of the Code to promote more responsible and sustainable aquaculture and fisheries;
- provide guidance on the recommendations of the 2008 study on electronic options for monitoring the implementation of the Code, particularly with respect to further work to develop an electronic reporting system based on MS Excel and updating of the Code questionnaire for further consideration at the Twenty-ninth session of COFI;
- acknowledge that action is required to enable all stakeholders to have access and contribute to the flow of information to achieve responsible fisheries management and deeper implementation of the Code, especially in developing countries;
- note, as follow-up to COFI's recommendations at the Twenty-seventh session concerning safety at sea in the fisheries sector, COFI/2009/Inf.13, and advise further actions if deemed necessary.

³⁴ CEPPT, CFFA, OPRT and IUCN.