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PROGRESS IN THE IMPLEMENTATION OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND RELATED INSTRUMENTS, INCLUDING INTERNATIONAL PLANS OF ACTION AND STRATEGIES, AND OTHER MATTERS

SUMMARY

This paper provides a summary of activities by FAO Members, regional fishery bodies (RFBs), non-government organizations (NGOs) and the Secretariat intended to support the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries and its related instruments since the last report to the FAO Committee on Fisheries in 2009. It is the seventh such report prepared for the Committee. Following the paper's introduction, FAO's action to promote the Code's implementation is addressed, activities and applications at the Code at national level are reviewed, the activities of RFBs and NGOs are examined and the role of FAO's 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 seventh 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 on the FAO website and at COFI to be read in conjunction with this paper.¹

2. For the 2011 report 69 Members² (36 percent of all FAO Members)³ responded to the questionnaire in comparison to 68 Members for the 2009 report. In addition, 21 RFBs⁴ (55 percent of the bodies to which questionnaires were sent) responded to this report in comparison to 14 RFBs in 2009. In addition, responses were received from 11 NGOs (34 percent of the organizations to which questionnaires were sent) in comparison to six NGOs in 2009.

3. For this report response rates from the African and Asian regions weakened substantially, with only four responses being obtained from Asia (representing 17 percent of FAO membership in Asia). Other FAO regions maintained or increased their rates of responses (Table 2).

FAO ACTION TO SUPPORT THE CODE'S IMPLEMENTATION

4. FAO supports the Code's implementation in a variety of ways including through regular and field programme activities. Since the 2009 report, the Fisheries and Aquaculture Department has undertaken activities specifically designed to promote and strengthen implementation.

5. Work was finalized in 2010 on the development of an electronic questionnaire and a data "harvester" to process the data submitted. A pilot test of the questionnaire was also undertaken. The results of this test are reported in COFI/2011/2 Supp.1.

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. In 2009 and 2010 Technical Guidelines relating to best practices to reduce catch of seabirds in capture fisheries, best practices in ecosystem modelling for providing information to support the ecosystem approach to fisheries, the human dimensions of the ecosystem approach to fisheries, rehabilitation of inland waters for fisheries, responsible fish trade and information and knowledge sharing, were produced. In addition, in 2010 the CD-ROM on the Code was reissued incorporating new documents and, for the first time, incorporating the six FAO official languages.⁵

7. FAO also undertook other directed activities to support the Code's implementation. Some of these activities included contributions to regional and national workshops to deepen the Code's implementation, ongoing work for the development of technical guidelines, the translation of some guidelines and the elaboration of national plans of action to combat IUU fishing. Contributions on the Code to activities outside FAO were also made.

¹ The statistical summary analysis has been maintained in terms of content and table formats as in 2009. However, one additional table (table 38 b) has been added. It relates to the implementation of the strategy-STA. The paper is available as a 'made available' paper on the COFI Website.

² The questionnaire was despatched to FAO Members on 1 February 2010. Follow-up requests were despatched on 1 March 2010 and 12 April 2010. The closure date for acceptances was 30 April 2010 but questionnaires were accepted for inclusion in the analysis until 30 June 2010. Sixty-nine countries submitted questionnaires before 30 June 2010. After that dates questionnaires were received from the Republic of Korea, Pakistan and Thailand. The information provided in these questionnaires could not be included in the analysis.

³ 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.

⁴ Three RFBs indicated that the questionnaire was not relevant to their work and so 18 RFBs responded in a substantive manner.

⁵ The CD-ROM was issued initially in 2003 and reissued in 2007 in English, French and Spanish.

ACTIVITIES AND APPLICATIONS OF THE CODE AT NATIONAL LEVEL

General

8. In Article 2, the Code lays out ten specific Objectives. Members were invited to rank their national relevance (Table 3). Top priorities continued to be assigned to objectives a) and b), as was the case for the 2007 and 2009 reports. The lowest relevance was assigned to objectives d) and h),⁶ reflecting 2007 trends, with the promotion of responsible trade in fisheries products slipped to last position. The 2001 top priority objective, objective f),⁷ gradually slipped to seventh position in 2009, gaining ground to fifth position in 2011.

9. The Code is subdivided into themes, touching on eight technical domains of fisheries and aquaculture sectors. Members were invited to assign priority ratings to these (Table 4). “Fisheries Management” and “Aquaculture Development” continue to be ranked as top priorities, reflecting results obtained since 2001. As in 2009, “Inland Fisheries Development” was ranked as the bottom priority, while “Trade” slip back into second-last position, down one over 2009 rankings.

10. Sixty-six percent of Members reported to have national policies and legislation in place that either totally or partially conform to the Code (Table 5). Of the 34 percent that did not partially conform or did not conform at all to the Code, 28 percent reported to be working towards conformity in both policy and legal areas.

11. In terms of building awareness about the Code, the mechanisms that were most common centered on meetings and workshops and the expression of the Code through policy and legal frameworks (Table 6).

Fisheries management

12. Only ten percent of respondents reported to have no fisheries management plans in place (Table 7). This reverses a six-year trend of more and more countries reporting not to have developed any FMPs. The reported percentage of existing/drafted plans implemented for inland fisheries was 75 percent, while implementation of marine fisheries management plans stood at 93 percent. These results were likely to have been influenced by the low response rates from African and Asian Members, where formal fisheries management planning in the past has been reported as being low.

13. The most commonly applied management tool in inland and marine fisheries remained the prohibition of destructive fishing methods (Table 8). The least used tools were addressing fleet capacity and the economic performance of the sector and, with a particularly low implementation rate of 58 percent, making use of stock specific target reference points. This measure stands out from the others where implementation rates exceed 80 percent. This trend has been noted since 2005. The interests of small-scale fishers, ranked fifth in 2005, and fourth in 2007 and 2009, moved up to second position, indicating a possible trend towards greater stakeholder empowerment.

14. As in 2007 and 2009 just over 50 percent of Members reported to have developed stock specific target reference points for managing fisheries (Table 9). In a majority of cases, stock specific target reference points were either being approached or exceeded, signifying a steady trend in managed fisheries either nearing full exploitation (52 percent), or being overexploited (76 percent).

⁶ 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 h): Promote trade in fish and fishery products in conformity with relevant international rules.

⁷ Objective f): Promote the contribution of fisheries to food security and food quality, giving priority to the nutritional needs of local communities.

Other reported “indicators” used for managing fish stocks pertained to catch and effort data, and stock assessment data (Table 10). In situations where stock specific target reference points were exceeded, the most commonly reported remedial action was regulation of fishing effort (56 percent). Other reported measures include the use of closed areas and seasons (44 percent), implementing total allowable catches (TAC) and quota systems (31 percent) and closing fisheries (25 percent) (Table 11).

15. Ninety-one percent of Members reported that they applied the precautionary principle to fisheries management – a value that has oscillated in the mid-80s to the mid-90s range since 2005. The taking into account of scientific advice, not explicitly reported in earlier monitoring rounds, has been reported by many Members as a mechanism to implement the precautionary principle (Table 12). It was ranked in fourth position for the 2011 report. Generally, though, reported mechanisms continue to embody classic fisheries management tools. Members reporting to implement actual “precautionary” mechanisms, such as the setting of quotas below the level suggested by research, remained few.

Fishing operations

16. Members were invited to report on mechanisms to control fishing operations within and outside waters under national jurisdiction (Tables 13 and 14). In both jurisdictional areas, as was the case in 2007 and 2009, the improvement of the law enforcement dimension of monitoring, control and surveillance (MCS) arrangements and mandatory licensing regimes were reported as the main mechanisms through which this control was being achieved. The strengthening of legal frameworks, putting in place stricter fines, and mandatory reporting ranked third. Cooperation between Members and with RFMOs remained a prominent mechanism to control distant-water fishing operations.

17. More than two-thirds of Members reported to make use of gear restrictions and tighter controls to limit bycatch and discards (Table 15). As in 2009, other mechanisms achieved much lower scores, and included seasonal and area closures, the setting of minimum catch sizes, and banning of discards. Policies on bycatch and discards continued to vary widely with some Members banning discarding while others prohibited the landing of bycatch.

18. 74 percent of Members reported to have partially or fully implemented vessel monitoring systems (VMS), with one third of other Members planning to do so in future (Table 16). This result was not substantially different from results obtained in 2003 (65 percent for partially or fully implemented) and thereafter, suggesting that VMS expansion has been modest over the last eight years.

19. Safety in the fisheries sector was discussed at the Twenty-eighth session of COFI⁸ and there was widespread support for the development of guidelines on best practices for safety at sea in the fisheries sector, as recommended by the Expert Consultation on Best Practices for Safety at Sea in the Fisheries Sector.⁹ Whereas work continues in that direction, new safety standards for small-fishing vessels titled “FAO/ILO/IMO Safety Recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels” (Safety Recommendations), which is a voluntary instrument, were recently completed. The Safety Recommendations were approved by the International Maritime Organization (IMO) Maritime Safety Committee (MSC) in May 2010 and thereafter sent to ILO and FAO for acceptance. The final draft text of the Safety Recommendations is attached to document COFI/2011/Inf.14.

20. Furthermore, new FAO/ILO/IMO guidelines to assist Competent Authorities in the Implementation of Part B of the Fishing Vessels Safety Code, the Voluntary Guidelines and the Safety Recommendations¹⁰ (all voluntary instruments) are nearing completion at IMO.¹¹ Following the

⁸ FAO. 2009. Report of the Twenty-eight Session of the Committee on Fisheries. FAO Fisheries and Aquaculture Report No 902. FAO. Rome. 64p. (see paragraphs 19 and 20).

⁹ FAO. 2010. Report of the Expert Consultation on Best Practices for Safety at Sea in the Fisheries Sector. Report No 888. FAO. Rome.

¹⁰ The full titles of these documents are: the Code of Safety for Fishermen and Fishing Vessels; the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels and the Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels.

¹¹ This document is available at : <http://www.sigling.is/pages/1122>

agreement of the IMO Sub-Committee on Flag State Implementation to the text of these guidelines (also referred to as the “Implementation Guidelines”) in July 2010, agreement by the IMO Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety is expected in January 2011. It is further expected that the text will be approved by the MSC in May 2011, after which they will be sent to ILO and FAO for consideration.

Aquaculture development

21. Seventy-two percent of Members stated that they had a basic legal framework in place, regulating the development of responsible aquaculture (Table 17a). This situation closely mirrors 2009 results and would support the 2009 suggestion that a global plateau in the development of legal frameworks for aquaculture development has been reached.

22. The Code encourages countries to elaborate, adopt and implement codes of best practice and procedures, specifically with respect to introductions and transfers of organisms. Sixty percent of Members advised that they have developed such instruments at the government level, while just over 40 percent stated to have done so at the producer level (Table 17b). These figures marked continued increases over reports in earlier years. The involvement of suppliers and manufacturers in the development of such codes has remained largely unchanged since 2009 (16 percent and 20 percent respectively).

23. The Code encourages Members to regularly conduct environmental assessments of aquaculture operations, to monitor operations and to minimize harmful effects of alien species introductions (Table 18). Almost 90 percent of Members reported that they had been involved actively in implementing these mechanisms, marking a continued increase over data collected since 2002. Members also identified needs to improve the implementation of these mechanisms to increase their effectiveness (Table 19). Such improvements included the strengthening of institutional and legal frameworks, as well as the frequency and coverage of the assessments themselves.

24. Members are encouraged to promote responsible aquaculture practices to support rural communities, producer organizations and fish farmers (Table 20). Ninety-six percent of Members stated that they had taken steps in this direction. The most common forms of achieving more responsible aquaculture were through extension and awareness raising campaigns, the improvement of legal framework, the implementation of environmental impact assessments (EIAs) and environmental management approaches.

Integration of fisheries into coastal area management¹²

25. Just over 50 percent of Members indicated that a legal framework for the integrated management of fisheries resources and coastal areas was in place. Integrated coastal zone management ranked low for many governments (ranking six out of eight in the priority given to Code Themes).

26. Conflict trends within fisheries and between the fisheries sector and other sectors operating within the coastal area have changed little over the last ten years. Intra-sectoral fisheries conflicts remained the most prominent, with fishing gear conflicts in coastal waters being the most important, followed by conflicts between coastal and industrial fisheries (Table 21). 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. Fisheries intra-sectoral conflict resolution mechanisms were more readily in existence than for inter-sectoral conflicts. The lowest number of formal conflict resolution mechanisms in place was between fisheries and mining activities, a result embodying a continued trend since monitoring of the Code commenced.

¹² The questions under this header were the only questions responded to by EU Member in their own right.

Post-harvest practices and trade

27. Eighty-four percent of Members reported that an effective food safety and quality assurance system for fish and fisheries products was in place in their countries (Table 22). This figure has risen slowly since 2001, when it stood at 58 percent, but has remained largely stationary since 2005 (78 percent).

28. Eighty-eight percent of Members indicated that they had taken steps to reduce post-harvest losses in processing, distribution and marketing (Table 23). The four main measures taken included the enacting of food-safety regulations, the improvement of handling and conservation methods, awareness raising and training, and HACCP implementation and training. By-product utilization and diversification of product use as a means to reduce losses ranked in eighth place.

29. Two-thirds of Members have taken steps to promote the improved use of bycatch in processing, distribution and marketing, mirroring the result in the 2009 report (Table 24). The key measures adopted for achieving this objective were research and development and pilot projects (26 percent) and distribution and value addition (15 percent).

30. While a majority of producers were in a position to trace the origin of the fisheries products they purchased (87 percent), just over a 25 percent of consumers could do so (27 percent) (Table 25). These results indicated *status quo* in the former category and deterioration in the latter category (the 2011 score in the consumer category was the lowest on record: it stood at 39 percent in both 2003 and 2005).

31. Eighty-five percent of Members responded that they had implemented mechanisms to eliminate the processing of, and trading in, illegally harvested resources (Table 26). 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 (the latter more than doubled in importance over 2009 figures). Compliance with the new catch certification scheme under the 2008 EU IUU regulation¹³ was referred to specifically by a large number of Members with respect to the latter mechanism.

Fisheries research

32. Members reported that they had obtained reliable research figures for a total of 1004 stocks exploited in their national fisheries, being equivalent to 64 percent of the main national stocks (Table 27). This result indicated a continued rising trend over earlier years..

33. Seventy-six percent of Members indicated that statistics on catch and fishing effort were collected in a timely, complete and reliable manner. At the same time, only 67 percent of Members reported that sufficient qualified personnel were available to generate data in support of sustainable fisheries management (Table 27). Both these results mirror exactly the figures in the 2009 report.

34. The ranking of data sources for the development of fishery management plans has remained unchanged for the past six years. The most prominent source of information for managers was generated from catch and effort data, followed by in-port sampling surveys, research vessel surveys and onboard sampling of commercial vessels (Table 28). Less prominent data sources included data from processing plants and markets, data from research fishing and socio-economic data.

35. Members reported that key data gaps existed in the domains of *a*) stock status data (49 percent); *b*) catch and effort data (44 percent); *c*) ecosystem data (14 percent); and, *d*) artisanal fisheries data, long term data series, and not landed data (10 percent) (Table 29).¹⁴ Perceived gaps in ecosystem data have been rising in prominence since 2005. The most common constraints faced by

¹³ EC Council Regulation No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. The regulation entered into force on 1 January 2010.

¹⁴ "Not landed data" include discards and transshipments at sea.

developed and developing nations alike to address data gaps remained the shortage of human and financial resources.

36. While 78 percent of Members reported to routinely monitor the state of the marine environment, only 63 percent of Members indicated that they monitored bycatch and discards on a regular basis, reflecting trends since 2005 (Table 30).

International plans of action

37. Twenty percent of Members reported that they had completed their assessments of fishing capacity as called for in the IPOA-capacity while a further 35 percent indicated that they had not yet commenced the exercise (Table 31). Other Members reported they were in the preliminary or ongoing phases of assessment. The main methods used to measure capacity are indicated in (Table 32). The most common method (68 percent) was the assessment of technical fleet capacity while the least used method was estimating capacity through stock modeling (five percent).

38. There has been a marked improvement in the conduct of assessments for the IPOA-sharks perhaps reflected the heightened international attention being given to shark management and related issues. Sixty-five percent of Members indicated that they had shark plans in place while 86 percent of the remaining Members advised that they intended to develop a shark plan (Table 32).

39. Fifty-nine percent of Members reported that they had assessed longline fisheries and the associated incidental seabird bycatch problems, a result that was similar to the past results (Table 34). 44 percent of Members assessed that an NPOA-seabirds was required. Members having implemented a plan have risen from 33 percent in 2005, 60 percent in 2007, 78 percent in 2009 and 80 percent in 2011. The mitigation measures Members reported to be using in their longline fisheries are reported in Table 35.

40. Eighty percent of Members continued to identify illegal, unreported and unregulated (IUU) fishing as a problem (Table 36). Of these countries, 90 percent indicated that they had taken steps to develop a NPOA-IUU, a 50 percent increase over 2009 figures. More than 70 percent of such initiatives had resulted in a completed document. These figures indicated a global, resilient and growing commitment to tackle IUU fishing. Sixty-eight percent of Members that identified IUU fishing as a problem reported to have improved MCS set-ups in order to prevent deter and eliminate IUU fishing (Table 37). Other important measures included cross-border cooperation between authorities (23 percent) and legal framework improvements (23 percent).

41. Seventy-two percent of Members reported that they were aware of FAO's Strategy for Improving the Information on Status and Trends in Capture Fisheries (strategy-STF) (Table 38a). About the same proportion of Members stated that had started to elaborate plans and related programmes: a 20 percent increase over 2009 figures.

42. A little less than 50 percent of Members reported to be aware of FAO's Strategy for Improving the Information on Status and Trends in Aquaculture (strategy-STA) (Table 38b). At the same time 75 percent of Members that were aware of the Strategy indicated that they had started to elaborate plans and related programmes (Table 38b).

43. Sixty-five percent of Members reported to have ratified, accepted or acceded to the 1995 UN Fish Stocks Agreement, while 56 percent indicated they had done the same for the 1993 FAO Compliance Agreement (Table 39). This situation reflected trends reported in earlier reports.

Constraints, suggested solutions, and key findings

44. Overall trends in identified constraints and solutions to the implementation of the Code remained similar, and are ranked globally, and by region, (Tables 40). The top constraints were related to financial (47 percent), human resource (37 percent) and institutional weaknesses (28 percent). The top ranking issues underlined a long-term global trend in both developed and

developing countries in that administrations were often not endowed sufficiently with the necessary financial, human and institutional resources to effectively manage the fisheries sector.

45. In 2011 solutions identified to improve the implementation of the Code mirrored the constraints of earlier years, but to a much smaller degree. The top ranking solutions were training and awareness for all stakeholders: including Government (56 percent), aligning legal frameworks with the Code (40 percent), and improving MCS (31 percent) (Table 40b). Financial and human resources (29 percent) and international cooperation (in terms of development assistance) (29 percent) followed thereafter.

46. The analysis of the information contained in the 2011 report appeared to indicate that the IPOA-sharks and IPOA-seabirds received increasing attention over the reporting period. This result was a positive development. The same was true for the development of NPOA-IUUs.

47. The assessment of fishing capacity, and the development of NPOAs-capacity, that seemingly received more attention from national administrations in 2009, was not maintained in information provided for the 2011 report. This development is of concern because capacity adjustment can be effected only on the basis of sound assessment and subsequent coherent social and economic policy and planning. Sustainable world fisheries, including the reduction in IUU fishing, will remain elusive without cutbacks in global fishing capacity.

ACTIVITIES OF REGIONAL FISHERY BODIES AND NON-GOVERNMENT ORGANIZATIONS

Regional fishery bodies (RFBs)

48. Seventeen RFBs responded that existing fisheries management plans and/or measures contained key management tools. The majority of them reported that they contained measures to ensure that the level of fishing was commensurate with the state of fisheries resources including measures to allow depleted stocks to recover. Many of the RFBs also indicated that those plans and/or measures addressed the selectivity of fishing gear, the prohibition of destructive fishing methods and practices (e.g. dynamiting and poisoning) and the protection of endangered species. Many RFBs considered that existing fisheries management plans and/or measures took account of the biodiversity of aquatic habitats and ecosystems, including identifying essential fish habitats, accommodating the interests of small-scale fishers, and providing for stakeholder participation in determining management decisions. On the other hand, only 50 percent the RFBs responded that those plans and/or measures addressed stock specific target reference points and fishing capacity (including the economic conditions under which the fishing industry operated).

49. Thirteen RFBs indicated that they had taken steps to establish 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. Ten RFBs reported, however, that the reference points they had set were being either approached or exceeded. To remedy the situation, a variety of measures had been adopted including a vigorous campaign and a number of measures to combat the cause of IUU fishing, additional MCS measures and VMS and observer requirements, reducing fishing mortality or close of fishing, guidelines on stock rebuilding programs, regulation and control of the catch of undersized fish and species-specific licensing systems.

50. Fourteen RFBs advised that the precautionary approach had been applied in fisheries management. The ways in which it has been implemented included setting precautionary catch limits and precautionary buffer zones as well as closure or reduction of fishing effort when stocks fall below a certain reference point and/or significant adverse effects on aquatic ecosystems such as deep water areas. IATTC reported that its new convention, the Antigua Convention, would enter into force on 27

August 2010. The Commission noted that its new convention sought to “promote the application of any relevant provision of the Code of Conduct”, including the application of the precautionary approach.

51. Fifteen RFBs 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 included requirements for official fishing and/or farming registration, the listing of authorized and IUU fishing vessels, MCS schemes (including full report requirements such as a catch documentation system), VMS, joint inspection schemes, port State measures (PSMs), observer programmes, trade related measures, transshipment regulations and non-Contracting Party Schemes.

52. Twelve RFBs reported that VMS had been adopted by their organization. However, some of them also reported the main problems associated with the system including technical problems (software problems, slow initial implementation, telecommunication capacity in Members, high costs, lack of cooperation between Members and regional agencies).

53. Fourteen RFBs reported that they had adopted measures over the last two years to limit or strengthen existing measures on fisheries bycatch and discards. In comparison with the last questionnaire in 2008, measures taken in this area have been much enhanced. They included promoting research programmes, introducing action plans, bycatch and/or minimum size limits as well as various 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-seas, the introduction of bottom fishing regulations including area closures, in particular where bottom fishing has not taken place or only occurs occasionally, as well as further enhancement of data collection were reported.

54. Seven RFBs indicated 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 for aquaculture. The specific needs for improvement of those measures were identified to include the need for human, technical and financial resources as well as institution and capacity development.

55. The number of the important stocks found in the mandated waters of RFBs varied widely. All 18 RFBs that responded reported that they used catch and effort data from commercial fisheries for the development of fisheries management plans and the adoption of management measures. The majority of 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 aerial recruitment monitoring survey and tagging programmes.

56. Eight RFBs listed their efforts or intention to assist directly or indirectly in the implementation of the IPOA-capacity, while five RFBs advised that the IPOA was handled individually by member States. Efforts to implement the IPOA-capacity included the establishment of regional plans of action and/or resolutions for management of fishing capacity, the introduction of effort limitations, including quotas, and provision of training opportunities and relevant information.

57. Eleven RFBs listed their efforts to assist in the implementation of the IPOA-sharks. Those efforts included conservation measures specifically for the conservation of sharks, the prohibition of directed fishing on sharks as well as shark finning and encouraging full utilization of sharks, promoting and supporting research and establishment of national and regional plans of action.

58. Eight RFBs listed their efforts to assist in the implementation of the IPOA-seabirds. Efforts included conservation measures aimed at mitigating seabird bycatch, introducing devices to minimize seabird interaction such as tori poles, support and encouragement for the establishment and implementation of national plans of action, data collection on seabird interactions and regular reviews to identify best practices for seabird bycatch mitigation techniques.

59. Sixteen RFBs listed their efforts to assist in the implementation of the IPOA-IUU. Efforts included strengthened MCS measures including PSMs, trade monitoring and control, listing of fishing vessels authorized to fish including a regional register of fishing vessels, listing of IUU fishing vessels, VMS, prohibition of transshipment, dispute settlement processes and cooperation and coordination in each region among contracting Parties and with other RFBs including information sharing on IUU fishing activities, joint enforcement activities as well as organizing regional workshops to combat IUU fishing.

60. Fourteen RFBs listed their efforts to assist in the implementation of the strategy-STF. Several RFBs reported on their cooperation with FAO such as through the Coordinating Working Party on Fisheries Statistics (CWP) and Fisheries Resources Monitoring System (FIRMS). Other efforts included publishing fisheries statistical bulletins and a record of stock assessment and databases, capacity development and technical assistance including the establishment of minimum standards for catch statistics and a regional strategy for the use of fisheries statistical information. It was also reported that five tuna RFBs cooperated to share best practices on the provision of scientific advice.

61. Ten RFBs provided conclusive remarks and expressed their full awareness of the Code and its significance. It is also pointed out by one RFB that the Code was “unlikely to be effective until the charter or objectives of fisheries management organizations include a requirement that their fisheries be managed on an ecosystem approach”. The Code was recognized in general to provide a comprehensive set of principles, upon which RFBs could elaborate their own management plans and measures. One RFB reported its development of regional guidelines for responsible fisheries.

Non-governmental organizations (NGOs)

62. The Code’s objectives listed in Article 2 of the Code were assessed by 10 NGOs in terms of their relevance for sustainable fisheries and aquaculture. Top priority was given to the first objective while second place went to the second and ninth objectives. Some differences in the level of priority were observed in particular with regard to post-harvest practices, integration of fisheries into coastal area management and inland fisheries development.

63. NGOs identified the lack of capacity, political will, human and financial resources, as well as insufficient knowledge and understanding of the Code as the main constraints to its implementation. One NGO identified the non-binding nature of the Code as a main constraint while another listed confusion created by competition among donors, each of which advocated its own issues and solutions without coordination. One of suggested solutions could be the establishment of public-private partnership and specific national and regional level frameworks where all relevant stakeholders could collaborate and coordinate their activities to promote the Code’s implementation. In addition, other solutions were proposed.

64. NGOs were promoting a range of activities to make the Code more widely known and understood, including efforts to raise public awareness through their websites, publications and meetings. One NGO well known for its ecolabelling work reported that its standard was developed based on the Code. Another NGO indicated that it had created a public-private partnership in collaboration with World Bank, FAO and GEF to establish more economically and environmentally sustainable fisheries and successful aquaculture operations, particularly in developing countries.

65. While several NGOs expected that countries and RFBs established fisheries management plans to ensure the sustainable utilization of living aquatic resources, two NGOs did not believe this to be the case. One NGO, which responded negatively, indicated that there were two kinds of problems. The first was related to science. It questioned the doctrine of maximum sustainable yield that was “manifestly inadequate to ensure the sustainability of fish stocks”. The second problem was the lack

of information concerning the most recent policies elaborated by the UN and its specialized agencies. Another NGO indicated that there was a need to develop a principle to minimize conflict of interest among stakeholders.

66. Two NGOs also considering that most countries do not have adequate procedures in place 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 better evaluation of the positive and negative environmental consequences of aquaculture activities, detailed studies on the role of extensive aquaculture operations in biodiversity conservation, development of monitoring criteria for aquaculture and integration of them into national environmental monitoring systems, stricter regulations on introduction of exotic species and their use in aquaculture as well as raising public awareness on the negative effects of releasing exotic species into the environment.

67. Six NGOs indicated that they had been making efforts to assist in implementing all or some of the IPOAs and the Strategy-STF. Those efforts involved the reduction or freezing of fishing capacity, collaboration with countries and RFB to encourage national plans of action, integration of requirements based on the IPOAs into standards and criteria for certification and raising public awareness.

FAO FISHCODE PROGRAMME

68. 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. 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.

69. The approved resource mobilization strategy in the Immediate Plan of Action (IPA) builds on the integration of projected extra-budgetary resources within the new programming and budgeting process, in support of the organizational results and the Strategic Objectives. In that context, the IPA identified the impact focus areas (IFA) as an important element to be included in the medium term planning process, to form a focus for extra-budgetary resources and facilitate Governing Body oversight. The FishCode Programme acts as focal point to the IFA that supports the promotion of responsible fisheries and aquaculture sector management at the global, regional and national levels with priority given to capacity building in support of implementation of the Code, the 1993 FAO Compliance Agreement and IPOAs.

SUGGESTED ACTION BY THE COMMITTEE

70. The Committee is invited to:
- provide guidance on how to continue to broaden and deepen the implementation of the Code;
 - advise, taking account of COFI/2011/2 Supp.1., whether the electronic questionnaire for the Code should be implemented for the next reporting period;
 - note, in particular, the need for Members to continue to address fleet and fishing overcapacity, to develop fisheries management planning frameworks for key fisheries, and to continue to address IUU fishing in the most effective ways including by giving full effect to NPOA-IUUs;
 - note progress concerning safety at sea in the fisheries sector; welcome the development of the FAO/ILO/IMO Safety Recommendations and recommend the early publication of this document; and
 - note the comments made by RFBs and NGOs in relation to the Code's implementation.