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FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS - ROME

Twenty-seventh Session

Rome, 6-25 November 1993

International Code of Conduct for Responsible Fishing

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1. At its Twentieth Session held 15-19 March 1993, the Committee on Fisheries (COFI) considered the item "Conservation and rational utilization of living marine resources, with special reference to responsible fishing". In this context, proposals with regard to the content of an **International Code of Conduct for Responsible Fishing** and a time-frame for its adoption and implementation were discussed. COFI unanimously agreed that a Code of Conduct for Responsible Fishing would be important for future sustainable fisheries development and advised that the Code of Conduct should have an encompassing umbrella of general principles, which would provide the framework for the detailed guidelines on the issues to be covered. The Committee set up a time-frame for the preparation of the Code, which envisaged, *inter alia*, that the first draft of the General Principles should be available for discussion at its next Session in the spring of 1995, together with the drafts of those sections of the Code to which highest priority was accorded, i.e., Guidelines on Fishing Operations, Fair Trade Practices, Aquaculture Development and Integration of Fisheries in Coastal Area Management.
2. In approving the COFI report, the Council, at its 103rd Session in June 1993, strongly endorsed the concept of and need for an International Code for Responsible Fishing to be elaborated by FAO in consultation with relevant international organizations and requested FAO to prepare the draft of the Code of Conduct as a matter of priority.
3. On 19 October 1993 the Director-General received a letter from the Chairman of COFI, Don Rafael Conde de Saro (Spain), proposing that the time-frame for the preparation of the Code be reconsidered in order to give utmost priority to the section on General Principles, which, instead of being discussed in first draft by the Twenty-first Session of COFI with other sections of the Code, should be put on a "fast track" that would permit the acceleration of the overall process of elaborating the Code of Conduct. This letter is herewith attached as Appendix A.
4. While work on the above-mentioned Code of Conduct forms part of programme activities proposed under the Programme of Work and Budget for 1994-95 under Major Programme 2.2 - Fisheries, there is no provision for the holding of one or more *ad hoc* technical consultations before the Twenty-first Session of COFI.

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5. Depending on the support accorded by the Conference to this proposal, the Director-General would seek to mobilize extra-budgetary resources for the convening of the *ad hoc* technical consultations or determine, in the course of programme implementation, the manner in which the cost could be covered from the approved Programme of Work and Budget 1994-95.

APPENDIX A

Madrid, 18 October 1993

Dr. Edouard Saouma
Director-General of FAO
Via delle Terme di Caracalla
00100 - ROME

Dear Director-General,

At the March meeting of the Committee on Fisheries, it emerged very clearly that the Member States of this Committee attribute great importance to the need to press on resolutely with the drafting of a Code of Conduct for Responsible Fishing.

The level of agreement reached has made it possible, firstly, to lay down a work schedule for drafting this Code of Conduct, and secondly to move ahead with unusual dispatch with one of its essential components, namely the Agreement on Reflagging.

The last meeting of the United Nations Conference on Highly Migratory Species and Straddling Fish Stocks showed that despite the general agreement on the need to find solutions to the fisheries problem at the world level, it is necessary to work out formulae that, while obviating the difficulties relating to jurisdiction that emerged clearly at New York, make it possible to find common ground in order to constructively direct the common intent mentioned above.

Against this background, the role of the FAO Committee on Fisheries takes on particular importance, not only because by its very nature it is the most appropriate and least controversial forum, but also because it has given manifest proof of its effectiveness and has produced evident results.

The "fast lane" procedure established for negotiating the Agreement on Reflagging and the use of technical consultations have made it possible to move resolutely ahead with the framing of a draft Agreement, which establishes one of the basic principles of responsible fishing, namely the liability of the Flag State.

In the light of the foregoing, in my capacity as Chairman of the Committee on Fisheries, I would like to suggest that it might be advisable to review the timetable laid down at the last Session, in order to adopt a decision to hasten the Code of Conduct drafting process. Accordingly, I believe that the same "fast lane" approach, which has produced such good results in the case of reflagging, should be used for drafting the general principles of this Code.

I hope that if you agree with the foregoing, you will circulate this letter among the States concerned, so that at the Twenty-seventh FAO General Conference it may be possible to discuss and, if possible, adopt the relevant decisions.

May I avail myself, Mr. Director-General, of this opportunity to reiterate my highest consideration.

Rafael Conde de Saro
Chairman of the Committee on Fisheries

