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## COMMITTEE ON FISHERIES

### Twenty-sixth Session

Rome, Italy, 7 – 11 March 2005

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

#### SUMMARY

This document summarizes activities undertaken by FAO to facilitate the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries, the four international plans of action and the Strategy that have been concluded within its framework. It is the fourth report prepared for the FAO Committee on Fisheries. The document also reports on progress made by FAO Members, regional fishery bodies and non-governmental organizations in implementing and promoting the implementation of the Code. Furthermore, the document outlines the activities of the FishCode Programme and discusses matters concerning the frequency of FAO monitoring and reporting on the Code. Information relating to the Part VII Fund established under the 1995 UN Fish Stocks Agreement is addressed in the penultimate section of the paper. The final section contains suggested 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 the implementation of the Code. This report is the fourth such report prepared for COFI by FAO. The information provided in this report has been supplied by the FAO Secretariat, Members, regional fishery bodies (RFBs) and non-governmental organizations (NGOs). The information is collated and analyzed on the basis of self-assessment questionnaires provided by FAO.

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2. For this report, 49 FAO Members<sup>1</sup> (27 percent of the FAO Membership) responded to the questionnaire in comparison to 105 Members in 2003 (57 percent of Members).<sup>2</sup> These figures show a 53 percent decline in reporting. Seventeen RFBs<sup>3</sup> (52 percent of the bodies to which FAO sent questionnaires) responded in comparison to 19 RFBs in 2003. In addition, reports were received from four NGOs<sup>4</sup> for this report in comparison to five NGOs in 2003.

### **ACTION BY FAO TO PROMOTE IMPLEMENTATION**

3. FAO supports the full and effective implementation of the Code and this activity ranks high in the fisheries programme of work, overarching all aspects of it. Since the last report on the Code the Fisheries Department has undertaken a number of dedicated activities geared towards implementing the Code. The major activities have included the holding of expert and technical consultations on open registries, illegal, unreported and unregulated (IUU) fishing, fleet capacity; national and subregional workshops on the international plans of action (IPOAs); revisions and updating of the CD-Rom on the Code; simple language versions of the technical guidelines on inland fisheries and aquaculture development; publication of a technical guideline on the ecosystem approach to fisheries and the publication of the Strategy for Improving Information on Status and Trends of Capture Fisheries (the Strategy).
4. In 2004, at the request of the Twenty-fifth Session of COFI, three Technical Consultations were held at FAO Headquarters that sought, inter alia, to further strengthen the implementation of the Code. These meetings were:
- The Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) and the International Plan of Action for the Management of Fishing Capacity (IPOA-capacity) was held in June 2004.<sup>5</sup> The Consultation suggested a number of actions to promote further the implementation of the IPOA-IUU and IPOA-capacity. At the conclusion of its work the Consultation adopted a set of recommendations that have a strong focus on IUU fishing. They are contained in the Annex E to the report of the meeting.
  - The Technical Consultation on the Use of Subsidies in the Fisheries Sector was held in June/July 2004.<sup>6</sup> The Consultation recommended that FAO continue to work on issues related to fisheries subsidies. It concluded that two work programmes, one short term and

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<sup>1</sup> Responses after 1 November 2004 were also received from Bolivia, Chile, Congo Republic of, Haiti, Honduras, Iceland, Kenya, Lebanon, Lithuania, Myanmar, Saudi Arabia and Venezuela. However, these responses were too late to be included in the analysis for this paper.

<sup>2</sup> For a statistical analysis of responses see Regional Statistical Analysis of Responses by FAO Members to the 2004 Questionnaire on the Code of Conduct for Responsible Fisheries. This paper is being made available at this Session.

<sup>3</sup> Asia-Pacific Fishery Commission (APFIC), Commission for the Conservation of Antarctic Marine Living Resource (CCAMLR), Commission for the Conservation of Southern Bluefin Tuna (CCSBT), Fishery Committee for the Eastern Central Atlantic (CECAF), Commission for Inland Fisheries of Latin America (COPESCAL), Forum Fisheries Agency (FFA), General Fisheries Commission for the Mediterranean (GFCM), Inter-American Tropical Tuna Commission (IATTC), International Commission for the Conservation of Atlantic Tunas (ICCAT), Lake Victoria Fisheries Organization (LVFO), Northwest Atlantic Fisheries Organization (NAFO), North Atlantic Salmon Conservation Organization (NASCO), Northeast Atlantic Fisheries Commission (NEAFC), North Pacific Anadromous Fish Commission (NPAFC), Regional Commission for Fisheries (RECOFI), Secretariat of the Pacific Community (SPC), Western Central Atlantic Fishery Commission (WECAFC).

<sup>4</sup> Fisheries Development Council International (FDCl), International Collective in Support of Fishworkers (ICSF), Marine Stewardship Council (MSC), Organization for Promotion of Responsible Tuna Fisheries (OPRT).

<sup>5</sup> See document COFI/2005/Inf. 8

<sup>6</sup> See documents COFI/2005/Inf. 9 and COFI/2005/Inf. 9 Add. 1.

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one long term, should be developed and that detailed outlines of these should be presented to the Twenty-sixth Session of COFI.

- In August/September 2004 the Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing<sup>7</sup> took place. The objectives of the Consultation were to address substantive issues relating to the role of the port State in combating IUU fishing and to address principles and guidelines for the establishment of regional memoranda on port States measures to prevent, deter and eliminate IUU fishing. The Consultation approved a Model Scheme on Port State Measures to Combat IUU Fishing. The Consultation also supported the setting up of a programme of assistance to facilitate human development and institutional strengthening to promote the implementation of port States measures to combat IUU fishing and supported the establishment of a database concerning relevant port State measures. Information on the system requirements for the proposed database and its costs are in Annex 1.

### **ACTION BY FAO MEMBERS TO PROMOTE IMPLEMENTATION**

5. In Article 2, the Code lays out ten specific Objectives, and FAO Members were asked to rank their relevance with respect to specific national contexts. Top priorities were attributed to objectives b) and a), while the lowest relevance was attributed to objectives d) and h)<sup>8</sup>. While this situation mirrored 2003 trends although the 2001 top priority was objective f)<sup>9</sup>, that has since lost 17 percentage points in its “extremely relevant” rating, and was replaced by objective a) in 2003.
6. The Code is subdivided into themes, touching on eight technical domains of fisheries and aquaculture sectors. FAO Members were asked to attribute priority ratings to these on the national scale. Fisheries management and aquaculture development rank as top priority themes, while integration of fisheries into coastal and area management, and trade issues rank as the two bottom priorities. This reflected results obtained in 2001 and 2003.
7. Over 90 percent of responding FAO Members reported to have national policies and legislation in place that either totally or partially conformed to the Code. More importantly though, some 74 percent reported to be either in conformity with the Code or were working towards conformity in both policy and legal domains.
8. In terms of achieving awareness about the Code, main mechanisms reported centred around meetings, workshops, seminars and the improvement of legal frameworks. The use of classic and modern media, such as the internet, lagged far behind, with less than 8 percent of all countries reporting to make use of them. Grassroots level awareness raising scored even lower.

### **Fisheries management**

9. Overall, one in five Members reported not to have any fisheries management plans in place at all. The average number of marine fisheries management plans appeared to have dropped by some 14 percent of Members overall. The average number of inland fisheries management plans, however, has not undergone significant change. The reported percentage of plans implemented was higher for inland fisheries (93 percent), while implementation of

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<sup>7</sup> See document COFI/2005/Inf. 10.

<sup>8</sup> Objective b): Establish principles and criteria to implement policies for the conservation of fishery resources and fisheries management and development. Objective a): Establish principles for responsible fisheries considering all their relevant biological, technical, economic, social environmental and commercial aspects. 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.

<sup>9</sup> Objective f): Promote the contribution of fisheries to food security and food quality, giving priority to the nutritional needs of local communities.

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plans was generally significantly higher than in 2003. These results conveyed mixed and partially conflicting trends for fisheries management planning and implementation.

10. FAO Members were asked to provide feedback on which management tools were applied to fisheries management plans. The most commonly used tools in inland and marine fisheries management were reported as the prohibition of destructive fishing methods, addressing the selectivity of fishing gears and involving stakeholders in the fisheries management planning process. The least used tools were the addressing of capacity issues and the economic conditions of the sector and making use of stock specific reference points.
11. About half of Members have developed stock specific target reference points for use in fisheries management. In most cases, stock specific target reference points were either being approached or exceeded, indicating that a majority of fisheries managed by making use of stock specific target reference points were either nearing full exploitation or were being overexploited. Other reported indicators used for managing fish stocks pertained mostly to catch and effort data and catch and stock assessment data. In situations where stock specific target reference points were exceeded, the most commonly reported remedial action was regulation of fishing effort, reported by 80 percent of all reporting Members. Other less commonly indicated measures include the strengthening of controls, improving management mechanisms, putting in place gear restrictions, and introducing quota systems.
12. Almost 90 percent of reporting Members applied the precautionary approach to fisheries management. When asked to list such specific precautionary mechanisms, over 40 percent reported to use access regulations, followed by other classic fisheries management mechanisms, such as total allowance catches and quota controls, closed seasons, gear regulations, etc. However, less than 5 percent of all respondents explicitly mentioned mechanisms, based on actual precautionary principles, such as the setting of lower precautionary harvesting limits in data deficient management contexts.

### **Fishing operations**

13. FAO Members were asked to report on mechanisms to control fishing operations within and outside waters of national jurisdiction. In both areas, the improvement of monitoring, control and surveillance (MCS) arrangements, mandatory licensing regimes and the strengthening of legal frameworks were reported as the main mechanisms through which control over fishing operations were achieved. Only one in ten Members reported cooperation between countries as a mechanism to ensure better control over fishing operations.
14. Seventy percent Members reported to make use of gear restrictions and tighter controls to limit bycatch and discards. All other mechanisms scored rather low (less than 23 percent), and included the setting of minimum catch sizes, seasonal closures and quotas for non-target species. Mechanisms to limit bycatch and discards varied widely. Some Members banned all discarding altogether while other countries prohibited landing of non-authorized species – thus forcing operators to discard bycatch.
15. Seventy percent of reporting FAO Members reported to have implemented vessel monitoring systems (VMS) to some degree with most other countries planning to do so in the future. This represents a near tripling of countries that had adopted VMS in 2001 (26 percent), and firmly establishes VMS as a preferred technology to monitor fishing vessel operations world-wide.

### **Aquaculture development**

16. Overall, 61 percent of reporting Members stated to have some form of legal framework in place regulating the development of responsible aquaculture. This compares favourably to figures arrived at in 2001, when this percentage stood at 42 percent. This embodies a greater than 50 percent increase in legal frameworks directly aimed at regulating aquaculture development, over the last 4 years.
17. In Article 9.3.2, the Code encourages Members to elaborate, adopt and implement codes of best practice and procedures, specifically with respect to introductions and transfers of

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organisms. Just over one in three reporting Members declared to have developed such instruments at the government level, while less than three in ten States had such instruments developed at the producer level. Involvement of suppliers and manufacturers remains low in this domain.

18. The Code encourages countries to regularly conduct environmental assessments of aquaculture operations, to monitor operations, and minimize harmful effects of alien species introductions.<sup>10</sup> Some 70 percent Members reported to be actively involved in implementing these mechanisms, reflecting the 2003 results. However, Members also identified a number of bottlenecks affecting the implementation of these mechanisms, including *inter alia*; a) the wider application and improvement of assessment scope and techniques in the conduct of environmental assessments of aquaculture operations; b) the strengthening of the legal framework on non-native species; and c) the improvement of technical capacity in the domains of monitoring aquaculture operations and minimizing the harmful effects of alien species introductions.
19. States are encouraged to promote responsible aquaculture practices in support of rural communities, producer organizations and fish farmers. About 80 percent of Members stated to have taken steps in this direction. The most common form of achieving this was through the organization of awareness campaigns and the implementation of extension programmes. Other regularly reported measures included the improvement of legal frameworks in support of responsible practices and the concession of credits for the establishment of responsible aquaculture operations.

#### **Integration of fisheries into coastal area management**

20. Fifty-five to seventy-three percent of responding Members indicated that a legal framework for the integrated management of fisheries resources and coastal areas was in place.<sup>11</sup> It appeared that one of the greatest difficulties facing integration of fisheries into coastal area management lay at the administrative institutional level where collaborative linkages and communication between separate government agencies tend to complicate common approaches and the translation of stated integrated management policies into applied management solutions.
21. Conflict trends within fisheries and between the fisheries sector and other sectors operating within the coastal area have hardly changed over the last four years. Conflicts within the fisheries sector remained the most prominent with conflicts between artisanal and industrial fisheries earning the highest rank, followed by clashes arising through gear conflicts in coastal waters. The potential conflict areas posing the least amount of challenges were between the fisheries sector on one hand, and port development and coastal aquaculture development sectors on the other. Conflict resolution mechanisms were in place in about 60 percent of Members reporting for the serious conflict areas, although these mechanisms might be informal and were not necessarily part of legal frameworks.

#### **Post-harvest practices and trade**

22. Close to 80 percent of reporting Members indicated that an effective food safety and quality assurance system for fish and fisheries products was in place in their countries. There was marked progress being achieved in this domain, with 58 percent in 2001, and 71 percent in 2003, reporting the existence of such systems. However, it remained unclear to what extent quality assurance systems targeted the entire national fisheries sector.

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<sup>10</sup> Alien species: includes non-native and genetically altered stocks.

<sup>11</sup> The percentage range arises through the fact that a blank response to the question whether a legal framework was in place or not, can mean either “no” or “don’t know”. The lower value assumes a blank response is an implicit “no legal framework in place”, while the higher value only counts an explicit “no legal framework in place” answer as a “no”, and rates blank answers as void.

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23. Eighty-four percent of Members reported to have taken steps to reduce post-harvest losses in processing, distribution and marketing. The main measures taken referred to the enacting of food-safety regulations and the establishing of procedures and standards. Other prominent measures included the improvement of handling and conservation methods, awareness raising and HACCP implementation and training.
  24. Only 61 percent of FAO Members have taken steps to promote the improved use of bycatch in processing, distribution and marketing. Main measures taken for achieving this objective were more diffuse. About the same amount of Members reported to have put in place 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 introduction of product traceability systems.
  25. While a majority of Members were in a position to trace the origin of the fisheries products they buy, more than half of the consumers were not. It arises that, for a number of Members, knowledge of the general origin was implied at both processor and consumer levels rather than any precise knowledge based on due product labelling under an officially implemented traceability scheme.

### **Fisheries research**

26. Fifty-one to seventy-eight percent of responding Members reported to have obtained reliable figures on at least some of the stocks exploited in their countries.<sup>12</sup> This represented a marginal rise since 2001, where some 40 percent were reported to obtain reliable figures. The fraction of commercially important stocks for which reliable figures were obtained has changed little with 40 percent being reported in 2001 and 44 percent in 2005. It hence follows that little progress has been made in this domain.
27. Sixty-nine percent of Members reported that statistics on catch and fishing effort were collected in a timely, complete and reliable manner. At the same time, 74 percent of Members reported that sufficient qualified personnel were available to generate data in support of sustainable fisheries management.
28. The ranking of data sources for the development of fishery management plans remained largely 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 the deployment of on-board observers and field surveys. Key data gaps were reported to exist in the domains of a) stock status data; b) catch and effort data; and c) artisanal fisheries data in general. While the constraints to the former two (a and b) are generally tied to human and financial resource shortages, the latter two (b and c) also provide for organizational challenges, where it was sometimes difficult to fully cover operations or an entire sector due to their extent and disparate nature.
29. While close to 70 percent of Members reporting indicated that they routinely monitored the state of the marine environment, just over half of Members reported to monitor bycatch and discards on a regular basis. The latter must be seen as a very serious information gap. Bycatch and discard data are of paramount importance to evaluate impacts of given fisheries on stocks and ecosystems.

### **International plans of action**

30. Progress made in implementing the international plans of action (IPOA) to prevent, deter and eliminate IUU fishing and for the management of fishing capacity have been reported on for the Technical Consultation that took place at FAO Headquarters in June, 2004. Reports for the Consultation detailed progress in implementation for these IPOAs.
31. About 30 percent of the Members have made an assessment on the need for an IPOA–sharks. Another one in three of those Members have developed and implemented a plan. This

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<sup>12</sup> See comment in footnote 11.

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represents about 11 percent of shark catching nations and signifies that more progress should be made.

32. Forty-five percent of Members reporting have assessed longline fisheries and incidental bycatch problems as requested for the IPOA–seabirds. Two in five of those Members have concluded that a plan of action is needed and one in three of those countries have implemented the plan.

### **Constraints and suggested solutions**

33. Trends in constraints and solutions to Code implementation remained generally unaltered from the last report.
34. Even though more advanced forms of fisheries management practices, such as the use of stock specific target reference points, were being applied, many stocks under such regimes continue to be either fully or over exploited. The same was true for fisheries where VMS was now deployed as a standard MCS tool.
35. Both the ecosystem approach and the implementation of the precautionary approach in fisheries management remained weak. This was compounded by important data gaps.
36. Product traceability and trade instruments continued to be largely under-exploited as control mechanisms. However, illegal harvesting of resources was a ubiquitous problem reported by a majority of Members (86 percent requiring control mechanisms at all levels to block avenues for offenders to market illegal harvests).

## **RESPONSES FROM REGIONAL FISHERY BODIES AND NON GOVERNMENTAL ORGANIZATIONS**

### **Regional fishery bodies**

37. With respect to Article 7 of the Code some RFBs stated that they had no or only limited mandate for fisheries management,<sup>13</sup> while most regional fisheries management organizations (RFMOs)<sup>14</sup> indicated that existing fisheries management plans and/or measures including those adopted by their respective organizations contained key management tools such as measures to ensure the level of fishing is commensurate with the state of fisheries resources, measures to allow depleted stocks to recover, stock specific reference points, addressing selectivity of fishing gear and prohibition of destructive fishing methods and practices (e.g. dynamiting and poisoning). Majority of the RFMOs indicated that they also address the biodiversity of aquatic habitats and ecosystems and the protection of endangered species as well as the interests of small-scale fisheries. While five RFMOs indicated that they address fishing capacity including the economic conditions under which the fishing industry operates, some others indicated that such measures were mainly taken by each Member State rather than by RFMOs. Most RFMOs indicated that that they provided for stakeholder participation in determining management decisions.
38. Many RFMOs have taken step to establish stock specific target reference points. The number of stocks on which those RFMOs have developed reference points and ways of setting such reference points varied from a specific species in the specific area and to all stocks commercially exploited. Eight RFBs<sup>15</sup> indicated that the reference points they set have been approached or exceeded. To remedy the situation various kinds of measures have been taken by RFMOs including:

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<sup>13</sup> APFIC, NPAFC, SPC and WECAFC

<sup>14</sup> About 80 percent or more among RFMOs. Those RFMOs are CCAMLR, CCSBT, CECAF, COPESCAL, FFA, GFCM, IATTC, ICCAT, LVFO, NAFO, NASCO, NEAFC and RECOFI.

<sup>15</sup> CCAMLR, FFA, IATTC, ICCAT, NAFO, NASCO, NEAFC and SPC.

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- management procedures to link reference points and associated management objectives (CCSBT);
  - a new scheme to limit fishing days and efforts (FFA);
  - introducing closure of fishing (IATTC);
  - recovery plans for species (ICCAT);
  - reference points and a rebuilding plan for specific species in specific areas (NAFO), and
  - implementation of guidelines on stock rebuilding programmes (NASCO).
39. More than half of RFBs indicated that the precautionary approach had been applied to the management of fisheries resources. The way in which it is being implemented included:
- collecting and analyzing data on target and dependent/related species and weighing up the extent and effect of the uncertainties and gaps in such data before making a management decisions (CCAMLR);
  - setting quota with awareness that the spawning biomass is at the historically low level, and taking not only member States but also cooperating non-member States into account (CCSBT);
  - recommending the monitoring of the total level of exploitation throughout the year to ensure that it does not exceed mean level for preceding three years (CECAF);
  - limiting fleet capacity at a precautionary level (IATTC);
  - releasing non-target species and encouraging less fishing effort on juvenile tunas (IATTC);
  - banning commercial trawling on Lake Victoria to protect artisanal fisheries; instituting measures for cross border (transboundary) fishing and fish trade to control the possible conflicts, developing a regional strategy to address illegal/destructive fishing and securing registration of the Lake Victoria perch products to protect the market from emerging competitors from aquaculture and other fishery resources (LVFO);
  - establishing agreement, action plan/guidelines for the precautionary approach (NASCO);
  - adopting a resolution to minimize impacts from aquaculture, introductions and transfers, and transgenic on the wild salmon stocks (NASCO), and
  - requesting scientific advice on precautionary buffer zones for reference levels (NEAFC).
40. Some RFBs advised that they were in the process of introducing the precautionary approach (GFCM, NAFO, FFA and SPC). One RFB stated that the responsibility was on each Member State rather than on the RFB (WECAFC). Another RFB expressed the view that institutions addressing the issues in inland fisheries were very weak and the priority given by governments low (COPESCAL).
41. Regarding Article 8 more than half of the RFBs (and about 70 percent of RFMOs) indicated that they had taken steps to ensure only fishing operations in accordance with the fisheries management measures adopted were conducted within their areas of competence. Steps taken included:
- fishery regulatory measures, flag State measures, port State measures etc. (CCAMLR, NAFO);
  - schemes to promote compliance by, and cooperation with, non-member States (CCSBT, IATTC, ICCAT, NAFO, NEAFC);
  - lists of vessels authorized to fish (CCSBT, IATTC, ICCAT);
  - harmonized standards and conditions for MCS (FFA, LVFO), and
  - joint inspection and surveillance scheme (NAFO, NPAFC).
42. Five RFBs<sup>16</sup> indicated that vessel monitoring systems (VMS) had been adopted by their organizations. Two RFBs<sup>17</sup> indicated that VMS had been trialed. Costs, reluctance of vessel

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<sup>16</sup> FFA, IATTC, ICCAT, NAFO, NEAFC.

<sup>17</sup> CCAMLR, CECAF.



owners, insufficient coverage, checking for errors and missing messages were among the main problems encountered with VMS implementation.

43. About a half of the RFBs advised that they had taken measures in the last two years to limit or strengthen measures on bycatch and discards.<sup>18</sup> Those measures included catch limits for bycatch species (CCAMLR, NAFO), introducing research on gears and technology to reduce bycatch (CCAMLR, IATTC, ICCAT, NASCO), collecting and reporting of data on bycatch and discards (CCAMLR, FFA), requiring the release of non-target species and policies of no-dumping target species (CCAMLR, IATTC), measures to protect sea turtles (IATTC) and time and area closure to reduce bycatch (ICCAT).
44. Regarding Article 12 most RFBs stated that they used catch and effort data from commercial fisheries for the development of fisheries management plans and/or the adoption of management measures. Research vessel surveys and in-port sampling surveys were also used. Almost half of the RFBs used on-board sampling from commercial vessels as well. Other specific research programmes included tagging programmes (CCSBT, IATTC, ICCAT, SPC), acoustic surveys (CECAF), observer programs (IATTC) and genetic studies (ICCAT).
45. Among four IPOAs, the IPOA-IUU is most widely addressed by RFBs. Most RFMOs<sup>19</sup> have made efforts to implement the IPOA-IUU. These efforts included:
- fishery regulatory measures (prohibiting fishing except in accordance with conservation measures, advance notification of new and exploratory fisheries, reporting catch, effort and biological data, international scientific observers on board and port state measures (inspections) (CCAMLR);
  - flag State measures (licensing and inspection obligations, at-sea inspection, marking of fishing vessels and gears, compulsory VMS, catch documentation or certification schemes (CCAMLR, FFA, IATTC, ICCAT);
  - schemes to monitor and promote compliance both by contracting Parties and non-contracting Parties (CCAMLR, IATTC, ICCAT, NAFO, NEAFC);
  - lists/register of vessels authorized/not authorized to fish (CCSBT, FFA, IATTC, ICCAT);
  - regional plans of action to combat IUU fishing (CCSBT, LVFO, ICCAT);
  - regional workshop/working group to address IUU fishing issue (GFCM);
  - joint/cooperative enforcement (NPAFC), and
  - trade restriction measures (as a last resort measure) (ICCAT).
46. Six RFBs<sup>20</sup> indicated that they had made efforts to assist in the implementation of the IPOA-capacity. The efforts made included:
- restricting the number of vessels in new and exploratory fisheries (CCAMLR);
  - setting quotas for member and non-member States (CCSBT);
  - assessment of fishing capacity, pilot studies, workshop on the measurement of fishing capacity (GFCM);
  - fleet capacity limitation programme and a regional plan of action (IATTC), and
  - resolution to endorse the IPOA-capacity (ICCAT).
47. Five RFBs<sup>21</sup> indicated that they made efforts to assist in the implementation of the IPOA-sharks.<sup>22</sup> Efforts included:
- releasing alive fish bycaught (CCAMLR, IATTC);
  - distributing publicity material (CCSBT);

<sup>18</sup> CCAMLR, FFA, IATTC, ICCAT, LVFO, NAFO, NASCO.

<sup>19</sup> CCAMLR, CCSBT, FFA, GFCM, IATTC, ICCAT, LVFO, NAFO, NASCO, NEAFC, NPAFC.

<sup>20</sup> CCAMLR, CCSBT, FFA, GFCM, IATTC, ICCAT.

<sup>21</sup> CCAMLR, CCSBT, CECAF, IATTC, ICCAT.

<sup>22</sup> NEAFC indicated that the IPOA-sharks, the IPOA-seabirds and the Strategy was handled by its Contracting Parties.

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- consulting in the formulation of management plans (CECAF);
  - collecting catch (bycatch) data of sharks, a resolution on shark and shark fisheries and encouraging the implementation of NPOAs-sharks (ICCAT) and
  - surveying, assessing and analysing sharks populations (IATTC, ICCAT).
48. Four RFBs<sup>23</sup> stated they had made efforts to assist the implementation of the IPOA-seabirds. Efforts included:
- bycatch limits for incidental catches of seabirds (CCAMLR);
  - bird mitigation measures (CCSBT; CCAMLR);
  - assessment and monitoring (FFA), and
  - resolution on mortality of seabirds (collecting information on incidental catches) (ICCAT)
49. Seventy percent of RFBs<sup>24</sup> advised that they made efforts to implement the Strategy for Improving Information on Status and Trends of Capture Fisheries (the Strategy). Five RFBs referred to cooperation with FAO under FIRMS/FIGIS. Efforts included:
- maintaining a comprehensive fisheries statistical bulletin (CCAMLR);
  - improving collection, analysis and reporting statistics in capture fisheries (CECAF);
  - initiating a workshop to enhance awareness (COPESCAL);
  - developing appropriate data collection forms (FFA, SPC);
  - improving data on small-scale fisheries and bycatch and establishing a special fund for capacity-building to meet data collection, quality assurance and reporting obligations (ICCAT);
  - initiating protocols to ensure information (data) quality control (ICCAT);
  - initiating technical working groups on fisheries management, research, information, aquaculture and capacity building and an information and communication strategy (LVFO), and
  - setting minimum standard for catch statistics (NASCO).
50. In addition, one RFB reported that it has been working with a local NGOs (mounting a national workshop and working with women groups to implement the Code including the development of a simplified version of the Code). On the other hand, one inland RFB indicated that for many countries in Latin America, inland fisheries were not priority and the authorities engaged in inland fisheries were weak and it was difficult for them to call attention to the issues addressed in the questionnaire.

### **Responses from non-governmental organizations**

51. Four international NGOs and one national NGO<sup>25</sup> replied to the questionnaire. Two of NGOs were past winners of Margarita Lizarraga Medal Award.<sup>26</sup>
52. The Code's ten objectives in Article 2 were assessed by the NGOs as being extremely relevant or relevant, though there were some differences observed with respect to the objectives for fish trade and research. Fisheries management and fishing operations objectives were indicated as top priorities among the substantive themes developed of the Code.
53. NGOs identified the following major constraints in implementing the Code:
- lack of cooperation, incentive and awareness among stakeholders (CRFF, ICSF, MSC);
  - insufficient information on the status of fisheries resources (FDCI);
  - lack of national level policy framework and programmes (ICSF), and
  - lack of principles and rules for responsible international trade (OPRT).

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<sup>23</sup> CCAMLR, CCSBT, FFA, ICCAT.

<sup>24</sup> CCAMLR, CCSBT, CECAF, COPESCAL, FFA, GFCM, IATTC, LVFO, NAFO, NASCO, SPC.

<sup>25</sup> Canadian Responsible Fisheries Federation (CRFF).

<sup>26</sup> CRFF in 2001 and ICSF in 2003.

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54. To address these constraints NGOs proposed to:
- establish consultative systems to raise awareness about the Code and its implementation (CRFF, FDCI, ICSF);
  - use ecolabelling and other market mechanism to reward responsible fishers (MSC);
  - strengthen research programmes and establish the basic marine biological database (FDCI);
  - promote self regulation, community based and co-management regimes (ICSF), and
  - promote international guidelines by FAO on responsible fish trade (OPRT).
55. NGOs were promoting a range of activities to make the Code more widely known and understood. These efforts included:
- implementation of a responsible fisheries award and high school programmes to promote the Code (CRFF);
  - mounting a Workshop on International Conservation of Fisheries Resources to promote responsible fisheries (FDCI);
  - implementing training programmes for fishworkers and national NGOs (ICSF);
  - publication and dissemination of information about the Code (OPRT);
  - certification and ecolabelling programme (MSC), and
  - contributing to international processes that promote responsible fisheries (CRFF, ICSF, OPRT).
56. Concerning fisheries management, there was the unanimous agreement by the responding NGOs that countries and RFBs have established fisheries management plans to ensure the sustainable utilization of living aquatic resources in marine and inland fisheries. However, some NGOs proposed to:
- set “reference ranges” rather than reference points and to set clear economic objectives and conditions under which fishing industries can operate in a sustainable and responsible manner (CRFF);
  - bridge the gap between policy objectives and implementation of fisheries management plans due to the lack of capacity and political will to implement the policy (ICSF), and
  - encourage voluntary efforts by fishers toward responsible fisheries (OPRT).
57. With regard to aquaculture development, most NGOs indicated that many countries do not have adequate procedures to undertake environmental assessment and monitor aquaculture operations and minimize the harmful effects on the introduction of non-native species of genetically altered stocks used for aquaculture. The solutions proposed by some NGOs included the development of adequate national policies and plans including social and environmental impact assessments and tighter monitoring of aquaculture operations (ICSF), a multi-disciplinary approach (CRFF), a multi-step precautionary process (ICSF), a mechanism for good aquaculture practice (FDCI), a positive list scheme of responsible aquaculture (OPRT) and the promotion of research (CRFF).
58. Three NGOs<sup>27</sup> indicated that they had been making efforts to assist in the implementation of all of the four IPOAs and one NGO<sup>28</sup> indicated it was working to assist in the implementation of the Strategy. Two NGOs<sup>29</sup> specifically expressed their desire to cooperate further with FAO in promoting the implementation of the Code and its related instruments.

## **FISHCODE PROGRAMME**

59. In 1995 Members requested FAO to respond to the special requirements of developing countries through the establishment of an Interregional Assistance Programme for its

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<sup>27</sup> FDCI, MSC, OPRT.

<sup>28</sup> FDCI.

<sup>29</sup> CRFF, OPRT.

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implementation. “FishCode” was thus established by FAO as a programme of global partnerships to promote responsible fisheries. It now serves as a principal means through which the Fisheries Department seeks to combine regular budget and trust fund resources in support of activities to facilitate implementation of the Code and related international fisheries instruments.

60. FishCode Programme activities at national, subregional and regional level include, inter alia, technical assistance, training and human-capacity development, workshops, and specialized survey and study missions. Component projects are closely linked to the Fisheries Department’s normative activities and are formulated on the basis of priority needs identified by COFI and its Sub-Committees on Fish Trade and Aquaculture as requiring immediate attention in order for strategic Code of Conduct aims to be achieved. The projects also take into account recommendations of the Advisory Committee on Fisheries Research, the Declaration of the Reykjavik Conference on Responsible Fisheries in the Marine Ecosystem (Reykjavik, October 2001), the goals of the 2000 UN Millennium Development Declaration and the key fisheries-related themes and time-bound goals of the 2002 World Summit on Sustainable Development’s Plan of Implementation.
61. Building on the successful outcomes of activities initiated in 1998, with trust fund support from Norway, FAO continues to expand FishCode through further global and regional projects covering a range of Code areas, including:
  - training and awareness for responsible fisheries and aquaculture;
  - implementation of the International Plans of Actions;
  - advisory assistance on fisheries policy, planning and management, and improved legal and institutional arrangements;
  - provision of scientific advice for fisheries management;
  - upgrading of capabilities in MCS;
  - implementation of the Strategy;
  - initiatives in the ecosystem approach to fisheries and integrated coastal zone management;
  - responsible fisheries for small island developing States;
  - promotion of responsible fishing operations and safety-at-sea;
  - implementation of responsible post-harvest practices and trade;
  - responsible management and development of aquaculture and inland fisheries;
  - support for fisheries research, and
  - umbrella support to non-governmental organizations.
62. Donor funding for the FishCode 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.<sup>30</sup> Current FishCode Trust donor Governments include Finland, Japan, Norway, Sweden and the United States of America.

## **FREQUENCY OF FAO MONITORING AND REPORTING ON THE CODE**

63. Some Members have indicated that they are experiencing difficulty in meeting the increasing number of national and international reporting requirements for fisheries, including completing the FAO Code questionnaire that is dispatched every two years. To lessen the reporting burden and as a means of achieving a high response rate it is proposed that COFI monitor the implementation of the Code every four years. Moreover, to facilitate a more specialized focus on the Code articles addressing aquaculture development and post-harvest practices and trade it is further proposed that the Sub-Committees on Aquaculture and Fish Trade take responsibility for monitoring Articles 9 and 11, respectively. The frequency of monitoring by these two Sub-Committees should be determined by their Members at their next Sessions.

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<sup>30</sup> Further information on the Programme is available at: <http://www.fao.org/fi/projects/fishcode>.

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## **PART VII FUND ESTABLISHED UNDER THE 1995 UN FISH STOCKS AGREEMENT**

64. At its Twenty-fifth Session COFI agreed, inter alia, that the Director-General of FAO should enter into consultation with the United Nations Secretary-General with a view to defining practical modalities for the implementation of the Part VII Trust Fund, to facilitate the implementation of the 1995 UN Fish Stocks Agreement by developing States Parties, in particular the least developed among them and small island States. The Committee is advised that the Part VII Assistance Fund is now operational and Members are invited to make voluntary contributions to the Assistance Fund and, in the case of developing States Parties to the Agreement, to submit applications for assistance from the Fund.<sup>31</sup>

## **SUGGESTED ACTION BY THE COMMITTEE**

65. The Committee is invited to:

- review the progress achieved in implementing the Code of Conduct, the four IPOAs, the Strategy and the FishCode Programme and to provide comments and guidance to enhance the implementation of these instruments;
- note that some Members have indicated that reporting on implementation every two years is proving to be burdensome and it is suggested that COFI monitor implementation every four years (i.e. the next report would be submitted to the Twenty-eighth Session of COFI in 2009). It is further suggested that the Sub-Committee on Aquaculture take responsibility for monitoring Article 9 (Aquaculture Development) and the Sub-Committee on Fish Trade monitor Article 11 (Post-harvest Practices and Trade) of the Code. The frequency of monitoring by these two Sub-Committees should be determined by their Members at their next Sessions;
- comment, as appropriate, on the proposed database for the post State measures;
- further note that the Part VII Assistance Fund established under the 1995 UN Fish Stocks Agreement is operational. Members are invited to make voluntary contributions to the Assistance Fund and, in the case of developing States Parties to the Agreement, to submit applications for assistance from the Fund; and
- review progress with the Secretariat's work on fisheries subsidies and recommend its future action.

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<sup>31</sup> For details of the Assistance Fund go to the internet address on the FAO Website at: [http://www.fao.org/fi/default\\_all.asp](http://www.fao.org/fi/default_all.asp)

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## DATABASE ON PORT STATE MEASURES SYSTEM REQUIREMENTS AND COSTS

1. This document concerning the requirements and cost estimates for a database on port States measures (PSM) relates to the recommendation put to, and supported by, the Technical Consultation. The Annex seeks to clarify matters raised during the Consultation as reflected in paragraph 27 of the Report of the Consultation. The approximate cost, elaborated below, of the PSM database and its yearly maintenance would be US\$80,000 for the first year and US\$20,000 in subsequent years. Members should consider providing support and funding for the data base.

### System requirements

2. The description of the proposed system specification (PSM database) is as follows:
  - WWW-ISIS will be used for the design and implementation of the database including the construction of a system support for the database, search facilities and database maintenance system, and
  - search/browse functions of the system would be free of charge. The system will include powerful search/browse facilities and good presentation of stored information.
3. The main assumptions for the system is that it should allow national authorities to:
  - register to the system. This feature is available only for selected national authorities. The registration should be verified by the FAO system manager and the registered user receives a password for creating his/her records.
  - maintain information related to the given country. The data entry functions should be password protected. The national authorities are able to modify only the records of which they are owners,
  - the system should automatically send emails to the FAO system manager informing on new records and/or any modification made by the national authority, and
  - FAO staff should be able to edit records, mainly in order to add links to the FAOLEX records, and if necessary, edit the records in order to remove basic errors.

### Workplan and costs

4. The PSM database would be developed in phases as follows:
 

*Phase 1.* Analysis and inventory of current port State measures (including national and regional port inspections and information sharing schemes, legislation or regulations. This requires:

  - (a) collection of information from FAOLEX database, IMO and Fisheries Department;
  - (b) analysis of collected information and preparation of a questionnaire for further collection of information;
  - (c) distribution of questionnaire to relevant country authorities;
  - (d) identification and setting up of fields needed in the database (Approximately 6 months for two consultants (US\$ 40,000).

*Phase 2.* Design and implementation of the database including the construction of a system support for the database, search facilities and database maintenance system with the use of WWW-ISIS<sup>32</sup>:

  - (a) Analysis of the system needs and design of the WWW-ISIS application;
  - (b) Design of the end-user interface (registration procedures, search/browse, data entry)

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<sup>32</sup> WWW-ISIS is a software developed by ICIE in cooperation with FAO WAICENT. The software provides an efficient technology for establishing WEB based information systems using ISIS databases. Recently in cooperation with UNESCO, WWW-ISIS has become an open source project as it is distributed freely. The FAO Legal Office has been using the technology since the establishment of the databases maintained by the office, namely FAOLEX, FISHLEX, and TREATIES

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- (c) Design and implementation of the data entry
  - (d) Design and implementation of the access control
  - (e) Documentation and instructions
  - (f) Implementation of the system at FAO and training (Approximately US\$ 20,000).

*Phase 3. Regular (yearly) maintenance and update:*

- (a) maintenance of the server;
- (b) monitoring and processing of incoming requests for password-protected utilization for updating country records;
- (c) updating links to existing legislation (FAOLEX);
- (d) distribution of circulars to countries' port authorities to obtain updates of information presently available in the database (Approximately 4 months for one consultant at a rate of US\$14,000 per year and server, computer and printer costs at approximately US\$ 6,000 per year).