

FAO
TECHNICAL
GUIDELINES FOR
RESPONSIBLE
FISHERIES

4

Suppl. 3

FISHERIES MANAGEMENT

3. Managing fishing capacity



Cover photo:

Boats moored at El Jadida fishing port, Morocco. FAO/21916/G. Bizzarri.

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PREPARATION OF THIS DOCUMENT

These Guidelines on managing fishing capacity have been finalized by the FAO Fisheries and Aquaculture Economics and Policy Division based on a number of studies and technical documents produced by the Division. In many cases, parts of these Guidelines have been directly taken from existing FAO reports and documents. Key authors of the reports used in this compilation include (in alphabetical order) Steve Cunningham, David Doulman, John Gates, Dominique Gréboval, Angel Gumy, Jim Kirkley, Rebecca Metzner, Sean Pascoe, Ross Shotton, Dale Squires, John Ward and Lena Westlund. The report also draws on papers presented at a number of expert consultations, technical working group meetings and workshops. The final draft was prepared by Sean Pascoe, Dominique Gréboval and Rebecca Metzner.

These Guidelines have no formal legal status. They are intended to provide support for the implementation of the Code of Conduct for Responsible Fisheries (“the Code” or CCRF). Furthermore, in order to present the management process in all its complexity and diversity, the wording and structure of these Guidelines do not follow strictly the language and the structure of the Code. Therefore, any differences in the terminology employed should not be understood as intending reinterpretation of the Code.

Finally, it should be remembered that, since the Guidelines are intended to be flexible and capable of evolving as circumstances change, or as new information becomes available, they may be further revised and complemented by other guidelines, notes, etc., on specific issues.

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ABSTRACT

Overcapacity is a key factor contributing to the decline in many of the world's fisheries. The FAO International Plan of Action for the Management of Fishing Capacity (IPOA-Capacity) encourages States to address this problem through capacity management in order to align fishing capacity with the sustainable use of their fish stocks.

The purpose of these Guidelines is to aid stakeholders and fisheries managers in the development of National and Regional Plans of Action for the Management of Fishing Capacity.

The Guidelines provide information of the effects of different management programmes on capacity and outline the key concepts and techniques involved in monitoring, measuring and assessing capacity. The Guidelines also outline actions of States in conformance with the IPOA-Capacity.

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Acronyms and abbreviations

| | |
|---------|---|
| APEC | Asia-Pacific Economic Cooperation |
| ASEAN | Association of Southeast Asian Nations |
| CCRF | Code of Conduct for Responsible Fisheries |
| CDQ | community development quota |
| CFQ | community fishing quota |
| COFI | FAO Committee on Fisheries |
| CPUE | catch per unit effort |
| CST | customary sea tenure |
| DAPP | designated access privilege program |
| DEA | data envelopment analysis |
| EEZ | exclusive economic zone |
| FAD | fish aggregating device |
| GATT | General Agreement on Tariffs and Trade |
| GRF | group rights in fisheries |
| IEQ | individual effort quota |
| IFQ | individual fishing quota |
| IPOA | international plan of action |
| ITE | individual transferable effort |
| ITQ | individual transferable quota |
| IUU | illegal, unreported and unregulated (fishing) |
| MEABR | management and exploitation areas for benthic resources |
| MEY | maximum economic yield |
| MSY | maximum sustainable yield |
| NEAFC | Northeast Atlantic Fisheries Commission |
| NPOA | national plan of action |
| OA | open access |
| OECD | Organisation for Economic Co-operation and Development |
| RFMO | regional fisheries management organization |
| SPF | stochastic production frontiers |
| TAC | total allowable catch |
| TURF | territorial use right |
| UNCLOS | United Nations Convention on the Law of the Sea of 10 December 1982 |
| WSSD | World Summit on Sustainable Development |
| WTO | World Trade Organization |
| WTO-CTE | World Trade Organization Committee on Trade and Environment |

BACKGROUND

1. From ancient times, fishing has been a major source of food for humanity and a provider of employment and economic benefits to those engaged in this activity. However, with increased knowledge and the dynamic development of fisheries, it has been realized that living aquatic resources, although renewable, are not infinite and need to be properly managed if their contribution to the nutritional, economic and social well being of the growing world's population is to be sustained.
2. The adoption in 1982 of the United Nations Convention on the Law of the Sea provided a new framework for the better management of marine resources. The new legal regime of the oceans gave coastal States rights and responsibilities for the management and use of fishery resources within the area of their national jurisdiction (EEZs), which embrace some 90 percent of the world's marine fisheries.
3. In recent years, world fisheries have become a dynamically developing sector of the food industry, and many States have striven to take advantage of their new opportunities by investing in modern fishing fleets and processing factories in response to growing international demand for fish and fishery products. It has since become clear, however, that many fisheries resources cannot sustain an often uncontrolled increase of exploitation.
4. Clear signs of over-exploitation of important fish stocks, modifications of ecosystems, significant economic losses, and international conflicts on management and fish trade have threatened the long-term sustainability of fisheries and the contribution of fisheries to food supply. Therefore, the Nineteenth Session of the FAO Committee on Fisheries (COFI), held in March 1991, recommended that new approaches to fisheries management embracing conservation, environmental, social and economic considerations were urgently needed. FAO was asked to develop the concept of responsible fisheries and elaborate a Code of Conduct to foster its application.
5. Subsequently, the Government of Mexico, in collaboration with FAO, organized an International Conference on Responsible Fishing in Cancun in May 1992. The Declaration of Cancun endorsed at that conference was brought to the attention of the UNCED Summit in Rio de Janeiro, Brazil, in June 1992, which supported the preparation of a Code of Conduct for Responsible Fisheries. The FAO Technical Consultation on High Seas Fishing, held in September 1992, further recommended the elaboration of a Code to address the issues regarding high seas fisheries.

6. The One Hundred and Second Session of the FAO Council, held in November 1992, discussed the elaboration of a Code, recommending that priority be given to high seas issues and requested that proposals for a Code be presented to the 1993 session of the Committee on Fisheries.
7. The Twentieth Session of COFI, held in March 1993, examined in general the proposed framework and content for such a Code, including the elaboration of guidelines, and endorsed a time frame for the further elaboration of the Code. It also requested FAO to prepare, on a "fast track" basis, as part of the Code, proposals to prevent re-flagging of fishing vessels which affect conservation and management measures on the high seas. This resulted in the FAO Conference, at its Twenty-seventh Session in November 1993, adopting the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, which, according to FAO Conference Resolution 15/93, forms an integral part of the Code of Conduct for Responsible Fisheries (CCRF).
8. The Code was formulated so as to be interpreted and applied in conformity with the relevant rules of international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS), as well as with the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995, and in the light of, *inter alia*, the 1992 Declaration of Cancun, the 1992 Rio Declaration on Environment and Development, and in particular, Chapter 17 of Agenda 21.
9. The development of the Code was carried out by FAO in consultation and collaboration with relevant United Nations Agencies and other international organizations, including non-governmental organizations.
10. The Code of Conduct consists of five introductory Articles: Nature and Scope; Objectives; Relationship with Other International Instruments; Implementation, Monitoring and Updating and Special Requirements of Developing Countries. These introductory articles are followed by an article on General Principles, which precedes the six thematic articles on Fisheries Management, Fishing Operations, Aquaculture Development, Integration of Fisheries into Coastal Area Management, Post-Harvest Practices and Trade, and Fisheries Research. In addition and as already mentioned, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas forms an integral part of the Code.

11. The Code is voluntary. However, certain parts of it are based on relevant rules of international law, as reflected in the UNCLOS. The Code also contains provisions that may be or have already been given binding effect by means of other obligatory legal instruments amongst the Parties, such as the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.
12. The Twenty-eighth Session of the Conference in Resolution 4/95 adopted the Code of Conduct for Responsible Fisheries on 31 October 1995. The same Resolution requested FAO, *inter alia*, to elaborate as appropriate Technical Guidelines in support of the implementation of the Code in collaboration with members and interested relevant organizations.
13. This volume is the third supplement in the series of FAO Technical Guidelines for Responsible Fisheries. Fisheries management (No. 4).