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PROGRESS IN THE IMPLEMENTATION OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES IN THE WECAFC REGION

SUMMARY

This document summarizes activities undertaken by FAO to facilitate the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries. It also reviews the progress made by WECAFC Members in the implementation of the Code. The final section contains suggested action by the Commission.

INTRODUCTION

1. At its Tenth Session, WECAFC recommended that FAO should report on the progress made by members in implementing the 1995 FAO Code of Conduct for Responsible Fisheries (the Code). The information provided in this report has been furnished by the member countries and has been compiled and analysed on the basis of the self-evaluation questionnaires distributed by the Fisheries department of FAO in 2004. This information and figures in the report were obtained from: a) the report on the implementation of the Code submitted by FAO to the Twenty-sixth Meeting of the Committee on Fisheries (COFI)¹ in accordance with Article 4 of the Code; b) the statistical analysis of the responses by FAO Members², including WECAFC Members, to the 2004 Questionnaire on the Code of Conduct for Responsible Fisheries". Article 4 of the Code states, *inter alia*, that FAO will report to the FAO Committee on Fisheries (COFI) concerning the implementation of the Code.
2. According to the report presented to the Twenty-sixth COFI, 49 FAO Members (27 percent of the FAO Membership) responded to the questionnaire in comparison to 105 Members in 2003 (57 percent of Members). These figures show a 53 percent decline in reporting. Six WECAFC members (Colombia, Guatemala, Mexico, Nicaragua, Saint Lucia, and USA) responded to the 2004 questionnaires; see Tables 1 and 2.

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,

¹ The document entitled, "Progress in the Implementation of the Code of Conduct for Responsible Fisheries and Related International Plans of Action" (COFI/2005/2) has been used as a source of information for the preparation of this report.

² 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 document is available at this Session for consultation.

unreported and unregulated (IUU) fishing, fleet capacity and port State measures; national and subregional workshops on the international plans of action (IPOAs) (see document WECAFC/XII/05/7); 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. 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.
 - The Technical Consultation on the Use of Subsidies in the Fisheries Sector was held in June/July 2004. The Consultation recommended that FAO continue to work on issues related to fisheries subsidies. Two work programmes, one short-term and one long-term, were developed and presented to the Twenty-sixth Session of COFI, March 2005, which expressed its support for the programmes.
 - In August/September 2004 the Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing 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 resource 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.

ACTION BY FAO MEMBERS TO PROMOTE IMPLEMENTATION

5. In Article 2, the Code lays out ten specific objectives, and WECAFC Members were asked to rank their relevance with respect to specific national contexts. Top priority was attributed to all ten objectives by five countries, while one country stated that priority c) and f)³, were relevant.
6. The Code is subdivided into themes, touching on eight technical domains of fisheries and aquaculture sectors. Members were asked to attribute priority ratings to these on the national scale. Fisheries management, fisheries operations, aquaculture development, integration of fisheries into coastal area management, fisheries research rank as top priority themes, while inland fisheries development and trade issues rank as the two bottom priorities.
7. All respondents reported to have national policies and legislation in place that either totally or partially conformed to the Code. More importantly, they 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, the main mechanisms reported, centred around meetings, workshops, seminars and the improvement of legal frameworks. No country reported a) the use of classic and modern mass media, such as the television, radio and internet; b) grassroots level awareness-raising.

Fisheries management

9. One Member reported not having any fisheries management plans in place. One country reported having management plans for 46 fisheries (100% implemented); one country with management plans for 23 fisheries (100% implemented); two countries reported management plans for 4 fisheries (100%

³ Objective c) Serve as an instrument of reference to improve legal and institutional framework for appropriate management measures; Objective f): Promote the contribution of fisheries to food security and food quality, giving priority to the nutritional needs of local communities

implemented); and one country reported management plans in place with no indication of numbers or implementation.

10. Members were asked to provide feedback on which management tools⁴ were applied to fisheries management plans. Two countries reported the use of all the tools while one country did not use any of the tools. Some tools not being used in the other three respondents include: measures to allow depleted stocks to recover, addressing fishing capacity, the prohibition of destructive fishing methods, addressing the selectivity of fishing gears and making use of stock specific reference points.
11. Two 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. Two Members reported that they are in the process of developing reference points and two that they have none. In situations where stock specific target reference points were exceeded, the most commonly reported remedial action was regulation of fishing effort, quota systems, reduction of effort (fishing fleet), closed seasons, fishing zones and gear restrictions.
12. All respondents applied the precautionary approach to fisheries management, and when asked to list specific precautionary mechanisms mentioned the use of access regulations, followed by other classic fisheries management mechanisms, such as total allowance catches and quota controls, closed seasons, gear regulations, and establishing fishing zones.

Fishing operations

13. Members were asked to report on mechanisms to control fishing operations⁵ 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. Cooperation between countries as a mechanism to ensure better control over fishing operations was not reported.
14. Respondents reported the use of gear restrictions and tighter controls to limit bycatch and discards. Mechanisms to limit bycatch and discards include BRDs, TEDs, circle hooks and bait restrictions to reduce sea turtle catches and blue-dyed bait to reduce seabird bycatch.
15. Two respondents reported to have implemented vessel monitoring systems (VMS) to some degree with three countries planning to do so in the future, with emphasis on large vessels (shrimp, tuna). According to reporting by FAO Members, the use of VMS indicated a near tripling of countries 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. Five respondents have different levels of legal framework in place regulating the development of responsible aquaculture.
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 organisms. Two respondents have developed such instruments at the government and producers level, while involvement of suppliers and manufacturers and other stakeholders remain to be developed.
18. The Code encourages countries to regularly conduct environmental assessments of aquaculture operations, to monitor operations, and minimize harmful effects of alien species introductions.⁶ Five respondents reported to be actively involved in implementing these mechanisms. However, respondents 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-

⁴ Article 7 of the Code.

⁵ Article 8 of the Code.

⁶ Alien species: includes non-native and genetically altered stocks.

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.

Integration of fisheries into coastal area management

19. Five respondents indicated that a legal framework for the integrated management of fisheries resources and coastal areas was in place. According to reporting by FAO Members, 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.
20. From the six respondents, conflicts within the fisheries sector remained the most prominent with conflicts between artisanal and industrial fisheries, clashes arising through gear conflicts in coastal waters and between coastal fisheries and aquaculture earning the highest rank. Conflict resolution mechanisms were in place, to varying degrees, in all six countries. According to reporting of FAO Members, 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.

Post-harvest practices and trade

21. Only three of reporting Members indicated that an effective food safety and quality assurance system for fish and fisheries products was in place in their countries of which one reported that the system is for exports only. It remained unclear to what extent quality assurance systems targeted the entire national fisheries sector.
22. Three Members reported having 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, applied research, awareness raising, HACCP implementation and training.
23. Two Members have taken steps to promote the improved use of bycatch in processing, distribution and marketing. Main measures taken for achieving this objective were applied research and demonstration projects.
24. Two Members reported that processors were in a position to trace the origin of the fisheries products they buy; the consumers were not. The only measure reported was labelling requirements. Two members reported that enactment of legislation and the monitoring of fisheries products at points of sale were measures that were used to ensure that processors, dealers and brokers do not process or trade in illegally harvested fisheries resources.

Fisheries research

25. Four of the responding Members reported to have obtained reliable figures on at least some of the stocks exploited in their countries; for some three members it represented 46%, 78% and 80 % of the total number of stocks important to their national fisheries. According to reporting by FAO members, 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. Hence, it follows that little progress has been made in this domain.
26. Three respondents reported that statistics on catch and fishing effort were collected in a timely, complete and reliable manner. Four countries reported that sufficient qualified personnel were available to generate data in support of sustainable fisheries management. Additional qualified personnel are required in the following subject areas: resource economists, social scientists, ecological researchers and stock assessment.
27. The most prominent source of information for managers was generated from catch and effort data followed by in-port sampling surveys, sampling onboard fishing vessels, and research vessel 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 (biological, socio-economic) 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. According to reporting by all FAO members, the ranking of data sources for the development of fishery management plans remained largely unchanged.

28. One respondent reported the routine monitoring of the state of the marine environment and four Members reported the monitoring of bycatch and discards on a regular basis. Bycatch and discard data are of paramount importance to evaluate impacts of given fisheries on stocks and ecosystems.

International plans of action

29. Four respondents have begun preliminary assessment of fishing capacity at the national level and two have plans to commence assessment in 2005. Among the measure taken to taken to reduce fishing capacity are establishment of ITQs, limited entry, vessel and fishing permits buyouts, and gear restrictions (size and quantity).
30. Five respondents catch sharks (one as incidental catch) and one country has a national shark plan. According to reporting by FAO members, one in three of those Members have developed and implemented a plan. This represents about 11 percent of shark catching nations and signifies that more progress should be made.
31. All six respondents have longline fisheries and agreed that a problem existed with respect to the incidental catch of seabirds and concluded that a national plan of action was needed; only one Member has implemented such a plan. According to reporting by FAO members, two in five of those Members have concluded that a plan of action was needed and one in three of those countries have implemented the plan.

Constraints and suggested solutions

32. The trends in constraints reported here were taken from the responses to the questionnaires from FAO members. The trends in constraints and solutions to Code implementation remained generally unaltered from the last report.
33. 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.
34. Both the ecosystem approach and the implementation of the precautionary approach in fisheries management remained weak. This was compounded by important data gaps.
35. 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).

FISHCODE PROGRAMME

36. In 1995 Members requested FAO to respond to the special requirements of developing countries through the establishment of an Inter-regional Assistance Programme for the implementation of the Code. "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.
37. 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.

38. 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.⁷ 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

39. Some FAO 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 a proposal was made at the Twenty-Sixth Session of COFI, March 2005, that detailed in-depth analysis be undertaken every four years, alternating with a general overview report on the implementation every two years, including Articles 9 and 11. However, this decision was left to be finalised by the next Session of COFI.

SUGGESTED ACTION BY THE COMMISSION

40. The Commission is invited to:
- review the progress achieved in implementing the Code of Conduct, and the IPOAs and to provide comments and guidance to enhance the implementation of these instruments;
 - note that at the Twenty-Sixth Session of COFI, March 2005, discussed a proposal to reduce the reporting burden but deferred a decision until the next Session of COFI.

⁷ Further information on the Programme is available at: <http://www.fao.org/fi/projects/fishcode>.

**REGIONAL STATISTICAL ANALYSIS OF RESPONSES BY FAO MEMBERS TO THE 2004
QUESTIONNAIRE ON THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES**

**TABLE 1
FAO Members responding to the Questionnaire
on the Code of Conduct in 2000, 2002 and 2004**

Region	Country	Responded in 2000	Responded in 2002	Responded in 2004
Africa	Angola	Yes	Yes	
	Benin	Yes	Yes	
	Botswana		Yes	
	Burkina Faso	Yes	Yes	
	Burundi	Yes	Yes	
	Cameroon	Yes	Yes	Yes
	Cape Verde	Yes	Yes	Yes
	Chad	Yes	Yes	
	Comoros		Yes	Yes
	Congo, DRC	Yes	Yes	
	Congo, Republic of	Yes	Yes	
	Côte d'Ivoire	Yes	Yes	Yes
	Eritrea	Yes	Yes	
	Ethiopia	Yes	Yes	
	Gabon	Yes		
	The Gambia	Yes		
	Ghana	Yes	Yes	
	Guinea	Yes	Yes	Yes
	Guinea-Bissau	Yes	Yes	
	Kenya	Yes	Yes	
	Madagascar	Yes	Yes	
	Malawi	Yes	Yes	
	Mali	Yes		
	Mauritania	Yes		
	Mauritius	Yes	Yes	
	Morocco	Yes	Yes	Yes
	Mozambique		Yes	Yes
	Namibia	Yes	Yes	
	Niger	Yes	Yes	
	Nigeria		Yes	
	Rwanda	Yes		
	Senegal	Yes	Yes	
	Seychelles	Yes	Yes	Yes
	Sierra Leone	Yes	Yes	
South Africa	Yes	Yes		
Swaziland	Yes			
Tanzania		Yes		
Togo		Yes		
Tunisia	Yes	Yes	Yes	
Uganda	Yes	Yes	Yes	
Zambia		Yes		
Zimbabwe	Yes	Yes		
Asia	Bangladesh	Yes	Yes	
	Bhutan		Yes	
	Cambodia	Yes	Yes	Yes
	China	Yes		
	India	Yes	Yes	Yes
	Indonesia	Yes	Yes	Yes
	Japan	Yes		
	Korea, DPR	Yes	Yes	Yes
	Laos	Yes		
	Malaysia	Yes	Yes	Yes

	Myanmar	Yes	Yes	
	Nepal		Yes	Yes
	Pakistan		Yes	Yes
	Philippines	Yes	Yes	
	Sri Lanka	Yes	Yes	
	Thailand	Yes	Yes	Yes
	Vietnam	Yes		
Europe	Albania		Yes	
	Austria	Yes		Yes
	Cyprus	Yes	Yes	Yes
	Czech Republic	Yes	Yes	
	Denmark	Yes	Yes	
	European Union	Yes	Yes	Yes
	Estonia		Yes	
	Finland	Yes	Yes	
	France			Yes
	Georgia			Yes
	Germany	Yes	Yes	
	Greece	Yes	Yes	
	Hungary		Yes	
	Iceland	Yes		
	Lithuania		Yes	
	The Netherlands	Yes		
	Norway	Yes	Yes	Yes
	Poland		Yes	
	Portugal	Yes		
	Romania	Yes		
	Spain		Yes	
	Sweden		Yes	
	Switzerland			Yes
	Turkey		Yes	Yes
Latin America and the Caribbean	Argentina	Yes	Yes	Yes
	Barbados	Yes	Yes	
	Bahamas		Yes	
	Bolivia	Yes		
	Brazil	Yes	Yes	
	Chile		Yes	
	Colombia		Yes	Yes
	Costa Rica	Yes		Yes
	Cuba	Yes		
	Dominica	Yes	Yes	
	Dominican Republic		Yes	Yes
	Ecuador	Yes		Yes
	El Salvador		Yes	Yes
	Grenada	Yes		
	Guatemala	Yes	Yes	Yes
	Guyana		Yes	
	Haiti	Yes	Yes	
	Honduras	Yes	Yes	
	Jamaica	Yes		
	Mexico		Yes	Yes
	Nicaragua	Yes	Yes	Yes
	Panama	Yes	Yes	
	Paraguay	Yes		
	Peru	Yes	Yes	Yes
	Saint Lucia	Yes	Yes	Yes
	Suriname	Yes		
	Trinidad and Tobago	Yes	Yes	
	Uruguay	Yes	Yes	Yes
	Venezuela		Yes	

Near East	Bahrain	Yes		
	Egypt	Yes	Yes	Yes
	Iraq	Yes		
	Iran, Islamic Republic of	Yes	Yes	Yes
	Jordan		Yes	
	Kuwait	Yes		
	Lebanon	Yes	Yes	
	Oman			Yes
	Qatar			Yes
	Sudan	Yes	Yes	
	Syria		Yes	
United Arab Emirates	Yes			
Yemen	Yes		Yes	
North America	Canada	Yes	Yes	
	United States of America	Yes	Yes	Yes
Southwest Pacific	Australia	Yes	Yes	
	Cook Islands		Yes	Yes
	Fiji	Yes	Yes	
	Marshall Islands	Yes	Yes	
	Micronesia, FSM			Yes
	Nauru		Yes	Yes
	New Zealand	Yes	Yes	
	Palau			Yes
	Papua New Guinea		Yes	
	Samoa		Yes	Yes
	Solomon Islands		Yes	
	Tonga	Yes	Yes	
Vanuatu		Yes		

Note: Only FAO Members that responded at least once to the CCRF Questionnaire are listed

TABLE 2
Comparative response rates by FAO regions

FAO Region	Number of responding States* (2004)	Percentage response by FAO region (2004)	Percentage response by FAO Region (2002)
Africa	10	20.8	75.0
Asia	8	34.8	59.1
Europe	8	18.2	36.4
Latin America & the Caribbean	12	36.4	63.6
Near East	5	23.8	28.6
North America	1	50.0	100
Southwest Pacific	5	31.2	78.6
Total count and percentages	49	26.6	57

* including the EU