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PROGRESS IN THE IMPLEMENTATION OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES AND RELATED INSTRUMENTS

INTRODUCTION

1. A detailed analysis of the information submitted by FAO members, regional fishery bodies (RFBs) and Non-governmental Organizations (NGOs) through the questionnaire on the implementation of the Code of Conduct for Responsible Fisheries (the Code) and related instruments is presented below. Statistical tables summarizing Members' responses, referred in this document, are also made available on the COFI Web site¹ and at COFI as a background document COFI/2014/SBD.1 which is to be read in conjunction with this document. Ninety-six Members², 24 RFBs and 11 NGOs responded to the questionnaire.

ACTIVITIES AND APPLICATIONS OF THE CODE AT NATIONAL LEVEL

General

2. In Article 2, the Code lays out ten Objectives. Members were invited to rank the national relevance of these objectives (Table 3). Top priorities continued to be assigned to objectives (a) and (b)³, as was the case since 2007. As in 2012, the lowest relevance was assigned to objectives (d) and (j)⁴, with the former in last position.

3. The Code is subdivided into themes, touching on eight technical domains of fisheries and aquaculture sectors. Members were invited to assign priority ratings to these (Table 4). "Fisheries

¹ www.fao.org/cofi/en/

² The European Union (EU) responded on behalf of its Member States, except for questions 18, 19, 20 and 32 which related to integration of fisheries into coastal area management and the flagging and/or authorization of fishing vessels to operate on the high seas.

³ Objective a): Establish principles for responsible fisheries considering all their relevant biological, technical, economic, social environmental and commercial aspects. Objective b): Establish principles and criteria to implement policies for the conservation of fishery resources and fisheries management and development.

⁴ Objective d): Provide guidance to formulate and implement international agreements and other legal instruments. Objective j): Provide standards of conduct for all involved in the fisheries sector.

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Management”, “Fisheries Research” and “Aquaculture Development” continue to be ranked as top priorities, reflecting results obtained since 2001. As in 2012, “Inland Fisheries Development” and “Integration of fisheries into coastal and basin area management” were given least minority.

4. Ninety-three percent of the Members reported that they have a fisheries policy, 65 percent of which conform fully and 28 percent of which conform partially to the Code (Table 5). Of the seven percent that did not conform at all to the Code, 80 percent reported to be working towards conformity in terms of policy.

5. Sixty-two percent and 28 percent of the Members reported to have national fisheries legislation in full or partial conformity with the Code, respectively (Table 6). Of the ten percent of the Members who reported complete inconsistency with the Code, all indicated that plans are in place to align national legislation accordingly. More than three-quarters of the reporting Members enacted fisheries base legislation by 2005, and 50 percent had done so before 1990 (Table 7).

6. The most commonly used mechanisms to build awareness about the Code related to the convening of meetings, workshops and seminars, as well as to the publication and distribution of Code documents (Table 8).

Fisheries management

7. With the exception of two Members in Latin America and the Caribbean, all Members reported that they had fishery management plans in place (Table 9). Ninety-five percent and 64 percent of plans for marine fisheries and inland fisheries, respectively, are reported to have been implemented.

8. The most commonly applied management measures in marine fisheries address fishing capacity, provide for the protection of endangered species and address the interests and rights of small-scale fishers (Table 10). In the case of inland fisheries, the most commonly applied measures also relate to fishing capacity and protection of endangered species, along with the prohibition of destructive fishing practices. As in 2012, ensuring that the level of fishing is commensurate with the state of fisheries resources featured as the least applied measure in marine fishery management plans, whilst for inland fisheries, measures addressing the selectivity of fishing gear were least implemented.

9. Seventy-six percent of the Members reported to have started to implement the ecosystem approach to fisheries (EAF), the majority of which have established ecological, socio-economic and governance objectives and have identified issues to be addressed by management actions (Table 11). Sixty percent of Members implementing the EAF have also established monitoring and evaluation mechanisms.

10. As reported since 2007, more than half of the Members have developed stock specific target reference points for managing fisheries (Table 12). Several Members reported that these reference points were exceeded (52 percent) or were being approached (71 percent). Other reported commonly used “indicators” for managing fish stocks include catch and effort indicators and socio-economic indicators (Table 13). In situations where stock specific target reference points were exceeded, the most commonly reported remedial action was the carrying out of more research (91 percent) and the limitation of fishing effort (87 percent) (Table 14).

Fishing operations

11. Members were invited to report on mechanisms to control fishing operations within and outside waters under national jurisdiction (Tables 15 and 16). Ninety-three percent and 65 percent of Members reported to have taken steps to control fisheries operations within their Exclusive Economic Zone (EEZ) and beyond, respectively. As was the case since 2007, the strengthening of monitoring, control and surveillance (MCS) arrangements was reported to be the principal action taken to ensure that fishing operations within the EEZ comply with license provisions. The most commonly used action to effectively control fishing operations beyond EEZs is the application of mandatory authorisation schemes, along with logbook and reporting systems, enhancement of MCS, ratification of relevant international instruments and cooperation with third countries and regional fisheries management organizations (RFMOs).

12. Sixty-three percent of Members reported that bycatch and discards occur in major fisheries and more than half of the Members report that they contribute to unsustainability (Table 17). Over fifty percent of Members have formal monitoring schemes for bycatch and discards in place and / or have implemented management measures to minimize bycatch and discards, some of which also address the protection of juveniles and/or ghost fishing.

13. Seventy percent of Members reported to have partially or fully implemented vessel monitoring systems (VMS), with 67 percent of other Members planning to do so in future (Table 18). A few countries reported that although they have not implemented VMS, they are using an external VMS centre to monitor foreign fishing vessels in their EEZ.

Aquaculture development

14. Ninety-five percent of Members reported that aquaculture development occurs in their countries (Table 19). Forty-two, 36 and 48 percent of these Members have largely complete and enabling policy, legal and institutional frameworks in place, respectively. The majority of the rest of the Members have partially developed these frameworks and a few have not done so or are largely insufficient.

15. The Code encourages countries to elaborate, adopt and implement codes of best practice and procedures, specifically with respect to introductions and transfers of organisms. Seventy-four percent of Members reported that they have developed such instruments at the government level, while more than half stated to have done so at the producer level (Table 20). The involvement of suppliers and manufacturers in the development of such codes is also significant.

16. The Code encourages Members to regularly conduct environmental assessments of aquaculture operations, to monitor operations and to minimize harmful effects of alien species introductions. About three-quarters of Members reported that they had been involved actively in implementing at least one of these procedures (Table 21). However, most of them indicated that improvements were needed, especially in environmental assessments. Procedures for minimizing harmful effects of alien species introductions were considered to be highly effective by 42 percent of the Members who have implemented them (Table 22). Members also identified needs to improve the implementation of these mechanisms to increase their effectiveness (Table 23); the strengthening of institutional technical capacity, in terms of human resources and equipment, was identified as the most important need to improve all three procedures.

17. Members are encouraged to promote responsible aquaculture practices to support rural communities, producer organizations and fish farmers. Eighty-eight percent of Members stated that they had taken measures in this sense (Table 24).

Integration of fisheries into coastal area management⁵

18. Only 33, 32 and 31 percent of the Members which reported to have a coastline (88 percent), have a largely complete and enabling policy, legal and institutional framework for integrated coastal zone management in place, respectively (Table 25). However, more than half of the others have partially developed their frameworks and the rest have not developed any or are largely insufficient.

19. Reports from Members on conflict trends within fisheries and between the fisheries sector and other sectors operating within the coastal area are very similar to those received in previous years. Intrasectoral fisheries conflicts remained the most prominent, with fishing gear conflicts in coastal waters being the most important, followed by conflicts between coastal and industrial fisheries (Table 26). Seventy percent of the concerned countries have conflict resolution mechanisms in place for gear conflict issues and 63 percent of them have mechanisms to resolve coastal and industrial fisheries conflicts. Several countries have mechanisms in place to tackle the other conflicts.

Post-harvest practices and trade

⁵ The questions under this header were responded by individual EU Member States.

20. Food safety and quality assurance is given prime importance by Members, the majority of which (71 percent) have in place a largely complete and enabling effective food safety and quality assurance system for fish and fisheries products and the rest have partially installed such a system (Table 27).
21. Almost all Members reported that post-harvest losses are a problem and most had taken measures to encourage those involved in fish processing, distribution and marketing to reduce post-harvest losses and wastes (Table 28). The five main measures taken included the enacting of food-safety regulations, the creation of regulatory bodies, enhanced monitoring, control and inspections, the provision and improvement of infrastructure and the promotion of by-product utilization.
22. Bycatch problems have been reported to exist by 84 percent of Members. As reported in 2012, almost 90 percent of Members have implemented measures to improve the use of bycatch in fish processing, distribution and marketing (Table 29).
23. Similar to what was reported in 2012, the majority of processors were in a position to trace the origin of the fisheries products they purchased (85 percent), but only 35 percent of consumers could do so (Table 30).
24. Ninety-four percent of Members stated that processing and trading in illegally harvested fisheries resources is a problem in their respective countries and most of them (88 percent) have taken measures to address the matter (Table 31).

Fisheries research

25. Members reported that they have obtained reliable estimates on stock status for a total of 1,828 stocks⁶ exploited in their national fisheries, being equivalent to 41-50 percent of the main national stocks (Table 32). Seventy-one percent of Members indicated that statistics on catch and fishing effort were collected in a timely, complete and reliable manner. However, only 54 percent of Members reported that sufficient qualified personnel were available to generate data in support of sustainable fisheries management (Table 33). The subject areas for which the greatest need for additional qualified personnel is needed are fish biology and stock assessment, together with fisheries statistics and sampling (Table 34).
26. The most prominent data sources used by Members for the development of fishery management plans are in-port/landing site sampling surveys (85 percent), routine data collection (84 percent), historical data (72 percent), socio-economic surveys (68 percent), and processing, market and trade statistics (67 percent) (Table 35).
27. Ninety-four percent of Members reported that management measures are undermined by data gaps, particularly those related to stock status (43 percent), catch data (38 percent), ecosystem data (38 percent), effort data (36 percent) as well as illegal, unreported and unregulated (IUU) fishing and MCS data (31 percent) (Table 36).
28. The percentage of Members who reported that their countries routinely monitored the state of the marine environment decreased further this year to 57 percent (the level was 78 percent in 2011 and 66 percent in 2012). The most common routine monitoring programmes focused on oceanographic and coastal chemo-physical and biological parameters (Table 37).
29. Members were asked to report on research and programmes addressing the impact of climate change on fisheries. Fifty-seven percent of Members indicated that formal research was in place to assess/predict the impact of climate change on fisheries, and 76 percent of these implemented formal programmes to mitigate its potential ecological, economic and social impacts, and to build resilience (Table 38).

⁶ One member reported an unrealistic number of stocks which was not considered in the analysis.

International Plans of Action (IPOA) and Agreements

30. Forty-nine percent of Members reported that they have developed and started to implement a national plan of action (NPOA) for fishing capacity, a significantly lower level than that reported in 2012 (64 percent). Furthermore, 38 percent of the Members declared that they have launched a preliminary fishing capacity assessment, of which 23 percent were completed, and 22 percent of these started implementing management measures to adjust fishing capacity (Table 39). Only 32 percent of the countries which had not yet launched a preliminary assessment, reported that they have plans to commence. The use of key fleet and vessel characteristics was the main method employed to measure fishing capacity (Table 40).

31. In relation to measuring fishing capacity on the high seas, 54 percent of Members declared that their countries flag and/or authorize fishing vessels to operate on the high seas and 72 percent of these supply a record of such vessels to FAO (Table 41)⁷. Of the Members not currently supplying this vessel record to FAO, 77 percent indicated that they intend to do so in the future.

32. The percentage of Members recognizing overcapacity as a problem increased by 10 percent from the level reported in 2012 to 74 percent, but the majority (90 percent) reported that steps were being taken to prevent the further build-up of overcapacity. The most commonly taken steps related to establishing of limited entry regimes, freezing on the number of vessels or licences and monitoring and research on fishing capacity (Table 42). In addition, 87 percent of the countries recognizing the problem of fishing overcapacity have taken steps to reduce it (Table 43) and almost all (97 percent) have taken steps to prevent further negative impacts of existing fishing overcapacity on stocks mostly through the limitation on number of fishing days and technical restrictions on vessels and gear (Table 44).

33. Fifty-eight percent of the reporting Members stated that sharks are caught either as a target or bycatch in their fisheries (Table 45). The importance given by Members to assessments for the IPOA-sharks has continued to increase, with sixty-nine percent of the reporting Members having already conducted an assessment of shark stocks, ninety percent of which concluded that an NPOA-Sharks was needed and 75 percent of them already had an NPOA-sharks in place, and the rest of the countries intending to develop one in the future. Of those countries which did not conduct an assessment, 86 percent reported that they were planning to do so.

34. The importance given to the assessment of the impact of fisheries on seabirds is also high. Eighty-seven percent of reporting Members declared that longline, trawl and/or gillnet fishing was conducted in waters under their jurisdiction and 36 percent have already conducted an impact assessment, 71 percent of which concluded that an NPOA-seabirds was needed and 82 percent of them already had an NPOA-seabirds in place, with the rest of the countries intending to develop one in the future (Table 46). Fifty-eight percent of those countries which have not yet carried out an assessment indicated that they were planning to do so. The mitigation measures being used in longline fisheries (65 percent of Members involved) and trawl and/or gillnet fisheries (60 percent of Members involved) are reported in Tables 47 and 48 respectively.

35. The percentage of Members identifying IUU fishing as a problem has risen to 90 percent (Table 49). However, it is encouraging to note that 72 percent of these countries, had drafted an NPOA-IUU of which 82 percent have started to formally implement it. All countries which had not yet drafted an NPOA-IUU declared their intention to draft one. Furthermore, Members are generally committed to curbing IUU fishing, with almost all of them reporting to have taken measures to combat IUU fishing (Table 50) mostly through the improvement of a legal framework and improved coastal State control and MCS framework.

36. Seventy-one percent of Members reported that they were aware of Strategy-STF (Table 51) and 75 percent of Members are implementing plans and programmes for the Strategy-STF, all of which include components related to activities to improve data collection as well as to improve data analysis, and 93 percent of them include activities to improve data dissemination.

⁷ EU Member States responded individually to questions related to this subject.

37. Sixty-six percent of Members reported to be aware of Strategy-STA (Table 52) and 74 percent of Members declared that plans and programs are being implemented for the Strategy-STA, all including activities to improve data collection, improve data analysis and data dissemination.

38. Forty-seven percent of Members reported to have ratified, accepted or acceded to the 1993 FAO Compliance Agreement, while 54 percent indicated they had become party to the 1995 UN Fish Stocks Agreement (Table 53).

39. With regards to the 2009 Agreement on Port State Measures (PSMA), it is worth noting that 44 percent of the Members expressed their intention to become a Party to the PSMA. Judging from the results of Table 53, it is likely that the question on ratification, accession or acceptance was not clearly understood and therefore requires clarification at COFI 31.

Constraints and suggested solutions

40. Eighty-seven percent of responding Members reported that they faced some constraints in implementing the Code. These constraints and their solutions to the implementation remained similar (Tables 54 and 55). The top constraints were related to insufficient financial resources (58 percent), human resources (42 percent), incomplete policy and/or legal frameworks (35 percent), inadequate scientific research, statistics and information access (31 percent) and lack of awareness and information about the Code (27 percent). The top ranking solutions proposed by Members were access to more financial means (56 percent), more training and awareness (38 percent), access to more human resources (35 percent), alignment of policy and legal frameworks with the Code (34 percent), improvement of research, statistics and access to information (28 percent), and improvement of institutional structures and collaboration (25 percent).

41. Table 56 indicates that several of the Code-related technical publications are available in many of the countries' fisheries administrations, the most popular of which relate to fisheries operations, fisheries management, the EAF, aquaculture development and the IPOA-IUU.

ACTIVITIES OF REGIONAL FISHERY BODIES AND NON-GOVERNMENTAL ORGANIZATIONS

Regional fishery bodies

42. Twenty-four RFBs⁸ responded to the questionnaire on the implementation of the Code and related instruments through the new web-based questionnaire.

43. The most common measures in existing marine fisheries management plans, identified by RFBs, relate to the prohibition of destructive fishing methods and practices, the protection of endangered species, measures to ensure that the level of fishing is commensurate with the state of fisheries resources, measures to allow depleted stocks to recover and the regulation of selectivity of fishing gear. Stakeholder participation in determining management decisions was also identified as a common feature in management plans. The prohibition of destructive fishing methods, the protection of endangered species and the interests and rights of small-scale fishers were the most common elements identified for inland fisheries management plans.

44. Thirteen RFBs reported that stock-specific reference points were developed for a total of 176 stocks. The majority of them reported that the reference points were being exceeded and/or approached. In cases where reference points were exceeded, steps have been taken to limit fishing effort, carry out research, adjust fishing capacity, strengthen MCS, and, in a few cases, close fisheries.

⁸ APFIC, CACFISH, CCAMLR, CCSBT, COFREMAR, EIFAAC, FFA, GFCM, IATTC, ICCAT, ICES, LVFO, NACA, NAFO, NASCO, NEAFC, NPAFC, OSPESCA, RECOFI, SEAFDEC, SEAFO, SPC, SPRFMO and WECAFC. The Secretariat received a communication from NPFC informing that the questionnaire could not be completed and submitted through the web-based system since "the Convention of NPFC had not yet entered into force and the participants have voluntary interim measures".

Catch, effort and socio-economic indicators were the most popular alternative to the use of reference points.

45. Twenty RFBs reported that the precautionary approach had been applied to the management of fisheries resources within their area of competence, and described the manner in which it has been implemented.

46. Sixteen RFBs have taken steps to ensure that only fishing operations in accordance with their adopted fisheries management measures are conducted within their area of competence.

47. Fourteen RFBs reported to have established requirements for the implementation of VMS for the entire fleet or a portion of the fleet, however eight of them added that they had implementation problems. It was also reported that on average 60–70 percent of Members of the respective RFBs had implemented VMS for their vessels in line with the RFB requirements.

48. Eighteen RFBs have taken measures to limit bycatch and discards or to strengthen measures on by-catch management and reduction of discards in the last 2 years.

49. RFBs concerned with aquaculture reported on steps they had taken to ensure that their Members have procedures of good practices in place, including environmental assessments of aquaculture operations (11 RFBs), monitoring of aquaculture operations (13 RFBs), and minimizing the harmful effects of the introduction of non-native species or genetically altered stocks used for aquaculture (10 RFBs). They generally indicated, however, that improvements were needed in all procedures, for which strengthening institutional technical capacity was identified as the most important common requirement. The importance of raising awareness on the harmful effects of the introduction of non-native species or genetically altered stocks was, *inter alia*, also considered important.

50. Sixteen RFBs reported that reliable estimates of the status of a total of 281 stocks were available, representing an average of 70 percent of the stocks managed by these RFBs.

51. Historical data together with routinely collected data from logbooks, landings, and vessel and licence registers, are the most commonly used sources of information in the fisheries management process by RFBs. Other common sources of data include research vessel surveys; mark/recapture surveys; on-board sampling from commercial vessels; in-port/landing site sampling surveys; processing, market and trade statistics; and surveillance/VMS/inspection data.

52. The main efforts of RFBs to assist in the implementation of the IPOA-Capacity were related to the management of fishing capacity, organization and/or hosting of meetings and seminars, as well as technical assistance to Members on the development and adoption of standards and guidelines for the management of fishing capacity. Technical assistance to Members on the conservation and management of sharks, capacity building and the organisation of meetings and seminars were among the most common activities of RFBs to assist in the implementation of the IPOA-Sharks. With regards to the implementation of the IPOA-Seabirds, RFBs engaged mainly in the organisation of related meetings and seminars, the assessment of the impact on incidental catch of seabirds in longline fisheries and the publication of information material. Several RFBs contributed to the implementation of the IPOA-IUU mainly through actions to strengthen and develop innovative ways to prevent, deter and eliminate IUU, and cooperation in the exchange of information on vessels involved in IUU. On the Strategy-STF, RFBs engaged principally in developing processes which improve the availability of information on the status and trends of the capture fisheries, along with the application of research to enhance the availability of best scientific evidence to support conservation, management and sustainable use of fishery resources.

Non-governmental Organizations

53. Eleven NGOs⁹ responded to the questionnaire on the implementation of the Code and related instruments through the new web-based questionnaire.
54. The establishment of principles and criteria to implement policies for the conservation of fishery resources and fisheries management and development, was identified by NGOs as the most important objective of the Code which leads to the achievement of sustainable fisheries and aquaculture. They also highly regarded the Code as an instrument of reference to improve the legal and institutional framework for appropriate management measures, and highlighted, in particular, the importance of the Code in promoting research on fisheries, associated ecosystems and relevant environmental factors, as well as in facilitating and promoting cooperation in the conservation of fisheries resources, fisheries management and development.
55. Out of the eight substantive themes developed in the Code and in the relevant FAO Technical Guidelines for Responsible Fisheries, fisheries management, aquaculture and fisheries research were the top three priorities identified by NGOs.
56. According to the responding NGOs, the main constraints for the implementation of the Code related to incomplete policy and/or legal frameworks, institutional weaknesses, lack of awareness and information about the Code and inadequate scientific research, statistics and access to information. They suggested that implementation could be improved through more training and awareness raising, strengthening the capacity and role of primary stakeholders in management, improving institutional and organisational structures and collaboration, and improving research, statistics and access to information.
57. The activities of NGOs considered to be most effective in making the Code more widely known and understood included the organization and/or hosting of national and international workshops, the development of guidelines, together with the promotion of standards based on the Code. The publication of books and other information material, as well as the development of web-based information services were also considered to be particularly effective.
58. The most common measures considered by NGOs to be included in existing marine fisheries management plans, either fully or partially, include measures to ensure the level of fishing is commensurate with the state of fisheries resources, measures to allow depleted stocks to recover, regulation of the selectivity of fishing gear and the prohibition of destructive fishing methods and practices. Issues related to fishing capacity and the interests and rights of small-scale fishers were believed to be least considered in marine fisheries management plans. With regards to inland fisheries management plans, the most prominent measures identified related to the prohibition of destructive fishing methods and practices, and the protection of endangered species.
59. Only a third of the NGOs believed that countries had adequate procedures in place to undertake environmental assessments of aquaculture operations, monitor aquaculture operations and minimize the harmful effects of the introduction of non-native species or genetically altered stocks used for aquaculture. However, they added that improvements were needed particularly in enhancing legal frameworks, strengthening institutional and technical capacity, and improving periodicity and/or coverage of inspections.
60. Most NGOs have engaged in efforts to assist in the implementation of the IPOA-Capacity, IPOA-Sharks and IPOA-Seabirds including through the publication of information material, the undertaking of related assessments, the organisation of related meetings and several other activities. NGOs have also been involved in education and/or public awareness programmes on IUU fishing and the implementation of other activities prescribed by the IPOA-IUU. Furthermore, some NGOs reported that they contributed to the application of research to enhance the availability of best

⁹ CI, ENDA, FOS, GAA, GGAP, ICSF, ICSPF, MSC, NACEE, OPRT, PCT.

scientific evidence to support conservation, management and sustainable use of fishery resources, and other activities to assist in the implementation of the Strategy-STF.