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COMMITTEE ON FISHERIES

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

Executive Summary

This document provides a summary of the analyses on the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries (the Code) and its related instruments by Members, regional fishery bodies (RFBs) and non-governmental organizations (NGOs) since the last report to the FAO Committee on Fisheries (COFI) in 2021.

Suggested action by the Committee

The Committee is invited to:

- note the progress on the implementation of the Code and advise on how to address the gaps and constraints identified on various components of the Code;
- provide guidance on how to continue to broaden and deepen the implementation of the Code; and
- note the revamping of the questionnaire web-application to monitor the progress in implementation of the Code and related international instruments.

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I. 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 its implementation. This document is the tenth report prepared by the COFI Secretariat to present the key findings on the progress of implementation of the Code on the basis of the responses to the questionnaire by Members, RFBs and NGOs. A detailed analysis of the information submitted, namely on the activities and applications of the Code at national level, as well as activities of RFBs and NGOs, is presented in a supplementary information document COFI/2022/INF/7. Statistical tables summarizing Members' responses are also available on the COFI Website and in the document COFI/2022/SBD.2 to be read in conjunction with the information document.

2. At its 34th Session, the Committee recognized the progress made in the implementation of the Code of Conduct for Responsible Fisheries (the Code) since its adoption while noting that further improvements are needed. The Committee also called on FAO to continue to preserve the core purpose of the questionnaire in monitoring the implementation of the Code, while noting that it can also be used to support Sustainable Development Goal (SDG) indicator reporting.

3. The current version of the questionnaire web-application for monitoring the progress in the implementation of the Code and related international instruments was first developed in 2013. Since then certain components of the technology infrastructure have become obsolete, creating issues with the application's stability. In relation to this, users encountered complications with the last edition of the questionnaire that may have negatively impacted the user response rate. In response, the Secretariat is currently in the final stages of revamping the questionnaire web-application used to launch and manage the questionnaire. Through this revamp, the Secretariat is also looking to improve user experience such as further addressing issues with legibility in certain languages as well as by ensuring the system is in line with modern web-applications.

4. For the 2022 report, 98 Members, including the European Union (EU)¹ (50 percent of Members²), responded to the questionnaire³, a decrease compared to the 2020 report where 119 Member Nations and the EU responded. This decrease may have been impacted by the above-mentioned issues relating to the application as well as the shorter intersessional period between COFI Sessions.

5. 32 RFBs⁴ out of 52 submitted a response to the questionnaire, reflecting a 12 percent decrease since the 2020 report. In the case of NGOs⁵, 6 submitted a response, under half the number of submissions compared to 2020 where 13 submissions were received.

¹ The EU responded on behalf of its Member States, except for sections 19.2, 19.3, 20, 21, 41 and 51. In the case of 41 and 51, both the EU and its Member States have provided a response.

² In this report, reference to "Members" in the context of the analysis of the responses to the questionnaire refers only to those FAO Members that submitted a response to the questionnaire, whose responses were taken into account in compiling the report.

³ The questionnaire was circulated to FAO Members, RFBs and NGOs by email through the Code questionnaire web-based system on 13 December 2021. Two "registration" reminders and Two "submission" reminders were sent between 07 February 2022 and 24 February 2022. Additional notifications were sent between 02 February 2020 and 14 February 2022 to extend the submission deadline from 28 January 2022 to 28 February 2022.

⁴ ACAP, APFIC, BCC, BOB-IGO, CACFish, CCAMLR, CCSBT, COMHAFAT, EIFAAC, FCWC, IATTC, ICCAT, IWC, COFREMAR, LCBC, LVFO, MRC, NACA, NAMMCO, NPFC, NEAFC, NAFO, PSC, PICES, SPC, SPRFMO, SEAFDEC, SEAFO, SIOFA, SWIOFC, WECAFC and WCPFC.

⁵ FEAP, ICFA, ISSA, MSC, NACEE and PCT.

II. FAO ACTION TO SUPPORT THE CODE'S IMPLEMENTATION

6. FAO supports the Code's implementation in a variety of ways including through regular and field programme activities. Direct activities to support the Code's implementation, including regional and national workshops to increase the Code's implementation, as well as ongoing work for the development of technical guidelines, the translation of some guidelines and assistance to elaborate national plans of action, are regularly undertaken by FAO. A number of programmes at national and regional levels supporting the implementation of the International Plans of Action (IPOAs), voluntary guidelines and strategies have also been developed by FAO to assist Members in increasing their capacity to develop and manage their fisheries and aquaculture sectors in line with the provisions of these supplementary instruments, including through regional mechanisms and cooperation.

7. Since the last report to the Committee in 2021, FAO has published one technical guidelines to support the implementation of the provision foreseen in the Code: Understanding and implementing catch documentation schemes – A guide for national authorities⁶. The total number of Technical Guidelines in the series is now 34.

III. SUMMARY OF THE PROGRESS IN THE IMPLEMENTATION OF THE CODE BY MEMBERS

8. Almost all Members reported having a fisheries policy in place, and on average Members reported that their policy, legislation, institutional framework and their operations and procedures were moderately in conformity with the Code. Of those that had marine and/or inland fisheries, most reported to have developed and implemented fisheries management plans. In the case of marine fisheries, the most common management measure relates to prohibiting destructive fishing, while in inland fisheries, the most common types relate to using precautionary approaches that provide for conservative safety margins in decision making and recognizing a process for identifying "vulnerable habitats".

9. More than three-quarters of Members have started implementing the ecosystem approach to fisheries (EAF), almost all of whom have taken appropriate management action and established ecological, socio-economic and governance objectives. Most have also established monitoring and evaluation mechanisms. Close to three quarters of Members have developed Target Reference Points (TRP) for managing fisheries, most of which reported that one or more of these targets had been approached. Close to half of those having developed TRPs reported that one or more had been exceeded. Several Members reported that indicators other than TRPs were also being used in managing their fisheries. Limiting fishing effort, increasing research activities, closing fisheries and strengthening monitoring, control and surveillance (MCS) were the most used remedial actions employed in cases where TRPs were exceeded.

10. Nearly all Members reported to have taken steps to control fisheries operations within and outside their exclusive economic zones (EEZ). Within the EEZ, this was most commonly done through strengthening their MCS schemes and outside their EEZ through mandatory authorization schemes.

11. Bycatch and discards were reported to occur in major fisheries in close to three quarters of Members. The same number reported to have put in place bycatch and discard monitoring schemes, of which close to three quarters have found through these schemes that bycatch and discards contribute to unsustainability of the fishery. Of those, almost all reported to be implementing measures to minimise bycatch and discards.

12. On average, Members reported that abandoned, lost or otherwise discarded fishing gear (ALDFG) was slightly above medium concern, only a quarter of whom had information available on

⁶ <https://www.fao.org/documents/card/en/c/cb8243en/>

gear loss rates. Half reported having requirements for gear marking. Some Members reported the availability of port facilities for fishing vessel waste and recycling of old fishing gear.

13. Aquaculture development occurs in almost all countries, however slightly more than half of the Members have complete enabling policy, legal and institutional frameworks specifically for aquaculture. Nevertheless, most Members have adopted codes or instruments to promote responsible aquaculture practices, and in many cases the private sector had also done so. Although procedures to undertake environmental assessments, monitor aquaculture operations, and minimize the harmful effects of alien species introductions are being implemented by over three-quarters of Members, most also report that these are in need of improvement. Additionally, almost all Members have taken measures to promote responsible aquaculture practices to support rural communities, producer organizations and fish farmers.

14. Complete enabling policy, legal and institutional frameworks for integrated coastal zone management have been put in place by close to one-third of Members with a coastline, while close to another third have partially-developed frameworks. The most common conflicts reported within the coastal area were between fisheries and mineral extraction activities; however, over half of the concerned Members have conflict resolution mechanisms in place.

15. Food safety and quality assurance systems for fish and fisheries products are largely complete and effective in two-thirds of Members. Post-harvest losses and waste were reported to be a problem by almost all Members; however, almost all report having taken appropriate measures to minimise these effects. Measures to improve bycatch utilization have also been widely applied. The large majority of Members reported that processors were in a position to trace the origin of the fisheries products they purchase, but just under half declared that consumers were able to do so. Almost all Members have taken measures to address the commonly-recognized problem of processing and trading in illegally harvested fisheries resources, most frequently through enhanced fisheries control and inspections, and, to a lesser extent, through customs and border controls.

16. The status of up to half of the stocks targeted by fishing fleets of Members has been determined. Three-quarters of Members collect statistics on catch and fishing effort in a timely, complete and reliable manner, with three-quarters reporting having sufficient qualified personnel to generate data to support sustainable fisheries management. Historical data, in-port/landing site sampling surveys and routine data collection are the most prominent data sources used by Members for the development of fishery management plans. Almost all Members reported that data gaps undermine the management of their fishery resources and, although various types were reported, most often these gaps related to stock status. More than two-thirds of Members reported that they routinely monitor the state of the marine environment and around two-thirds reported conducting research to assess and predict the impact of climate change on fisheries.

17. Most Members conduct fisheries within waters under their jurisdiction, almost two-thirds of Members on the High Seas, while around half reported to also do so within waters under the jurisdiction of other States. Two-thirds of Members authorized foreign-flagged vessels to enter and use their ports while less than half authorize foreign vessels to operate in their waters.

18. Half of the Members have launched a preliminary fishing capacity assessment and of these, almost half have developed a national plan of action for the management of fishing capacity. The average level of implementation of their related governance framework was medium to high. Half of the Members have recognized overcapacity as a problem, almost all of whom have taken steps to prevent further build-up of overcapacity, mainly through limited entry regimes and a freeze on the number of licenses and/or vessels. Furthermore, most Members also reported that measures were implemented to reduce overcapacity and to prevent further negative impacts of overcapacity.

19. Over the years, Members have given increasing importance to assessments of shark stocks. This has led to the development of national plans of action for the conservation and management of sharks by many Members. Importance has also been attached to assessing the impact of fisheries on seabirds and several Members have developed a national plan of action to reduce incidental catches of seabirds, and, where relevant, are applying mitigation measures.

20. Illegal, unreported and unregulated (IUU) fishing is perceived as a problem by the vast majority of Members, of which around two-thirds have reported having developed a national plan of action to combat IUU fishing. Members reported a medium to high degree of implementation with regard to policy, legislation, institutional framework as well as operations and procedures. The most prominent relevant measures taken by Members include an improved legal framework as well as improved coastal State controls and MCS.

21. Members reported on the implementation of various binding international instruments, including the UN Convention on the Law of the Sea⁷, the Agreement on Port State Measures (PSMA)⁸, and the Compliance Agreement⁹. Overall, Members reported a medium to high degree of implementation of the United Nations Convention on the Law of the Sea and medium levels of implementation of the provisions of the PSMA and the Compliance Agreement with regard to their governance framework. Some Members that were not party to these agreements also reported having initiated the process to becoming so. The provisions of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas were found to be widely implemented within governance frameworks by Members conducting deep-sea fisheries on the High Seas.

22. The implementation of plans and programmes related to the Strategies on improving status and trends in capture fisheries and aquaculture is being carried out by most Members, mainly by improving data collection, analysis and dissemination.

23. In implementing the Code, most Members face some constraints, mainly relating to insufficient budgetary and human resources. Access to more financial and human resources, training and awareness raising, improvement of institutional structure and collaboration were among the primary solutions identified by Members to overcome these constraints. Technical Guidelines on the implementation of the Code are widely distributed among Members, especially those on EAF, Fisheries Management and the implementation of the IPOA-IUU.

IV. SUMMARY OF ACTIVITIES IN SUPPORT OF THE IMPLEMENTATION OF THE CODE BY REGIONAL FISHERY BODIES AND NON-GOVERNMENTAL ORGANIZATIONS

Regional fishery bodies (RFBs)

24. RFBs were invited to report on their current number of Contracting Parties; responses ranged from 2 to 52, averaging 14 contracting parties per responding RFB. Over a third of RFBs have between 1 and 28 cooperating non-contracting parties, and two-thirds have observers. Fisheries management is the most common primary mandate of responding RFBs, followed by an advisory role. The convention area of close to two-thirds of RFBs cover both exclusive economic zones and areas beyond national jurisdiction, while close to a third of them covered inland waters. Over half of responding RFBs reported to adopt binding measures, while most reported to adopt non-binding measures.

25. Established RFB management plans to ensure the sustainable utilization of living aquatic resources in marine capture fisheries most commonly included measures related to the prohibition of destructive fishing methods and practices, ensuring the level of fishing is commensurate with the state of fishery resources and addressing the protection of endangered species. In the case of inland capture fisheries, prohibiting destructive fishing methods, addressing the interests and rights of small-scale

⁷ UN Convention on the Law of the Sea of 10 December 1982.

⁸ 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

⁹ 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

fishers, and providing for stakeholder participation in determining management decisions were the most common measures associated with RFB management plans.

26. Over two-thirds of RFBs reported having taken steps to ensure that only fishing operations in accordance with their adopted fisheries management plans are conducted within their area of competence. The precautionary approach has been applied by almost all RFBs in the management of fisheries resources. In the last two years, over two-thirds of respondents have either taken or strengthened measures to limit bycatch and discards. Historical data, followed by routine data collection are the most commonly used sources of information in the fisheries management process by RFBs.

27. Three-quarters of RFBs reported that reliable estimates of stock status are present, over half of which reported that these were present for at least 60 percent of the stocks they considered important, within the last three years. Over half of RFBs reported to have developed stock specific TRPs. Out of those, over two-thirds reported that one or more TRPs have been approached, and close to half also reported that one or more TRPs had been exceeded. Limiting fishing effort and carrying out research were the most common mitigation measures put in place when TRPs were exceeded. Catch and effort indicators were by far the most popular alternative to the use of TRPs.

28. Two-thirds of RFBs have established requirements for the implementation of vessel monitoring system (VMS) for the entire fishing fleet or a segment of the fishing fleet, the majority of which are complied with by their members. Efforts have been made by many RFBs on several fronts and in different ways to assist in the implementation of IPOAs. Over half of RFBs have taken action to strengthen and develop innovative ways to prevent, deter and eliminate IUU fishing, along with enhancing cooperation in the exchange of information on vessels involved in IUU fishing contributing towards the implementation of the IPOA-IUU. Over half reported to be conducting capacity building to assist in the implementation of the IPOA-Capacity. Close to half reported to be assessing the conservation and management of sharks to assist in the implementation of IPOA-Sharks and over a third have carried out regional management measures to assist in implementing IPOA-Seabirds.

29. A quarter of responding RFBs have taken measures to ensure that their members have in place procedures for good practice in aquaculture operations. Of those RFBs that had taken measures, their members were reported to have procedures in place for good practice in aquaculture operations, although almost all were reported to be in need of further improvements, especially with respect to institutional technical capacity, legal frameworks, periodicity and carrying out more research.

Non-governmental organizations (NGOs)

30. Serving as an instrument of reference to improve the legal and institutional framework for appropriate management structures and establishing principles for responsible fishing and fisheries activities as well as principles and criteria to implement policies for the conservation of fishery resources were identified by NGOs as the most important objectives of the Code to achieve sustainability in fisheries and aquaculture. Of the eight substantive themes developed in the Code and in the relevant FAO Technical Guidelines for Responsible Fisheries, the top priorities identified by NGOs were fisheries management, followed by fishing operations, fisheries research and inland fisheries development.

31. The main constraints identified by NGOs for the implementation of the Code related to incomplete policy and/or legal frameworks and institutional weakness. Improving institutional and organizational structures and collaboration and aligning policy and/or legal frameworks with the Code were suggested to be the most important solutions. The ways considered by the responding NGOs to be the most effective in making the Code more widely known and understood were the organization and/or hosting of national and international workshops, the promotion of standards based on the Code, and the publication of books and other information material.

32. According to NGOs, prohibiting destructive fishing methods and practices, addressing the protection of endangered species, and addressing the interests and rights of small-scale fishers were the most common measures within existing marine and inland fishery management plans of countries and/or RFBs.

33. Only four NGOs provided an opinion on whether countries did not have adequate procedures in place for good practice in aquaculture operations with an equal number of positive and negative views. For those NGOs that responded that procedures were in place, they deemed that improvements were needed.

34. All but one of the NGOs responded to be engaged in efforts to assist in the implementation of IPOAs. This was especially the case with the IPOA-Capacity, but also for the IPOA-IUU, IPOA-Sharks and IPOA-Seabirds.