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ANALYSIS OF THE IMPLEMENTATION AND IMPACT OF THE FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES SINCE 1995

1. This 2008 FAO Fisheries Circular analyses the implementation and the impact of the FAO Code of Conduct for Responsible Fisheries since 1995.¹ The analysis is global and covers aquaculture and fisheries. The objective of the report is to establish by whom, and to what extent the Code has been implemented, and what the major impacts of the Code have been in bringing about more responsible and sustainable management of aquatic resources.
2. The analysis reveals that fundamental changes in the fisheries sector since 1995 remain limited. World fleets remain largely in an overcapacity situation, global resource rent is negative, overall stock status trends have continued to deteriorate, and marine capture production remains below 100 million tonnes, indicating that marine capture fisheries have reached a plateau and that production increases under current conditions are unlikely.
3. The aquaculture sector has continued its rapid expansion and is expected to equal capture fisheries production for human consumption in 2008. Important changes in policy, legislation and management practices are detectable. Practices in farm and environmental management have undergone broad and significant improvements on a global scale. Dedicated legal frameworks aiming to regulate the sector in a more stringent and controlled manner, are a common feature worldwide.
4. The areas in fisheries where advances are being achieved are linked to the following domains: strengthening of monitoring, control and surveillance (MCS), improving food safety and quality assurance systems (including traceability and eco-labelling schemes) and implementing the 2005 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and

¹ Hosch, G. 2008. Analysis of the implementation and impact of the FAO Code of Conduct for Responsible Fisheries since 1995. *FAO Fisheries Circular*. No. 1038 Rome, FAO. 2008. 97 p. (In preparation)

Unregulated Fishing (IPOA-IUU). Other important Code provisions relating to the precautionary and ecosystem approaches to fisheries have been applied by a few, mostly developed countries, but generally remain ill-understood and poorly applied at the global level. In addition, there is abundant evidence that reliable and timely catch and stock statistics remain elusive in many, if not most, of the world's capture fisheries, rendering informed decision-making and management extremely difficult. With respect to national plans of action (NPOAs), over half of the 62 (or more) developed relate to IUU fishing. Advances in tackling overcapacity have been limited and the emerging global outlook for the management of global shark resources is poor.

5. The rising importance of aquaculture requires that additional effort be devoted to monitoring the sector. The analysis shows that institutional and legal frameworks to regulate the sector have proliferated over the last 13 years and that governments are moving from a position of promoters of aquaculture to a position of regulators. While more stringent regulations have been put in place across the board (e.g. mandatory environmental impact assessments (EIAs) and the regulation of alien species introductions), FAO Members have reported that the effectiveness of such regulations remains generally weak. There is also a sense that industry is improving its operations and adverse environmental impacts are being brought under control. The overall emerging picture in aquaculture is one where substantial improvements in governance and outcomes have been achieved in line with Code's provisions.

6. Industry associations have supported the implementation of the Code. In aquaculture, as well as in fisheries, numerous industry codes of practice have been developed and adopted. Industry manifests a clear interest in achieving sustainable outcomes and improved economic returns, underlining the point that this must be done in a coherent and economically feasible manner. Industry leaders invoke the Code as one of the core guiding instruments to achieve sustainable world fisheries.

7. Regional fisheries management organizations (RFMOs) and regional fisheries bodies (RFBs) display a broad and deep buy-in to the Code. Many RFMOs refer directly to the Code and specific provisions when making measures, resolutions and decisions. Other RFMOs do not make explicit reference to the Code but have been champions in implementing its spirit, principles and the provisions throughout their work.

8. As one of the many international organizations called upon by the Code to facilitate its implementation, FAO has made considerable effort in developing Code-related instruments, developing Technical Guidelines, disseminating Code package and assisting Members to implement the Code. Other relevant organizations that have endorsed the Code and directly promote its implementation span the spectrum of public, private and non-government organizations that are active in fisheries and aquaculture. The analysis highlights that many key organisations base at least part of their mandates upon the Code and structure their policies, action and work plans in line with the Code. Moreover, the Code has been endorsed firmly by the 2002 Johannesburg Plan of Implementation of the World Summit on Sustainable Development, calling upon all States to implement its provisions. The United Nations General Assembly has passed resolutions since 1995 calling for the same commitment by States.

9. The Code emerges as a facilitator of change towards more responsible and more sustainable fisheries and aquaculture. However, it is difficult to evaluate precisely the impact of results. Many other factors encourage or constrain the achievement of sustainable fisheries. In areas that are politically sensitive (e.g. conflict resolution between fisheries and offshore oil sectors and reducing fleet capacity), technically complex (e.g. ecosystem approach to fisheries) or have important potential trade implications (e.g. port and flag State controls), the Code's impact has been diffuse and progress has been slow.

10. A key impact of the Code relates to its broad-based endorsement and the ways in which it has shaped global policies and legal and management frameworks. The Code has promoted key

principles of sustainable and responsible development inherent in the 1992 UN Conference on Environment and Development and Agenda 21. In doing so, the Code has directly inspired fisheries management practitioners to move from seeking “fisheries development” to achieving “responsible and sustainable fisheries management”.

11. A further major impact relates to the successful country-level implementation of the Code’s provisions. In addition, the Code is linked to the way in which countries are making use of the Code and its associated instruments to assess their policy, legal and management frameworks for fisheries and aquaculture.

12. The report concludes that the Code is the most important international instrument guiding stakeholders towards sustainable world fisheries and aquaculture. It underscores the critical role that States play in implementing the Code and its associated instruments both at the national level and regionally through RFBs and RFMOs to which they belong.