

# STRATEGY FOR THE IMPLEMENTATION OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES

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## 1. INTRODUCTION

The Code of Conduct for Responsible Fisheries (CCRF) was adopted by the Twenty-eighth Session of the FAO Conference in October 1995. The CCRF is of a voluntary nature and covers all fisheries including aquaculture and related activities. It seeks to ensure that aquatic resources are exploited and utilised responsibly and in accordance with long-term principles of sustainability.

At its Twenty-first Session, in March 1995 the Committee on Fisheries (COFI) agreed that a progress report on implementation of the Code should be presented every two years which would include information on FAO activities and the proposed guidelines for implementation of the Code as well as the interregional Programme of Assistance to Developing Countries and its application at national level.

Article 5 of the Code states that the application of the Code in developing countries will be gradual. It then calls on all concerned to support developing countries in introducing the Code.

The Twenty-second Session of COFI, held in March 1997, reiterated the importance of the Code in the sustainable management and development of fisheries. Since the adoption of the Code in 1995, the FAO Secretariat, in collaboration with its member countries and other organizations, has taken a number of steps to promote the implementation of the Code. In view of the enthusiastic support by member countries and generous financial support by two donors (Norway and Netherlands), the Fisheries Department is now in a better position to further elaborate on its comprehensive programme on the implementation of the Code.

The aims of the comprehensive programme include:

- 1) Providing the means for implementing the Fisheries Department's policy on providing support for the implementation of the Code;
- 2) Harmonizing technical activities of the Fisheries Department related to the Code;
- 3) Co-ordinating various activities initiated with Regular Programme and Extra-budgetary resources in order to avoid duplication of effort and to ensure mobilizing technical staff where the needs arise.

## 2. STRATEGY FOR THE IMPLEMENTATION OF THE CODE

A clear strategy is needed in order to effectively promote the activities appropriate for the implementation of the Code at global, regional, sub-regional and national levels.

Since the ultimate objectives of the Code are to rectify current practices and to achieve sustainable fisheries at regional, sub-regional and national levels, through implementation of the relevant provisions of the Code, a systematic and step-wise approach is needed to monitor progress, co-ordinate the required activities at these levels and assist regional initiatives.

One of the important new policy directions of FAO, the normative orientation (global and generic orientation) has effected radical changes to the work of Headquarters staff and the FAO function to directly assist its member countries (especially the developing countries) has to be appropriately located within the entire system of the Organization.

At its Twenty-second Session, the Committee on Fisheries “strongly endorsed the need for effective regional fisheries organizations and arrangements in the framework of the Code of Conduct if fish stocks were to be managed in a sustainable and responsible manner”.

Under the above mandate, activities to support regional fisheries organizations and arrangements can be clearly identified as an interface between normative tasks and those assisting developing countries within the framework of the Code of Conduct. In other words, while FAO will continue to promote the implementation of the Code of Conduct through a newly formulated “Comprehensive Programme for the Code of Conduct for Responsible Fisheries”, the **regionalization** of the Code should be promoted as one of the core activities related to the “strengthening of regional fishery bodies”.

### Required action

Considering the wide technical scope of the Code, a systematic promotion of its implementation at global, regional, sub-regional and national levels will require harmonization on the conceptual and technical clarification of the Code at a global generic level, continuous review and revision of the Code, and utilization of the knowledge and experience acquired from activities at regional/sub-regional and national levels. The **proposed step-wise approach** is as follows:

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| <b>Stage 1</b> | Enhancement of international awareness of the Code of Conduct for Responsible Fisheries |
| <b>Stage 2</b> | Application at regional and sub-regional level  |
| <b>Stage 3</b> | Monitoring the implementation of the Code   |

**Stage 1: Enhancement of international awareness of the Code of Conduct for Responsible Fisheries**

FAO's promotional activities since 1996 have been the following:

- publication of the Code in all official languages of FAO (English, Spanish, French, Arabic, Chinese);
- Encouragement of translation of the Code into other languages (Italian, Polish, Sinhalese, German, Tigrina, Tamil, Persian, Russian, etc.) in order to enhance national awareness;
- Wide distribution and dissemination of the Code by mail, including to a large number of non-governmental organizations; a page dedicated to the Code of Conduct in the FAO Fisheries Department Home Page on INTERNET, and through fisheries magazines and newspapers.

In addition, the Fisheries Department, in a global and generic manner, has exerted its efforts with a view to providing a technical base, mostly for the public sector, for a better understanding of the Code through the following activities:

- **Publication of technical guidelines for the selected thematic chapters at global level.** FAO has, so far, published technical guidelines on: Fishing Operations; Precautionary Approach to Capture Fisheries and Species Introductions; Integration of Fisheries into Coastal Area Management; Fisheries Management; Aquaculture Development.
- **Consideration of the Code of Conduct at regional level.** The implementation of the Code of Conduct has been systematically included in the agenda of the next sessions of all FAO regional fishery bodies and several other FAO and non-FAO meetings in order to enhance the understanding of the Code and accelerate its effective implementation. However, documents prepared for these meetings have focused mainly on the work initiated by FAO at global level.

**Stage 2: Application of the Code at regional and sub-regional level**

Following the Cancun Conference in 1992, four years of exhaustive effort by the member countries resulted in a consensus on the current comprehensive text of the Code of Conduct. During the negotiation process, specific regional issues were diluted, or perhaps even avoided, with a view to finding acceptable global compromises and consensus on controversial issues.

However, when considering the actual implementation of the Code of Conduct at technical level, the role of regional fisheries organizations appears clearly and the global provisions/concepts of the Code need to be related to the realities. The required

process should not damage the spirit and essence of the Code and avoid incorrect regional interpretation of its provisions.

The **regionalization** of the Code could proceed through the convening of regional/sub-regional workshops under the aegis of the FAO and non-FAO regional fishery bodies. A “Regional Workshop on the Precautionary Approach to Fisheries Management” held in Medan, Indonesia from 25 to 28 February 1997 was organized by the Bay of Bengal Programme along the lines of this concept.

While the main issues characterizing fisheries are common to all regions, each region has its own “local” priorities and special focus requiring perhaps additional guidelines to apply certain provisions of the various Articles. More detailed elaboration could, therefore, be undertaken by the regions themselves, developing more specific guidance regarding e.g. the importance of small-scale fisheries or fresh-water aquaculture to most developing countries in the Asian region. At the end of the **regionalization** process, some regional foci and priorities, together with a Regional Strategy could be reflected back in a revised Code.

Another consideration is the elaboration of regional/sub-regional specific requirements to identify target areas. If Article 7.2.2 of the Code - “Fisheries Management” is taken as an example, more clarification of specific regional issues would greatly assist users to understand their own requirements when implementing the Code. Article 7.22 b) provides that “the economic conditions under which fishing industries operate promote responsible fisheries”. More elaboration on the “economic conditions” at regional/sub-regional levels and their implications may be called for when applying the Code.

Similarly, Article 7.22 c) provides that “the interests of fishers, including those engaged in subsistence, small scale and artisanal fisheries, are taken into account.” To apply this provision, further elaboration may be required to identify the regions’ specific requirements and available options, including detailed mechanisms on co-management, ICAM and avoidance of conflict between industrial fisheries and small scale fisheries, taking into consideration local socio-economic and cultural aspects.

Finally, Article 7.22 e) requires that “depleted stocks are allowed to recover or, where appropriate, are actively restored”. In order to implement this provision, specific depleted stocks of relevance to the region would need to be identified and rehabilitation strategies should be developed.

These workshops, would help developing adapted strategies to facilitate the implementation of the Code at regional and national levels based on the experience available in each member country, identifying: (i) regional priorities and objectives; (ii) areas of concern; (iii) specific targets to be achieved; and (iv) adequate policies and “tool boxes”.

Therefore, the regionalization mentioned in the paper does not mean to produce another regional version of the Code of Conduct, but the results of the regional/sub-

regional workshops could be used to review the current text of the Code, elaborating a Regional Strategy including guidelines or commentary notes under each provision, in order to:

- 1) Relate them to specific regional problems, types of fisheries, target species, fishing gears, and management practices;
- 2) Identify additional areas not specifically nor sufficiently covered in the global Code but which are important for the region, such as specific requirements on the management of coastal fisheries and fresh-water aquaculture, etc.
- 3) Identify the major ‘local’ constraints to the implementation of the provisions of the Code and estimate the approaches needed to remove them and their respective costs.

One of the biggest benefits of such an exercise which could be regarded as “a convincing process” would be active participation and involvement of key regional personnel which would facilitate the implementation of more **regionalized** guidelines of the Code rather than a “global” Code itself.

Additional important outcomes of such Workshops would be a trickle-down process at national level under each region/sub-region as follows:

- 1) The clarification and elaboration of activities at regional or sub-regional level would provide clear directions for the implementation of the Code at national levels (although FAO’s involvement at this level may be quite limited, unless extra-budgetary support is provided);
- 2) Through the process of stake-holders’ consultation and participation, national consensus can be attained on the implementation of the Code.

### **Stage 3 :        Monitoring the implementation of the Code of Conduct**

Through the exercises proposed above, FAO would receive significant feed back from the regions/sub-regions which would enable: a comprehensive review and analysis on the progress of implementation of the Code; assessment of the extent of implementation; and identification of the areas of the Code which require further elaboration. FAO has already initiated the preparation of global and conceptual guidelines on selected thematic areas, but these would be complemented by specific and detailed guiding documents of regional relevance for the actual application of the Code at regional and national levels. FAO would also analyze the identified constraints to implementation of the Code at regional and sub-regional levels and take appropriate action in order to remove these constraints, including identifying appropriate extra-budgetary resources.

### 3. CONCLUSION

Considering the ultimate objectives of the Code of Conduct for Responsible Fisheries, a systematic and step-wise programme of activities is required at global, regional/sub-regional and national levels. The emphasis given by FAO since 1995 has been mainly global and this needs to be complemented by addressing the actual application and implementation of the Code at regional/sub-regional and national levels with a specific strategy. If this regionalization process is undertaken through regional/sub-regional workshops as part of the prioritized programme on the "Strengthening of Regional Fishery Bodies", such technical initiatives at regional/sub-regional level would also greatly enhance the function and effectiveness of the regional fishery bodies.