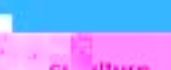


**CODE OF CONDUCT**

**FOR**

**RESPONSIBLE FISHERIES**



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**FOR**  
**RESPONSIBLE FISHERIES**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS  
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Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was convened, to which FAO provided important technical back-up. In November





1.4 In this Code, the reference to States includes the European Community in matters within its competence, and the term fisheries applies equally to capture fisheries and aquaculture.

#### ARTICLE 2 - OBJECTIVES OF THE CODE

The objectives of the Code are to:

- a) establish principles, in accordance with the relevant rules of international law, for responsible fishing and fisheries activities, taking into account all their relevant biological, technological, economic, social, environmental and commercial aspects;
- b) establish principles and criteria for the elaboration and implementation of national policies for responsible conservation of fisheries resources and fisheries management and development;
- c) serve as an instrument of reference to help States to establish or to improve the legal and institutional framework required for the exercise of responsible fisheries and in the formulation and implementation of appropriate measures;
- d) provide guidance which may be used where appropriate in the formulation and implementation of international agreements and other legal instruments, both binding and voluntary;
- e) facilitate and promote technical, financial and other cooperation in conservation of fisheries resources and fisheries management and development;
- f) promote the contribution of fisheries to food security and food quality, giving priority to the nutritional needs of local communities;
- g) promote protection of living aquatic resources and their environments and coastal areas;
- h) promote the trade of fish and fishery products in conformity with relevant international rules and avoid the use of measures that constitute hidden barriers to such trade;

- i) promote research on fisheries ~~well~~ as on associated ecosystems and relevant environmental factors; and
- j) provide standards of conduct for all persons involved in the fisheries sector.

#### ARTICLE 3 - RELATIONSHIP WITH OTHER INTERNATIONAL INSTRUMENTS

3.1 The Code is to be interpreted and applied in conformity with the relevant rules of international law, as reflected in the United Nations Convention on the Law of the Sea, 1982. Nothing in this Code ~~pre~~judices the rights, jurisdiction and duties of States under international ~~law~~ as reflected in the Convention.

3.2 The Code is also to be interpreted and applied:

- a) in a manner consistent with the relevant provisions of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;
- b) in accordance with other applicable rules of international law, including the respective obligations of States pursuant to international agreements to which they are party; and
- c) in the light of the 1992 Declarati of Cancún, the 1992 Rio Declaration on Environment and Development, and Agenda 21 adopted by the United Nations Conference on Environment and Development (UNCED), in particular Chapter 17

All States, whether members or non-members of FAO, as well as relevant international organizations, whether governmental or non-governmental should actively cooperate with FAO in this work.

4.3 FAO, through its competent bodies, may revise the Code, taking into account developments in fisheries as well as reports to COFI on the implementation of the Code.

4.4 States and international organizations, whether governmental or non-governmental, should promote the understanding of the Code among those involved in fisheries, including, where practicable, by the introduction of schemes which would promote voluntary acceptance of the Code and its effective application.

#### ARTICLE 5 - SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES

5.1 The capacity of developing countries to implement the recommendations of this Code should be duly taken into account.

5.2 In order to achieve the objectives of this Code and to support its effective implementation, countries, relevant international organizations, whether governmental or non-governmental, and financial institutions should give full recognition to the special circumstances and requirements of developing countries, including in particular the least-developed among them, and small island developing countries. States, relevant intergovernmental and non-governmental organizations and financial institutions should work for the adoption of measures to address the needs of developing countries, especially in the areas of financial and technical assistance, technology transfer, training and scientific cooperation and in enhancing their ability to develop their own fisheries as well as to participate in high seas fisheries, including access to such fisheries.

#### ARTICLE 6 - GENERAL PRINCIPLES

6.1 States and users of living aquatic resources should conserve aquatic ecosystems. The right to fish carries with it the obligation to do so in a responsible manner so as to ensure effective conservation and management of the living aquatic resources.

6.2 Fisheries management should promote the maintenance of the quality, diversity and availability of fishery resources in sufficient quantities for present and future generations in the context of food security, poverty alleviation and sustainable development. Management measures should not only ensure the conservation of



6.8 All critical fisheries habitats in marine and fresh water ecosystems, such as wetlands, mangroves, reefs, lagoons, nursery and spawning areas, should be protected and rehabilitated as far as possible where necessary. Particular effort should be made to protect such habitats from destruction, degradation, pollution and other significant impacts resulting from human activities that threaten the health and viability of the fishery resources.

6.9 States should ensure that their fisheries interests, including the need for conservation of the resources, are taken into account in the multiple uses of the coastal zone and are integrated into coastal area management, planning and development.

6.10 Within their respective competences and in accordance with international law, including within the framework of subregional or regional fisheries conservation and management organizations or arrangements, States should ensure compliance with and enforcement of conservation and management measures and establish effective mechanisms, as appropriate, to monitor and control the activities of fishing vessels and fishing support vessels.

6.11 States authorizing fishing and fishing support vessels to fly their flags should exercise effective control over those vessels so as to ensure the proper application of this Code. They should ensure that the activities of such vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels. States should also ensure that vessels flying their flags fulfill their obligations concerning the collection and provision of data relating to their fishing activities.

6.12 States should, within their respective competences and in accordance with international law, cooperate at subregional, regional and global levels through fisheries management organizations, other international agreements or other arrangements to promote conservation and management, ensure responsible fishing and ensure effective conservation and protection of living aquatic resources throughout their range of distribution, taking into account the need for compatible measures in areas within and beyond national jurisdiction.

6.13 States should, to the extent permitted by national laws and regulations, ensure that decision making processes are transparent and achieve timely solutions to urgent matters. States, in accordance with appropriate procedures, should facilitate consultation and the effective participation of industry, fishworkers, environmental and other interested organizations in decision-making with respect to the









7.2.2 Such measures should provide ~~inter~~ alia that:

- a) excess fishing capacity is avoided ~~and~~ exploitation of the stocks remains economically viable;
- b) the economic conditions under which fishing industries operate promote responsible fisheries;
- c) the interests of fishers, including ~~the~~ those engaged in subsistence, small-scale and artisanal fisheries, are taken into account;
- d) biodiversity of aquatic habitats and ecosystems is conserved and endangered species are protected;
- e) depleted stocks are allowed to ~~over~~ recover or, where appropriate, are actively restored;
- f) adverse environmental impacts on the resources from human activities are assessed and, where appropriate, corrected; and
- g) pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, and impacts on associated or dependent species are minimized, through ~~measures~~ measures including, to the extent practicable, the development and use ~~of~~ of ~~active~~, environmentally safe and cost-effective fishing gear and techniques.

7.2.3 States should assess the impacts ~~of~~ environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks, and assess the relationship among the populations in the ecosystem.

### 7.3 Management framework and procedures

7.3.1 To be effective, fisheries management should be concerned with the whole stock unit over its entire area of distribution and take into account previously agreed management measures established and applied in the same region, all removals and the biological unity and other biological characteristics of the stock. The best scientific evidence available should be used to determine ~~inter~~ alia, the area of distribution of the resource and the area ~~through~~ through which it migrates during its life cycle.

7.3.2 In order to conserve and manage transboundary fish stocks, straddling fish stocks, highly migratory fish stocks and high seas fish stocks throughout their range,

conservation and management measures should be established for such stocks in accordance with the respective competences of relevant States or, where appropriate, through subregional and regional fisheries management organizations and arrangements, should be compatible. Compatibility should be achieved in a manner consistent with the rights, competences and interests of the States concerned.

7.3.3 Long-term management objectives should be translated into management actions, formulated as a fishery management plan or other management framework.

7.3.4 States and, where appropriate, subregional or regional fisheries management organizations and arrangements should foster and promote international cooperation and coordination in all matters related to fisheries, including information gathering and exchange, fisheries research, management and

system. States should compile and disseminate such data in a manner consistent with any applicable confidentiality requirements.

7.4.5 In order to ensure sustainable management of fisheries and to enable social and economic objectives to be achieved, sufficient knowledge of social, economic and institutional factors should be developed through data gathering, analysis and research.

7.4.6 States should compile fishery-related and other supporting scientific data relating to fish stocks covered by subregional or regional fisheries management organizations or arrangements in an internationally agreed format and provide them in a timely manner to the organization or arrangement. In cases of stocks which

a) stock specific target reference points, at the same time, the action to be taken if they are exceeded; and

b) stock specific limit reference points, at the same time, the action to be taken if they are exceeded; when a limit reference point is approached, measures should be taken to ensure that it will not be exceeded.

7.5.4 In the case of new or exploratory fisheries, States should adopt as soon as possible cautious conservation and management measures, including, but not limited to, catch limits and effort limits. Such measures should remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the long-term sustainability of the stocks, whereupon conservation and management measures based on that assessment should be implemented. The latter measures should, if appropriate, allow for the gradual development of the fisheries.

7.5.5 If a natural phenomenon has a significant adverse impact on the status of living aquatic resources, States should adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impact. States should also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such resources. Measures taken on an emergency basis should be temporary and should be based on the best scientific evidence available.

## 7.6 Management measures

7.6.1 States should ensure that the level of fishing permitted is commensurate with the state of fisheries resources.

7.6.2 States should adopt measures to ensure that no vessel be allowed to fish unless so authorized, in a manner consistent with international law for the high seas or in conformity with national legislation within areas of national jurisdiction.

7.6.3 Where excess fishing capacity exists, mechanisms should be established to reduce capacity to levels commensurate with the carrying capacity of the resource.

which are not consistent with responsible fishing are phased out and replaced with more acceptable alternatives. In this process particular attention should be given to

## 7.7 Implementation

7.7.1 States should ensure that an effective legal and administrative framework at the local and national level, as appropriate, is established for fisheries resource conservation and fisheries management.

7.7.2 States should ensure that laws and regulations provide for sanctions applicable in respect of violations which are adequate in severity to be effective, including sanctions which allow for the ~~total~~ withdrawal or suspension of authorizations to fish in the event of non-compliance with conservation and management measures in force.

7.7.3 States, in conformity with their national laws, should implement effective fisheries monitoring, control, surveillance and law enforcement measures including, where appropriate, observer programmes, inspection schemes and vessel monitoring systems. Such measures should be ~~promoted~~ and, where appropriate, implemented by subregional or regional fisheries management organizations and arrangements in accordance with procedures agreed ~~by~~ such organizations or arrangements.

7.7.4 States and subregional or regional fisheries management organizations and arrangements, as appropriate, should agree on the means by which the activities of such organizations and arrangements will be financed, bearing in ~~mind~~ ~~the~~ relative benefits derived from the ~~fishery~~ and the differing capacities of countries to provide financial and other contributions. Where appropriate, and when possible, such organizations and arrangements should aim to recover the costs of fisheries conservation, management and research.

7.7.5 States which are members of or participants in subregional or regional fisheries management organizations or arrangements should implement internationally agreed measures adopted in the framework of such organizations or arrangements and consistent with international law to deter the activities of vessels flying the flag of non-members or non-participants which engage in activities which undermine the effectiveness of conservation and management measures established by such organizations or arrangements.

## 7.8 Financial institutions

7.8.1 Without prejudice to relevant international agreements, States should encourage banks and financial institutions ~~to~~ require, as a condition of a loan or mortgage, fishing vessels or fishing support vessels to be flagged in a jurisdiction other than that of the State of beneficial ownership where such a requirement would

have the effect of increasing the likelihood of non-compliance with international conservation and management measures.

ARTICLE 8 - FISHING OPERATIONS

8.1 Duties of all States

8.1.1 States should ensure that only fishing operations allowed by them are conducted within waters under their jurisdiction and that these operations are carried out in a responsible manner.

8.1.2 States should maintain a record, updated at regular intervals, on all authorizations to fish issued by them.

8.1.3 States should maintain, in accordance with recognized international standards and practices, statistical data, updated at regular intervals, on all fishing operations allowed by them.

8.1.4 States should, in accordance with international law, within the framework of







8.3.2 Port States should provide such assistance to flag States as is appropriate, in accordance with the national laws of the port State and international law, when a fishing vessel is voluntarily in a port or at an offshore terminal of the port State and the flag State of the vessel requests the port State for assistance in respect of non-compliance with subregional, regional or global conservation and management measures or with internationally agreed minimum standards for the prevention, of pollution and for safety, health and conditions of work on board fishing vessels.

#### 8.4 Fishing operations

8.4.1 States should ensure that fishing is conducted with due regard to the safety of human life and the International Maritime Organization International Regulations for Preventing Collisions at Sea, as well as International Maritime Organization requirements relating to the organization of marine traffic, protection of the marine environment and the prevention of damage to or loss of fishing gear.

8.4.2 States should prohibit dynamiting, poisoning and other comparable destructive fishing practices.

8.4.3 States should make every effort to ensure that documentation with regard to fishing operations, retained catch of fish and non-fish species and, as regards discards, the information required for stock assessment as decided by relevant management bodies, is collected and forwarded systematically to those bodies. States should, as far as possible, utilize programmes, such as observer and inspection schemes, in order to promote compliance with applicable measures.

8.4.4 States should promote the adoption of appropriate technology, taking into account economic conditions, for the best use and care of the retained catch.

8.4.5 States, with relevant groups from industry, should encourage the development and implementation of technologies and operational methods that reduce discards. The use of fishing gear and practices that lead to the discarding of catch should be discouraged and the use of fishing gear and practices that increase survival rates of escaping fish should be promoted.

8.4.6 States should cooperate to develop and apply technologies, materials and operational methods that minimize the loss of fishing gear and the ghost fishing effects of lost or abandoned fishing gear.



8.7 Protection of the aquatic environment

8.8.5 States and owners, charterers and managers of fishing vessels as well as fishers should follow international guidelines for the disposal of CFCs, HCFCs and Halons.

#### 8.9 Harbours and landing places for fishing vessels

8.9.1 States should take into account, inter alia, the following in the design and construction of harbours and landing places:

- a) safe havens for fishing vessels and adequate servicing facilities for vessels, vendors and buyers are provided;
- b) adequate freshwater supplies and sanitation arrangements should be provided;
- c) waste disposal systems should be introduced, including for the disposal of oil, oily water and fishing gear;
- d) pollution from fisheries activities and external sources should be minimized; and
- e) arrangements should be made to combat the effects of erosion and siltation.

8.9.2 States should establish an institutional framework for the selection or improvement of sites for harbours for fishing vessels which allows for consultation among the authorities responsible for coastal area management.

#### 8.10 Abandonment of structures and other materials

8.10.1 States should ensure that the standards and guidelines for the removal of redundant offshore structures issued by the International Maritime Organization are followed. States should also ensure that the competent fisheries authorities are consulted prior to decisions being made on the abandonment of structures and other materials by the relevant authorities.

#### 8.11 Artificial reef's and fish aggregation devices

8.11.1 States, where appropriate, should develop policies for increasing stock populations and enhancing fishing opportunities through the use of artificial structures, placed with due regard to the safety of navigation, on or above the seabed or at the surface. Research into the use of such structures, including the impacts on living marine resources and the environment, should be promoted.

8.11.2 States should ensure that, when selecting the materials to be used in the creation of artificial reefs as well as when selecting the geographical location of such artificial reefs, the provisions of relevant international conventions concerning the environment and safety of navigation are observed.

8.11.3 States should, within the framework of coastal area management plan, establish management systems for artificial reefs and fish aggregation devices. Such management systems should require approval for the construction and deployment of such reefs and devices and should take account the interests of fishers, including artisanal and subsistence fishers.

8.11.4 States should ensure that the authorities responsible for maintaining cartographic records and charts for the purpose of navigation, as well as relevant environmental authorities, are informed prior to the placement or removal of artificial reefs or fish aggregation devices.

#### ARTICLE 9 - AQUACULTURE DEVELOPMENT

9.1 Responsible development of aquaculture, including culture-based fisheries, in areas under national jurisdiction

9.1.1 States should establish, maintain and develop an appropriate legal and administrative framework which facilitates the development of responsible aquaculture.

resulting from water extraction, land use, discharge of effluents, use of drugs and chemicals, and other aquaculture activities.

9.2 Responsible development of aquaculture including culture-based fisheries within transboundary aquatic ecosystems

9.2.1 States should protect transboundary aquatic ecosystems by supporting responsible aquaculture practices within their national jurisdiction and by cooperation in the promotion of sustainable aquaculture practices.

9.2.2 States should, with due respect to their neighbouring States and in accordance with international law, ensure responsible choice of species, siting and management of aquaculture activities which could affect transboundary aquatic ecosystems.

9.2.3 States should consult with their neighbouring States, as appropriate, before introducing non-indigenous species into transboundary aquatic ecosystems.

9.2.4 States should establish appropriate mechanisms, such as databases and information networks to collect, share and disseminate data related to their aquaculture activities to facilitate cooperation on planning for aquaculture development at the national, subregional, regional and global level.

9.2.5 States should cooperate in the development of appropriate mechanisms, when required, to monitor the impact of inputs used in aquaculture.

9.3.3 States should, in order to minimize risks of disease transfer and other



care before and during harvesting and on-site processing and in storage and transport of the products.

10.2.3 In setting policies for the management of coastal areas, States should take due account of the risks and uncertainties involved.

10.2.4 States, in accordance with their capabilities, should establish or promote the establishment of systems to monitor the coastal environment as part of the coastal management process using physical, chemical, biological, economic and social parameters.

10.2.5 States should promote multidisciplinary research in support of coastal area management, in particular on its environmental, biological, economic, social, legal and institutional aspects.

### 10.3 Regional cooperation

10.3.1 States with neighbouring coastal areas should cooperate with one another to facilitate the sustainable use of coastal resources and the conservation of the environment.

10.3.2 In the case of activities that may have an adverse transboundary environmental effect on coastal areas, States should:

- a) provide timely information and, if possible, prior notification to potentially affected States;
- b) consult with those States as early as possible.

10.3.3 States should cooperate at the subregional and regional level in order to improve coastal area management.

### 10.4 Implementation

10.4.1 States should establish mechanisms for cooperation and coordination among national authorities involved in planning, development, conservation and management of coastal areas.

10.4.2 States should ensure that the authority or authorities representing the fisheries sector in the coastal management process have the appropriate technical capacities and financial resources.

## ARTICLE 11 - POST-HARVEST PRACTICES AND TRADE

## 11.1 Responsible fish utilization

11.1.1 States should adopt appropriate measures to ensure the right of consumers to safe, wholesome and unadulterated fish and fishery products.

11.1.2 States should establish and maintain effective national safety and quality assurance systems to protect consumer health and prevent commercial fraud.

11.1.3 States should set minimum standards for safety and quality assurance and make sure that these standards are fully applied throughout the industry. They should promote the implementation of quality standards agreed within the context of the FAO/WHO Codex Alimentarius Commission and other relevant organizations or arrangements.

11.1.4 States should cooperate to achieve harmonization, or mutual recognition, or both, of national sanitary measures and certification programmes as appropriate and explore possibilities for the establishment of mutually recognized control and certification agencies.

11.1.5 States should give due consideration to the economic and social role of the post-harvest fisheries sector when formulating national policies for the sustainable development and utilization of fishery resources.

11.1.6 States and relevant organizations should sponsor research in fish technology and quality assurance and support projects to improve post-harvest handling of fish, taking into account the economic, social, environmental and nutritional impact of such projects.

11.1.7 States, noting the existence of different production methods, should through cooperation and by facilitating the development and transfer of appropriate technologies, ensure that processing, transporting and storage methods are environmentally sound.

11.1.8 States should encourage those involved in fish processing, distribution and marketing to:

- a) reduce post-harvest losses and waste;

b) improve the use of by-catch to the extent that this is consistent with responsible fisheries management practices; and

c) use the resources, especially water and energy, in particular wood, in an environmentally sound manner.

11.1.9 States should encourage the use of fish for human consumption and promote consumption of fish whenever appropriate.

11.1.10 States should cooperate in order to facilitate the production of value-added products by developing countries.

11.1.11 States should ensure that international and domestic trade in fish and fishery products accords with sound conservation and management practices through improving the identification of the origin of fish and fishery products traded.

11.1.12 States should ensure that environmental effects of post-harvest activities are

11.2.5 States should further liberalize trade in fish and fishery products and eliminate barriers and distortions to trade such as duties, quotas and non-tariff barriers in accordance with the principles, rights and obligations of the WTO Agreement.

11.2.6 States should not directly or indirectly create unnecessary or hidden barriers to trade which limit the consumer's freedom of choice of supplier or that restrict market access.

11.2.7 States should not condition access to markets to access to resources. This principle does not preclude the possibility of fishing agreements between States which include provisions referring access to resources, trade and access to markets, transfer of technology, scientific research, training and other relevant elements.

11.2.8 States should not link access to markets to the purchase of specific technology or sale of other products.

11.2.9 States should cooperate in complying with relevant international agreements regulating trade in endangered species.

11.2.10 States should develop international agreements for trade in live specimens where there is no other option.

11.2.15 States, aid agencies, multilateral development banks and other relevant international organizations should ensure that their policies and practices related to the promotion of international fish trade and export production do not result in environmental degradation or adversely impact the nutritional rights and needs of people for whom fish is critical to their health and well-being and for whom other comparable sources of food are readily available or affordable.

11.3 Laws and regulations relating to fish trade

11.3.8 States should promptly notify interested States, WTO and other appropriate international organizations on the development of and changes to laws, regulations and administrative procedures applicable to international trade in fish and fishery products.

#### ARTICLE 12 - FISHERIES RESEARCH

12.1 States should recognize that responsible fisheries requires the availability of a sound scientific basis to assist fishery managers and other interested parties in making decisions. Therefore States should ensure that appropriate research is conducted into all aspects of fisheries including biology, ecology, technology, environmental science, economics, social science, aquaculture and nutritional science. States should ensure the availability of research facilities and provide appropriate training, staffing and institution building to conduct the research, taking into account the special needs of developing countries.

12.2 States should establish an appropriate institutional framework to determine the applied research which is required and its proper use.

12.3 States should ensure that data generated by research are analyzed, that the results of such analyses are published respecting confidentiality where appropriate, and distributed in a timely and readily understood fashion, in order that the best scientific evidence is made available as a contribution to fisheries conservation, management and development. In the absence of adequate scientific information, appropriate research should be initiated as soon as possible.

12.4 States should collect reliable and adequate data which are required to assess the status of fisheries and ecosystems including data on bycatch, discards and waste. Where appropriate, this data should be provided, at an appropriate time and level of aggregation, to relevant States and subregional, regional and global fisheries organizations.

12.5 States should be able to monitor and assess the state of the stocks under their jurisdiction, including the impacts of ecosystem changes resulting from fishing pressure, pollution or habitat alteration. They should also establish the research capacity necessary to assess the effects of climate or environment change on fish

12.7 States, as appropriate in cooperation with relevant international organisations, should encourage research to ensure optimum utilization of fishery resources and stimulate the research required to support national policies related to fish as food

12.8 States should conduct research into, and monitor, human food supplies from aquatic sources and the environment from which they are taken and ensure that there is no adverse health impact on consumers. The results of such research should be made publicly available.

12.9 States should ensure that the economic, social, marketing and institutional aspects of fisheries are adequately assessed and that comparable data are generated for ongoing monitoring, analysis and policy formulation.

12.10 States should carry out studies on the selectivity of fishing gear, the environmental impact of fishing gear on target species and on the behaviour of target and non-target species in relation to fishing gear.



12.16 States should, where appropriate, support the establishment of mechanisms, including, inter alia, the adoption of uniform guidelines, to facilitate research at the subregional or regional level and should encourage the sharing of the results of such research with other regions.

12.17 States, either directly or with the support of relevant international organizations, should develop collaborative technical and research programmes to improve understanding of the biology, environment and status of transboundary aquatic stocks.

12.18 States and relevant international organizations should promote and enhance the research capacities of developing countries, inter alia, in the areas of data collection and analysis, information, science and technology, human resource development and provision of research facilities, in order for them to participate effectively in the conservation, management and sustainable use of living aquatic resources.

12.19 Competent national organizations should, where appropriate, render technical and financial support to States upon request and when engaged in research investigations aimed at evaluating stocks which have been previously unfished or very lightly fished.

12.20 Relevant technical and financial international organizations should, upon request, support States in their research efforts, devoting special attention to developing countries, in particular the least developed among them and small island developing countries.

Annex 1

BACKGROUND TO THE ORIGIN AND ELABORATION OF THE CODE





submission of the complete Code for its adoption at the Twenty-eighth Session of the FAO Conference in October 1995.

16. The Committee was informed of the various steps the Secretariat had undertaken in preparing the draft Code of Conduct. The Committee established an open-ended Working Group in order to review the draft text of the Code. The Working Group, which met from 10 to 14 March 1995, undertook a detailed revision of the draft Code in continuation of the work carried out by the Technical Consultation. It completed and approved the text of Articles 8 to 11. In view of the time constraints, the Working Group provided directives to the Secretariat to redraft Articles 1 to 5. It was also recommended that the elements of research and cooperation as well as aquaculture be included in Article 5, General Principles, to reflect issues developed in the Thematic Articles of the Code.

17. The Committee supported the proposal endorsed by the Hundred and Seventh Session of the Council on the mechanism; to finalize the Code. The final wording of those principles dealing mainly with issues concerning straddling fish stocks and highly migratory fish stocks, which formed only a small part of the Code, should be re-examined in the light of the outcome of the UN Conference. The Group also recommended that once agreement was reached on the substance, it would be necessary to harmonize legal, technical and idiomatic aspects of the Code, in order to facilitate its final approval.

18. The Report of the open-ended Working Group was presented to a Ministerial Meeting on Fisheries, held on 14 and 15 March 1995, in conjunction with the COFI Session. The Rome Consensus on World Fisheries emanating from this meeting urged that "Governments and international organizations take prompt action to complete the International Code of Conduct for Responsible Fisheries with a view to submitting the final text to the FAO Conference in October 1995"

19. The Hundred and Eighth Session of the Council was presented with a revised version of the Code of Conduct. The Council established an open-ended Technical Committee, which held its First Session from 5 to 9 June 1995, with a broad regional representation of members and observers. A number of intergovernmental and non-governmental organizations also participated.

20. The Council was informed by the Technical Committee that it had undertaken a thorough review of Articles 1 to 5 including the Introduction. It had also examined, amended and approved Articles 8 to 11. The Council was also informed that the Committee had completed the revision of Article 6.

21. The Council approved the work read out by the Technical Committee and endorsed its recommendation for a Second Session to be held from 25 to 29 September 1995 to complete the revision of the Code once the Secretariat had harmonized the text linguistically and juridically, taking into account the outcome of the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks.

22. A revised version of the Code as approved by the Open-ended Technical Committee at its First Session (5-9 July 1995) and endorsed by the One Hundred and Eighth Session of the Council was issued both as a Conference document (C 95/20) and as a working paper for the Second Session of the Technical Committee. Elements pending agreement were clearly identified.

23. In order to facilitate the finalization of the entire Code, the Secretariat prepared the document "Secretariat Proposals for Article 6, Fisheries Management, and Article 7, Fishing Operations, of the Code of Conduct for Responsible Fisheries", taking into account the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted by the UN Conference in August 1995. The Secretariat also completed proposals for the harmonization of the text on legal and linguistic aspects and made this available to the Committee in three languages for its session (English, French and Spanish).

24. A Second Session of the Open-ended Technical Committee of the Council met from 25 to 29 September 1995, with a wide representation of regions and interested organizations. The Committee, working in a full spirit of collaboration, successfully concluded its mandate, finalizing and endorsing all Articles and the Code as a whole. The Technical Committee agreed that the negotiations of the text of the Code were finalized. An Open-ended Informal Group on Language Harmonization held an additional session, and together with the Secretariat, completed the harmonization on the basis of the text as adopted: at the closing session. The Technical Committee instructed the Secretariat to already submit the finalized version as a revised Conference document to the Hundred and Ninth Session of the Council and to the Twenty-eighth Session of the Conference for its adoption. The Council endorsed the Code of Conduct as finalized by the Technical Committee. The Secretariat was requested to prepare the required draft resolution for the Conference, including also a call on countries to ratify, as a matter of urgency, the Compliance Agreement adopted at the last session of the Conference. The Twenty-eighth Session of the Conference adopted on 31 October 1995, by consensus, the Code of Conduct for Responsible Fisheries and the respective Resolution shown in Annex 2.

Annex 2

Fisheries and to consider adopting the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas:

1. Decides to adopt the Code of Conduct for Responsible Fisheries;
2. Calls on States, International Organizations, whether Governmental or Non-Governmental, and all those involved in fisheries to collaborate in the fulfillment and implementation of the objectives and principles contained in this Code;
3. Urges that special requirements of developing countries be taken into account in implementing the provisions of this Code;
4. Requests



