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Implementation of the Code of Conduct for Responsible Fisheries in the Marine Fisheries Sector¹

Purwito Martosubroto*

Diadopsinya Code of Conduct for Responsible Fisheries (CCRF) in 1995 menandai suatu era baru dalam sektor perikanan dalam konteks pembangunan yang berkelanjutan. Kegagalan dalam pengurangan penangkapan ikan yang berlebihan (over-fishing) dan degradasi habitat di berbagai bagian dunia mendorong untuk diadakannya pertemuan dan lokakarya regional dan global/internasional yang akhirnya menghasilkan CCRF. Dalam tulisan ini akan dijelaskan bagaimana Code ini dilaksanakan di beberapa negara khususnya Asia Selatan dan Asia Tenggara seperti Bangladesh, Brunei Darussalam, Cambodia, India, Indonesia, Malaysia, Maldives, Myanmar, Pakistan, Philippines, Sri Lanka, Thailand dan Vietnam.

1. Introduction

The adoption of the Code of Conduct for Responsible Fisheries (CCRF) in 1995 marked the new era for the fishery sector in the

¹ Paper was presented in the National Workshop on the Code of Conduct for Responsible Fisheries, Dhaka (Bangladesh), 23-24 April 2002 during which time the author was working at the Food and Agriculture Organization of the United Nations. The views expressed in this paper are solely those of the author and do not necessarily reflect those of the Food and Agriculture Organization of the United Nations

* The writer is the fisheries expert that has been recognized nationally as well as internationally. As an expert he was previously a Director at DG Fisheries in Indonesia, before he joined as a fisheries officer at the FAO headquarter in Rome, Italy, for quite number of years. Back then he continuously supported the fisheries development in Indonesia, by support fruitful projects and activities regarding fisheries in Indonesia. He is now appointed as the Chairman of Indonesian Tuna Commission (Komisi Tuna Indonesia), and he always become the resource person for any activities in fisheries issues.

context of sustainable development. Failures in curbing overfishing and habitat degradation in many parts of the world contributed to the holdings of various regional and global meetings and workshops leading to the birth of CCRF.

The Code provides principle and international standards of behavior for responsible practices with a view to ensuring the effective conservation, management and development of living aquatic resources, with due respect for the ecosystem and biodiversity. Among the 10 objectives listed in the Code, two are foremost important and relevant to the present workshop: (1) it establishes principles and criteria for the elaboration and implementation of national policies for responsible conservation of fisheries resources and fisheries management and development, and (2) it serves 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.

The CCRF advocates responsible manner in the development and management in the aquaculture and in the capture fisheries sector. The Code addresses both sectors, it spans from the harvesting, processing to the marketing and trade of the fishery products. As the fisheries sector does not stand alone, it is a source of potential impact to other sectors while others, at the same time, could also reversely impact the fishery sector; the Code addresses this kind of interaction and promote the integration of fisheries into coastal area management. To facilitate further understanding of the Code, FAO developed various guidelines elaborating main articles in the Code. These include guidelines on fishing operation, on fisheries management and on inland fisheries to name a few. In response to the needs of developing countries, FAO also had developed interregional programs that were distributed to donor agencies following the endorsement of the Code for financial support. So far only Norway that has responded to the proposed programs by providing assistance in the form of project entitled "Provision of Scientific Advice to Fisheries Management" and "Strengthening of Monitoring, Control and Surveillance". Though

not specifically addressing the proposed interregional programs, a number of developed countries also facilitated the implementation of the Code through provision of technical and financial support for the holding of various discussions and workshops leading to the development and completion of various guidelines of the Code.

In the implementation of the Code, a number of countries have put their efforts and facilitated the translation of the Code to local languages, organized public awareness campaign through a series of seminars and workshops. A regional fisheries organization in Southeast Asia (i.e. SEAFDEC = Southeast Asia Fisheries Development Center) has also provided assistance in organizing regional meeting to address regionalization of the Code. In the meantime FAO has been tasked to monitor the implementation of the Code and present the report to the bi-annual meeting of FAO Committee on Fisheries (COFI). Review of the implementation of the Code in Bangladesh that was reported to the last COFI meeting in 2001 is integrated in Doulman's paper presented to this workshop.

The complexity of the fisheries sector and coupled with inadequate capacity of the individual countries in applying the concept of sustainable development contribute to the present situation of CCRF implementation in the region. The governance system also plays a significant role in the implementation of the Code in the individual countries.

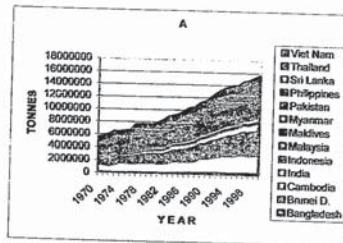
The present paper addresses the implementation of the Code in the context of developing countries and with reference to marine fisheries sector. It is in this context that status and trend of the marine fisheries sector in the developing countries in the South and Southeast Asia is presented here as a background information for the subsequent discussion concerning issues and problems confronting the implementation of the Code.

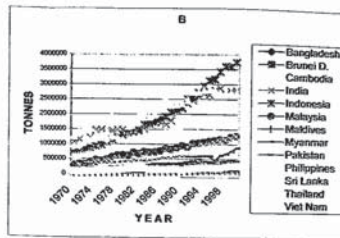
2. A short note on the status and trend of marine fisheries in the South and Southeast Asian region

In the regional context, the paper presents the status and trend

of marine fisheries in the developing coastal states of South and Southeast Asian countries, namely Bangladesh, Brunei Darussalam, Cambodia, India, Indonesia, Malaysia, Maldives, Myanmar, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam. Total catch of the thirteen countries had increased from 5.5 million tons in 1970 to 15.6 million tons in 2000 or an increase of almost threefold during the last three decades (see Figure 1A). However, in the national context the catch of India, the Philippines and Thailand had already demonstrated a declining trend since mid 1990s, although the decline did not show a clear impact to the trend of the overall catch (see Figure 1B).

Figure 1. Trend of marine catch of coastal developing countries in the South and Southeast Asia

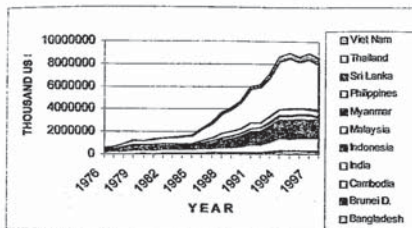




In terms of export, the trend indicated a significant increase from US 0.6 billion in 1976 to US 9 billion in 1999 or an increase of more than fifteen fold in a slightly more than two decades with a slight decline started in 1997 due to the economic crisis hampering some countries in Southeast Asia (Figure 2). This of course include the export from the aquaculture sector. Despite the impressing increase of catch in the marine sector and the associated export products generated from countries in the South and Southeast Asian region, problem of over fishing still persists. The open access policy in the fisheries sector that still occurred in the region contributed to the problem. Various management measures have been introduced by countries in the region in various form such as licensing, geographical zoning for fishing gear operation, closed areas and closed season and mesh size limit for net fishing, yet the measures had not been able to curb over fishing. The situation has exacerbated with the emerging conflicts between various fishers. The legitimate question is, then, why it so happened? Though the answer may not that simple, naturally it is the staff of the Department of Fisheries of national government, fishing industry and fishers who are most knowledgeable about the problem in a given country. The Code could facilitate some thought to find the answers to those questions and some of those issues of relevance

are presented in the following section.

Figure 2. Trend of export from the fisheries sector in the coastal developing countries in South and Southeast Asia.



3. Important issues relevant to the region

As capture fisheries sector is characterized by an exploitative nature, one of the most important elements of the Code that directly addresses the impact of the exploitation falls within the scope of fisheries management, which the present paper focuses on. In fact, other articles of the Code such as precautionary approach, fishing operation, integration of fisheries into coastal area management, post-harvest practice and trade and also fisheries research are all closely related to fisheries management.

Managing fisheries where the target resources keep moving and at the same time the exploiters are also not in a constant position, it certainly poses a great challenge. Though the general concept of fisheries management is available in the literatures, the implementation of fisheries management depends to a large extent on the characteristics of the fisheries and the resources being exploited and also on the stakeholders, but more importantly it also relates to the ability of the concerned management institution to

deal with the sector. The need for establishing fisheries management institution in this region seems to be high as reflected in the result of the workshop on CCRF in India recently (Yadava, 2001) during which time one of the outstanding plan of actions clearly stressed that every coastal State and Union Territory should consider setting up a Resources Management Wing in the Department of Fisheries.

A forefront task for the work of any management institution is the development of management plan where during the process the representatives of stakeholders should be able to sit together with the government agency concerned to work together to formulate the plan. Through the development of fisheries management plan one would expect to see in the plan what the resources are exploited, status of the exploitation, management measures in place, status of the monitoring and surveillance of rules and regulation, just to name a few (see Box 1). FAO through a project funded by Norway was able to introduce the concept of developing fisheries management plan for the small-pelagic fisheries of the west coast of Malaysia, the sardine fisheries of the Bali Strait and the anchovy fishery of the Gulf of Thailand, through a series of training workshops organized in the respective countries (FISHCODE 1999a,b; 2000a,b; 2001a,b). Staff of the Department of Fisheries of Malaysia quickly adopted the concept and had expanded the initiatives to other fisheries, especially those of the east-coast of peninsular Malaysia (Lim, personal communication). Two important features of fisheries management plan are, first, that the management plan is regularly reviewed through a regular schedule for updating (thus, it is not static), and secondly, developing a management plan requires thorough and in-depth discussion where very often some sorts of trade-offs are required to come to an agreed consensus. Thus one would expect that it could be painful during the process. The forum serves, however, the negotiating process to accommodate differing views to come up with an agreed consensus.

In tropical developing countries of South and Southeast Asia, the small-scale fisheries sector is an important component. However, experience of countries in the management of small-scale fisheries is generally limited. In the discussion of the management

of small-scale fisheries, very often people refer to a good success of traditional management or community-based management that has been practiced in some developing countries such as in Sri Lanka, Indonesia and in some small island states in the South Pacific. The Code of Conduct recognizes and respects the traditional management practice that need to be maintained as long as it is not contrary to the sustainability principle of the Code. A successful story of the community-based management in Japan that has existed for years has inspired leaders in the developing world. The legislative support and the strong tradition of the Japanese culture had contributed to the success of the system.

Some countries have embarked efforts in terms of restructuring legal instruments aiming to devolution of authority (including management) from central government to the local level. As an example, Philippines, with the enactment of the Local Government Code 1991 and supported by the Fisheries Code 1998, had executed coastal resources management projects funded by the Asian Development Bank (ADB) and Japan Bank for International Cooperation (JBIC) through which co-management approach that embraces working cooperation between government and the communities has been promoted. So far the project covers eighteen bays around the country (BFAR, 2001). As fisheries is the most important sector in the coastal area, the awareness among coastal fishers have been enhanced through the project activities and the efforts had led to better participation of the community in the management of coastal fisheries. A similar type of project has been recently developed in Indonesia and Sri Lanka under the ADB assistance. Experience and lessons learned will be generated from the above projects in the respective countries which will be useful as an effort to strengthen the management of small-scale fisheries in the tropics. The current UNDP project in Bangladesh (BGD/1997/017) addresses relevant issues in the coastal fisheries in an effort to strengthen the community participation in the management.

4. Implementation of the Code

In an effort to have better knowledge and understanding of the

CCRF, many countries have translated the Code into the local languages. Translation of the Code to the local languages is only an earlier step of the process in promoting better understanding of the Code. Building awareness of the Code through training of fisheries officers will normally span during the working career of the officer. An important and effective step in public awareness is through the inclusion of the Code in the curriculum of education institution. Through this effort the young generation who would serve in the future fisheries sector has then become familiar with the principle of sustainability of the Code. It is gratifying to note that some Universities in the region has started the inclusion of the CCRF into the courses offered in the Faculty of Fisheries and the Faculty of Law. University of the Philippines in Visaya has included the Code into the courses in the College of Fisheries, namely in the Institute of Fishery Policy and Development Studies, while such an effort has been initiated in the Faculty of Law of the University of Padjajaran in Indonesia.

Box 1. Fishery Management Plan – possible contents

1. Description of the fishery

- Area
- Species
- Fishing methods
- Socio-economic information

2. Jurisdiction

- Governments and their agencies with roles in the fishery
- Formal/informal agreements between governments on fishery management
- Roles of all responsible agencies

3. Objectives of fisheries management

- Biological
- Social

- Economic
- 4. Operational management**
 - Access arrangements including licensing and non-licensed access
 - Input/output controls
 - Pricing policy/license costs
- 5. Research and stock assessment**
 - Current research and stock assessment program
 - On-going data collection
 - Socio-economic studies
 - Environmental issues
 - Implications for management
- 6. Monitoring, control and surveillance**
 - Regulations/rules to be enforced
 - Description of existing capacity
 - On-going data collection
- 7. Consultation with stakeholders and extension**
 - Stakeholders
 - Consultation Process
 - Provision of information
- 8. Post-harvest sector**
 - Description of post-harvest sector
 - Management implications
- 9. Review of the Plan**
 - How and when will the plan be reviewed
 - Who has responsibility for the plan and its review

Source : FISHCODE (1999b)

Although the Code is voluntary in nature, certain part of the Code is taken from international law. Recently, some countries have taken into account some articles in the Code and use them as a basis for the improvement of the national law. The development of management plan has even been accommodated in the new law for some countries. The Code presents simple and clear articles for which further elaboration is accommodated in the associated guidelines which until now FAO has successfully produced eight guidelines so far. It is certainly impossible to discuss thoroughly the Code in two-day workshop owing to the extensive coverage of the Code. The concept of training for trainer and inclusion of the Code or parts of it in the curriculum of education institution are certainly worth emphasizing.

In an effort to do a quick check-up for the implementation of the Code one might track it by rephrase the statement in the articles of the Code into interrogative form as advocated by Caddy (1996). For example: Article 7.1.8 says "States should take measures to prevent or eliminate excess fishing capacity and should ensure that levels of fishing effort are commensurate with the sustainable use of fishery resources as a means of ensuring the effectiveness of conservation and management measures". An interrogative form of the statement could be of the following: "Has the State taken any measures to prevent or eliminate excess fishing capacity...? Have the measures been monitored and reviewed regularly, etc.?. Developing such a question to the original articles of the Code helps one to know exactly the status of the implementation in a given country. Caddy (1996) further suggested by combining this method with scoring scheme, it enables one to rank priorities to be taken in the implementation of the Code. This simple method provides an incentive for policy makers in making a quick check for the implementation of the Code in their own country.

5. Precautionary approach and indicator of sustainability

The objective of sustainable development in fisheries is to assure exploitation of the fishery resources for the benefit of the

present as well as for the future generation. The challenges in the tropical developing countries normally stems from : the complexity of the fisheries (multi species and multi gear fisheries that generates challenge in collection of statistics and stock assessment), inadequate capacity building in terms of trained personnel and some drawback in the legal and institutional framework. In response to these challenges some countries have moved forward by making necessary adjustment to facilitate effort and initiatives towards achieving sustainable development. The Philippines, under the finance assistance from the ADB, has embarked coastal resources management project to spearhead and strengthen the decentralization process of fisheries management to the local level. By involving fishers community in the management, it makes them own the resources and thus increases their responsibility for the management. It could also reduce the cost of management as the fishers will also become involved in the monitoring, control and surveillance.

Because of the complexity of the small-scale fisheries one should not expect to collect all information and wait until the information becomes complete to undertake a management action. Management plan could be developed on the basis of available information and precautionary principle should be taken into account in the management process. Quantitative analysis for the resources could be less extensive than in the industrial fisheries, but on the other hand one would expect the precautionary approach to be accommodated much earlier in the process of management. Co-management and community-based management would be the better approach for the small-scale fisheries.

Sustainable development in fisheries embraces various aspects, namely, the resources and the environment, economics and sociology. To measure whether a fishery is sustainable or not, various efforts have been made by fisheries experts to develop certain parameters relating to the above aspects. Along this line a Technical Consultation was organized by the fisheries expert in Sydney in 1999 that led to the development of guidelines on indicators for sustainable development of marine capture fisheries

(Guidelines No. 8 of the Code of Conduct for Responsible Fisheries). In response to the Guidelines and in the context of ASEAN region, the SEAFDEC organized a technical consultation on indicators for fisheries development and management in 2001 and the meeting identified potential indicators for fisheries management in the region as shown in Box 2. Indicators are not end themselves, they should be used as means to gauge the status of the fisheries. Time series data of indicators would be useful input for manager to take useful action.

6. Emerging challenge in the years to come

Fish and fisheries products from South and Southeast Asia has been exported to other parts of the world. Shrimp and tuna are the main commodities exported especially to Europe, Japan and the USA. Other species groups, such as grouper, snapper, are also exported to selected countries in Asia, such as Singapore and Hongkong (PR China).

In response to the need for better quality and safety of fish products and to fulfill the hygienic standard, a number of countries in the region have enhanced their post-harvest facilities and implement responsible practice of handling, processing and marketing. In an effort to reduce waste and minimize negative impact on the environment, development of fishing technology needs to reduce such potential impact. Some countries even use the eco-label as a means to contribute to reducing such impact. "Dolphin-safe" label attached to any canned tuna import to the USA is one example of such an effort by the importing country. Initiatives on eco-labeling have intensified with the adoption of the CCRF as an effort to reduce negative impact of irresponsible fishing. A private sector initiative has emerged to develop a certification scheme for the export product that relates to the status of management of the fisheries. The label will be given to those export product originated from the well-managed fishery. Without the label the fish will not enter into the importing countries participating in the scheme.

The potential usefulness of eco-labeling schemes to create market-based incentives for environmentally friendly products and production process was internationally recognized at UNCED. At the Rio Conference, governments agreed to "encourage expansion of environmental labeling and other environmentally related product information programs designed to assist consumers to make informed choices". Some countries and industry groups, however, have expressed concern that eco-labeling schemes in importing countries add another layer of constraints and competitive challenges. For developing countries that are exporting to developed countries, there are concerns that eco-labeling schemes are an attempt to disguise protection of domestic industries, restrict market access and erode national competitiveness for those less able to meet or afford foreign labeling and certification standards.

The key objective of eco-labeling scheme in fisheries is to promote sustainable fisheries. Unless the process of developing eco-labeling is transparent, concern will still remain. As eco-labeling issues in fisheries are relatively new, FAO has published a document to provide a general overview of product certification and eco-labeling for fisheries sustainability (FAO Fisheries Technical paper No. 422 by Wessells *et al.*, 2001). The document brings together information on the theoretical foundation, institutional aspects, relationship with international instruments including trade law, and current experiences on product certification and eco-labeling applied to fish and fisheries products. It provides up-to-date information on these complex subject matters to FAO members and other interested in them.

Box 2. Main indicators for Fisheries Management

Fleet/capacity indicators
1. Number of vessels
2. HP and/or GT
3. Types and amount of gear
4. Average age of fleet

Possible analytical categories
(sector¹, area, fleet)
(sector, area, fleet)
(sector, area, fleet)
(sector, area, fleet)

Harvesting/resource indicators	
1. Landings	(sector, area, fleet, fishery)
2. Fishing time (total and per boat)	(fleet, fisheries)
3. CPUE	(fleet, area, fishery)
4. RPUE ²	
5. Biomass estimates	(selected fisheries)
6. Catch composition	(fleet, area, fishery)
7. Number of species	(fleet, area, fishery)
8. Fleet mobility (e.g. number of zone fished)	(fleet segment)
9. Average fish size	(selected fisheries/species)
10. Size of spawner or % of spawners in catch	(selected fisheries/areas)
11. Possibly some indicators for	(selected areas)
- habitat	
- water quality	
Economic and social indicators	
1. Value of landings	(sector, area, fleet, fishery)
2. Export (Q,V)	(sector, species)
3. Import (Q,V)	(sector, species)
4. Per capita consumption	(sector, area)
5. Investment (number of new boats)	(sector, area, fleet, fishery)
6. Number of fishers	(sector, area, fleet)
7. Employment	(primary/secondary)
8. Profitability (e.g. operational margin)	(sector, area)
9. Cost per trip	(fleet, area)
Note :	
¹ Sector is defined for the fishing sector as a whole e.g. small-scale, marine, inland and commercial fisheries, etc.	
² Revenue PU: using CPUE, catch composition and index of relative value per species or commercial category	
Source : Anonymous (2001)	

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