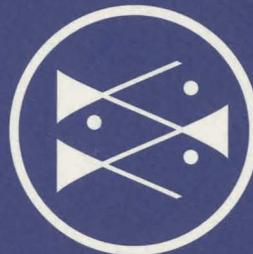


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Canadian Code of Conduct for Responsible Fishing Operations

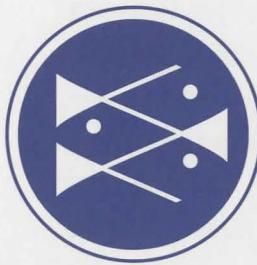
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Canadian Code of Conduct for Responsible Fishing Operations

FOCUS PAPER

October 1995

PREAMBLE

The development and implementation of responsible fishing practices is a fundamental component in achieving long-term sustainable growth in Canadian Fisheries. Preservation of the marine habitat and conservation of fish stocks for future generations requires a new approach to fisheries management and operations. For too long problems and crises have threatened the viability of various Canadian fisheries. Similarly, the fishing industry worldwide continues to experience problems. Recognizing that fisheries should be conducted in a responsible manner, the Food and Agriculture Organization of the United Nations (FAO) began drafting, in consultation with member countries, an International Code of Conduct for Responsible Fishing covering all aspects of the fishing industry. Canada has played an active role in the FAO initiative ensuring that Canadian priorities are reflected in the Code.

In December 1994, participants at an Industry Workshop held in St. John's to Review Groundfish Gear and Harvesting Technology were given an overview of the FAO initiative. While this group supported the FAO's work, they recognized that Canadian problems could be better solved by formulating a truly Canadian Code of Conduct for one aspect of fisheries — fishing operations.

Acting on this recommendation, Association des pêcheurs professionnels acadiens Inc., (APPA) consulted other fishers from Atlantic Canada regarding the concept of a code. These fishers encouraged APPA to bring this need to the attention of the Minister of Fisheries. The idea of a Canadian Code of Conduct for Responsible Fishing Operations was

presented and ratified at the March 1995 Round Table on the Future of the Atlantic Fishery which was attended by representatives from the processing and harvesting sectors and provincial and federal governments. Since that time, there have been a number of small, informal workshops involving fishers from across Canada. These meetings were intended to help identify what a code of conduct might contain and in particular how its development could be approached.

At the most recent informal workshop, held in Montreal, July 1995, participants acknowledged the hard work and efforts of fishers and their organizations from across Canada in breaking ground to have a code of conduct developed and commended Canada's involvement at the international level. However, the broad-based guidelines proposed by FAO that embrace all aspects of fisheries and apply to the diversity of gears and fisheries worldwide were seen as minimum standards that did not go far enough to resolve the problems currently facing the Canadian fishing industry. This group also concurred with the consensus reached in other meetings that to be effective in the Canadian context a code must specify and detail guidelines that recognize and address the local issues, constraints and problems related to individual Canadian fisheries.

The process of how to develop such practical specifications and how to put them into practice is yet to be resolved. However, fishers throughout Canada agreed that any approach used to formulate and implement a code should ensure participation of all stakeholders and interested parties from the grass roots level upwards and should be developed as a



Canadian effort applicable to all involved and binding on industry and government.

The following focus paper is intended to bring stakeholders and interested parties up to speed by providing an overview of what is being considered; the role of industry in the process; and to promote widespread participation of practicing fishers and other interested parties.

The development of a Code of Conduct for Fishing Operations is both timely and appropriate. The real work of formulating the code, that has yet to begin,

will require the dedication and tenacity of all those involved in Canadian fisheries. To begin the process and to facilitate industry's leadership in development of a code, a point of contact (secretariat) sponsored by DFO has been established as an interim measure. An industry-led body to oversee this initiative must be established as soon as possible so that fishers across Canada can reap the benefits. ■



INTRODUCTION

It has been said before, but it bears saying again — fisheries are in a crisis worldwide. Management practises which we now know were inappropriate have been applied on a global scale — and here in Canada — have resulted in overcapitalization, too much fishing effort, stock depletion, and resources being spread too thinly among many fishers. We in Canada have borne special witness to the devastation that the collapse of a traditional fishery can cause in coastal communities.

It is obvious that the way the fisheries are managed and prosecuted must be changed. When stocks have sufficiently recovered to begin reestablishing the closed fisheries, we can't simply return to a system that has proven inadequate. Even our healthy fisheries, and developing commercial fisheries, require new approaches.

The fishing industry and DFO agree that the traditionally paternalistic approach taken in the regulation of the fishery must be replaced by cooperative partnership. The primary goals of this partnership should be to ensure conservation of the resource for future generations and economic viability for industry participants. The development of a truly Canadian Code of Conduct for Responsible Fishing, a product of cooperation between industry and government, will be one of the important parts of this new approach.

A Canadian Code of Conduct will provide a useful reference document. It will offer specific operating procedures, reference points, and even related procedures for management, enforcement, science, etc., all intended to ensure the future viability of the

Canadian fishing industry. It will also provide a shield against pressure groups — acting as proof that the fisheries are being pursued in good faith and in a sustainable manner.

Partnership in the development of the code and as part of the code

The Canadian fishing industry has been calling for an increased role in the management and regulation of fisheries for some time. The development of this Canadian Code of Conduct for Responsible Fishing Operations offers the opportunity to entrench in a document of wide application, an increased role for industry. DFO supports this approach recognizing that fishers need to play an important role in all aspects of fisheries.

The concept of partnership between industry, government and other groups applies on two levels with respect to the Code of Conduct. The Code will have to be developed through a cooperative process including all interested parties and will lay the groundwork for future cooperation.

"It is hard to imagine starting up the fishery again with the same gear. If that were the case, nothing would be settled."

Alyre Gauvin, President of the Association des pêcheurs professionnels acadiens (APPA), from the proceedings of the Industry Workshop — Review — Groundfish Gear and Harvesting Technology, DFO, 1994



THE FAO CODE OF CONDUCT — AN INTERNATIONAL CODE

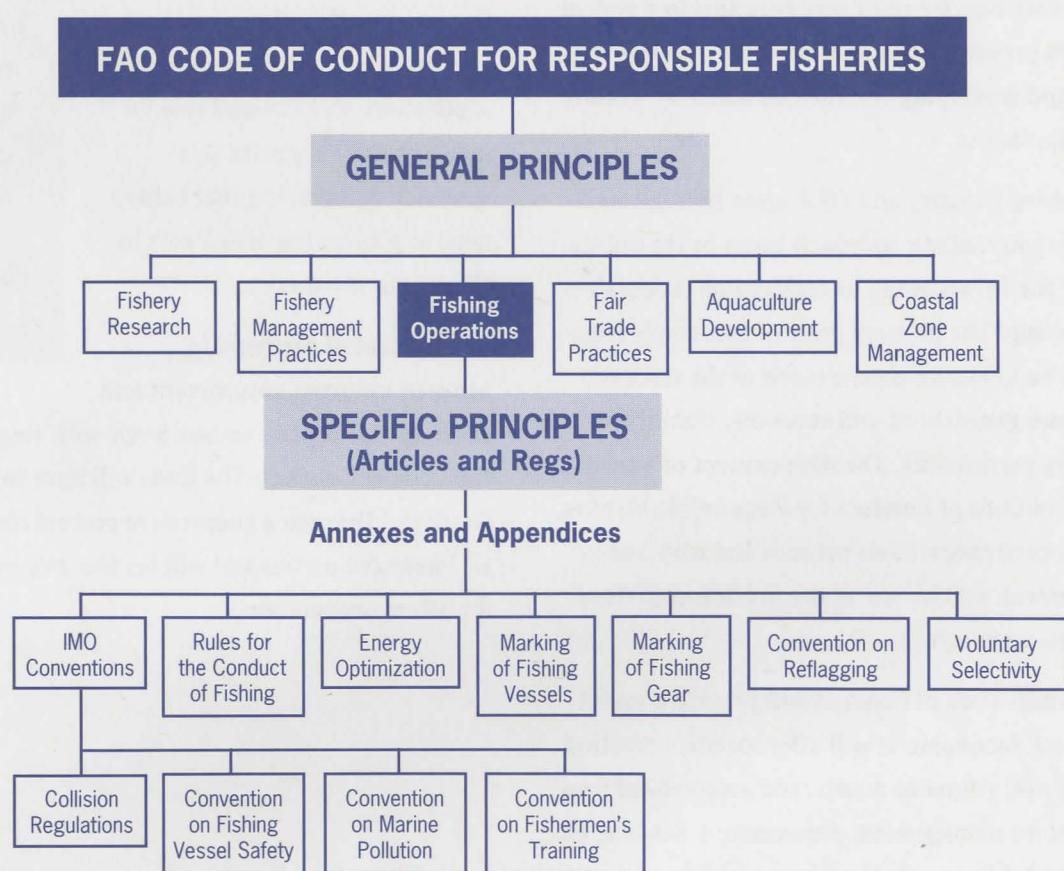
Worldwide catch of fish dropped from a high of 86 million tonnes in 1989 to 82.5 million tonnes in 1992. According to the Food and Agriculture Organization of the United Nations (FAO), 13 of the 17 major fisheries of the world are in serious trouble. Recognizing these problems, the FAO Committee on Fisheries (COFI) expressed the need for world fisheries to be conducted in a more responsible manner.

In May 1992, an International Conference on Responsible Fishing was held in Cancun, Mexico, resulting in the declaration that, among other

things, the FAO should seek to develop a Code of Conduct for Responsible Fishing.

In November 1992, the FAO agreed that it would elaborate a Code of Conduct for Responsible Fishing, which would consist of a section on general principles, plus chapters on the following specific topics:

- Fishing Operations
- Fisheries Management
- Fair Trade Practises



- Aquaculture
- Fisheries Research
- Integration of Coastal Fisheries into Coastal Zone Management

A series of technical consultations, still ongoing, have been used to flesh out the content of the 6 chapters of the Code. Canada, for example, hosted the International Expert Consultation for the Code of Conduct for Responsible Fishing Operations, which was held in June, 1994, in Sidney, British Columbia. The product of this meeting — the FAO Chapter regarding Responsible Fishing Operations — may provide the most important initial reference for the development of the Canadian Code of Conduct for Responsible Fishing Operations.

The FAO Code of Conduct will provide an important reference tool for the management and prosecution of fisheries on an international basis, and the Canadian government and fishing industry have supported the effort to the maximum extent possible.

On the other hand, the international code cannot replace a Canadian Code of Conduct. In fact, the FAO is encouraging countries to establish concrete measures to achieve the goals outlined in the International Code.

Clearly we need prompt action to develop a Canadian code which will include specific local and regional differences in gear, species fished,

species encountered, etc. This Code will provide guidelines on responsible harvesting practices specific enough to be useful to Canadian fishers in day-to-day activities.

For example, where the draft FAO code contains the following clause:

“The relevant authority should also give due consideration to the degree of selectivity of fishing practises and fishing gear with respect to target and non-target species when elaborating regulations. In this respect, the competent authority should consult those engaged in fishing in order that due account can be taken of the range of selective fishing tactics and gear commonly used by the industry” (Part 6, Paragraph 5 of the Draft FAO guidelines on Fishing Operations);

a truly Canadian Code of Conduct addressing shrimp harvesting might include a guideline that reads as follows:

“When fishing for shrimp in the Gulf of St. Lawrence area (x) using a trawl between May and October, fishers must employ a selectivity grid with appropriate bar spacings to avoid exceeding (y%) incidental by-catch of redfish” (fictitious example). ■



A TRULY RELEVANT, TRULY CANADIAN CODE OF CONDUCT FOR RESPONSIBLE FISHING

The seeds are sown by industry

In December of 1994, an industry workshop was held in St. John's, Newfoundland on the Review of

"A sustainable fishery is a shared responsibility that can only be achieved if all those involved in the fishery (government, industry and scientists) are committed to, and active in, the promotion of responsible fishing."

APPA, *Code de Conduite pour la Pratique Responsable de la Pêche.*

representatives of the federal and several provincial governments, members of the Fisheries Resource Conservation Council (FRCC), and several other stakeholder groups. Full participation in the workshop was restricted to fishers and industry representatives, all others being relegated to the roles of support or observers.

The workshop gave unanimous support for the development of a Canadian Code of Conduct (see page 4 of the Proceedings of the Industry Workshop Review — Groundfish Gear and Harvesting Technology).

Groundfish Gear and Harvesting Technology. This workshop was held for two main purposes. First of all it provided a place to present the findings of a formal Review of Groundfish Gear and Harvesting Technology which had been undertaken as part of DFO's Canadian Program for Responsible Fishing. Secondly, it was used to begin the process of developing a plan of action with regard to conservation harvesting technology.

Participants at this meeting were representatives of the fishing industries from B.C., Ontario, Quebec, and all of the Atlantic Provinces. Also present were

The Association des pêcheurs professionnels acadiens develops an industry discussion document

The Association des pêcheurs professionnels acadiens (APPA) undertook to ensure that action on the Code got off to a quick start. They held consultations with fishers from across Canada as a preliminary step in consolidating the opinions of Canadian fishers. They then developed an industry discussion paper on the Code of Conduct, the reasons it is required and the approach which may be useful to formulate it. This paper, entitled "Code Canadien de Conduite pour la Pratique Responsable des Pêches" (also in English), gives some first indications of the possible contents of the Code.

APPA emphasized that a Canadian Code must not simply be another set of regulations established in the obscurity of the bureaucracy, but must instead:

- be derived from the experience and knowledge of industry in partnership with government;
- recognize that fishery management, research and operations are interdependent;
- establish practical and essential measures needed to develop viable, sustainable fisheries;
- be binding on all parties, industry, government, and pressure groups; and
- have mechanisms for review and modification.

In order for the Code to act as the tool that Canadian fisheries need right now, fishers' involvement must begin at the ground level and continue through its entire development. Consideration must be given to the day to day activities involved in



fishing, and direct consultation with fishers is the only means by which this consideration can be delivered.

The APPA discussion document suggested a number of topic areas to be addressed in the proposed Code of Conduct through an industry government partnership. These included Fishing Operations (issues like Selectivity, Effort Control, Dumping and Discarding, Gear Dumping, Ghostfishing, and others), Fisheries Management, Science, Regulatory Review, Enforcement, and Education. For further details, please refer to Appendix 1.

In each of these areas, the Code will need to be focussed on the specific problems of individual fisheries in order to be useful, which is why extensive consultation and ideas from all harvesting sectors will be required.

The Minister's National Round Table on the Future of the Atlantic Fishery Concurs

The Atlantic Round Table on the Future of the Fishery was a three day event held in Montreal in March, 1995. Over 80 representatives of the harvesting and processing sectors and Aboriginal fishers were in attendance. The APPA discussion document was presented, and a statement of consensus was approved that a Canadian Code of Conduct is needed.

Other industry groups nation wide voice their interest and support for the idea of a truly Canadian Code of Conduct

Preliminary actions have also been taken by other industry groups. On the West Coast, a one day workshop was held in March, 1995. It was organized

by the Deep Sea Trawler's Association of British Columbia (DSTA), and supported by DFO. At this meeting, representatives of the West Coast fisheries, working independently of the East coast, echoed many of the concerns of the East Coast fishers. DSTA produced a industry discussion paper entitled "Pacific Perspectives Concerning a Canadian Code of Fishing Conduct", based on the results of that workshop, which enumerates these concerns. The similarity of what the two groups of fishers are looking for in a Code of Conduct is striking (see Appendix 2). It should be noted, however, that the West Coast fishers have been more vocal about the need for long term stable access to the fishery, which may reflect the extreme 'race to fish' situation which has been evident in B.C. fisheries for some time.

"There is a consensus among Pacific fishermen that a system that provides more stable longer term rights by fishers to access fisheries will also encourage more stable longer term actions by fishermen to take care of them — and to ensure that others do also."

— DSTA, from "Pacific Perspectives Concerning a Canadian Code of Fishing Conduct".

In mid October 1995, the Qikiqtaaluk Wildlife Board held a workshop in Iqaluit to discuss and develop an Arctic perspective on the proposed development of a Canadian Code of Conduct. Attending the workshop were delegates from four northern regions, representing both freshwater and marine fisheries.

Delegates agreed that Arctic fishers had a responsibility to protect and ensure the development of a sustainable fishery, and that this could be accomplished



through the development of a Code of Conduct for Responsible Fishing Operations by fishers. These views are strikingly similar to those fishers from the Pacific and Atlantic coasts who have considered the implications of the development of a Code.

In the North, the native fishery has been traditionally governed by an unwritten code that states “take only the fish one needs”. However, as some delegates noted, with an increase in populations and in the use of more efficient harvesting technologies there is a greater potential for resource damage. Accordingly, fishers must be more sensitive to sustainable growth in both commercial and domestic food fisheries.

The Arctic region has in place in several working fisheries co-management systems that operate with input from fishers at the grass roots level. As well, communication systems involving fishers, community hunting and trapping organizations and regional wildlife and management boards have been established. These working models could assist the process of developing the code and the actual code guidelines which address the issues related to Arctic fisheries. These working models would be useful examples to fisheries across Canada.

In the near future, it is anticipated that Arctic fisheries will be participating in a wider consultative process. Subject to the views gained in this process, the Arctic region could contribute considerably to the development of a Code of Conduct.

Letters have also been sent to DFO from representatives of the Inland fishing industry (the Ontario Fish Producers Association), stating their support for the concept of a Canadian Code for Responsible Fishing, and their desire to ensure that the Code is acceptable and useful to their constituents. Involvement in the development of the document was also requested. Workshops will be organized and held by these harvesting sectors in the near future. ■



APPROACH TO DEVELOPING CANADIAN CODE OF CONDUCT FOR RESPONSIBLE FISHING OPERATIONS

INPUT → CODE → OUTPUT

All industry harvesting sectors throughout the regions will contribute ensuring specific and local fisheries operational problems are covered.

An industry-led organizational structure (mechanism) for code production will ensure solutions and code guidelines are practical and appropriate.

DFO will provide technical support based on experience with the Canadian Program of Responsible Fishing and work completed at the international level.

Workshops and consultations across Canada will ensure input from all sectors of the Canadian fishing industry.

A code of practice which includes an industry/government partnership.

Promote cost-effective, safe, responsible and sustainable commercial fishing operations.

Contribute to future market stability and international demand for Canadian fish products.

Orderly and effective change over in responsibility for fisheries harvesting operations to industry.

Continue the move to conservation harvesting in all Canadian fisheries, avoiding resource and energy waste.

Promote a greener image for the industry.



CONCLUSION

Fishers' groups from all of Canada's geographical fishing areas (East, West and Arctic Coasts, and Inland fisheries) have expressed the need for a truly relevant Canadian Code of Conduct for Responsible Fishing.

Many of the participants have yet to be identified, and the approach taken in the development of the code remains to be chosen. With this in mind, this document is being circulated to inform and solicit ideas from fishers and stakeholders in the industry. The intention is to make sure that all are heard in the development of this Code, and that the product will be useful and acceptable to all parties involved. Fisheries organizations and their members are encouraged to become involved in the process of code development. In the meantime, the interim secretariat will facilitate regional meetings designed to access interest and to review developments and progress.

The development and implementation of a Code of Conduct that will ensure the long-term sustainability of the Canadian Fishery and provide the benefits of stability in supply and demand in the years to come. Such a Code of Conduct would look at the long-term outlook for the resource as opposed to the short-term and makes good business sense.

Points of Contact:

For more information contact:

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APPENDIXES

APPENDIX 1

Some Subjects which may be addressed in the Canadian Code of Conduct Adapted From the APPA Discussion Document

The discussion document produced by the

Association des Pêcheurs

Professionels de L'Acadie suggested a number of areas which could be addressed in the Canadian Code of Conduct.

"Selectivity means abandoning traditional emphasis on quantity and making a definite shift to sustainable harvesting practises.

It also means catching targeted fish, releasing unharmed those not wanted, thus reducing overall pressure on the resource."

From Andrew Duthie — "Fish Capture Activities", International Conference on Responsible Fishing paper.

selection of appropriate gears and modification devices will form an important part of the Code.

- **Effort Control** — the need for effort control is one of the most pressing matters in many of our fisheries.
- **Gear Sector Conflicts** — the Code could include provisions for the orderly conduct of fishing,

including provisions for negotiations and arbitrations.

- **Dumping and Discarding** — the code should provide for the establishment of data bases and encourage the use of selective gears and conservation practises.
- **Gear Dumping** — the code should develop guidelines for responsible disposal of gear.
- **Ghostfishing** — the code should address the use of prevention mechanisms.
- **Disturbance of the Seabed** — a resolution of this controversial issue is required.
- **Onboard Handling and Storage** — the Code could provide guidelines and suggest handling methods that would maximize the quality and value of landed fish. A binding code on fish handling and fish storage practices would be beneficial as the industry competes in the international market place.

Other topics which may need to be addressed as they relate to fishing operations are:

Fisheries Management:

The lack of transparency and insufficient input by fishers have been ongoing problems in the fisheries which should be rectified by this Code.

Fisheries Science:

Closer and more complete exchange of information between scientists and fishers will be needed to take advantage of the data available in every catch, and the knowledge fishers have of the resource.



Regulatory Review and Updating:

Regulations need to be relevant, fair, necessary, comprehensive, and acceptable.

Enforcement:

It is hoped that the lead role played by fishers and fishers' groups in the development of this Code will result in a willingness and desire to comply with the recommended practises. However for the time being DFO will continue to be involved in policing, and may always be needed to deal with 'fringe operators' who refuse to follow the Code of Conduct even if it is reasonable.

Educational Issues:

The Canadian Council of Professional Fish Harvesters has a mandate directly linked to certification of professional fishers. However, existing programs concentrate on only a few subjects and these may need to be expanded to include such things as fish biology, gear types and selectivity, the effects of pollution and dumping, management principles, etc. ■



APPENDIX 2

Comparison of East vs. West Coast Perspectives on the Canadian Code of Conduct for Responsible Fishing Operations*

(adapted from the DSTA "Pacific Perspectives Concerning a Canadian Code of Fishing Conduct")

<i>East Coast Perspective</i>	<i>West Coast Perspective</i>
Maintain long term fish yield	Agreed
Protect productive environment and biodiversity	Agreed
Minimize fishery waste, including dumping and discarding	Agreed
Industry and Government should be accountable partners in fisheries	Agreed
Establish appropriate balance between fishing effort and resource capacity	Agreed, but want to see less government 'social engineering'.
Minimize lost/abandoned gear, eliminate ghost fishing	Agreed
Improve gear and fishing procedures to increase responsibility/selectivity	Agreed
Improve energy efficiency of fishing fleets	Agreed
Educate and train fishers	Agreed
DFO maintains enforcement lead	Create incentive system where fishers can share the role.

* The East Coast perspective here reflects the West Coast Workshop's interpretation of the APPA document. Notably, the people at the West Coast Workshop had not seen the APPA document before identifying many of the same requirements for a Code of Conduct.

