

**POTENTIAL LINK BETWEEN IUU FISHING AND  
THE STATUS OF SAFETY-RELATED  
INTERNATIONAL INSTRUMENTS APPLICABLE  
TO FISHING VESSELS AND FISHERMEN**

**WORKSHOP ON IUU FISHING ACTIVITIES**  
OECD, Paris (France), 19 and 20 April 2004

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**IMO**

The opinion expressed are those of the author and should not be construed  
as necessarily reflecting the views of IMO or its Secretariat



# Outcome of the first meeting of the Joint FAO/IMO *ad hoc* Working Group on IUU Fishing and Related Matters

- On flag State control :

- .1 **recognized** the need to enhance implementation of flag State responsibility and to focus on fisheries issues, to the extent that this was possible, including through regional fisheries management organizations

- .2 **endorsed** the need to ensure that the flag State links the registration of a fishing vessel with its authorization to fish

- .3 **urged** closer collaboration between relevant agencies in national administrations to ensure that there was a clear linkage between the registration of a fishing vessel and the authorization to fish

- .4 **recognized** that in the case where a vessel is fishing in the jurisdiction of another State co-operation between the flag State and the coastal State was imperative, and in particular, the need to ensure that the flag State continued to exercise effective control over that vessel

## Outcome of the first meeting of the Joint FAO/IMO *ad hoc* (cntd)

- .5 **agreed** that it would generally be inadvisable to deregister a vessel that failed to comply with the authorization to fish as this practice could have the effect of exporting the problem
- .6 **agreed** that as a general principle all States should give full effect, through national law and regulations, to existing rights and obligations under international law
- .7 **agreed** that States should be encouraged to ratify, accept or accede to, as appropriate, existing legal instruments that related to matters of effective flag State control
- .8 **agreed** that consideration should be given to how the IMO number scheme might be applied to fishing vessels not currently subject to this requirement in order to enable vessels to be traced regardless of changes in registration or name over time

# Outcome of the first meeting of the Joint FAO/IMO *ad hoc* (cntd)

## On port State control:

- 
- .1 noted that the majority of fishing vessels were not covered by IMO conventions either because fishing vessels were specifically excluded, or because they were outside the size limitations, or because the flag States were not party to the relevant instruments
- .2 recognised the possibility of controlling vessels engaged in the transshipment and transport of fish and resupply of fishing vessels, as they are subject to port State control with respect to maritime safety, pollution prevention and living and working conditions
- .3 stressed that States, in the exercise of their sovereignty over their ports in accordance with international law, had considerable scope to introduce domestic legislative measures to deal with foreign fishing vessels entering or leaving their ports



## Outcome of the first meeting of the Joint FAO/IMO *ad hoc* (cntd)

- .4 **recognised** that the mechanism of international or regional MOUs relating to port State control of fishing vessels could be used as an important and effective tool for enhancing fisheries management, and for addressing the issue of IUU fishing
- .5 **agreed** that FAO in co-operation with relevant international organizations should consider the need to develop measures for port State control, having particular reference to all matters related, *inter alia*, to the management of fisheries resources, taking into account and encompassing, as appropriate, the IMO port State control procedures reflected in the document entitled “Procedures for Port State Control of Fishing Vessels”
- .6 **noted** that implementation of port State control would require close co-operation between maritime and fisheries administrations

HOW  
TO MAINTAIN A LAWFUL  
ENVIRONMENT

*CONSTRUCTION STANDARDS*

*REGISTRATION OF SHIPS*


*SURVEY AND CERTIFICATION*

*PSC and SAR*

*TRAINING OF CREW*

*MANAGEMENT and ACCOMPANYING*

*MEASURES TO FISHING RIGHTS*



Compliance  
on an  
individual basis

## ADDRESS BY THE SECRETARY-GENERAL TO SLF 46

- “While the revision of the Safety Code and Voluntary Guidelines is very important to safeguard fishermen’s lives, the fact remains that the fishing sector of the maritime industry which suffers the most casualties –24,000 lives lost per year is a commonly quoted figure- is still lacking the international mandatory safety regime which, if they were in force, would be provided by the 1993 Torremolinos Protocol for the Safety of Fishing Vessels and the International Convention on Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995.”



## ADDRESS BY THE SECRETARY-GENERAL TO SLF 46 (cntd)

- “On many occasions in the past, I appealed to Member Governments to consider accepting these two instruments. And I reiterate my plea today to those countries which own large fishing vessel fleets and have not yet accepted them, to do so urgently. The twenty-second session of the Assembly went a step further and adopted resolution A.925, calling on Governments to consider accepting both instruments and inviting those experiencing difficulties in the process of becoming parties to inform the Organization, so that action could be taken to help them, including the provision of any technical assistance.”

## Resolution A.925(22)

# ENTRY INTO FORCE AND IMPLEMENTATION OF THE 1993 TORREMOLINOS PROTOCOL AND THE 1995 STCW-F CONVENTION

THE ASSEMBLY,

BEING CONCERNED at the alarmingly high number of fishermen's lives and of fishing vessels lost every year,

NOTING WITH CONCERN that an inadequate number of Governments have so far deposited instruments of ratification, acceptance, approval or accession to the aforementioned IMO instruments to enable them to enter into force,

1. URGES Governments to consider accepting the 1993 Torremolinos Protocol and the 1995 STCW-F Convention at the earliest possible opportunity;
2. INVITES Governments which experience difficulties in the process of becoming Parties to the 1993 Torremolinos Protocol or to the 1995 STCW-F Convention to inform the Organization of the circumstances thereof, so that consideration can be given to taking appropriate action in this respect, including providing necessary technical assistance;

**SUMMARY OF THE PRESENT STATUS OF CONVENTIONS  
RELATED TO MARITIME SAFETY AND SECURITY  
(AS OF 31 MARCH 2004)**

<b>Instrument</b>	<b>Entry into force date</b>	<b>No. of Contracting States</b>	<b>% world tonnage*</b>
SOLAS 1974	25-May-80	147	98.40
SOLAS Protocol 1978	01-May-81	101	94.78
SOLAS Protocol 1988	03-Feb-00	67	63.27
Stockholm Agreement 1996	01-Apr-97	9	9.65
LL 1966	21-Jul-68	151	98.38
LL Protocol 1988	03-Feb-00	65	63.13
TONNAGE 1969	18-Jul-82	137	98.14
COLREG 1972	15-Jul-77	142	97.39
CSC 1972	06-Sep-77	76	60.36
1993 amendments	-	7	4.39
SFV Protocol 1993	-	10	10.09
STCW 1978	28-Apr-84	144	98.38
STCW-F 1995	-	4	3.30
SAR 1979	22-Jun-85	80	51.55
STP 1971	02-Jan-74	17	22.42
SPACE STP 1973	02-Jun-77	16	21.51
SUA 1988	01-Mar-92	104	81.52
SUA Protocol 1988	01-Mar-92	95	77.66

\* Source: Lloyd's Register of Shipping/World Fleet Statistics as at 31 December 2002





# IMPLEMENTATION BOTTLE NECKS

- To date, there were only four Parties to the 1995 STCW-F Convention, while the minimum of 15 States was required for the entry into force of the Convention, and nine Parties to the 1993 Torremolinos Protocol, with an aggregate fishing vessel fleet consisting of approximately 3,000 units, compared to the minimum of 15 States with a corresponding aggregate of 14,000 units required for the entry into force of the Protocol.

ADDRESS BY THE SECRETARY-GENERAL TO  
THE SUB-COMMITTEE ON STABILITY AND  
LOAD LINES AND ON FISHING VESSELS  
SAFETY (SLF 46)

- “Another long-term project that your Sub-Committee has been working on for several years in collaboration with other sub-committees is the **revision of the fishing vessel Safety Code and Voluntary Guidelines**, both of which were originally developed and approved in the 1970’s.”

# ADDRESS BY THE SECRETARY-GENERAL TO SLF 46 (cntd)

- “The revision of Part B of the Code, which contains safety and health requirements for the construction and equipment of fishing vessels, as well as the Voluntary Guidelines, is by now well advanced ...It is essential that sufficient progress is made at this session so that, when you meet next, you are able to finalize an agreed revised text of both instruments for submission to the MSC with a view to adoption in 2005 and subsequent acceptance by FAO and ILO prior to their publication.”



## ANNEX 4

**LIST OF CODES, GUIDELINES AND RECOMMENDATIONS ON WHICH  
GOVERNMENTS SUPPLY INFORMATION AS TO THEIR IMPLEMENTATION**

<b>Instrument title</b>	<b>Committee and Sub-Committees concerned</b>
<b>CODES</b>	
1 Code of practice concerning the accuracy of stability information for fishing vessels (resolution A.267(VIII))	SLF
2 FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, Parts A and B, as amended in 1981 and 1983	DE, SLF
3 Code on Intact Stability for all Types of Ships covered by IMO Instruments (IS Code) (resolution A.749(18))	SLF
<b>GUIDELINES AND OTHER RECOMMENDATIONS</b>	
4 FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels	DE, SLF
5 Recommendation on intact stability for passenger and cargo ships under 100 metres in length, as amended with respect to ships carrying deck cargoes (resolutions A.167(ES.IV)/A.206(VII))	SLF
6 Recommendation on intact stability for fishing vessels (resolutions A.168(ES.IV)/A.268(VIII))	SLF
7 Recommendation for an interim simplified stability criterion for decked fishing vessels under 30 metres in length (resolution A.207(VII))	SLF
8 Regulations on subdivision and stability of passenger ships as an equivalent to part B of chapter II of the International Convention for the Safety of Life at Sea, 1960 (resolution A.265(VIII))	SLF
9 Regulation equivalent to regulation 27 of the International Convention on Load Lines, 1966 (resolutions A.320(IX)/A.514(13))	SLF
10 Recommendation on a severe wind and rolling criterion (weather criterion) for the intact stability of passenger and cargo ships of 24 metres in length and over (resolution A.562(14))	SLF
11 Recommendation on weather criterion for fishing vessels of 24 metres in length and over (resolution A.685(17))	SLF
12 Procedures for Port State Control (resolution A.787(19), as amended)	FSI
13 Regulation 28 "Stability criteria" of the Torremolinos International Convention on Safety of Fishing Vessels, 1977	SLF
14 Form of record of conditions of assignment of load lines (LL.3/Circ.19)	SLF
15 Measures to prevent unlawful acts against passengers and crews on board ships (MSC/Circ.443)	MSC
16 Guidance note on precautions to be taken by the masters of ships of below 100 metres in length engaged in the carriage of logs (MSC/Circ.525)	SLF





# IMO ACTIVITIES FOR THE IMPLEMENTATION OF THE 1993 TORREMOLINOS PROTOCOL AND THE 1995 STCW-F CONVENTION

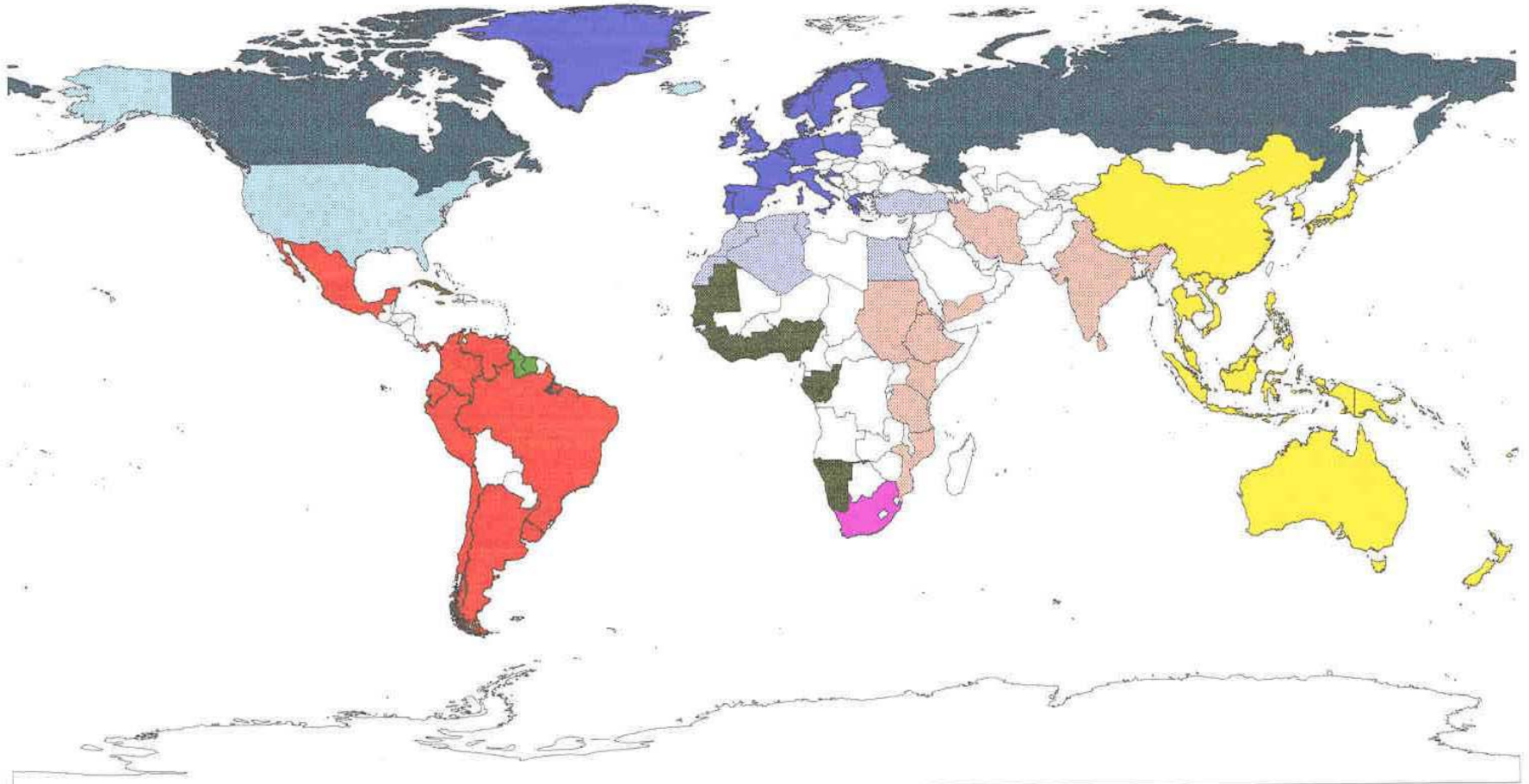
- .1 regional seminars on implementation of the 1993 Torremolinos Protocol is scheduled for States of the East/South/South East Asia region and for States of the Latin America region scheduled in 2004;
- .2 regional workshops for the promotion of a safety culture among artisan fishermen and the training of trainers for States in the South Pacific and for the Caribbean region scheduled for 2004;
- .3 regional seminars/workshops on implementation of the STCW-F Convention are scheduled for the Islamic Republic of Iran, in 2004, for Agadir, Morocco from 3 to 10 April 2004 and for Grenada, in the last quarter of 2004; and
- .4 a regional seminar/workshop on implementation of the STCW-F Convention was held in Havana, Cuba, in September 2003 for Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela.”

# Compliance in motion

1.5 The FAO Conference adopted resolution 6/2003 on 9 December 2003 on Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported (IUU) Fishing and that the Resolution 6/2003 was calling the attention of the FSI Sub-Committee more particularly to its operative paragraphs 10 and 11, as follows:

- “10. **Invites** relevant competent international organizations to study, examine and clarify the role of the “genuine link” in relation to the duty of flag States to exercise effective control over ships flying their flag, including fishing vessels;
11. **Encourages** States, the FAO, the International Maritime Organization (IMO), RFMOs and other relevant competent international organizations dealing with maritime issues to cooperate in the development of measures to combat IUU fishing, including through the sharing of information.”

## Regional agreements on Port State Control



- Paris MoU
- Paris MoU and Tokyo MoU
- Tokyo MoU
- Acuerdo de Viña del Mar
- Acuerdo de Viña del Mar and Caribbean MoU
- Caribbean MoU

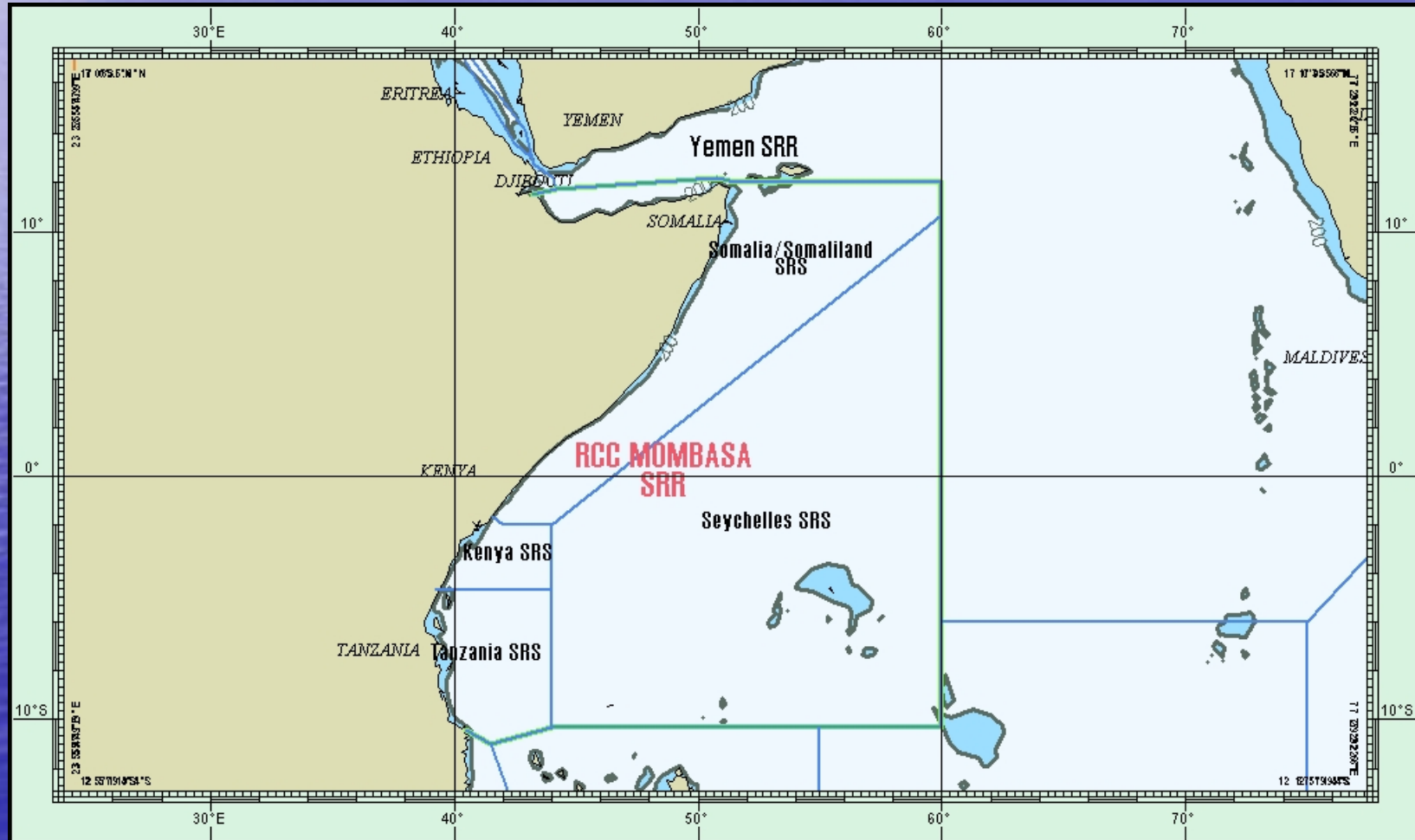
- Mediterranean MoU
- Indian Ocean MoU
- Indian Ocean and Abuja MoU
- Abuja MoU
- Observers only in one or several MoUs

**PORT STATE CONTROL AGREEMENTS: COMPARATIVE TABLE**

	Paris MOU	Acuerdo de Viña del Mar	Tokyo MOU
<b>Participating Maritime Authorities and Associate Members</b>	19 Belgium, Canada, Croatia, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Russian Federation, Spain, Sweden, United Kingdom	12 Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Panama, Peru, Uruguay, Venezuela	18 Australia, Canada, China, Fiji, Indonesia, Japan, Republic of Korea, Malaysia, New Zealand, Papua New Guinea, Philippines, Russian Federation, Singapore, Thailand, Vanuatu, Viet Nam, Hong Kong (China)
<b>Observers</b>	Japan, United States, IMO, ILO, Slovenia, Tokyo MOU, Caribbean MOU	IMO, ROCRAM	Brunei, United States, IMO, ILO, ESCAP, Paris MOU and Indian Ocean MOU, Solomon Islds*, Chile
<b>Secretariat location</b>	The Hague (The Netherlands)	Buenos Aires, Argentina	Tokyo, Japan
<b>Signed on</b>	1 July 1982	5 November 1992	1 December 1993
	Caribbean MOU	Mediterranean MOU	Indian Ocean MOU
<b>Participating Maritime Authorities and Associate Members</b>	23 Anguilla*, Antigua and Barbuda, Aruba, Bahamas, Barbados, Bermuda*, British Virgin Islds*, Cayman Islds, Cuba, Dominica*, Dominican Republic*, Grenada, Guyana, Haiti*, Jamaica, Montserrat*, Netherlands Antilles, Saint Kitts & Nevis*, Saint Lucia*, Saint Vincent & the Grenadines*, Suriname*, Trinidad & Tobago, Turks and Caicos Islds*	11 Algeria*, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Tunisia, Turkey and the Palestinian Authority*	17 Australia, Bangladesh*, Djibouti*, Eritrea, India, Iran*, Kenya*, Maldives, Mauritius, Mozambique*, Myanmar*, Seychelles*, South Africa, Sri Lanka, Sudan, Tanzania, Yemen*
<b>Observers</b>	IMO, ILO, CARICOM, IACS, Canada, USCG, Paris MOU, Viña del Mar, Tokyo MOU	IMO, ILO, EC	IMO, ILO, PMAESA, Ethiopia
<b>Secretariat location</b>	Christchurch, Barbados	Alexandria, Egypt	Goa, India
<b>Signed on</b>	9 February 1996	11 July 1997	5 June 1998
	West and Central African MOU	Black Sea MOU	
<b>Participating Maritime Authorities and Associate Members</b>	16 Benin, Cape Verde, Congo, Côte d'Ivoire, Gabon, The Gambia, Ghana, Guinée, Liberia, Mauritania, Namibia, Nigeria, Sénégal, Sierra Leone, South Africa, Togo	6 Bulgaria, Georgia, Romania, Russian Federation, Ukraine, Turkey	
<b>Observers</b>	IMO, ILO, MOWCA	IMO, ILO	
<b>Secretariat location</b>	Lagos, Nigeria	Istanbul, Turkey	
<b>Signed on</b>	22 October 1999	7 April 2000	



# RCC MOMBASA SRR



# TRANSFER OF SHIPS BETWEEN STATES

- The Code for the implementation of [mandatory] IMO instruments to nurture and encourage greater mutual support, collaboration and cohesiveness
- Inspection by the gaining flag State of ship prior to accepting it onto its register
- Timescale for full compliance and rectification of outstanding deficiencies
- A losing flag State shall not delete a ship from its register which does not comply with international standards unless an agreement has been entered into with the gaining flag State.

# REGISTRATION-RELATED ISSUE

- Having been questioned on the terminologies used by FAO to identify the registration of ships, the representative of FAO confirmed the increased collaboration with the non-defined category of “open registers” in the fight against IUU fishing and the newly introduced and non-categorizing reference to “flag of non-compliance” .

# Enhanced partnerships

# International fora

- United Nations:
  - General Assembly- DOALOS - UNCSD
  - FAO
  - IMO
  - ILO
  - UNCTAD
- Associated fora
  - OECD
  - RFMOs

# TOOLS FOR DATA TRANSPARENCY

- IMO Ship identification number scheme
- IMO Unique IDs for companies and registered owners
- AIS (automatic identification system)



For further information on a section, click on the corresponding heading

## Ship manager's record

**Ship manager :** Equasis shipping    **Address :** 38 rue Liancourt Paris - France

Member of ISMA

### Port state controls summary

Total number of ships	<b>4</b>
Total number of inspections :	<b>12</b>
Total number of detentions :	<b>3</b>
% of inspections with deficiencies :	<b>53 %</b>
% of inspections with detention :	<b>25 %</b>
Average no of deficiencies per inspection :	<b>3</b>
Average no of detentions per ship :	<b>0.75</b>

### Manager's fleet

	Ship's name	Gross tonnage	Ship's type	Year of build	Flag	Class	Number of detentions
▶	EQUASIS GLOBAL	12971	Chemical tankship	1969	Bahamas	BV	0
▶	YALCRAB	6049	General dry cargo	1969	Malta	BV	1
▶	RODILOS	17561	Ore/Bulk/Oil carrier	1975	Norway (NIS)	ABS	0
▶	SINED	41011	Chemical tankship	1980	Panama	DNV	2

Records 1 to 4

- ▶ Home
- ▶ Help
- ship search**
- ▶ Back to ship info
- ▶ PSC Information
- ▶ Manning Info
- ▶ History
- ▶ Manager's fleet
- ▶ Data queried

**current ship**  
EQUASIS GLOBAL

## IMO Global Integrated Shipping Information System (GISIS)

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### Status of Compliance with the maritime security provisions of SOLAS chapter XI-2 and the ISPS Code

This site forms an integral part of IMO's Global Integrated Shipping Information System (GISIS). It facilitates the communication of maritime security-related information by Contracting Governments, pursuant to SOLAS regulation XI-2/13



# IMPLEMENTATION BOTTLE NECKS (cntd)

- The FSI Sub-Committee noted a series of factors proposed to be considered in the implementation of resolution A.925(22), illustrating some alleged characteristics of the merchant marine and the fishing industry in terms of training of fishermen; the national or international dimension of these activities; the different economic approaches of the crew; the lack of personnel with a safety and training expertise coming from the fishing industry to occupy the functions of lecturers, examiners and surveyors; and contrasted risk cultures.

# SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)

- After discussion of the item, FSI 12 reiterated its support to the work of the FAO in relation to IUU fishing acknowledging that the experience of the Organization regarding port State control activities and flag State compliance-related issues are being able to be of assistance to this United Nations Specialized Agency.

- Following the afore-mentioned review of the initiatives developed at IMO in support of the introduction of provisions applicable to the safety of fishing vessels and the training of fishermen through Technical Co-operation activities, the Sub-Committee agreed to instruct the Secretariat to provide the FAO with detailed information on these TC activities and invited the Committee to recommend to the FAO to stimulate further co-operation between the FAO, the IMO and the regional fisheries management organizations (RFMOs) by organizing a second Joint Working Group on IUU fishing and related matters.

# A second meeting of the Joint FAO/IMO *ad hoc* Working Group on IUU Fishing involving RFMOs and....

- On flag State control :
- .1 to enhance implementation of flag State responsibility and to focus on fisheries issues, including through regional fisheries management organizations
- .2 to ensure that the flag State links the registration of a fishing vessel with its authorization to fish
- .3 to ensure that there was a clear linkage between the registration of a fishing vessel and the authorization to fish
- .4 the flag State to co-operate with the coastal State

## A second meeting.... (cntd)

- .5 States to ratify, accept or accede to, as appropriate, existing legal instruments that relate to matters of effective flag State control
- .6 registration issues to be addressed through co-operation between flag States
- .7 investigation tools for implementation of fishing activities-related instruments (SAF. Audit Scheme)
- .8 implementation of non-mandatory instruments and reporting thereon for regional enforcement

## A second meeting.... (cntd)

### On port/coastal State control:

- .1 fishing vessels to be covered by control mechanisms (fishing vessels not specifically excluded and port States to be party to the relevant instruments)
- .2 possibility of controlling vessels engaged in the transshipment and transport of fish and resupply of fishing vessels, as they are subject to port State control with respect to maritime safety, security, pollution prevention and living and working conditions
- .3 States, in the exercise of their sovereignty over their ports in accordance with international law, have considerable scope to introduce domestic legislative measures to deal with foreign fishing vessels entering or leaving their ports
- .4 identifying existing maritime infrastructures capable of monitoring fishing activities (SAR)
-

## A second meeting.... (cntd)

- .5 could the mechanism of international or regional MOUs relating to port State control of fishing vessels be used as an important and effective tool for enhancing fisheries management, and for addressing the issue of IUU fishing?
- .6 implementation of port State control would require close co-operation between maritime and fisheries administrations

