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**THIRD SESSION OF THE JOINT FAO/IMO AD HOC WORKING  
GROUP ON ILLEGAL, UNREPORTED AND UNREGULATED (IUU)  
FISHING AND RELATED MATTERS**

**London, 16–18 November 2015**



Report of the  
Third Session of the joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated  
(IUU) Fishing and Related Matters

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## PREPARATION OF THIS DOCUMENT

This is the report of the Third Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG), held in London, United Kingdom, on 16–18 November 2015.

The material in the appendixes is reproduced as submitted.

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### ABSTRACT

This document contains the report of the Third Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG), held in London, United Kingdom, on 16–18 November 2015.

The UN Commission on Sustainable Development, which met in April 1999, highlighted the issue of flag and port State responsibilities and the need for the Food and Agriculture Organization of the United Nations (FAO) and the International Maritime Organization (IMO) to cooperate on solving problems relating to IUU fishing. Accordingly, FAO presented a paper to the IMO Maritime Safety Committee suggesting draft terms of reference for an ad hoc working group. The first and second sessions of the JWG were held in Rome, Italy, on 9–11 October 2000 and 16–18 July 2007, respectively.



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## **OPENING OF THE JOINT WORKING GROUP**

1. The third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG) was held in London, United Kingdom, on 16–18 November 2015. The Governments of Australia, Chile, Ghana, Iran (Islamic Republic of), Japan, the Philippines and the United States of America, and the European Union (Member Organization) represented the Food and Agriculture Organization of the United Nations (FAO) at the JWG. The Governments of Argentina, Canada, Cook Islands, Denmark, Liberia, Norway, the Republic of Korea, and Turkey represented the International Maritime Organization (IMO). Algeria, Angola, Brazil, Côte d'Ivoire, Dominica, France, Greece, Indonesia, Mexico, Panama, Peru, Poland, Spain, Syrian Arab Republic and Vanuatu participated as observers. In addition, the International Labour Organization (ILO), the General Fisheries Commission for the Mediterranean (GFCM), the North East Atlantic Fisheries Commission (NEAFC), the Organisation for Economic Co-operation and Development (OECD), the Institute of Marine Engineering, Science and Technology (IMarEST), the International Transport Workers Federation (ITF), the Pew Charitable Trusts, the World Animal Protection and the World Wide Fund for Nature (WWF) were represented, as well as technical experts from Information Handling Services Maritime and Trade (IHSM), the managers of the IMO ship and unique company and registered owner identification number schemes.

2. The agenda is given in Appendix 1, and the list of participants is given in Appendix 2. The documents prepared for the JWG are listed in Appendix 3. The working document providing guidance on agenda items is attached in Appendix 4. The terms of reference for the JWG are attached in Appendix 5.

3. The session of the JWG was opened by the Secretary-General of IMO, Mr Koji Sekimizu, who welcomed participants to IMO. In his opening statement, Mr Sekimizu outlined the role of IMO that has for more than half a century been regulating international shipping very successfully in many aspects. While he expressed his satisfaction with the recent entry into force of 1995 STCW-F Convention, he stressed his concern regarding the slow pace of acceptance of the Cape Town Agreement of 2012, as he also expressed in his address to the Thirty-first Session of the FAO Committee on Fisheries (COFI), in June 2014. IUU fishing is a serious issue for the global fishing sector that impacts negatively on safety, on environmental issues, on conservation and on sustainability. He stressed the importance of the JWG in championing the establishment of a robust legal framework for the safety of fishing vessels and personnel employed on board fishing vessels, thereby contributing to the fight against IUU fishing. In this regard, he also emphasized that agencies within the United Nations family, FAO, IMO – and others, such as ILO, must spare no effort to work together as one, and to deliver as one. Mr Sekimizu's opening statement is attached in Appendix 6.

4. The Director of the Fisheries and Aquaculture Policy and Economics Division of FAO, Mr Lahsen Ababouch also welcomed the participants to the meeting and thanked IMO and its Secretary-General, Mr. Koji Sekimizu, for hosting it. He continued by stressing the importance of combating IUU fishing that continues to be a major threat to the sustainable fisheries and productive and healthy ecosystems and resilience of many of the world's small-scale fisheries communities whose livelihoods and food security depend on this vital sector. In this regard, he referred to a recent high level conference in Dakar, Senegal, organized by the African Development Bank, the Office of the President of Senegal, and other partners on the issue of Feeding Africa, at which IUU fishing and its devastating impact on food security and nutrition of African coastal communities was identified as a major threat. He then outlined the reasons for the establishment of the JWG and described how its meetings have helped increase awareness regarding this threat and mobilized the international community to develop initiatives, instruments and tools to combat IUU fishing. These tools and measures define clear

responsibilities and roles at three complementary levels: Flag state, port State and market State measures. He informed that COFI had repeatedly welcomed the longstanding collaboration that exist between IMO, ILO and FAO, in particular on issues related to safety at sea in the fishing industry, calling for its strengthening. At COFI in 2014, many Members stressed the link between safety at sea and forced labour and IUU fishing. They referred, in this context, to the 2007 ILO Work in Fishing Convention and to the Cape Town Agreement of 2012. At the same meeting, Mr José Graziano da Silva, Director-General of FAO, while referring to a meeting with the Secretary-General of IMO on how to strengthen the collaboration between the organizations, in particular on the implementation of the Cape Town Agreement, stated that although this instrument was an IMO Convention, FAO and the fishing industry can help a lot in its implementation. The complete text of Mr Ababouch's intervention is set out in Appendix 7.

#### **ARRANGEMENTS FOR THE SESSION**

5. Mr Lawrence D. Barchue Sr., Director of the Department for Member State Audit and Implementation Support of IMO, took over the proceedings and described the arrangements to be followed.

#### **ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON**

6. Mr Johan Williams, Specialist Director, Department for Fisheries and Aquaculture, Ministry of Trade, Industry and Fisheries (Norway) was elected Chairperson. He thanked participants for their support. Mr Ichiro Nomura, Adviser to the Ministry of Agriculture, Forestry and Fisheries (Japan) was elected Vice-Chairperson.

#### **ADOPTION OF THE AGENDA**

7. The Chair asked for comments on the agenda. It was suggested that the FAO Secretariat should present an overview of IUU fishing prior to dealing with the progress on the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA). With this the JWG then adopted the agenda given in Appendix 1.

#### **OVERVIEW OF IUU FISHING**

8. The FAO Secretariat delivered a presentation on IUU fishing which canvassed the definition in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU), the adverse role of IUU fishing in the fisheries management process, binding and non-binding instruments to combat IUU fishing, the importance of monitoring, control and surveillance, and challenges. Among the challenges identified, is the need for strong legal and governance frameworks, and the enhancement of the capacity of developing States.

9. Although illegal fishing has occurred ever since laws were first enacted to regulate fishing, the concept of "Illegal, Unreported and Unregulated" fishing is relatively new. Since the emergence of this term within the last two decades, its use has become prominent since the approval of the IPOA-IUU. In that instrument, IUU fishing is defined broadly and includes: (i) fishing and fishing-related activities conducted in contravention of national, regional and international laws; (ii) non-reporting, misreporting or under-reporting of information on fishing operations and their catches; (iii) fishing by "Stateless" vessels; (iv) fishing in the areas of competence of regional fisheries management organizations (RFMOs) by non-party vessels; and (v) fishing activities which are not regulated by States and cannot be easily monitored and accounted for.

10. The estimated global cost of IUU fishing is USD10 - 23.5 billion annually, with developing States being the most susceptible.<sup>1</sup> Among other impacts, IUU fishing undermines the sustainable management of fisheries and promotes unfair market competition to sustainable seafood; and threatens food security and socio-economic stability in many parts of the world by reducing the productivity of legitimate fisheries, including subsistence and artisanal fisheries in coastal areas.

### **PROGRESS ON THE FAO AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE IUU FISHING**

11. The FAO Secretariat presented an overview of the PSMA. The PSMA was endorsed by FAO in November 2009 and provides an international framework for the adoption and implementation of effective port State measures as a means of ensuring the long term conservation and sustainable use of living marine resources. Among other matters, the PSMA contains provisions for the requirement for notification and approval for port entry, the use of port, denial of the use of port and related services, and the procedure for the conduct of inspections. The JWG was also informed that through RFMOs, the PSMA is being implemented at the regional level.

12. The delegation of Spain delivered a presentation on an integral approach to IUU fishing based on Spain's experience in this matter within the national and European legal framework. In this presentation the operations "Sparrow 1" and "Sparrow 2" were also explained to the group. The delegation of Spain encouraged Member States to collaborate and provide mutual assistance in this topic and informed that Spain had provided EUR250 000 to FAO to be used to develop the Global Record to combat IUU fishing.

13. Following the presentations, the JWG discussed the importance of promoting institutional coordination at the national level, complementarity with existing national institutions in the conduct of port inspections, collaboration with the respective port State control (PSC) regimes, capacity building, and the need to avoid duplication and multiple inspections.

14. Various Member State representatives updated the JWG on initiatives to build capacity and give effect to the PSMA. In ensuring collaboration between the PSMA and PSC regimes, it was observed that there are different requirements and that there is a subsequent need to harmonize provisions for port entry and use while taking into account the different objectives of the two inspection regimes.

15. The delegation of Spain indicated the need to establish better links between ship safety and illegal fisheries with, *inter alia*, national or regional coordinated efforts between fisheries and PSC regimes, such as using clear grounds in the PSC regimes to trigger inspections by the fisheries administrations and vice versa.

16. The JWG recommended that:

- a) the FAO, IMO and ILO Secretariats, Member States and regional organizations, including regional fisheries bodies (RFBs), promote the benefits of the implementation of the PSMA, thereby encouraging States to become Parties to the Agreement;
- b) the FAO Secretariat, in cooperation with the IMO Secretariat and the ILO Secretariat, as appropriate, together with States, IGOs and NGOs, explore strategies and consider the organization of joint capacity development programmes, for enhanced implementation of international instruments to combat IUU fishing, in particular, the PSMA, considering the roles of all international and regional organizations concerned; and

<sup>1</sup> David J Agnew, John Pearce, Ganapathiraju Pramod, Tom Peatman, Reg Watson, John R Beddington, Tony J Pitcher (2009) *Estimating the Worldwide Extent of Illegal Fishing*. PLoS ONE 4(2): e4570.

- c) FAO, in cooperation with IMO and ILO, and if appropriate, PSC regimes, and RFBs, encourage the coordinated implementation of the PSMA, with other types of inspections which might be carried out.

**USE OF THE IMO SHIP IDENTIFICATION NUMBER SCHEME (RESOLUTION A.1078(28))  
IN THE CONTEXT OF THE FAO'S GLOBAL RECORD OF FISHING VESSELS,  
REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS**

17. The FAO Secretariat provided an introduction of this agenda item and also background information on the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), explaining its objective, the progress made to date and the process being followed to move ahead with the programme.

18. In the same context, the delegation of the United States of America presented its proposal (JWG 3/6/2) to explore the possibility of expanding the use of the IMO number to all fishing vessels operating outside waters under national jurisdiction.

19. Furthermore, WWF, also on behalf of IHSM, outlined its suggestion (JWG 3/6, 3/6/1 and Corr.1) to extend the IMO number to all decked, motorized inboard fishing vessels of any hull-type construction of over 12 metres LOA, with a current valid authorization on an RFMO vessel list, whilst putting forward a proposal for regular fleet data exchanges between IHSM and fisheries flag administrations, and IHSM and RFMOs.

20. The JWG was informed that ILO makes reference to the IMO number for fishing vessels in its Guidelines on flag State inspection of working and living conditions on board fishing vessels, and that the legislation of various States and the recommendations of a number of RFMOs have been updated to make the IMO number compulsory for certain categories of vessels.

21. In noting that the benefits of IMO numbers for fishing vessels go beyond the context of the Global Record, the JWG expressed concern regarding the prematurity of the proposal to extend the IMO ship identification number scheme to fishing vessels of less than 100 gross tonnage (GT), but also expressed interest in examining the feasibility and financial implications of such an extension. Following a proposal from Spain the JWG indicated its preference not to limit consideration only to those vessels fishing in waters beyond the limits of national jurisdiction, but rather to analyse an expansion to smaller vessels in general and, then, to enforce restrictions based on the outcomes of the study. The JWG also expressed its adversity to the development of an alternative scheme for the Global Record's Unique Vessel Identifier (UVI) for vessels outside of Phase 1, that is vessels of less than 100 GT.

22. With regards to the application of the IMO Unique Company and Registered Owner Identification Number Scheme to fishing vessels, the JWG noted the potential difficulties with such a requirement.

23. On the exchange of information, the JWG, noted the apprehension of some FAO Members towards the exchange of information between fisheries flag State administrations or RFMOs and IHSM. The JWG acknowledged the way in which such information exchange has been handled with regards to the merchant fleet.

24. The JWG recommended that:

- a) the IMO and FAO Secretariats, and, the ILO Secretariat, as appropriate, cooperate on the establishment of a system for the collection of records from States and other data providers, as appropriate, for the development of the Global Record;

- b) FAO and IMO progress the implementation of Phase 1 of the Global Record, including the consideration of its application to decked motorized inboard fishing vessels of any hull-type construction of 100 GT and above, and the potential need to expand the IMO Ship Identification Number Scheme, as appropriate. Any further expansion beyond Phase 1 of the Global Record should depend on the successful implementation of that phase;
- c) FAO and IMO explore the further possibility to expand the application of the IMO Number Scheme to fishing vessels of less than 100 GT; and
- d) IMO, in cooperation with FAO, discuss mechanisms, to the extent practicable, for regular fleet data exchanges on fishing vessels particulars between flag Administrations and IHSM in order to support the IMO Ship Identification Number Scheme in the context of the Global Record and other regulatory and non-regulatory frameworks.

## **REVIEW OF EXISTING MEANS FOR VESSEL IDENTIFICATION, MONITORING AND TRACKING**

25. The FAO Secretariat introduced the agenda item and first provided background information on the recommendations from the second meeting of the JWG before an overview on existing means for vessel identification, monitoring and tracking. The JWG was informed of three primary systems used in vessel monitoring and tracking: Vessel Monitoring System (VMS), Automatic Identification System (AIS) and Long Range Identification and Tracking (LRIT).

26. Following the FAO presentation, the delegation of the United States of America introduced the Sea Scout Initiative to address IUU Fishing (JWG 3/7/1). Among other things, the initiative aims to identify regional “hot spots” for IUU fishing. The delegation of the United States of America invited States and other participants of the JWG to consider collaborating in the development of the initiative.

27. WWF and Pew Charitable Trusts introduced a joint paper (JWG 3/7) on consideration of regulatory requirements for AIS on fishing vessels. The JWG acknowledged that AIS was already used on fishing vessels by some States. In these States, AIS Class A units were required on board larger fishing vessels, in particular, vessels over 15 metres in length, in spite of the higher cost, while class B units were encouraged to be carried by smaller fishing vessels. The JWG discussed the importance of monitoring and tracking systems in fisheries monitoring and enforcement and affirmed that such systems should be tamper-proof or tamper-evident.

28. Some delegations noted that VMS is primarily used in fisheries monitoring, control and surveillance and that emphasis should be placed on the effective implementation of VMS. For these delegations, domestic legislation requires VMS. An additional requirement for the installation of AIS also on board fishing vessels may cause confusion.

29. The JWG was informed that VMS and AIS served different purposes, i.e. fisheries management and the safety of navigation, respectively. AIS is useful on board fishing vessels, however, given their differences, the two systems should be kept separate. Some States proposed that this issue should be addressed under the Cape Town Agreement. IMO clarified that most AISs used VHF radio transmission between on board units and land-based stations and that satellite-based AIS is being developed. The JWG considered the need to further explore the use of VMS, AIS and LRIT.

30. The JWG recommended that IMO and FAO pursue the sharing of experience in the development and maintenance of systems such as VMS, AIS and LRIT, taking into account the strengths and weaknesses of the various systems.

## **ASSESSMENT OF THE PERFORMANCE OF FLAG STATES**

31. The FAO Secretariat delivered a presentation on this agenda item and highlighted the Voluntary Guidelines for Flag State Performance (VGFSP) endorsed by FAO in 2014. Although the VGFSP is a non-binding instrument, it primarily takes into account the flag State responsibilities in the 1982 United Nations Convention on the Law of the Sea. It was indicated that the VGFSP complements the port State measures in the PSMA and provides a framework for the assessment of flag State performance.

32. The IMO Secretariat introduced the evolution history of the self-Assessment of flag State performance, as adopted in 2001, which laid down a stepping stone for IMO to develop the Voluntary Member State Audit Scheme (VIMSAS) in 2003 that ultimately became the mandatory IMO Member State Audit Scheme (IMSAS), expected to enter into force on 1 January 2016.

33. In considering this agenda item, the JWG discussed issues relating to flag State responsibilities, the flagging and de-flagging of fishing vessels, the IMO scheme for flag State assessments, national initiatives to preclude the use of ports by fishing vessels flagged by non-compliant States, and the importance of assisting Member States to effectively undertake flag State responsibilities.

34. The JWG recommended that FAO share information regarding the implementation of the Voluntary Guidelines for Flag State Performance (VGFSP) with IMO, and, in cooperation with the IMO Secretariat and the ILO Secretariat, as appropriate, explore how the VGFSP could be implemented effectively, in conjunction with other relevant instruments adopted by IMO and ILO.

## **SECURITY MEASURES APPLICABLE TO FISHING VESSEL**

35. The agenda item was introduced by the FAO Secretariat. The presentation outlined that FAO has been playing a substantial role in capacity building in Somalia that tackles root causes of piracy off its coast. The IMO Secretariat introduced some of the efforts made by IMO, in particular through the Maritime Safety Committee, to combat piracy and armed robbery against ships, in developing Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships (MSC.1/Circ.1333/Rev.1) and Guidance to ship-owners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships (MSC.1/Circ.1334). In addition, the maritime industry-developed, Somalia-specific Best Management Practice guidance (BMP4) (MSC.1/Circ.1339) has a specific Annex F on Additional Guidance for Vessels Engaged in Fishing.

36. The JWG noted that, in May 2012, strategic partnership agreements were signed among FAO, IMO, UNPOS, UNODC, WFP and the European Union. These agreements commit to the improvement of coordination, the strengthening of anti-piracy and maritime capacity of States in the western Indian Ocean and the Gulf of Aden, and the development of viable and sustainable alternatives to piracy in Somalia.

37. In this regard, the JWG recommended that the FAO Secretariat, in cooperation with the IMO Secretariat, make information on piracy and armed robbery against ships and other security-related issues, which might be relevant to the fisheries sector, available to FAO Members and RFBs.

## **ILO WORK IN FISHING CONVENTION 2007, INCLUDING FLAG STATE AND PORT STATE GUIDELINES**

38. The ILO Secretariat introduced the agenda item, in connection with documents JWG 3/4 and JWG 3/10. The objectives of the Work in Fishing Convention, 2007 (No. 188), as adopted in 2007, are to ensure that fishers have decent conditions of work on board fishing vessels with regard to the minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security. It applies to all fishers and

all fishing vessels engaged in commercial fishing operations. The Convention will come into effect when it has been ratified by ten of the ILO's Member States (including eight coastal States). At present, the Convention has been ratified by five countries.

39. In the above context, ILO adopted Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 and Flag State Guidelines for the Implementation of the Work in Fishing Convention, 2007 respectively in 2010 and 2015, to assist port States, flag States and others in effectively exercising their jurisdiction and control over vessels for ensuring compliance with national laws, regulations and other measures through which Convention No.188 is implemented.

40. In addition, ILO is giving increased attention to forced labour, including trafficking, in the fishing sector and ILO's efforts to improve conditions of fishers are also being undertaken through several projects, including but not limited to, the ILO GMS TRIANGLE project.

41. The JWG noted the importance of safety at sea in the fisheries sector and the link between safety at sea and forced labour, and that COFI, in 2014, welcomed the effective cooperation established in this regard between FAO, ILO and IMO.

42. The JWG considered document JWG 3/10/1 (United States of America), providing information on severe human rights abuses, human trafficking, or trafficking in persons, forced labour and exploitation aboard fishing vessels, which can occur concurrently with IUU fishing, and proposing that, in support of United Nations Office on Drugs and Crime (UNODC), ILO, IMO, FAO and other international organizations should consider ways to increase the understanding of the relationship between forced labour and the fishing industry and explore measures to combat these practices.

43. After discussion, the JWG recommended that:

- a) the FAO and IMO Secretariats cooperate with the ILO Secretariat in activities to promote the Work in Fishing Convention, 2007 (No. 188) and ILO's standards concerning forced labour, including human trafficking, bearing in mind the potential relevance of these instruments to combat IUU fishing, and the potential contribution of IUU fishing to substandard working conditions in the sector;
- b) FAO collaborate, as appropriate, with the United Nations Office on Drugs and Crime (UNODC), ILO and Interpol, in order to raise awareness on forced labour, including human trafficking, in the fisheries sector, and explore initiatives to address such issues; and
- c) FAO consider the relationship between the matters of fisheries governance, seafood industry, and forced labour, in cooperation with IMO and ILO.

## **MARINE DEBRIS**

44. The FAO Secretariat delivered a presentation on abandoned, lost or otherwise discarded fishing gear (ALDFG). It was noted that ALDFG is a significant component of marine litter and that the disposal of fishing gear at sea is in contravention of MARPOL Annex V. The linkages between ALDFG and IUU fishing were highlighted, including the practice of abandoning or discarding fishing gear when an IUU fisher is at risk of being caught or when the gear is worn out or when entry to a port is denied.

45. The JWG was also informed about an Expert Consultation planned in 2016 with the principal objective of developing best practice technical guidelines on marking of fishing gear, including fish aggregation devices (FADs). The Expert Consultation is to (i) provide a simple, workable and enforceable means of identifying the location and ownership of fishing gear, and (ii) elaborate a system which can be universally adopted and which would support resource management systems to meet the

obligations of international conventions. Elaboration of a standard for the marking of fishing gear would help to address problems associated with ALDFG and IUU fishing.

46. On the marking and retrieval of gear, it was noted that the primary responsibility for the marking of gear is on the vessel owner and that there are various initiatives at the national and regional levels on gear marking and the retrieval of ALDFG.

47. One Member State indicated that ALDFGs and marine debris falls within the scope of Annex V of MARPOL and also called for a discussion at the upcoming COFI session on implementation of requirements, and the need to report outcomes to the IMO Marine Environment Protection Committee at its subsequent meeting.

48. WWF introduced a joint WWF/Friends of the Earth International (FOEI) paper on the proliferation of the use of FADs and their marine environmental impacts. In relation to the management of FADs, the JWG was informed of national initiatives to manage FADs and the measures adopted by RFMOs. Member States iterated the importance of supporting RFMOs in the management of FADs.

49. The IMO Secretariat informed the meeting about the 1972 London Convention and its 1996 Protocol and the blanket prohibition of dumping of plastic wastes at sea as well as related matters including construction material and the insertion of tracking equipment in gear to facilitate their retrieval.

50. The JWG recommended that:

- a) FAO, in collaboration with IMO and the United Nations Environment Programme (UNEP), including the provision of technical advice into the Global Partnership on Marine Litter (GPML), develop international guidelines on the marking of fishing gear, taking into account MARPOL Annex V and related guidelines, and other instruments, where appropriate; and
- b) IMO, in collaboration with FAO, address the navigational hazards and marine pollution issues caused by marine litter including abandoned, lost, or otherwise discarded fishing gear, e.g. abandoned, lost or discarded Fish Aggregating Devices (FADs).

**IMO LEGAL FRAMEWORK RELATED TO SAFETY OF FISHING VESSELS AND FISHING VESSEL PERSONNEL (E.G. CAPE TOWN AGREEMENT; STCW-F CONVENTION; CODE OF SAFETY FOR FISHERMEN AND FISHING VESSELS, 2005; VOLUNTARY GUIDELINES FOR THE DESIGN, CONSTRUCTION AND EQUIPMENT OF SMALL FISHING VESSELS, 2005; SAFETY RECOMMENDATIONS FOR DECKED FISHING VESSELS OF LESS THAN 12 METRES IN LENGTH AND UNDECKED FISHING VESSELS; IMPLEMENTATION GUIDELINES ON PART B OF THE CODE, THE VOLUNTARY GUIDELINES AND THE SAFETY RECOMMENDATIONS; AND MARPOL ANNEX V)**

#### **2012 Cape Town Agreement**

51. The IMO Secretariat introduced the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (2012 Cape Town Agreement) and relevant actions IMO had taken so far to facilitate and promote the entry into force of 2012 Cape Town Agreement. The 2012 Cape Town Agreement will come into force 12 months after the date on which it has been ratified by not fewer than 22 States with aggregate of not fewer than 3,600 fishing vessels of 24 m in length and over operating on the high seas. However, to date, five States, with 694 fishing vessels, have ratified the 2012 Cape Town Agreement. The JWG was informed that the IMO Assembly (A 29) at the end of 2015 was expected to adopt a draft Assembly resolution to promote ratification of the 2012 Cape Town Agreement (resolution A.1107(29)).

52. The JWG, having expressed great concerns over the slow pace of the acceptance of the 2012 Cape Town Agreement, recommended that:

- a) the IMO Secretariat, in cooperation with the FAO Secretariat, further consider organizing international events, particularly with the participation of States with large fishing fleets, for a focused consideration of the entry into force of the 2012 Cape Town Agreement both at the technical level and the decision-making level and support to the efforts of IMO on capacity building;
- b) the FAO and IMO Secretariats, their respective Member States and regional organizations share information on processes relevant to the accession to the 2012 Cape Town Agreement, which might support and facilitate the entry into force of the instrument; and
- c) IMO and FAO invite their Member States to make use of the Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations, as appropriate, since they are useful in the context of the Cape Town Agreement of 2012.

### **STCW-F Convention of 1995**

53. The JWG welcomed the entry into force of the International Convention on Standards of Training, Certification and Watch keeping for Fishing Vessel Personnel, 1995 (1995 STCW-F), on 29 September 2012, which sets the certification and minimum training requirements for crews of seagoing fishing vessels of 24 m in length and above.

### **Voluntary instruments developed jointly by FAO, ILO and IMO**

54. The JWG noted that MSC 95 agreed to review the annex to the 1995 STCW-F Convention to align the standards of the Convention as much as possible with the current state of the fishing industry and included, in the 2016-2017 biennial agenda of the IMO Sub-Committee on Human Element, Training and Watchkeeping (HTW) and the provisional agenda of HTW 3, a new output on "Comprehensive review of the 1995 STCW-F Convention" with a target completion year of 2018.

55. In this context, JWG recommended that IMO, based on the outcome of the review of the annex to the 1995 STCW-F, initiate, in cooperation with FAO and ILO, the review of the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel.

56. In this connection, the delegation of Japan pointed out that the review of the 1995 STCW-F Convention is not intended to raise the standards and it needs the cooperation from the fishing industry including FAO in terms of the promotion of the conclusion of that convention for each Member State of IMO.

### **Ensuring observer safety**

57. The JWG considered document JWG 3/12 (United States of America), providing information regarding safety of observers, and proposing that the FAO, IMO and RFMOs should develop measures within their respective organizations that establish or improve existing observer safety standards and practices, and, where appropriate, require their implementation while flag States should ensure their existing or future observer programmes incorporate appropriate observer safety standards and practices. The delegation of Spain raised concerns in this regard as the 1995 STCW-F has just entered into force and some additional time might be needed by Member States to identify suitable needs for amendments.

58. In this regard, JWG recommended that FAO, in cooperation with IMO and ILO, collaborate with RFBs in improving the safety of fisheries observers under the observers programmes undertaken by States and RFBs.

**Use of AIS**

59. Further to its prior consideration of existing means for vessel identification, monitoring and tracking (see paragraphs 25 to 30), the JWG recommended that IMO, in coordination with FAO, consider the increased use of AIS aboard commercial fishing vessels.

**FUTURE COLLABORATION BETWEEN FAO AND IMO**

60. The JWG discussed the benefits of collaboration between FAO and IMO, the frequency of JWG meetings, as well as the inclusion of other organizations, namely ILO. It was indicated that collaboration with other organizations was important in ensuring a coordinated position but that there would be a risk of having impractical recommendations if there are too many organizations.

61. In supporting the continuation of collaboration, several Member States indicated that the respective governing bodies ought to consider the frequency of meetings and the ongoing functions of the JWG. It was also mentioned that the terms of reference of the JWG should focus on IUU fishing and not be broadened in scope.

62. The JWG recommended:

1. future meetings of the group, while reiterating the earlier recommendation that interval between JWG meetings should not exceed five years; and
2. that the collaboration between FAO and IMO, in the context of the JWG, should be extended to include ILO.

**ANY OTHER BUSINESS**

63. The JWG was informed of meetings planned in 2016 and the importance of the timely submission of papers for future meetings.

64. The JWG recommended that the outcome of its meetings be reported jointly by FAO and IMO for detailed consideration by relevant bodies of the two Organizations, commencing with the report of the current meeting.

**ADOPTION OF THE REPORT**

65. The JWG agreed to the recommendations, which are reproduced under the respective agenda items above, and tasked the Secretariats to prepare the final report.

**AGENDA**

1. Opening of Session
2. Arrangements for the third session of the Joint Working Group
3. Election of the Chairperson and Vice-Chairperson
4. Adoption of the Agenda  
Overview of IUU fishing
5. Progress on the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing
6. Use of the IMO Ship Identification Number Scheme (resolution A.1078(28)) in the context of the FAO's Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels
7. Review of existing means for vessel identification, monitoring and tracking
8. Assessment of the performance of flag States
9. Security measures applicable to fishing vessels
10. ILO Work in Fishing Convention 2007, including flag State and port State Guidelines
11. Marine debris
12. IMO legal framework related to safety of fishing vessels and fishing vessel personnel (e.g. Cape Town Agreement; STCW-F Convention; Code of Safety for Fishermen and Fishing Vessels, 2005; Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005; Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels; Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations; and MARPOL Annex V)
13. Future Collaboration between FAO and IMO
14. Any Other Business
15. Adoption of the Report

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## LIST OF DOCUMENTS

Agenda item	Symbol and title	Originator	Date
4	JWG 3/4 - WORKING DOCUMENT PROVIDING GUIDANCE ON AGENDA ITEMS.	FAO, ILO and IMO Secretariats	13/10/2015
4	JWG 3/4/1 - PROVISIONAL AGENDA for the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters.	IMO Secretariat	13/11/2015
6	JWG 3/6 - USE OF THE IMO SHIP IDENTIFICATION NUMBER SCHEME (RESOLUTION A.1078(28)) IN THE CONTEXT OF THE FAO'S GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS. Regular fleet data exchanges between flag Administrations and IHS Maritime and Trade.	WWF and IHSM	21/10/2015
6	JWG 3/6/1 - USE OF THE IMO SHIP IDENTIFICATION NUMBER SCHEME (RESOLUTION A.1078(28)) IN THE CONTEXT OF THE FAO'S GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS. Proposal to introduce regular fleet data exchanges between Regional Fisheries Management Organisations (RFMOs) and IHS Maritime and Trade (IHSM) for the maintenance of the IMO ship identification number scheme for fishing vessels Proposal for the voluntary extension of the IMO Number Scheme to all decked, motorized inboard fishing vessels of any hull-type construction, and which have a current valid authorisation on a RFMO vessel list, down to a size limit of 12 metres LOA.	WWF and IHSM	21/10/2015
6	WG 3/6/1/Corr.1 - USE OF THE IMO SHIP IDENTIFICATION NUMBER SCHEME (RESOLUTION A.1078(28)) IN THE CONTEXT OF THE FAO'S GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS.	WWF and IHSM	30/10/2015

Agenda item	Symbol and title	Originator	Date
	<p>Proposal to introduce regular fleet data exchanges between Regional Fisheries Management Organisations (RFMOs) and IHS Maritime and Trade (IHSM) for the maintenance of the IMO ship identification number scheme for fishing vessels Proposal for the voluntary extension of the IMO Number Scheme to all decked, motorized inboard fishing vessels of any hull-type construction, and which have a current valid authorisation on a RFMO vessel list, down to a size limit of 12 metres LOA Corrigendum.</p>		
6	<p>JWG 3/6/2 - USE OF THE IMO SHIP IDENTIFICATION NUMBER SCHEME (RESOLUTION A.1078(28)) IN THE CONTEXT OF THE FAO'S GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS AND SUPPLY VESSELS. Unique Vessel Identifiers and the IMO Ship Identification Number Scheme.</p>	United States of America	22/10/2015
7	<p>JWG 3/7 - REVIEW OF EXISTING MEANS FOR VESSEL IDENTIFICATION, MONITORING AND TRACKING. Consideration of regulatory requirements for AIS on fishing vessels.</p>	WWF and PEW Charitable Trusts	21/10/2015
7	<p>JWG 3/7/1 - REVIEW OF EXISTING MEANS FOR VESSEL IDENTIFICATION, MONITORING AND TRACKING. Sea Scout Initiative to address IUU Fishing.</p>	United States of America	22/10/2015
10	<p>JWG 3/10 - ILO WORK IN FISHING CONVENTION 2007, INCLUDING FLAG STATE AND PORT STATE GUIDELINES.</p>	ILO Secretariat	22/10/2015
10	<p>JWG 3/10/1 - ILO WORK IN FISHING CONVENTION 2007, INCLUDING FLAG STATE AND PORT STATE GUIDELINES. Human Trafficking and IUU Fishing.</p>	United States of America	09/11/2015
11	<p>JWG 3/11 - MARINE DEBRIS. The proliferation of the use of Fish Aggregating Devices and their marine environmental impacts.</p>	WWF and FOEI	22/10/2015
12	<p>JWG 3/12 - IMO LEGAL FRAMEWORK RELATED TO SAFETY OF FISHING VESSELS AND FISHING VESSEL PERSONNEL. Ensuring observer safety.</p>	United States of America	22/10/2015

## THE WORKING DOCUMENT

**E**

Joint FAO/IMO Ad Hoc Working Group on  
Illegal, Unreported and Unregulated Fishing  
and Related Matters  
3rd session  
Agenda item 4

JWG 3/4  
8 October 2015  
ENGLISH ONLY

**WORKING DOCUMENT PROVIDING GUIDANCE ON AGENDA ITEMS**

**Submitted by FAO, ILO and IMO Secretariats**

**SUMMARY**

*Executive summary:* This document provides annotations to the provisional agenda in the context of the consideration of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (JWG) of areas for possible collaboration between FAO and IMO, as well as other organizations, such as ILO, in solving problems relating to IUU Fishing

*Strategic direction:*

*High-level action:*

*Planned output:*

*Action to be taken:* Paragraph 59

*Related documents:* See Annex 1

1 There have been long standing cooperative relationships among the Secretariats of the International Maritime Organization (IMO), the International Labour Organization (ILO) and the Food and Agricultural Organization (FAO) which stretch back several decades. This cooperative work has been done within the context of each organization's mandate: IMO for safety at sea and protection of the marine environment; ILO for work on labour standards and working conditions in the fishing industry; and FAO for fisheries in general. The FAO Committee on Fisheries (COFI) has repeatedly welcomed the FAO/ILO/IMO collaboration, in particular relating to safety-at-sea in the fisheries sector, noting that it should be continued. At COFI 31, many Members stressed the link between safety at sea and forced labour and the occurrence of IUU fishing activities. They referred, in this context, to the ILO Work in Fishing Convention, 2007 (188) and to the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977. In addition, it has also been pointed out

that there are possible links between the level of safety on board fishing vessels and IUU fishing practices.

2 While there are differences among the mandates of the three organizations, their work intersects in a number of subject areas. In the past, the main areas where cooperation has occurred have concerned a broad range of issues involving safety at sea and pollution of the marine environment, see chart at annex 2. In the area of illegal, unreported and unregulated (IUU) fishing<sup>1</sup>, safety issues often provide a link to bridge the subject areas and the interests of the organizations. These connections between the traditional work areas of FAO and IMO to the field of IUU fishing were articulated in the document submitted by FAO to IMO's Maritime Safety Committee (MSC) in 2000 prior to the formation of the joint ad hoc working group, when its establishment was being considered by IMO and FAO. To assist this third session of the Joint Ad Hoc Working Group in its appreciation of the relationship between these traditional subject areas of collaboration of the organizations, the explanation provided originally to IMO of their association is reproduced in Appendix D of the Report of the Second Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters.

### ***Establishment of the joint working group***

3 The establishment of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG) was prompted by a call from the twenty-third session of FAO's Committee on Fisheries (COFI) in February 1999 for FAO to obtain assistance from IMO with regard to fishing vessels flying flags of convenience and general concerns about re-flagging and IUU fishing. Shortly afterwards, in April 1999, the United Nations Commission on Sustainable Development highlighted the issues of flag and port State responsibilities and the need for FAO and IMO to cooperate on solving problems relating to IUU Fishing. As a result, the Secretariats of IMO and FAO worked together to facilitate the creation of the JWG.

4 At the first JWG meeting, which was held in Rome from 9 to 11 October 2000, seven delegations represented each Organization. IMO was represented by the Governments of Argentina, Canada, China, Denmark, Liberia, the Republic of Korea and Turkey. The Governments of Australia, Chile, Japan, Malta, the Philippines, South Africa and the United States and the European Community (Member Organization) represented FAO. Brazil, Greece, Iceland, Mexico and the Netherlands participated as observers. In addition, the International Labour Organization (ILO), Birdlife International, and the International Confederation of Free Trade Unions (ICFTU) were represented.

5 At the second JWG meeting, which was held from 16 to 18 July 2007, in Rome, IMO was represented by its Members as follows: Argentina, Canada, China, Denmark, Republic of Korea, Liberia, Norway and Turkey. FAO was represented by the following Members: Australia, Chile, Islamic Republic of Iran, Japan, Philippines, United States and the European Community (Member Organization). Iceland participated as an observer. In addition, the United Nations Office of Legal Affairs/Division for Ocean Affairs and the Law of the Sea (UN/DOALOS), the International Labour Organization (ILO), and the International Transport Workers Federation (ITF) were represented.

6 The terms of reference of the JWG and the agenda of its first and second meeting are provided in document MSC 95/17/1.

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<sup>1</sup> See definitions of illegal, unreported and unregulated fishing in the FAO 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, section II.

### **Progress on the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (Agenda item 5)**

7 The FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was adopted by the FAO Conference in 2009. The main purpose of the Agreement is to prevent, deter and eliminate IUU fishing through the implementation of robust port State measures. The Agreement envisages that parties, in their capacities as port States, will apply the Agreement in an effective manner to foreign vessels when seeking entry to ports or while they are in port. The application of the measures set out in the Agreement will, inter alia, contribute to harmonized port State measures, enhanced regional and international cooperation and block the flow of IUU-caught fish into national and international markets.

8 The Agreement will enter into force 30 days after the deposit of the twenty-fifth instrument of ratification, acceptance, approval or accession. The Agreement is binding and stipulates minimum port States measures. However, countries are free to adopt more stringent measures than those outlined in the Agreement. In total, 13 Members have deposited with the Director-General of FAO an instrument of ratification, approval, acceptance or accession (as of 11 August 2015).

9 The 31<sup>st</sup> session of the Committee on Fisheries (COFI) (9 to 13 June 2014) noted the slow rate of ratification, approval, acceptance or accession to the Agreement and encouraged FAO to continue with the delivery of its capacity development programme to assist developing countries in strengthening and harmonizing port State measures, including through bilateral, sub-regional and/or regional coordination.

### **Use of the IMO Ship Identification Number Scheme (Resolution A.1078(28)) in the context of the FAO's Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Agenda item 6)**

10 The Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), which COFI has instructed FAO to build and host, is one of the latest tools that are being developed to fight IUU fishing. It is intended to increase transparency and traceability of vessels and fish products by providing, in one single place, relevant and reliable information of vessels which engage in fishing or fishing-related activities. IUU fishing activities are not only conducted by fishing vessels but also by cargo ships that are involved in such activities through transshipment and bunkering at sea. The Global Record, as a major tool to support implementation of the Port State Measures Agreement, will assist port States in carrying out inspections and follow-up actions of foreign flag vessels, as called for in the Agreement.

11 COFI 30 (9 to 13 July 2012) recognized the necessity of a global Unique Vessel Identifier (UVI), as a key component of the Global Record to identify and track vessels and suggested that the UVI, as a first step, be applied to vessels of 100 gross tonnage and above. In identifying a suitable UVI, an independent study, commissioned by FAO, concluded that the IMO Ship Identification Number Scheme was the most suitable on the basis of efficiency, compatibility and technical considerations for phase 1 of the Global Record, i.e. for vessels of 100 gross tonnage and above. Consequently, FAO co-sponsored with others, a proposal (MSC 92/12/1) to amend the IMO Ship Identification Number Scheme in order to allow its voluntary application to fishing vessels of 100 gross tonnage and above. This proposal was adopted by the Assembly in December 2013, by resolution A.1078(28).

12 In July 2014, COFI 31 appreciated the collaboration with IMO in extending the IMO Ship Identification Number Scheme to fishing vessels and agreed that the IMO number should be used as the Global Record UVI for Phase 1, i.e. for vessels of 100 gross tonnage and

above. Furthermore, the Committee noted that several Regional Fisheries Management Organizations have made provisions for the IMO number to be compulsory<sup>2</sup> in their convention areas.

13 Some Members recognized the need for an advisory committee to clarify outstanding issues and to find a solution for the long-term financing. In order to address this matter, the Global Record Informal Open-Ended Technical and Advisory Working Group (GRWG) was established and it held its first meeting from 23 to 25 February 2015. The second meeting of the GRWG is tentatively planned for the first quarter of 2016.

#### **Review of existing means for vessel identification, monitoring and tracking (Agenda item 7)**

14 IUU fishing, safety at sea, and protection of the marine environment are prominent issues that concern FAO and IMO. Vessel identification, monitoring and tracking is a powerful package of measures to address aspects of them. It provides information about who, when and where the vessels are so that further actions, such as law enforcement and rescue, could be taken accordingly.

15 Three major means of vessel identification, monitoring and tracking were developed in the fisheries management and maritime domains. They are Vessel Monitoring System (VMS), Automatic Identification System (AIS) and Long Range Identification and Tracking of ships (LRIT).

16 VMS is used in fisheries management. It is the flag State's obligation under the 1995 United Nations Fish Stocks Agreement and FAO Compliance Agreement to monitor their fishing vessels on the high seas. Many countries and Regional Fisheries Management Organizations (RFMOs) have required fishing vessels over a particular length to install VMS units on board. COFI 28, in 2009, noted that 67 percent of Members reported to have partially or fully implemented VMS while the remainder of Members was planning to do so in future. In addition, it was also reported that eight Regional Fisheries Bodies had adopted VMS.

17 AIS and LRIT are required by SOLAS regulations V/19 and V/19-1. A comparison on the basic features of VMS, AIS and LRIT are listed in Annex 3.

18 Different from IMO where AIS and LRIT are regulated under a binding instrument, FAO doesn't host or involve in the management of any VMS itself. In addition to VMS, other innovative technologies are now being used in fisheries monitoring, control and surveillance, such as satellite SAR and unmanned aerial vehicles.

19 Mutual interest between IMO and FAO emerges when transport vessels facilitate IUU fishing or fishing vessels concern maritime security and safety at sea. Therefore, filling the gaps among different systems could be beneficial.

20 Combining data from a variety of systems contributes to a more complete picture of the maritime situation. Research has proved that such combinations dramatically improve vessel identification, monitoring and tracking. Apart from some provisions in chapter V of SOLAS, the Convention does not apply to fishing vessels. Similarly, VMS doesn't always include vessels that facilitate fishing activities. Lack of collaboration among different systems may impede authorities' understanding of the situation. A mechanism that will fill the gap of vessels identification, monitoring and tracking between fisheries and maritime authorities at national or regional level is the first step towards broader international synergies.

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<sup>2</sup> Currently, some States and the European Union are also modifying their national laws/regional regulations to make the IMO number compulsory for certain classes of fishing vessels.

### **Assessment of the performance of flag States (agenda item 8)**

21 The Voluntary Guidelines for Flag State Performance to prevent, deter and eliminate IUU fishing through the effective implementation of flag State responsibilities were developed by a Technical Consultation, from 2011 to 2014, under the auspices of FAO. The agreed Guidelines are wide-ranging and address the purpose and principles, the scope of application, performance assessment criteria, cooperation between flag States and coastal States, a procedure for carrying out an assessment, encouraging compliance and deterring non-compliance by flag States, cooperation with and assistance to developing States with a view to capacity development, as well as the role of FAO. They are expected to provide a valuable tool for strengthening compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels.

22 COFI 31 welcomed the conclusion of the Technical Consultation on Flag State Performance and unanimously endorsed the Voluntary Guidelines for Flag State Performance. The Committee urged Members to start implementing the Guidelines as soon as possible.

### **Security measures applicable to fishing vessels<sup>3</sup> (Agenda item 9)**

23 At COFI 30, the issue of piracy was brought to the attention of the Committee, noting the need to combat piracy and develop guidelines to secure the safety of fishing vessels in open seas and compensation damages should they be attacked. A delegation proposed that the Secretariat establish an Ad hoc Intersessional Working Group open to all interested Members to draft anti-piracy guidelines and present them to the Secretariat for discussion in a meeting open to all interested parties including IMO. Many Members supported the proposal put forward and urged the Secretariat to take any action within the limits of FAO mandate to address any issue involving fishing including putting human life at risk at sea. Some Members, while supporting the proposal, underscored the importance of a more thorough discussion. A question was raised whether combating piracy fell within FAO's mandate.

24 At COFI 31, some Members noted with concern the persisting problem of piracy in some regions of the world which needed to be addressed with urgency. With regard to Somalia, FAO has a key role within the Somalia Maritime Security and Counter Piracy Technical Working Group, as building fisheries Monitoring, Control and Surveillance (MCS) capacity and underpinning fishermen's livelihoods are two strategies to reducing the risks of piracy in Somali waters.

### **ILO Work in Fishing Convention 2007, including flag State and port State Guidelines (Agenda item 10)**

25 The Work in Fishing Convention, 2007 (No. 188) was adopted at the 96th International Labour Conference (ILC) of ILO in 2007. The objectives of the Convention is to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security. It applies to all fishers and all fishing vessels engaged in commercial fishing operations.

26 The Convention will come into effect when it has been ratified by ten of the ILO's member States (including eight coastal States). At present, the Convention has been ratified by five countries (Argentina, Bosnia and Herzegovina, Congo, Morocco and South Africa). ILO has been concerned about the slow progress in ratification of the Convention, which has not

<sup>3</sup> General counter piracy guidance has been developed by IMO (MSC.1/Circ.1333/Rev.1 and MSC.1/Circ.1334). The industry-developed, Somalia-specific Best Management Practice guidance (BMP4) (MSC.1/Circ.1339) has a specific Annex F on Additional Guidance for Vessels Engaged in Fishing.

yet entered into force. Therefore, in May 2013, the organization organized a Global Dialogue Forum to discuss challenges in the Convention's implementation, to evaluate how it can be used as a tool to address major issues in the sector, to share good practices and experiences, to report and review promotional activities, and to provide an update on the status of national efforts to implement and ratify the Convention. With respect to IUU fishing, the Forum adopted, among others, the following consensus point: "Convention No. 188 will put in place a system of flag and port State control inspection of working and living conditions on fishing vessels. This is an essential element of establishing decent working and living conditions for fishers, including migrant fishers, and will also contribute to addressing other issues such as IUU fishing, forced labour and human trafficking, and child labour."<sup>4</sup>

27 ILO held a Meeting of Experts from 21 to 25 September 2015 to Adopt Flag State Guidelines for the Implementation of the Work in Fishing Convention, 2007 (No. 188) ),<sup>5</sup> with participation of observers from both FAO and IMO. The Guidelines which were adopted will assist States and others in effectively exercising their jurisdiction and control over vessels that fly their flag by establishing a system for ensuring compliance with national laws, regulations and other measures through which Convention No. 188 is implemented. Convention No. 188 requires States to have, as appropriate, inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures, in accordance with national laws or regulations. These Guidelines also provide information on promotional measures that might be implemented as part of a compliance strategy aimed at improving the living and working conditions of fishers. Similarly, in 2010, an ILO meeting adopted Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188).<sup>6</sup>

28 In addition to the above, the ILO is given increased attention to forced labour, including trafficking, in the fishing sector. This work has been strengthened by the Protocol of 2014 to the Forced Labour Convention, 1930. From 25 to 26 November 2015, in Oslo, the ILO, in collaboration with the Norwegian National Advisory Group against Organised Fisheries Crime and IUU-Fishing (FFA), is convening a Conference on labour exploitation in the fishing sector in the Atlantic region.

29 ILO also has a number of other projects and other activities underway which address conditions of work in the fishing sector, including addressing forced labour.<sup>7</sup>

30 COFI 27 recognized that progress in the implementation of international human rights instruments including the conventions on the rights of seafarers and working conditions in fisheries were critical to both small-scale and large-scale fisheries. The Committee stressed that the recognition and adoption of human rights principles can help achieve poverty eradication and facilitate the adoption of responsible fisheries practices.

31 At COFI 31, many Members stressed the link between safety at sea and forced labour and the occurrence of IUU fishing activities. They referred, in this context, to the ILO Convention 188 and to the Cape Town Agreement of 2012.

### **Marine debris (Agenda item 11)**

32 When, in the act of IUU fishing, an operator sights a fishery patrol vessel and the IUU fisher fears apprehension, fishing gear is often cut loose and abandoned, in contravention of Annex V of MARPOL. In addition, types of fishing gear and fishing methods are employed by

<sup>4</sup> For the report Global Dialogue Forum, including the points of consensus, see:

[http://www.ilo.org/sector/activities/sectoral-meetings/WCMS\\_204806/lang--en/index.htm](http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_204806/lang--en/index.htm)

<sup>5</sup> See [http://www.ilo.org/sector/activities/sectoral-meetings/WCMS\\_337091/lang--en/index.htm](http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_337091/lang--en/index.htm)

<sup>6</sup> See [http://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS\\_177245/lang--en/index.htm](http://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_177245/lang--en/index.htm)

<sup>7</sup> For more on ILO's portal on fishing, see: <http://www.ilo.org>

IUU fishers in areas where their use is prohibited, to the detriment of those areas' resources (fish extracted) and the marine environment (destruction of corals, habitats, etc), where often these gears may get caught in bottom structures and thus be abandoned. Illegal fishing often takes place in particularly sensitive areas, such as Marine Protected Areas (MPAs) where IUU vessels may not observe any anti-pollution measures (such as discharge of pollutants).

33 From the above, it may be noted that while the connection to IUU fishing is drawn from the perspective of IMO instruments and the subject captions are most readily identified to areas within IMO's mandate, and acknowledging that the connections to IUU fishing are more direct on some issues and more speculative and attenuated on others, there are a number of areas suggested where collaboration may be beneficial to the cause of combating IUU fishing.

34 In 2005, under the heading "Responsible fisheries in the marine ecosystem", Resolution A/Res/60/31 of the United Nations General Assembly encourages close cooperation and coordination, as appropriate, between FAO, IMO and UNEP to address the issue of abandoned, lost and otherwise discarded fishing gear (ALDFG) and related marine debris.

35 FAO continues to provide technical inputs and guidance through IMO on the impacts of marine pollution on fisheries and aquaculture including the revision of MARPOL Annex V and its guidelines. FAO also continues to strengthen its collaboration with UNEP including the provision of technical advice into the Global Partnership on Marine Litter (GPML).

36 In April 2014, FAO, UNEP and IMO participated in the Global Oceans Action Summit for Food Security and Blue Growth held in The Hague, The Netherlands. This summit brought together global leaders, ocean practitioners, business leaders, scientists, civil society and international organizations and tasked them with identifying priority actions critical to preserving the earth's natural resources and food security. The Summit agreed that marine plastics pose serious threats to marine based activities such as fisheries, aquaculture, shipping, mining, power stations, desalination plants, harbours and rescue services and that the absence or lack of data to verify and quantify the potential effects of plastics (especially microplastics) in the ocean environment including effects on biodiversity and commercial food fish was a major concern and constraint to understanding the full significance of plastics in the oceans. In the report of the chair of the summit, it was agreed that in order to minimize the impacts of plastics in Areas Beyond National Jurisdiction (ABNJ) as well as in Economic Exclusive Zones (EEZs), UNEP, FAO and IMO should collaborate on a programme to: (1) establish a robust baseline on the magnitude and impacts associated with plastics and microplastics in the ocean and food chains, (2) raise awareness and educate on the state and impact of plastics on the ocean and the food supply chain, and (3) target actions to remove abandoned, lost and otherwise discarded fishing gears and rehabilitate fishing grounds.

37 In this regard, FAO, IMO and UNEP have planned collaborative activities to commence in 2014-2015 to mitigate the impacts of ocean based sources of marine pollution. Initial activities include inter alia: (1) studies of "Methods to Estimate the Efficiency and Duration of Ghost Fishing, Estimates of Derelict Gear, estimates of Megafauna Ghost Fishing Mortality, and Regional Fisheries Management Organization Management Measures", (2) review and analysis of national and regional legal and policy frameworks for selected countries / regions where recovery and clean-up missions have been successful, and (3) a desk review/study of technologies and methodologies used to remove ALDFG from the marine environment. UNEP, FAO and IMO are also collaborating on a co-authored OPED article on plastics in the aquatic environment.

38 At COFI 31, concern was expressed over ghost fishing by ALDFG and that greater attention should be paid by Members and RFBs/regional fisheries management organizations (RFMOs) to mitigate ALDFG impacts, noting that cost-effective technologies and practices

were available. Many Members highlighted the need for further work on this issue (see paragraph 15 of the COFI 31 report). In order to address a part of this issue, FAO is currently preparing to hold an Expert Consultation on the marking of fishing gear that is tentatively scheduled to take place from 4 to 7 April 2016.

39 IMO and FAO lead on sea-based sources of marine debris under the UNEP - Global Partnership on Marine Litter (GPML), which was launched in 2012. IMO has developed a training package on MARPOL Annex V, conducted a study of marine litter in the waste streams under the LC/LP, and developed a kids' website on ship-based sources of pollution, including marine litter. For more information, see <http://gpa.unep.org/index.php/global-partnership-on-marine-litter>.

40 Following a successful first phase and the publication of the GESAMP Reports and Studies No. 90 "Sources, fate and effects of microplastics in the marine environment: A global assessment", the first United Nations Environmental Assembly (UNEA, June 2014) tasked GESAMP with additional terms of reference. The principal agencies involved are: IOC-UNESCO, UNEP, FAO and IMO.

41 The new work programme has two main objectives:

- .1 to carry out a comprehensive assessment of the topic with input from a wide range of disciplines over a 3---4 year timeline; and
- .2 to provide input to the 2nd UNEA in 2016 on topics of particular interest to UNEP and FAO.

**IMO legal framework related to safety of fishing vessels and fishing vessel personnel (e.g. Cape Town Agreement of 2012; STCW-F Convention; Code of Safety for Fishermen and Fishing Vessels, 2005; Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005; Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels; Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations; and MARPOL Annex V) (Agenda item 12)**

42 The ensuing logic followed by IMO in the context of the fight against IUU fishing focussed on the establishment of an international legal framework for fishing vessels. The main purpose is to ensure that these vessels do not remain outside the regulatory framework which allows regular inspections to be conducted by flag States and port States, on the ground of international standards in force on maritime safety, marine pollution prevention and crew conditions. The assumption is that fishing vessels would be regularly inspected and checked for compliance with international safety standards, and would have more difficulties due to their involvement in IUU fishing and illegal catch on board. Enhanced cooperation among national inspection services could also facilitate the control of the activities of the vessels vis-à-vis the management of fisheries.

43 The strong involvement of IMO in the preparation of this third session of the Joint Working Group is clearly illustrated by the fact that the Secretary-General addressed COFI, at its 31st session, in Rome, on 9 June 2014, to stress that the global fishing industry does not have an acceptable safety record and that all UN agencies that deal with ocean issues can, and should, encourage governments to ratify the Cape Town Agreement of 2012.

### **Adoption of the Cape Town Agreement of 2012**

44 MSC 92 adopted resolution MSC.364(92) on the Procedure for calculating the number of fishing vessels of each contracting state to the Cape Town Agreement of 2012 on the implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, by the depositary. In this context, the Committee urged all Contracting States of the 1993 Torremolinos Protocol to sign the Cape Town Agreement as soon as possible, using the simplified procedure under the Cape Town Agreement. Additionally, the Committee invited Member Governments to submit to the Depositary, when signing the Agreement, the number of fishing vessels of 24 m in length and over under their flag, authorized to operate on the high seas.

45 Additionally, MSC 92 approved the consolidated text of the regulations annexed to the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as modified by the Cape Town Agreement of 2012, on the implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (Agreement).

46 MSC 95 approved a draft Assembly resolution to promote ratification of the 2012 Cape Town Agreement. The draft Assembly resolution on Entry into force and implementation of the 2012 Cape Town Agreement (Early implementation of the Agreement) of the International Conference on the Safety of Fishing Vessels is set out in annex 25 of document MSC 95/22, for submission to the Assembly, at its twenty-ninth session, for adoption. In this connection, a number of delegations, including the delegations of Belgium, Germany, the Russian Federation and South Africa, advised the Committee that they were now in the process of ratifying the aforementioned Agreement.”

47 The Assembly, at its twenty-eighth session, requested the MSC, in the context of resolution A.1086(28), Entry into force and implementation of the 2012 Cape Town Agreement to monitor the progress made regarding the entry into force of the Agreement and to take action as it deemed appropriate.

48 The status of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as at 26 July 2014 is presented in the following tables showing the current very limited number of instruments of ratification, acceptance, approval or accession deposited in respect of the Agreement.

<b>Instruments</b>	<b>Date of entry into force</b>	<b>No. of Contracting States/Parties</b>	<b>% world tonnage*</b>
SFV Protocol 1993	Not intended to enter into force	17	18.68
Cape Town Agreement 2012	Not yet in force	5	3.27

\*Source: IHS-Fairplay - World Fleet Statistics 31 December 2014

<b>Countries having deposited an instrument</b>	<b>SFV Protocol 1993</b>	<b>Cape Town Agreement 2012**</b>
Bulgaria	x	
Congo		x
Croatia	x	
Cuba	x	
Denmark	x	x
France	x	

Germany	x	
Iceland	x	x
Ireland	x	
Italy	x	
Kiribati	x	
Liberia	x	
Lithuania	x	
Netherlands	x	x
Norway	x	x
Saint Kitts and Nevis	x	
Spain	x	
Sweden	x	
*Source: IMO – Status of Conventions 6 October 2015		

49 Following the adoption of the Cape Town Agreement in 2012, a number of sub-regional seminars<sup>8</sup> have been organized by the IMO Secretariat, in cooperation with the FAO Secretariat, with the objective to promote the early acceptance and effective implementation of the Agreement.

### ***STCW-F Convention of 1995***

50 The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F 1995), which entered into force on 29 September 2012, sets the certification and minimum training requirements for crews of seagoing fishing vessels of 24 metres in length and above. Fishing vessels, while in the port of another Party, are subject to port State control to verify that persons serving on board are certified.

51 MSC 95 agreed to review the annex to the 1995 STCW-F Convention to align the standards of the Convention as much as possible with the current state of the fishing industry. The Committee agreed to include, in the 2016-2017 biennial agenda of the HTW Sub-Committee and the provisional agenda of HTW 3, a new output on "Comprehensive review of the 1995 STCW-F Convention". In addition, the Committee, taking into account that this output required more time than proposed in the document, agreed to place a related output on the Committee's post-biennial agenda with a target completion year of 2018.

52 The FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel takes account of the conventions and recommendations adopted by ILO and IMO and the wide practical experience of FAO in the field of training of fishing vessels personnel. This document is the outcome of the joint FAO/ILO/IMO Working Group that was established after the adoption of the STCW-F Convention in 1995. Without pre-empting the outcome of the comprehensive review of the Convention, there may be a need, following its completion to review also the Document for Guidance.

### ***Voluntary instruments developed jointly by FAO, ILO and IMO***

53 FAO, ILO and IMO have collaborated in developing a number of voluntary instruments, whose purpose is to provide information on the design, construction, equipment, training and protection of the crews of fishing vessels with a view to promoting the safety of the vessel and safety and health of the crews. They are not intended as a substitute for national laws and regulations but may serve as a guide to those concerned with framing such national laws and regulations as well as those who are developing training and awareness raising materials related to safety at sea in the fisheries sector.

<sup>8</sup> So far, sub-regional seminars have been held in the following countries: Morocco (2014), Belize (2014), Indonesia (2015)

54 The “Document for Guidance on Training, and Certification of Fishing Vessel Personnel” was revised in 2001. While reflecting the 1995 STCW-F Convention and the 1995 FAO Code of Conduct for Responsible Fisheries, it also takes account of the conventions and recommendations adopted by ILO and IMO and the wide practical experience of FAO in the field of training of fishing vessel personnel.

55 Other instruments include the following:

- .1 Code of Safety for Fishermen and Fishing Vessels, 2005, parts A and B; Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005;
- .2 Safety Recommendations for Decked Fishing Vessels of Less than 12 Metres in Length and Undecked Fishing Vessels; and
- .3 Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations.

56 The Implementation Guidelines, which are the latest of the joint FAO/ILO/IMO instruments, have recently been approved or welcomed by the governing bodies of all three organizations. Although the main purpose of the Implementation Guidelines is to assist competent authorities in the implementation of voluntary instruments, they might also be useful when implementing the provisions of the Cape Town Agreement of 2012.

#### **Future collaboration between FAO and IMO (Agenda item 13)**

57 Under this agenda item, the JWG will be invited to prepare a list of areas, some of which may already have been tentatively identified during the group’s discussion under previous agenda items, for possible collaboration between FAO and IMO in solving problems relating to IUU Fishing.

#### **Any other business (Agenda item 14)**

58 As a separate issue, deep seabed mining is an emerging potential threat to the marine environment and to the fishing community. Such activities could also raise issues relevant to the shipping industry. FAO and IMO (LC/LP) are organizing an event in 2016 on this issue together with the International Seabed Authority (ISA) and others.

#### **Action requested of the Joint Ad Hoc Working Group**

59 The Joint Ad Hoc Working Group is invited to note the information provided in the context of its consideration of areas for possible collaboration between FAO and IMO in solving problems relating to IUU Fishing.

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## RELATED DOCUMENTS

MSC 95/22, paragraphs 17.2-17.7	Report of the Maritime Safety Committee on its ninety-fifth session
MSC 94/21, paragraphs 10.23- 10.28	Report of the Maritime Safety Committee on its ninety-fourth session
MSC 95/17/1	Preparations for the third Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG) - Note by the IMO and FAO Secretariats
MSC 94/10/1	Preparation for the third Joint FAO/IMO Working Group on IUU Fishing and Related Matters - Note by the IMO and FAO Secretariats
MSC 94/10/2	Preparation for the third Joint FAO/IMO Ad Hoc Working Group on Illegal, Unregulated and Unreported Fishing (IUU) and Related Matters - Submitted by the World Wide Fund for Nature (WWF)
III 1/INF.37	Preparation for the third Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters – Submitted by the Food and Agriculture Organization of the United Nations (FAO)
FSI 20/15	Preparation for the third Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters - Note by the Secretariat
FAO Fisheries and Aquaculture Report No. 1124	Report of the second session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters
MSC 82/INF.10	Draft joint FAO/IMO document to be submitted to the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters - Note by the IMO and FAO Secretariats
FAO Fisheries Report No. 637	Report of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters
	FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing
	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
FAO Fisheries and Aquaculture Circular. No. 1074	A guide to the background and implementation of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
COFI/2014/SBD.2	Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels - The way forward (Strategy document)
FAO Fisheries and Aquaculture Report No. 1114	Report of the meeting of the Global Record Informal Open-Ended Technical and Advisory Working Group (GRWG)
Resolution A.1078(28)	IMO ship identification number scheme

FAO Fisheries Report No. 815	Report of the Expert Consultation on the Use of Vessel Monitoring Systems and Satellites for Fisheries Monitoring, Control and Surveillance. Rome, 24-26 October 2006
	Voluntary Guidelines for Flag State Performance
Resolution MSC.364(92)	Procedure for calculating the number of fishing vessels of each contracting state to the Cape Town Agreement of 2012 on the implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, by the depositary
MSC 92/26/Add.2, Annex 25	Consolidated text of the regulations annexed to the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as modified by the Cape Town Agreement of 2012 on the Implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977
Resolution A.1086(28)	Entry into force and implementation of the 2012 Cape Town Agreement
	FAO/ILO/IMO Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations
FAO Fisheries and Aquaculture Report No. 1101	Report of the Thirty-first Session of the Committee on Fisheries
FAO Fisheries and Aquaculture Report. No. 1012	Report of the thirtieth session of the Committee on Fisheries
FAO Fisheries Report No. 830	Report of the twenty-seventh session of the Committee on Fisheries

## IMO'S AND FAO'S MANDATES AND AREAS OF INTEREST<sup>9</sup>

### *IMO's Mandate and Areas of FAO's Interest*

Subject	Active FAO Participation	Passive FAO Collaboration
<b>Marine Safety</b>		
Torremolinos Protocol	Yes	
Safety of Non-Convention ships	Yes	
STCW-F		Yes
Non-Convention Fishermen's Training and Certification	Yes	
GMDSS and Marine Communications		Yes
SAR		Yes
ISM Code		
IMO Number Schemes		Yes
Harmonization of length and tonnage criteria		Yes (F.Vs)
Analysis of casualty investigations		Yes (F.Vs)
<b>Maritime Security</b>		
ISPS Code		Yes
Monitoring of Vessels (Maritime Security)		Yes
Piracy, armed robbery against ships.		Yes
<b>Marine Environment</b>		
Marine Debris (General)	GESAMP/GPML	Yes
Marine Debris (Fishing Gear)	Yes	
Ballast Water	GESAMP	
Invasive Species	GESAMP	
<b>Fishing Operations</b>		
Fish Carriers and Factory Ships	Yes	
Port State Control (Fishing Vessels)		Yes
<b>Technical co-operation</b>	<b>Yes</b>	

<sup>9</sup> These charts refer to all areas where collaboration has occurred between FAO and IMO and are not limited to those topics directly related to IUU fishing. Examples of active collaboration include attending meetings and actively participating, whereas passive participation might include reading relevant reports.

**FAO's Mandate in Fisheries and Areas of IMO's Interest**

Subject	Active IMO Collaboration	Passive IMO Collaboration
Fisheries Management		
Monitoring of Fishing Vessels (Fisheries management)		Yes
Unique identifier for Fishing Vessels	Yes	
IUU Fishing	Yes	
Port State Measures (Fishing Vessels)	Yes	
Registration of Fishing Vessels	Yes	
Technical co-operation	Yes	

## A COMPARISON ON THE BASIC FEATURES OF VMS, AIS AND LRIT

	<b>Fisheries VMS</b>	<b>AIS</b>	<b>LRIT</b>
Purpose of the system?	Monitor fishing activities; ensure compliance with fisheries management measures; detect illegal fishing; collect fishing related data; support safety at sea for fishing vessels	Monitor fishing activities; ensure compliance with fisheries management measures; detect illegal fishing; collect fishing related data; support safety at sea for fishing vessels	Monitor fishing activities; ensure compliance with fisheries management measures; detect illegal fishing; collect fishing related data; support safety at sea for fishing vessels
What kind of vessels?	Subject to the requirements of competent authorities; large fishing vessels; in some areas fishing vessels of 15m in length and over; fishing vessels operating outside its flag state jurisdiction, either in another State's EEZ or on the high seas; fishing vessels targeting valuable species; supporting vessels	<sup>10</sup> Ships of 300 gross tons and upwards in international voyages, 500 tons and upwards for cargo ships not in international voyages and all passenger ships	Following ships engaged on international voyages: .1 all passenger ships; .2 cargo ships of 300 gross tonnage and upwards; and .3 mobile offshore drilling units.
What is the regulation?	No internationally agreed standard; VMS requirements and operating rules vary among States and RFMOs; Guidelines for establishing VMS might be helpful; General rules: States should transmit data to RFMOs, vessels should install onboard units of specific tech standards, and relevant data shall be shared within competent authorities	SOLAS regulation V/19.2.4 (other regional agreements may be in place)	SOLAS regulation V/19-1; resolution MSC.263(84); other IMO LRIT technical documentations

<sup>10</sup> For applicability of smaller ships and fishing vessels, refer to SOLAS regulation V/1.4. The Administration shall determine the extent of applicability.

Transmitting frequency?	Normally at the magnitude of hours, in some particular situations can be at minutes, also with polling function when the FMC feel reporting is necessary	Depends on the types of AIS and ships' speed, normally frequency is at the magnitude of seconds	By default one transmission every 6h. Can be configured to transmit every 3h, 1h, 30m or 15m. Allows also polling the current position at any time (and requesting archive information)
What do the data contain?	Essential information include: vessel identifier, location, course/speed and time. Can be used to transmit other fisheries-related information.	Ship's identity (including MMSI), type, position, course, speed, navigational status and other safety-related information	Identity of the ship; location and date and time
Communication technology?	VHF Radio communication/GSM to terrestrial stations; Satellite communication to land based stations. Note that the VMS communication system is not always satellite based. In some cases land based communications are more cost-effective and a vessel could choose to use both	VHF Radio, and details depend on the type of AIS: Class A; Class B; Search and Rescue Aircraft; AIS Search and Rescue Transmitter; Aids to Navigation; AIS Base Station; Signals from some types of the AIS units can be received from the satellite but often overloaded	Satellite communication similar to that in fisheries VMS
System structure?	<ul style="list-style-type: none"> <li>• Onboard equipment;</li> <li>• Communication system;</li> </ul>	On board unit – ship to ship; Land based station receivers– ship to shore;	<ul style="list-style-type: none"> <li>• Shipborne LRIT equipment;</li> <li>• Communication Service Providers;</li> <li>• Application Service Providers;</li> <li>• Data Centres;</li> </ul>

	<ul style="list-style-type: none"> <li>• Fisheries Monitoring Centres</li> </ul>	Satellite AIS –satellites picking up transmitted signals	<ul style="list-style-type: none"> <li>• LRIT Data Distribution Plan;</li> <li>• International Data Exchange, and</li> <li>• LRIT Data Users (eligible Contracting Governments)</li> </ul>
Who receive the data?	Flag State; In some cases when the flag State doesn't have a FMC, VMS data can be transmitted to a regional centre	Public, but information contained in AIS messages can be incomplete due to the quality of transmission or unreliable, since it can be tampered with.	Flag States which are part of the LRIT system and LRIT data users associated with that flag
Who else have access to the data?	National agencies of the flag State; Regional centralized system	Public (anyone with receivers and antennas); commercial web portals now widely available to see the marine traffic based on AIS	Other Contracting Governments which part of the LRIT system acting as port and coastal States and their Search and rescue services; Security forces operating in the Gulf of Aden and the western Indian Ocean (on a voluntary basis)
For more details	<a href="http://www.fao.org/fishery/vms/en">http://www.fao.org/fishery/vms/en</a>	<a href="http://www.imo.org/en/OurWork/Safety/Navigation/Pages/AIS.aspx">http://www.imo.org/en/OurWork/Safety/Navigation/Pages/AIS.aspx</a>	<a href="http://www.imo.org/enOurWork/Safety/Navigation/Pages/LRIT.aspx">http://www.imo.org/enOurWork/Safety/Navigation/Pages/LRIT.aspx</a>

### TERMS OF REFERENCE FOR THE JOINT WORKING GROUP

Following discussion, MSC 72 agreed to the establishment of the Joint FAO/IMO Ad hoc Working Group on IUU Fishing and Related Matters, with the following terms of reference:

Taking into account the documentation prepared for, and the results of, Expert Consultation meeting on IUU fishing organized by FAO and the Government of Australia in Sydney from 15 to 19 May 2000, and further taking into account the respective competence, mandate and experience of FAO and IMO, the ad hoc joint working group should:

1. prepare a checklist of the necessary elements for effective flag State control over fishing vessels. This checklist should provide further guidance on how the issues involved in IUU fishing could be incorporated into the FSI Sub-Committee's work programme as well as the work programme of FAO. The checklist should relate to:
  - 1.1. maritime safety;
  - 1.2. prevention of marine pollution;
  - 1.3. minimum agreed standards in relation to the safety of the crew, health and work on board fishing vessels, as addressed by ILO; and
  - 1.4. determining the position of fishing vessels at sea and for the reporting of catch data and how these may be incorporated in mechanisms for flag State control;
2. drawing on the relevant experience of IMO and FAO, review measures that may be taken by a port State in relation to the technical and administrative procedures for the inspection of foreign flag fishing vessels, including their fishing gear and catch and:
  - 2.1. establish a list of criteria for such inspections and make proposals on how the inspections may be carried out in relation to the respective competence of fisheries and maritime Administrations;
  - 2.2. provide a draft of the qualifications and experience required of inspectors/surveyors for the various inspections envisaged; and
  - 2.3. make recommendations on how best a harmonized system for the inspection of foreign flag fishing vessels might be applied on a regional and/or subregional basis by port States;
3. pay particular attention to the requirements for vessels entitled to fly the flag of a State operating in waters under the jurisdiction of that State, on the high seas and in waters of a State other than those of the flag State and the need to combat IUU fishing. Reference should be made to the provisions of the FAO Compliance Agreement, the UN Fish Stocks Agreement and measures taken by regional fishery management organizations and arrangements that addressed port State and flag State control; and
4. in relation to conditions of work and service in the fishing industry, call, if necessary, upon the advice of ILO. The cooperation of other relevant agencies may also be sought on particular aspects, within their competence, which might affect efforts to combat IUU fishing.

**Opening Statement by Mr Koji Sekimizu, Secretary-General,  
International Maritime Organization**

Good morning distinguished participants, ladies and gentlemen,

I would like to welcome the delegations of the 18 countries selected to represent FAO and IMO at the Third Joint FAO/IMO Working Group on Illegal, Unreported and Unregulated Fishing (IUU Fishing) and related matters, as well as observer delegations from other FAO and IMO Member States in attendance. I also welcome observers from NGOs and invited experts.

IMO is pleased to host, for the first time, a meeting of the JWG on IUU fishing, which has been arranged in close cooperation with the FAO Secretariat. Mr. Lahsen Ababouch, Director, Fisheries and Aquaculture Policy and Economics Division of FAO will also address you at this opening.

The act of terrorists in Paris on Friday night last week was truly horrible. And, the recent spate of remorseless acts of terrorists killing innocent and defenseless members of civil society at random remind us all what sort of world and society we are all living in this twenty-first century. I was saddened, shocked, and terrified by the barbaric ways terrorists have conducted these crimes against civil society and humanity.

I extend my condolences on behalf of the Organization to the families of people who lost their lives and those injured and still fighting for their lives in hospital.

Please be assured that we keep the security measures at IMO Headquarters building under constant review and have an excellent working relationship with the Diplomatic Protection Group of the Metropolitan Police as well as the United Nations Department for Safety and Security.

As you are aware, the general security threat level of this country has been at "severe" since August last year, which means that an attack is "highly likely". We have established and maintain appropriate security measures in consultation with the UNDDSS and the United Kingdom security authorities and I believe that our current measures are sound and strong enough to defend our headquarters building and participants to our international meetings here including the forthcoming Assembly meeting.

I would however take this opportunity to remind you that security is everybody's responsibility. Participants to this meeting are requested to be vigilant not only in this building but also outside the premises of the Organization, taking into account the security level of this country and London.

For more than half a century, IMO has been regulating international shipping and has been very successful in many aspects, with Member States playing their important role in the implementation and enforcement of the resulting regulations. Therefore, when it comes to the rule-making process aiming at enhanced maritime safety and security, as well as the protection of the marine environment, regulating fishing vessels and the safety of personnel employed therein is just as important as regulating the transport of cargoes or passengers.

The primary safety instrument of IMO, the International Convention for the Safety of Life at Sea 1974 (SOLAS 74), which is an instrument that has done so much to improve safety and reduce casualties and loss of life in the cargo and passenger ship sectors, does not apply, in almost its entirety, to fishing vessels.

The Torremolinos Convention of 1977 and its subsequent Protocol of 1993 were adopted with a view to establishing binding international standards for fishing vessel safety, but neither of them has entered into force. Three years ago, after five years of intensive discussion and preparation at IMO, the Cape

Town Agreement was adopted with the intention of establishing an international regime for fishing vessel safety. While I am very pleased that the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F) entered into force on 29 September 2012, unfortunately, I cannot share with you the same enthusiasm regarding the Cape Town Agreement.

I recall the discussion at the second meeting in July 2007 which established a roadmap towards the implementation of the 1993 Torremolinos Protocol. I was pleased at Cape Town to have adopted the Agreement but I was disappointed by the fact that no Torremolinos Protocol parties had activated the simplified acceptance procedure.

The lack of commitment to bring this agreement into force, as early as possible, compelled me to attend the FAO Committee on Fisheries in Rome on 9 June 2014 and request Ministers of Fisheries help their Governments to ratify the Cape Town Agreement.

IMO can adopt safety regulations but, to promote ratification of the Cape Town Agreement, a good understanding and support from the fishing industry is indispensable. With only five countries so far completing the work that is necessary to bring the Agreement into force, the FAO, and national agencies that support its work can make significant contributions bringing the Agreement into force. As I already indicated in Rome, support could even be sought from the research and academic communities dealing with ocean issues, such as the UNESCO Intergovernmental Oceanographic Commission. My clarion call is that, although the Agreement was adopted by IMO, all UN agencies that deal with ocean issues can, and should, encourage governments to ratify the Cape Town Agreement. I strongly urge delegations attending the working group to lead by example by diligently engaging the relevant authorities in Member States to complete the process of acceptance of the Cape Town Agreement and its subsequent global implementation.

The fishing industry, from a global perspective, does not have an acceptable safety record; and, while there may be a number of factors that have contributed to this, there can be no doubt that the lack of an effective global regulatory regime has played a significant part in the status quo. IUU Fishing is a serious issue for the global fishing sector that impacts negatively on safety, on environmental issues, on conservation and on sustainability. In addition to harming fish populations, IUU fishing creates unfair market competition for – and threatens the livelihoods of – fishers who follow sustainable practices.

My invitation to the JWG is, therefore, to champion the establishment of a robust legal framework for the safety of fishing vessels and personnel employed on board fishing vessels, thereby contributing to the fight against IUU fishing.

During these three days, the two Organizations have the opportunity to further promote the emergence of a broad safety culture at sea throughout the fishing sector and forming an integral part of an improved and more responsible management of fisheries by fishing vessel personnel and fleet managers. This safety culture should be significantly progressed during this meeting and through future endeavors of the working group.

Another positive outcome of the previous meeting was on the identification number scheme. The Assembly, two years ago, adopted resolution A.1078(28), which was co-sponsored by FAO, together with a number of IMO Member States and the World Wide Fund for Nature, to extend the application of the IMO Ship Identification Number Scheme to fishing vessels – thereby enabling the IMO Number to be used as the Unique Vessel Identifier in FAO's Global Record for fishing vessels.

This will no doubt help the fishing industry to move to a new era of transparency, which will make control measures harder to circumvent and vessels more accountable and visible to fisheries' authorities.

In the light of these major steps initiated by the working group, the third JWG should be a renewed opportunity to demonstrate the merit of bringing together the representatives of the national Administrations in charge of fisheries- and maritime transport sectors in order to review the status of past achievements and to discuss ways to tackle outstanding issues and future challenges.

You will be able, not only to reflect on those areas of substantive work that FAO and IMO share in common, but also to highlight the wider point that, as agencies within the United Nations family, FAO, IMO – and others, such as ILO, must spare no effort to work together as one, and to deliver as one.

The working group will possibly consider areas where it could support further collaboration, in the future, under the relevant point of the agenda. In this context, I would encourage the meeting to consider ways to enhance cooperation among inspection regimes, such as port State control regimes and regional fisheries management organizations.

Cooperation and collaboration are our way between the FAO and IMO. By working together; by uniting around our common aims, objectives, interests and responsibilities, we really can deliver as one and make a difference. This working group, as already proven, can serve such a purpose and I am confident that your recommendations will have the strength to ensure follow-up actions to trigger important positive developments in the work of the two Organizations in the coming decade.

Thank you.

**Opening Statement by Mr Lahsen Ababouch,  
Director, Fisheries and Aquaculture Policy and Economics Division,  
Fisheries and Aquaculture Department,  
Food and Agriculture Organization of the United Nations**

Distinguished Delegates and colleagues, ladies and gentlemen,

I would like to add my voice to the voice of IMO Secretary-General Mr. Koji Sekimizu to condemn vehemently, on behalf of FAO, the barbaric terrorist attacks perpetrated in Paris last Friday and which led to the killing and injury of many innocent people. The FAO family presents its sincere condolences to France and to the families and friends of the victims.

I would like to welcome you on behalf of FAO at this Third Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters. We are extremely grateful to IMO and its Secretary-General, Mr. Koji Sekimizu for hosting this meeting.

Illegal, Unreported and Unregulated (IUU) Fishing continues to be a major threat to the sustainable fisheries and productive and healthy ecosystems and resilience of many of the world's small-scale fisheries communities whose livelihoods and food security depend on this vital sector. IUU fishing and destructive fishing practices lead to poverty, social marginalization, food insecurity and malnutrition in coastal communities in developing countries. IUU fishing mainly targets high value catch often in areas with ineffective control measures in place and thrives on weak governance, poor traceability and lack of deterrents.

Despite successful Monitoring, Control and Surveillance (MCS) experiences and initiatives, IUU fishing and its devastating impact continues to prevail. A recent study indicates that the losses attributed to IUU fishing are massive, worth an estimated 10 to 23 billion US Dollars per year globally, affecting between 11 and 26 million tonnes of fish or 12 to 29% of the global catch, estimated at around 91 million tonnes. It is even more alarming when reported to fish catch destined for human consumption, 17 to 37%. This is just not acceptable by any standard and needs to be addressed vehemently. To fulfil our duty to reduce poverty, food insecurity and malnutrition, we should escalate the fight against IUU fishing in a coordinated way and from all possible angles.

I attended a recent high level conference in Dakar, Senegal, organized by the African Development Bank, the Office of the President of Senegal, and other partners on the issue of Feeding Africa. While the role of fisheries and aquaculture was highlighted prominently, IUU fishing and its devastating impact on food security and nutrition of African coastal communities was identified as a major threat.

The establishment of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG) was prompted by a call from the twenty-third session of FAO's Committee on Fisheries (COFI) in February 1999. The group held its first meeting in 2000 and another one in 2007. These meetings have helped increase awareness regarding this threat and mobilized the international community to develop initiatives, instruments and tools to combat IUU fishing. These tools and measures define clear responsibilities and roles at three complementary levels: Flag state, port State and market State measures. For example, the Port State Measures Agreement and the Voluntary Guidelines for Flag State Performance, which were recently endorsed by the FAO Conference, are some recent undertakings to assist in implementing the International Plan of Action to Fight IUU fishing. The Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, often referred to as the "Global Record", is one of the latest tools that is being developed and implemented to fight IUU fishing. It is

closely related to other MCS initiatives and shows strong synergies with the Port State Measures Agreement and the Voluntary Guidelines for Flag State Performance among others.

Recently, at the Second Conference on Our Oceans in Valparaiso, the host country Chile, supported by the United States of America and many others, proposed to launch a campaign of the Friends of the PMSA to accelerate its endorsement by not only the 25 countries needed to make it effective, but many more around the world concerned about the plague of IUU fishing.

Likewise, market measures to keep non legally caught fish out of international markets are bearing fruits, as long as fish denied access in one market does not find its way to another.

Coming back to our two organization, COFI has repeatedly welcomed the longstanding collaboration that exist between IMO, ILO and FAO, in particular on issues related to safety at sea in the fishing industry, calling for its strengthening.

Last year, FAO was honoured to have the Secretary General of IMO, Mr. Koji Sekimizu, addressing the opening session of the Thirty-first Session of COFI on a number of ocean-related issues, including the Cape Town Agreement. In his opening statement, Mr. José Graziano da Silva, Director-General of FAO, while referring to a meeting with the Secretary-General on how to strengthen the collaboration between the organizations, in particular, on the implementation of the Cape Town Agreement of safety on safety of fishing vessels, stated that although this instrument is an IMO Convention, FAO and the fishing industry can help a lot in its implementation.

The importance of safety at sea in the fisheries sector was highlighted at COFI 31 in 2014 and the Committee welcomed the effective cooperation established in this regard between FAO, ILO and IMO. Many Members stressed the link between safety at sea and forced labour and IUU fishing. They referred, in this context, to the 2007 ILO Work in Fishing Convention and to the Cape Town Agreement of 2012. It is expected that these international instruments, together with the 1995 STCW-F Convention would not only contribute to improved safety and health in the fisheries sector, but would also be useful tools in combating IUU fishing, because fishing vessels and their crews, falling under the scope of these instruments, will be subject to port State control.

The issue of piracy has been brought up in 2014, both at COFI and FAO Council. Some Members noted with concern the persisting problem of piracy in some regions of the world which needed to be addressed firmly and urgently. With regard to Somalia, FAO has a key role within the Somalia Maritime Security and Counter Piracy Technical Working Group, as building fisheries MCS capacity and underpinning fishermen's livelihoods are two strategies to reduce the risks of piracy in Somali waters.

At its meeting last year, COFI appreciated the collaboration with IMO in extending the IMO Ship Identification Number Scheme to fishing vessels and agreed that the IMO number should be used as the Global Record Unique Vessel Identifier for Phase 1, i.e. for vessels of 100 gross tonnage and above. Furthermore, the Committee noted that several regional fisheries management organizations have made provisions for the IMO number to be compulsory in their convention areas.

Distinguished Delegates, colleagues, ladies and gentlemen,

This Third Session of the Joint Working Group will consider a number of topics related to IUU fishing where meaningful collaboration currently occurs among our organizations and can be strengthened in the future. While working through the agenda topics for this meeting, we are asked to identify effective areas for future collaboration and follow-up actions.

Given the time available and the full agenda, we have a very challenging task. However, you have been sent to participate in this meeting because of your expertise and proficiency on these issues and you are

familiar with working under pressure and short deadlines. I am confident that we can achieve the objectives set for this meeting.

To assist the work of the Joint Working Group, FAO staff is available throughout the meeting to provide any assistance and clarification on technical issues, should that be needed.

Let me conclude by wishing you a productive and enjoyable meeting. If I or my colleagues can be of help to you, please do not hesitate to call on us.

Thank you very much.

**This document contains the report of the Third Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG), held in London, United Kingdom, on 16–18 November 2015.**

**The UN Commission on Sustainable Development, which met in April 1999, highlighted the issue of flag and port State responsibilities and the need for FAO and IMO to cooperate on solving problems relating to IUU Fishing. Accordingly, FAO presented a paper to the IMO Maritime Safety Committee suggesting draft terms of reference for an ad hoc working group. The first and second sessions of the JWG were held in Rome, Italy, on 9–11 October 2000 and 16-18 July 2007, respectively.**

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