Comprehensive record of fishing vessels, refrigerated transport vessels, supply vessels and beneficial ownership

Report of a Study by the FAO Department of Fisheries

Summary

This report is the result of a Study to assess the feasibility and viability of FA0 undertaking the creation and maintenance of a global record of fishing vessels, support vessels and the beneficial ownerships in response to the Ministerial Meeting in Rome, 12 March 2005. It draws conclusions and makes recommendations for further action to be taken by FAO. In particular, it draws attention to the need to revisit the Compliance Agreement under which the High Sea Vessel Agreement Record was established.

Subject to the full cooperation of flag States, the Study concludes that from a purely technical point of view a global record of fishing and other vessels used in support of fishing operations could be established, albeit on a step by step basis. The Study cautions, however, that since vessels may change name, ownership and flag, there may be a need to introduce a unique identifier that would remain with a vessel over time.

01 March 2010

Preparation of this document

The Study was undertaken within the Department of Fisheries under the leadership of the Fishing Technology Service (FIIT) and with the involvement of, the Fisheries Information Service, (FIDI), the Fisheries Policy and Planning Division (FIPP) and the Legal Office (LEG).

The Study kept abreast of parallel arrangements to establish a record of fishing vessels capable of fishing on the high seas, as well as, initiatives of the MCS Network. In addition, records and registers of fishing and other vessels maintained by regional fisheries management bodies/organizations were analysed.

Existing global records/registers were also reviewed in relation to non-fishing vessels associated with fishing operations and the advantages to be gained from port State control and the use of a life long identification number noted. Furthermore, recent initiatives by IMO were studied with regard to security measures and how these would affect fishing vessels.

In addition, the Study reviewed experience gained in relation to the Compliance Agreement and the report offers recommendations for follow up action in relation to the Agreement by the Organization.

The Study was completed in November 2006.

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Background

1. At meetings of various fisheries management bodies, the subject of regional and sub-regional registers of fishing vessels has been raised on many occasions in connection with monitoring, control and surveillance. As an example, the Regional Workshop on MCS for African States Bordering the Atlantic Ocean (Accra, Ghana, 2-5 November 1992) drawing on the experience by the States in the South Pacific, agreed that whereas a regional register would be useful, a sub-regional approach was favoured.

2. The question of keeping records of fishing vessel was again raised during the development of the Compliance Agreement[1] that was completed in 1993 and lays much more emphasis on flag State registry functions than the Fish Stocks Agreement[2] that followed in 1995. The Compliance Agreement, for example, has detailed provisions requiring national administrations to maintain a record of fishing vessel information, including details of vessels scrapped or decommissioned or that have had their licenses withdrawn. These and related provisions, envisage in effect the FAO maintaining a record of fishing vessels on a global basis[3] under certain conditions.

3. The International Plan of Action (IPOA) for the Management of Fishing Capacity, adopted by the twenty-third session of the FAO Committee on Fisheries in February 1999 and endorsed by the FAO Council at the session held in June 1999, highlights the need for urgent action to be taken to establish records of fishing vessels. In particular, it is stated that *"While awaiting the entry into force of the Agreement to Promote Compliance with International Conservation and Management Measure by Fishing Vessels 0n the High Seas (Compliance Agreement), States should support the establishment by FAO by the end of 2000 of an international record off fishing vessels operating in the high seas, following the model indicated in the Compliance Agreement."*

4. With regard to IUU Fishing, the first meeting of the Joint FAO/IMO *ad hoc* Working Group in October 2000 recognized the importance of fishing vessels being registered and endorsed the need to ensure that the flag State links the registration of a fishing vessel with its authorization to fish and urged closer collaboration between relevant agencies in national administrations. These principles being carried through the process of consultations that led to the IPOA on IUU Fishing. The *ad hoc* Working Group also agreed that consideration should be given to how the IMO number scheme might be applied to fishing vessels not currently subject to this requirement in order to enable vessels to be traced regardless of changes in registration or name over time.

5. The first substantive meeting of the Ministerial-led Task Force on IUU Fishing on the High Seas that took place in Paris on 9 March 2005 where it was agreed. *inter-alia,* to:

- establish a global information system on high seas fishing vessels in the form of a publicly available international database of information relating to the global high seas fishing fleet. It was noted that this might form one of the core activities of the enhanced MCS Network. However, in developing the proposal further it was suggested that the Secretariat also consider the feasibility of building on the European Quality Shipping Information System *(Equasis).*
- develop guidelines on flag State performance in relation to high seas fishing vessels that may be used as criteria for evaluating flag State performance. The proposed guidelines, and an

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[1] Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993.

[2] The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December, 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995

[3] Ronald Barston, The Law of the Sea and Regional Fisheries Organizations, International Journal of Maritime and Coastal Law, 1999 Vol 14 Number 3

evaluation of the performance of flag States against them, would be considered and adopted at the next meeting of the HSTF in February 2006; and to

- promote the notion of a responsible port State as "a State that is committed to making the fullest possible use of its jurisdiction under international law in furtherance of its own rights and interests as well as the international community's interest in conservation and management of high seas marine living resources".

6. More recently, the Ministerial Meeting, Rome 12 March 2005, recognized that there was often a relationship between fleet overcapacity and IUU fishing and it acknowledged the economic incentives that drive these phenomena. Therefore for a better understanding of fleet capacity (not just numbers of vessels) a more complete global record would provide an important tool for improving fisheries management at all levels.

7. Thus, the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted by the Ministers called, *inter-alia, "to develop a comprehensive record of fishing vessels within FAO, including refrigerated transport vessels and supply vessels, that incorporates available information on beneficial ownership, subject to confidentiality requirements in accordance with national law.*

8. Thereafter, the Fisheries Department of FAO undertook a to determine the feasibility and viability of developing such a comprehensive record with the terms of reference for the as given in Appendix 1.

Implementation of the Study

Understanding

The terms *registration* and *register* as defined in Maritime Law in relation to the register of ships by a State are often misused when compiling a record or a list of fishing vessels. For the purpose of this , the terms "registration" and "record" of vessels have the meaning given below.

Registration

9. Registration means the entering of a matter in the public record and the process is equally important when an entry in a register is closed. There are two aspects of registration that pertaining to public law and the other to private law.

The public law function of registration includes*, inter alia*:

- the allocation of a vessel to a specific State and to the subjection of the vessel to the jurisdiction of that State, for example, for safety regulations, certification of crew and discipline;
- the conferment of the right to fly the national flag;
- the right to diplomatic and naval protection;
- right to engage in certain activities within waters under the jurisdiction of the flag State such as fishing.

The private law functions of registration include, *inter alia*:

- the protection of the title of the registered owner; and,
- protection of the title and the preservation of priorities between persons holding security interests over the vessel such as mortgages, liens and other encumbrances.

Records

10. In the case of vessel that is not required under national legislation to be registered the details of the particulars of the vessel and is ownership may be entered in a record of vessels that are subject to the jurisdiction of a State but it is not considered to be a register of ownership or nationality.

A Global Record

11. The Study was conducted on the understanding that if a Global Record of fishing vessels, including refrigerated transport vessels and supply vessels were to be developed by FAO, it would draw on information held by flag States in relation to the public law function of registration, as well as, from other records held by such States for vessels that they do not require to be registered.

Assessment of related data bases/record systems.

12. The Study noted that the fleet database maintained by FAO contains statistics on fishery fleets (fishing and support vessels) for decked and undecked craft. With regard to undecked vessels, the numbers are given by country and information on vessel types for powered and un-powered boats is also given. For decked vessels, numbers and aggregate GRT values are available by country and vessel type for classes of GRT, length and horsepower. The most recent Bulletin of fishery statistics, Fishing fleet statistics, No. 35 in the series, contains information up to 1995, whereas the database has entries up to 1998.

13. However, it was also noted that in relation to classification of decked vessels by length, out of a total of 1,301,903 units 538,333 were stated to be unclassified which does not lend itself to a credible analytical exercise. Furthermore, within individual regions the data does not make sense as demonstrated by Europe where there is a massive leap in the numbers of small trawlers (up to 11.9m in length) from 3,398 in 1996 to 9,217 in 1997 and then a decline in 1998 to 8,385. Such inconsistencies meant that it was not possible in the case of every flag State to reconcile the catch data with vessel data and vice versa.

14. Apart from the fact that there is no complete record of the numbers of fishing vessels in the world, there is also no single source of information from which it would be possible to trace individual vessels and ownership. In this regard, it was noted that information concerning the names of vessels, names of owners and technical details of fishing vessels is generally, but not always, gathered by the flag State through a process of registration or permission to fish. In many cases, however, such data may be held by maritime administrations for all types of vessels or for fishing vessels over a certain length or tonnage measurement. Similarly, a fisheries administration may be responsible for the register of all fishing vessels or fishing vessels below a certain length or tonnage measurement. Furthermore, it was also noted that in artisanal fisheries records may be held at the community level with at best, a summary of the fleets being transmitted to an administrative level within a fisheries or maritime administration.

15. The Study endeavoured to identify those flag States that may not be currently in a position to provide particulars of their fleets in a "machine readable" format and found that many maritime States maintained statistical records of fishing vessels in a suitable format. In particular at least 62 flag States have supplied data to the various regional fisheries management organizations and some of these even supplied data in relation to vessels of less than 12m in length. Furthermore, in the High Seas Fishing Vessel Authorization Record (HSVAR) established under the umbrella of the Compliance Agreement, there are a number of entries relating to vessels of less than 24m in length (which is to be encouraged).

16. It was noted that the format developed (but not yet in place) for the General Fisheries Council for the Mediterranean (GFCM) was the most comprehensive data base seen and, when up and running, it will contain information supplied directly by the non-EU States of the region. The tests witnessed, illustrated that data supplied by the countries participating in the test could be readily imported. In passing, it should be noted that the GFCM agreed to a lower limit of 15m for the application of the provisions of Article VI (Exchange of Information) of the Compliance Agreement regarding the reporting of vessel information. However, although this is encouraging, there is a need for more of the Mediterranean States to ratify the Agreement, since currently of the non EU States only Albania, Egypt, Morocco and the Syrian Arab Republic have done so.

17. The Study also drew on the experience gained through previous FAO projects and noted that databases are maintained by a large number of fisheries administrations and, where

applicable, maritime administrations. This was seen to be the case, for example within the Caribbean where the particulars of fishing vessels held in records are compatible with the minimum requirements for a Global Record. Furthermore, such databases contain information on fishing vessels of all sizes. A similar situation exists in a number of Asian countries, as witnessed during the IMO Seminar related to the ratification and implementation of the Torremolinos Protocol of 1993 concerning the Safety of Fishing Vessels held in Beijing, China September/October 2004.[4] At that time, participants not having submitted vessel data to regional fisheries management organizations confirmed that they held suitable records on fishing vessels of all sizes.[5] On the other hand, China indicated that its central records might not be complete and that there may be a need for some ports to update their registers.[6] The second IMO Seminar in the series was held in Guayaquil, Ecuador, April 2005 with similar results.[7] However, in both cases, it was evident that there was a need to have a common approach to the register of fishing vessels since few actually record "length" as defined in the Torremolinos Protocol and the definitions of other key particulars, such as tonnage, vary within the region.

18. The Study also drew on information held by the Legal office of FAO and noted that flag States generally have a legal requirement for a fishing vessel to be registered and or licensed to fish and that each record is intended to contain particulars of the vessels and its ownership.[8] In addition, however, a number of countries do not have a requirement to register very small vessels nor to require vessels limited to fishing within the territorial seas to be registered and in some cases the need for a licence to fish for such vessels is unclear. Thus this should be taken into consideration when deciding on the range of vessel categories to be included in a Global Record.

19. It was noted, that the Ministerial Conference considered the name of the vessel and the beneficial ownership to be of paramount importance. With regard to the name, it is not uncommon for vessels entitled to fly the flag of the same State, but registered in different ports, to be given the same name. In addition, the name of a vessel could change with change of owner or through a demise charter party and or change of flag, thus the name is not a unique identifier. In the case of beneficial ownership, the information required by an administration at time of registration concerns the name of the owner or owners and the shares held, as well as details of priorities between persons holding security interests over the vessel such as mortgages, liens and other encumbrances. It is apparent that other information under the term "beneficial ownership" is less readily available and details of "holding companies" are not always transparent. Examples of the practice within the maritime transport sector and fisheries are given in Annex I.

20. The Ministerial Conference also proposed including information on support vessels such as refrigerated carriers and supply ships. However, not all of the ships falling into these categories are dedicated to the support of fishing operations and for this reason it would not be possible to establish a factual record based on information held in the register of ships of a flag State.

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[4] FAO cooperated with IMO and assigned a FIIT staff member, Mr. Ari Gudmundsson to lecture at the seminar.

[5] Administrations participating were from China Peoples Republic of, Hong Kong China, Indonesia, Japan, Macao China, Malaysia, Myanmar, Philippines, Republic of Korea, Russian Federation, Thailand and Vietnam.

[6] When the catch data for the countries in attendance were compared with the fleet data held by FAO there appeared to be an imbalance implying that the capacity could be expected to be greater for the production claimed. This was partly seen to be the case when the participants reported the numbers of vessels in their fleets of 24m in length and over and on the basis of more informal notice that the fleet size of China for vessels of less than 24m in length is likely to be greater than that held by FAO.

[7] Administrations participating were Argentina, Bolivia, Brazil, Colombia, Cuba, Chile, Ecuador, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela.

[8] A recent field exercise, however, undertaken by FIIT covering countries with sizable fleets illustrated that although such legislation is in place requiring fishing vessels to be registered, there was little evidence of actual detailed records in a number of cases.

Regional Fisheries Management Organizations

21. The Study reviewed relevant regulations of the following Regional Fisheries Management Organizations (RFMOs) concerning records containing particulars of vessels and their ownership (see also Annex IV):

- Commission for the Conservation of Antarctic Living Marine Resources (CCALMR);
- Foreign Fisheries Agency (FFA);
- General Fisheries Council for the Mediterranean (GFCM);
- Inter American Tropical Tuna Commission (IATTC);
- International Commission for the Conservation of Atlantic Tuna (ICCAT);
- Indian Ocean Tuna Commission (IOTC);
- North Atlantic Fisheries Organization (NAFO), and,
- North East Atlantic Fisheries (NEAFC).

22. Although not a RFMO, information was also obtained from the web site of the Coalition of Legal Toothfish Operators (COLTO).

23. It is clear that Contracting Parties to CCAMLR have in place a system of authorization (permission) to fish, a register (record) of fishing vessels and a vessel monitoring system. Furthermore, the details in the documentation carried on board a vessel so authorized are not less than that to be recorded by the observer in the electronic scientific log. In relation to enforcement, the experience of the Commission is one of mixed success, since most cases are brought to court in a State Party to CCALMR and in a number of cases the inadmissibility of evidence (mainly on technical grounds) has resulted in a less than satisfactory decision to the prosecution. Parties have also been involved in “hot pursuit” of alleged offenders over great distances as reported by the media worldwide.

24. The FFA maintains a *vessel register* listing vessels that are in good standing and reporting to the FFA, vessel monitoring system. Registration is online and instructions are available as a download, the code name being CARAVEL (Complete All Registrations And Vessel Entries on Line). Overall the system in place is fairly transparent and implicit in the sense that if a vessel is not on the register it is not allowed to fish!

25. The 2000 Resolution on a Regional Vessel Register of the IATTC established the list of vessels authorized by their governments to fish for species under the purview of the Commission. The Parties also request non-member governments with vessels fishing in the Eastern Pacific Ocean (EPO) under their jurisdiction to provide the Director with particulars of such vessels and to otherwise follow the terms of the Resolution covering the need to maintain a list of vessels

26. Contracting Parties to ICCAT and Cooperating non-Contracting Parties, Entities or Fishing Entities are expected to provide particulars of all vessels of 24m in length overall and over licensed to fish for tuna and/or tuna like species in the Convention Area. The report structure is in Excel is also available on the ICCAT web page and copies of the files are available on diskette on request.

27. Each Contracting Party to the IOTC, and such Non-Contracting Party co-operating with IOTC has to submit electronically, where possible, to the IOTC Secretary the list of its fishing vessels that are authorised to operate in the IOTC Area. The IOTC, as part of its efforts to combat illegal fishing, reviews information provided by its member states on activities of fishing vessels that could undermine the effectiveness of IOTC's conservation and management measures. Vessels that are confirmed to have conducted such activities are then listed in the 'List of Vessels Presumed to have conducted illegal, unregulated and unreported fishing, also referred to as the “IUU list”.

28. An underlying principle of NAFO is that the use of fishing vessels by a Party flying its flag for fishing activities may be authorized only where the Party it is able to exercise effectively its responsibilities in respect of such vessels. Furthermore, a fishing vessel is considered to mean vessel which is or has been engaged in fishing activities, including fish processing vessels and vessels engaged in transhipment or any other activity in preparation for or related to fishing, including experimental or exploratory fishing. A register (record) is maintained of all fishing vessels of more than 50 gross tons authorised to fish in the Regulatory Area. Fishing vessels not entered into this register (record) are deemed not to be authorised to fish in the Regulatory Area. Contracting Parties are obliged to give notice in an electronic format of their vessels, which are authorised to operate in the Regulatory Area.

29. Each Contracting Party of NEAFC has to notify, in computer readable format, to the Secretary prior to 1 January of each year if possible, or in any case before the vessel's entry into the Regulatory Area, all fishing vessels authorised to fish in the Regulatory Area and notably whether the vessel is authorised to fish one or more regulated resource. This notification has to include for each fishing vessel the information listed and in the same format as given above under NAFO. Each Contracting Party has to notify any modifications to this information without delay. NEAFC also has a similar format for the reporting of the intention of a Contracting Party to withdraw an authorized vessel. Each Contracting Party has to ensure that each of its fishing vessels carry onboard documents issued by the competent authority of that Contracting Party showing particulars of the vessel.

30. As mentioned in paragraph 22 above, COLTO is a not for profit group of toothfish fishing operators working together to provide surveillance and other valuable information to governments to help stop the toothfish poachers. The web site provides information on a number of fishing vessels said to be illegally targeting toothfish. Most, if not all of the vessels have reflagged more than once and by clicking on the name of a vessel a case history is displayed together with particulars and photographs of the vessel. There are also links to press releases and government reports.

31. It is clear from the review of the RFMOs, that a large number of vessels are fishing in waters that could be described as high seas by convention, yet a considerable number of State Parties to these regional fisheries management organizations have not ratified the Compliance Agreement, which should be a matter of concern to FAO. Furthermore, the numbers of vessels clearly authorized to fish in the various regulatory areas, are considerable and even although many vessels are included in more than one record, the true total is greatly in excess of the numbers currently in the HSVAR.

32. It is noticeable that there must be a low level of quality control at the data entry stage since many fields are left blank in a number of records. This seems to be the case even where registration is on line and it may well be that the system is not designed to reject an application when all of the essential fields have not been filled in.

33. An important point to note is that some organizations have definitely collaborated at the design stage of reporting and record keeping and this is the case with the tuna organizations and the two North Atlantic organisations. The most recent would have been IOTC which has expanded linkages to other sites and seems to be user friendly.

34. Each of the RFMOs mentioned above require VMS and they have adopted the same parameters for the equipment to be installed aboard vessels. Other protocols, however, are not quite in line with each other.

Initiatives to Deter IUU Fishing

35. The FAO Expert Consultation on IUU Fishing held in Australia, May 2000 highlighted the responsibilities of flag States, coastal States and port States given in international law. In particular, it was recognized that the primary responsibility lies with the flag State, since it is duty bound to exercise control over vessels entitled to fly its flag and thus deter any illegal fishing, unreported or unregulated fishing. Appropriate control starts with a processes of registration and

the allocation of a flag and an interpretation of the "genuine link" that ensures that the flag State can exercise control over the ownership, its management and crew. The fact that IUU Fishing exist is a clear indication that certain flag States are not exercising appropriate control.

36. States are also meant to exercise control over their nationals but this is a grey area when the beneficial ownership is not clearly identified. There is a further complication in relation to the officers and crew of a fishing vessel. The conditions set by many of the international and open registers do not require individuals to be nationals of the flag State. This has lead to the growth of "manpower exporting" agencies with doubtful guarantees in relation to the level of training, experience and certification of officers and crew so recruited. Control by the flag State becomes more difficult or even less stringent with further complications in relation to accountability when the beneficial ownership is also of a different nationality to, and located outside, the flag State. Unfortunately, recent developments, particularly in relation to the right of establishment (where it exists), give further interpretation to the link between the ownership of a vessel and the flag State

37. The first meeting of the Joint FAO/IMO *ad hoc* Working Group in October 2000 recognized the importance of fishing vessels being registered and endorsed the need to ensure that the flag State links the registration the registration of a fishing vessel with its authorization to fish and urged closer collaboration between relevant agencies in national administrations.

38. Successive FAO meetings, and the IPOA on IUU Fishing looked for greater flag State, coastal State and port State control and all of which require an information base containing records containing particulars of fishing vessels and their ownership. Yet the fact remains, that some so called flag States (including developed countries) do not require a fishing vessel to be registered if they operate in home waters.

39. FAO, through its cooperation with IMO continues to press the issues surrounding IUU Fishing, as well as means to monitor the position of fishing vessels for fisheries management purposes, safety and security with regard to countering terrorism an piracy..

International Maritime Organization (IMO)

40. The IMO Ship Identification Number Scheme was introduced in 1987 through the adoption of resolution A. 600 (15) as a measure to enhance ship safety and security and made mandatory at a later date under SOLAS. That number remains unchanged upon transfer of the ship to another flag(s) and is inserted in the ship's certificates of passenger ships of 100GT and over and cargo ships of 300GT and over. Currently, fishing vessels are exempt. [9]

41. The ship identification number is made of the three letters "IMO" in front of the Lloyds Register of Shipping (LR) number that consists of seven digits that is assigned to most ships of 100 GT and over at the time the keel is laid.

42. Administrations were advised by IMO that where a LR number is already entered in the certificates of a ship, the certificate should be modified to include the letters IMO in front of the seven digit (LR number).

43. In order to facilitate, in the case of existing ships, the assignment of the IMO number, flag Administrations, as well as ship-owners/operators, were recommended to verify by checking ship's documentation whether or not a LR number had been assigned. In this regard, IMO explained that a number may have been provided by the LR service to a classification society or the ship-builder concerned but may not have been recorded in the delivery documents of the ship.

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[9] Due note was taken o f an earlier recommendation of the Working Party on Facilitation of International Trade Procedures of the Committee on the Development of Trade under the Economic Commission for Europe to use:
(i) the International Maritime Organisation's Ship Identification Number Scheme for the unique identification of ships;
(ii) only the final seven characters of the IMO number in EDI applications.

Should it prove to be that a seven digit, LR number exists it should be inserted in the ship's certificates preceded by the letters IMO.

44. In the event that no LR number for a particular ship is identified, and in the case of a new ship, requests to obtain the IMO number should be addressed to the LR Service or IMO. To assist administrations, IMO/LR developed form for a Request fro IMO Number, which was modified by the IMO Sub-Committee on Flag State Implementation at its 14th Session in June 2006.

45. The Study noted that the establishment of a Global Record would undoubtedly be influenced by the outcome of developments at IMO since current deliberations at that Organization indicate that fishing vessels and pleasure vessels are unlikely to be exempt from future SOLAS amendments in relation to ship security.

46. It is probable that the Lloyds/Fairplay partnership would allocate the Lloyds seven digit number to fishing vessels of 100GT and over (thus creating a global record in that category). What is not yet clear is whether or not there would be a centrally held global record for fishing vessels below 100GT for which a means to identify vessels would be required that would be unique to individual vessels. Additionally, it was noted that vessels used in fish farming in a marine environment, would also have to be allocated a unique identification number.

Vessel particulars and other fields in common use

47. The Study identified fields in common use by national administrations and fisheries bodies and identified useful links and these are given in greater detail in Annex 2 and 3. The main objective, however, is to clearly identify individual vessels irrespective of whether or not they have changed name or flag

48. A variety of soft ware is in place, but it would appear to be common to allow conversion to and from Excel. This is also the case with the HSVAR database and provides a facility for fleet analysis; always given, however, that all of the Parties provide information within the prescribed fields, which is not the case at present.

49. The system developed for the GFCM is the most demanding in relation to particulars of vessels and their operation since, in addition to particulars of the vessel, data is also collected in relation to catch etc. The data base was "test: run for the Study by Mr. Rino Coppola (ex FIR) with fleet data supplied by Malta and appears to give a complete record. However, should there be a follow up project to establish a Global Record, the system should be revisited since it should be up and running by the end of 2006.

50. The Study also recalled that the database set up under the FAO/IOC/UNDP initiative, the "Cooperative Use of Vessels for Fisheries Research, Development and Training" stored particulars of vessels greatly in excess of what would be required for a Global Record of fishing vessels. In addition, it also stored information in relation to the owner/operator, as well as, cruise plans for future years and availability for service elsewhere. Furthermore, details of laboratories, instrumentation and specialized deck equipment are also stored and in this regard, it is the one data base, albeit no longer operational, that is relatively speaking parallel to that of Lloyds Register of Shipping. The response by the participating institutions was impressive with more than 350 different institutes providing data. The whole operation was under the direction and management of FIIT and the records, currently available in Access, can be found on the T drive under FIIT/Research Vessel Data Base.

51. The Study took into consideration the fields in use by Lloyds Register of Shipping and considered the utility of making available to Lloyds, data that would be collected for vessels of 100 GT and over 100 GT. The idea was aired with Lloyds and seen as a possibility. One advantage would be the allocation of a LR Number for fishing vessels and. for ships such as

refrigerated fish carries and bunkering vessels of a size that would so qualify, the IMO Number.[10] The downside is that, being a commercial concern, "Fairplay" the responsible publishing company, makes a considerable charge to access the data. Nevertheless, should FAO be considered a "provider", there could be advantages, such as an agreement to access the Lloyds data base at a lesser cost than at present, including extending the search criteria to cover support vessels that are registered as merchant ships. In addition, there would be a need to cooperate with Lloyds and IMO in connection with the IMO ship security programme.

52. A list of proposed search fields and a copy of the "Request for an IMO number" are given in Appendix II.

Selection of categories

53. The Study considered whether or not it would be reasonable to target all fishing vessels or whether or not it would be more practical to limit the Global Record to:

- all fishing vessels operating in marine waters, or
- marine waters but limited to powered decked vessels[11]; or
- decked powered vessels in marine waters, but setting a lower tonnage or length limit.

54. From the experience of the RMFOs and the HSVAR, it is apparent that data on decked fishing vessels can be obtained down to at least 10 GT[12] (or a length of 12m overall). Below that tonnage measurement, it is more difficult to make an assessment without reviewing the requirements for the registration of very small vessels in each and every coastal State (see comments below under Law of the Sea). The Study also considered inland waters and semi-enclosed seas. It found that in many cases, the requirements for the register of ships, including fishing vessels, was no different to the maritime sector in such States.

55. Whereas it is proposed to limit the initial record to decked powered vessels from 10 GT[13] and over, intended for operations in marine waters, it is suggested that there would be a need for a specific project to establish such a Global Record. Such a project could include a feasibility study to determine the extent to which a Global Record could include decked vessels of similar tonnage measurements operating exclusively on inland waters, as well as, vessels of used exclusively in support of fish farming.

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[10] The IMO number is allocated to ships of 100 GT and above on the basis of the Lloyds number preceded by the letters IMO. By MSC Resolution 600 (15) fishing vessels are not included. The IMO number is shown in the documentation of the ship. Furthermore, Chapter XI-1 of SOLAS (Special measures to enhance maritime safety) requires all passenger ships of 100 gross tonnage and upwards and all cargo ships of 300 gross tonnage and upwards to be permanently marked with the IMO Number in a visible place.

[11] The definition of a decked vessel is given in the FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels. as a vessel having a fixed structural deck covering the entire hull above the deepest operating waterline. Where open wells or cockpits are fitted in this deck the vessel is considered a decked vessel if flooding of the well or cockpit will not endanger the vessel.

[12] There may be a need to use arbitrary equivalents for Gross Registered Tonnage and possibly to use length overall to describe the lower limit.

[13] Whereas this report will also refer to gross tonnage (GT), it should noted that International Tonnage Convention applies to vessels of 24m in length and over engaged on international voyages, consequently there are number of formulae in use for the tonnage measurement of fishing vessels below 24m in length See also Annex VI.

Development of a Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels

Law of the Sea

56. Article 91 requires every State to fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship and every State shall issue to ships to which it has granted the right to fly its flag, documents to that effect.

57. Article 94, requires the flag State to maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size.

58. In theory, a combination of the above two articles implies that flag States hold the information in relation to fishing vessels and support vessel looked for by the Ministerial Conference except for the grey area created in article 94 where it does not define what is meant by "small size".

59. In a sense, the International Maritime Organization (IMO) together with FAO and the International Labour Organization (ILO) gave a definition when developing guidelines for the design, construction and equipment for vessel of 12m in length but less than 24m in length by adding to the title of the document "For Small Fishing Vessels". This led to an "attitude" at IMO for a number of years when it came to dealing with the safety of fishing vessels, that is, until its Sub-Committee on Safety, Loadlines and Fishing Vessels adopted the revisions to the Code of Safety for Fishing Vessels and the Voluntary Guidelines in September 2004. At that time, FAO made a proposal to tackle safety standards for vessels of less than 12m in length and on acceptance by the Sub-Committee the wording was changed to read "small fishing vessels".

60. If below 12m in length is considered to reflect "vessels of small size", it might be that flag States exercising the option under Article 94 of UNCLOS would not feel obligated to give all of the information looked for in establishing a Global Record of all fishing vessels.

Convention on Conditions for the Register of Ships (Not in Force)

61. The Convention would apply to refrigerated transport vessels and certain types of support vessels but it does not apply to fishing vessels and although not in force, many flag States apply many of the principles therein of the Convention. It is also common for flag States to apply selected principles to fishing vessels, such as:

> "A State of registration shall establish a register of ships flying its flag, which register shall be maintained in a manner determined by that State and in conformity with the relevant provisions of this Convention. Ships entitled by the laws and regulations of a State to fly its flag shall be entered in this register in the name of the owner or owners or, where national laws and regulations so provide, the bareboat charterer." The Convention also addresses deregistration.

International Convention on Maritime Liens and Mortgages, 1993 (Not in Force)

62. This Convention also addressed registration procedures and attempts to tackle the bareboat charter issue and indeed the genuine link but again it does not apply to fishing vessels. Nevertheless the manner in which registration and deregistration is presented highlights some of the issues associated with vessels being entered in different registers at the same time and in identifying the true owner. In relation to the latter, UNCTAD in its Review of Maritime Transport 2004, illustrates the way in which 35 (important) countries were registering their vessels at the

beginning of 2004 under open registries. Overall, the share of the six major open registers[14], stood at 93.9 per cent, with the share of the minor open registers[15] considerably less at only 6.1 per cent.

63. The UNCTAD report, mentioned above, draws heavily on data published by Lloyds/Fairplay for ships of 100GT and over and although it does not refer to fishing vessels, it does cover support ships such as refrigerated cargo ships carrying fish and fish products. In addition, the report certainly highlights the difficulties in tracing ownership and this would be no different in the development of a Global Record of fishing vessels. Annex I to this report contains more information regarding to the registration of ships and fishing vessels.

Fish Stocks Agreement

64. The Fish Stocks Agreement (in force) provides for the establishment of a national record of fishing vessels authorized to fish on the high seas and provision of access to the information contained in that record on request by directly interested States, taking into account any national laws of the flag State regarding the release of such information.

65. It also makes provision for the marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels. In addition, other measures to be taken by a flag State include the development and implementation of vessel monitoring systems, including, as appropriate, satellite transmitter systems, in accordance with any national programmes and those which have been sub-regionally, regionally or globally agreed among the States concerned. It is perfectly clear that such requirements cannot be met unless the:

- vessel has nationality:
- a proper record is maintained of vessels on its register containing particulars of the vessel and it ownership, and
- a system of authorization to fish is in place.

Fishlex

66. An examination of the data-base containing details of fisheries legislation (FISHLEX) and links to the revealed that as at March 2006, 34 had ratified the Compliance Agreement. By comparison, a number of coastal States had not yet ratified UNCLOS and 57 had ratified the Fish Stocks Agreement. Although the information contained in FISHLEX is biased towards foreign fishing, in many cases basic legislation could be sighted from which it is clear, that in general, flag States required fishing vessels to be registered and or licensed to fish. It is also clear that records are maintained in relation to both the register of a vessel and a licence to fish and that these records contain basic particulars of a vessel and its ownership. How the information is stored, however, is not given but it must be in an understandable format and so designed to facilitate easy reference particularly since fees have to be collected for registration and the allocation of a license, in general to be collected annually in the case of the latter.

Historical records

67. At the flag State level, the registrar of ships records each change in the particulars of a vessels, its name and ownership. In the case of a change of name or ownership many flag States require that an endorsement to that effect is entered in the certificate of Registry. The same procedure being common for a change of the “Master” of the ship. When a ship has been modified to the extent that it is considered that it is no longer “the same ship” it may be registered anew and the original record closed. In such cases, however, only the new particulars of the vessel and its ownership at that time are likely to be given in the certificate of registry.

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[14] Panama, Liberia, Bahamas and Malta, Cyprus and Bermuda.

[15] St, Vincent and the Grenadines, Antigua and Barbuda, Cayman Islands, Luxembourg, Vanuatu and Gibraltar.

68. Most of the larger fishing vessels and especially those engaged high seas fishing/international voyages follow the merchant ship system but this is not necessarily so for smaller fishing vessel or for that matter for small ships primarily since, lacking international conventions for the register of ships that are in force States have the freedom to set such conditions.

69. Consequently, most RFMOs request the previous name of a vessel and previous flag, as is the case in the Compliance Agreement, in an attempt to trace the history of a vessel. The ship classification societies are perhaps more specific since the aim is to trace the history of the vessel from the day it was built and in this regard the LR Number is crucial. Similarly the partners to a Memorandum of Understanding (MOU) on port State control want to view historical records of a ship of which the certificate of registry is but one source of information. In this regard, it should be recalled that a MOU can detain a ship if it has reasonable grounds for doing so and a classification society may place a condition of class on a vessel or issue a suspension which could also lead to the detention of a ship and for such a serious decision, they must have facts.

70. However, fishing vessels are not targeted by an MOU (although a port State may exercise its right to inspect) and although many of the larger fishing vessels are "in Class" the majority are not. The side effect is that there is less information at hand to effectively trace the history of a fishing vessel and there is no mark that is unique to a vessel (if it does not have a LR number) that dose not change even when a vessel changes flag.

71. The most recent data provided to FAO by Lloyds/Fairplay illustrates the importance of the LR Number and the Lloyds information system with regard to the changes in the names of vessels and names of owners, that data includes:

- 32,881 fishing vessel of 100GT and over of which **23,920** are declared to be in service;
- 58,794 different owners linked to the 32,881 vessels;
- 57,794 vessel names linked to the 32,881 vessels.

Technical Assessment

72. In relation to marine fisheries, fishing vessels fly the flags of more that 160 States and as at 2002, the numbers of fishing vessels were in the order of:

- 1,000 GT and over	2,500
- 500-999.9 GT	2,800
- 100 GT but less than 500	40,300[16]
- Less than 100 GT decked	1,212,600
- Undecked (Mech. Powered)	1,000,000
- Undecked (Non-mech. powered)	1.800,000
- Grand Total	4.056,200

Furthermore, although available information on "fish carriers" is scarce, the Lloyds Register contains roughly 530 valid entries of such vessels of 100GT and above.

73. Notwithstanding the numbers of fishing vessels, it is apparent that flag States maintain records of fishing vessels that include particulars of fishing vessels and their ownership although it is recognized that this might not be the case for the very small vessels. Nevertheless, a large number hold the information in a database. From a purely technical point of view (and given the political will), it would be possible, at a cost, to create a global record of decked fishing vessels of 10 GT and over. Such a record could contain the name of a vessel and or number as well as

[16] It is clear from the IMO seminar held in Beijing in 2004 that this is an underestimate.

particulars of the vessel and its registered ownership[17] subject of course to confidentiality requirements in accordance with national law.

74. The maintenance of such a record (keeping it relatively up to date) would prove more difficult particularly due to the shear numbers of changes, almost on a daily basis, in names of vessel and or owners and flags. Even the flag State would most likely take time to confirm changes and longer for the HQ based team to amend the record unless the national data-base is arranged to automatically update the FAO record.

Compliance Agreement

75. Article II Application states:

- 1. Subject to the following paragraphs of this Article, this Agreement shall apply to all fishing vessels that are used or intended for fishing on the high seas.
- 2. A Party may exempt fishing vessels of less than 24 metres in length entitled to fly its flag from the application of this Agreement unless the Party determines that such an exemption would undermine the object and purpose of this Agreement, provided that such exemptions:

  (a) shall not be granted in respect of fishing vessels operating in fishing regions referred to in paragraph 3 below, other than fishing vessels that are entitled to fly the flag of a coastal State of that fishing region; and

  (b) shall not apply to the obligations undertaken by a Party under paragraph 1 of Article III, or paragraph 7 of Article VI of this Agreement.
- 3. Without prejudice to the provisions of paragraph 2 above, in any fishing region where bordering coastal States have not yet declared exclusive economic zones, or equivalent zones of national jurisdiction over fisheries, such coastal States as are Parties to this Agreement may agree, either directly or through appropriate regional fisheries organizations, to establish a minimum length of fishing vessels below which this Agreement shall not apply in respect of fishing vessels flying the flag of any such coastal State and operating exclusively in such fishing region.

76. Article IV Records of Fishing Vessels. Each Party shall, for the purposes of this Agreement, maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing on the high seas, and shall take such measures as may be necessary to ensure that all such fishing vessels are entered in that record..

77. Article VI of the Compliance Agreement sets out the requirements for Parties to supply information related to vessels authorized to fish on the high seas.

78. Article VIII, that addresses Non Parties states:

- 1. The Parties shall encourage any State not party to this Agreement to accept this Agreement and shall encourage any non-Party to adopt laws and regulations consistent with the provisions of this Agreement.
- 2. The Parties shall cooperate in a manner consistent with this Agreement and with international law to the end that fishing vessels entitled to fly the flags of non Parties do not engage in activities that undermine the effectiveness of international conservation and management measures.

[17] Lloyd's Register - Fairplay Ltd. provides a service on behalf of the International Maritime Organisation (IMO) and can be used to look up or request an IMO Registered Owner or Company (DOC) number. In addition, it maintains records of company names, Ship Operators, Ship Managers and Charterers. However, this does not include fishing vessels.

- 3. The Parties shall exchange information amongst themselves, either directly or through FAO, with respect to activities of fishing vessels flying the flags of non Parties that undermine the effectiveness of international conservation and management measures.

79. In effect the Compliance Agreement offers great flexibility to address high seas issues and it should not be seen as a simply to gather information on vessels so authorized to fish on the high seas. More should be done by FAO to exercise the authority so given in the Agreement.

80. With regard to paragraph 3 of Article VIII, (Non-Parties) reproduced in paragraph 78 above, the Parties to the Compliance Agreement (and FAO) may have lost the initiative if the proposal by the World Bank, Profish, IUCN and others to create a web site to post details of vessels said to be fishing illegally. They are, however, justifiably concerned as to the legality of such actions. Article VI 8 b of the Compliance Agreement, is explicit in this regard:

> "Each Party, where it has reasonable grounds to believe that a fishing vessel not entitled to fly its flag has engaged in any activity that undermines the effectiveness of international conservation and management measures, shall draw this to the attention of the flag State concerned and may, as appropriate, draw it to the attention of FAO. It shall provide the flag State with full supporting evidence and may provide FAO with a summary of such evidence. FAO shall not circulate such information until such time as the flag State has had an opportunity to comment on the allegation and evidence submitted, or to object as the case may be."

81. In addition, the possibility clearly exists to obtain information on vessels that are intended fishing on the high seas, whether or not they have an authorization (for whatever reason) to fish there. This would certainly be the case for vessels of 24m in length and over since many States are currently reviewing the implications of ratifying the Torremolinos Protocol (See Appendix 3 of Annex II). In addition, consideration is also being given to for the implementation of other maritime instruments the Convention on Standards of Training and Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F Convention).

82. Currently, Parties to the Compliance Agreement can exempt vessels below 24 m in length from application of the Agreement except for vessels of any length that operate in any fishing region where bordering coastal States have not yet declared exclusive economic zones, or equivalent zones of national jurisdiction over fisheries. Nevertheless, the possibility to lower the limit in the Compliance Agreement from 24m in length could be explored since:

- it was argued by many of the FAO Membership that that the limit of 24m in length, below which a Party may exempt its vessels from the application of the compliance Agreement, should have been less than 24m in length;
- the GFCM agreed that the Compliance Agreement should apply to fishing vessels of 15m and over, and
- given parallel initiatives (High seas Task Force) to have a record of all vessels capable of fishing on the high seas.

83. To effect a change in the lower length limit the Compliance Agreement would have to be revisited in order to prepare for amendment (as well, as for other possible changes deemed necessary) and this would clearly require consultation with Parties to the Compliance Agreement and the FAO membership as a whole.

84. The Compliance Agreement and the High Seas Fishing Vessels Agreement Record are discussed in greater detail in Annex II

Justification

85. Without question, up to date national records, sub-regional and regional records of vessels that can be readily accessed through a Global Record system, would greatly assist fisheries managers and those concerned with monitoring, control and surveillance in general, as well as, those combating IUU Fishing in particular. In short:

i. It would facilitate MCS and the work of enforcement officers. In this regard, properly maintained national registers and records of license to fish are a prerequisite for the application of vessel position monitoring systems whether by radio or satellite assisted systems.

ii. It would be beneficial to States exercising port State control as proposed at COFI 2005 as a means of combating IUU fishing in a more substantive manner given that the lack of agreed binding measures provides a loophole.

iii. Coastal States offering access agreements and responsible flag States, agreeing to their vessels entering into access agreements, would be able to make a more reasonable assessment of the impact that the vessels may make.

iv. Parties to the Compliance Agreement could make use of a section on vessels likely to fish on the high seas as a way of obtaining additional information on vessels sighted in regulatory areas or known to have landed fish thought to have been caught in a regulatory area. Similarly, the RFMOs would have reason to make use of the database.

v. Regional Fisheries Management Bodies would benefit from sub-directories containing data in relation to vessels flagged in the individual region/sub-region, as well as, vessels having authorization to fish in waters of States other than those of the flag State; the latter requirement to include vessels so authorized and having the flag of a non-coastal State within the region/sub-region.

vi. However, most potential users would not want to access a database holding records of millions of vessels and for this reason it would be more practical to compartmentalize the record. Furthermore, such a Global Record should allow ready linkages (subject to confidentiality requirements) to existing databases maintained by regional fisheries bodies. Likewise, regional bodies would have access to information on vessels operating in the region but not necessarily listed in their own registers.

vii. The FAO Committee on Fisheries would be better served with improved information on fleet capacity and distribution of effort. Similarly, the World Bank and Regional Development Banks would derive benefits from more accurate fleet information in their assessment of the effect of additional fishing capacity in the subject country/sub-region/region, as well as, new investment in high seas fisheries. In like manner, administrations developing or applying grant and loan (and buy-back) systems would be better informed.

viii. Given the obligation of States Parties under UNCLOS as well as the requirements in the Fish Stocks Agreement and the Compliance Agreement to maintain a record of fishing vessels authorized to fish on the high seas, there is certainly justification to move forward with a Global Record of vessels that are capable of fishing on the high seas. This could enhance the HSVAR through prompting States to meet their obligations and for Parties to the Agreement to encourage non-Parties to adopt, wholly or in part, the provisions of the Agreement. This would not necessarily limit the scope of such an exercise to the larger vessels since small vessels also operate in international waters.

ix. FI would be in a much better position to discharge its responsibilities in relation to the application of the Code of Conduct and its programme of work related to fisheries management in general and in particular to address fishing capacity and IUU fishing. In this regard, however, it should be noted that a global vessel record would be a much more powerful tool if port State control were to be introduced to cover fishing vessels and a parallel database established.[18]

[18] Port State control, for fisheries management purposes, should also include ships carrying fish and fish products as cargo and the information generated could be fed into a global record under the section dealing with support vessels.

x. In general fisheries managers would have a ready tool in support of efforts to implement the Code of Conduct for Responsible Fisheries, International Plans of Action and the provisions of legal instruments such as the Fish Stocks Agreement, as well as, to a certain extent, identifying vessels capable of deep sea fishing.

Development Phase

86. There would be a need to revisit certain parts of the present Study, particularly in view of on going initiatives by the High Seas Task Force and developments at IMO in relation to ship security. Furthermore, the IMO attempts to improve ratification of the Torremolinos Protocol and the STCW-F convention are significant since ratification implies that flag States must have in place a knowledge base from which it can determine its fleet composition. In addition, developments in relation to port State control of fishing vessels would be closely followed, as would VMS initiatives. Regarding port State control, links with *EQUASIS* would be established.

87. There would probably be a need for FI to carry out a series of expert consultations and meetings on a regional/sub-regional basis in order to assess the real interest of flag States. There may also be a need to convene seminars/workshops on a regional and or sub-regional basis during the "promotional stage" which might require the provision of technical assistance to countries in some cases. In this regard, it would be important to include representation from the FAO regional and sub-regional offices in such seminars/workshops. At the country level the FAOR would have to be involved and may play the role of a coordinator in cases where the responsibilities for the establishment and maintenance of registry records of ships and fishing vessels or fishing vessels of different size categories that are not under the same Ministry. Indeed the fact that different Ministries might be involved could be a stumbling block since the "Resolution of the Ministerial Conference, Rome 12 March 2005" might not yet be known to maritime administrations.

88. The actual choice of software is not really an issue since it should be possible to draw on the design of the HSVAR, the systems used by GFCM or the IOTC where data has been supplied by flag States in electronic format.[19] However, as mentioned above, obtaining the commitment of the appropriate Ministry responsible for the register of ships and fishing vessels and or licensing of fishing vessels would be essential.

89. The development phase project outline, as described in Appendix 4 to this report of the Study would take at least 3.5 years at an estimated cost US$ 2,5 Million,

Maintenance Phase

90. The long-term maintenance requires the capability to monitor vessel movements in and out of national registers and that includes:

- vessels deregistered when scrapped/total loss;
- vessels listed as laid up;
- registration anew;[20]
- entry in the register closed in the case of a vessel transferring to another flag;
- suspension of the entry in the country of primary register, for example in the case of a bare boat charter;
- allocation of a flag to a vessel "flagged in ";
- change of vessel name;
- change of ownership;
- change of operator; and

[19] New Zealand provided data in electronic format for the HSVAR and Malta for the GFCM.
[20] This would also make it possible to follow the vessels that have been substantially modified.

- first time registry.

91. This would be the most complex phase to monitor and would require a broad intelligence base in view of the fact that flag State reporting might be tardy and in the case of flag hopping, the States concerned might not be aware of a change due to the current agency system[21] in place to effect a flag change. In short, as such, the data would never be up to date. This is hardly an idle statement when one considers that Lloyds with a staff of 140, an exclusive access to the Lloyd's Register Group offices world wide and a global network of agents and correspondents has not managed to capture even half of all the fishing vessels over 100 GT.

92. Therefore, even with the full cooperation of flag States and an intelligence capability in place, the cost of a monitoring and maintenance phase would likely be in the order of US$ 600,000 annually.

Conclusions

Global Record

93. The conclusion reached through the Study is that there is strong justification for the development of a Global Record and that it is technically feasible. It is stressed, however, that flag States and economic entities must be prepared to accept relevant recommendations of the Study in relation to the provision of details of the particulars of vessels and their ownership that would be essential, both administratively and technically, to ensure a workable and useful system. It is also stressed, that the cost of the development phase would be in the order of US $2,5 Million over a period of 3.5 years for which extra budgetary funding would be required. Thereafter, the cost of the long-term maintenance phase, which would include the maintenance of the HSVAR, would be in the order of US$600,000 annually, requiring an increase in the regular programme budget of the Department of Fisheries.

94. Whereas the Ministerial Conference considered the identification of the beneficial ownership to be of paramount importance, the Study concluded that a complete record of those persons or entities that could benefit from the ownership would be difficult to identify since this is not limited to one single individual or entity and details of “holding companies” are not always transparent. Thus, it would be beyond the scope of a Global Record to address the issue.

95. With regard to the names of vessels, it was noted that it is not uncommon for vessels under the same flag (but registered in a different port) to have the same name. In addition, the name would often be changed with change of ownership, through a demise charter and or change of flag. Thus the name is not a unique identifier and that there would be a need to introduce a system through which any vessel could be clearly identified over time, irrespective of change of name, ownership or flag.

96. In relation to the concept of a unique method to identify vessels over time, the Study noted that Parties to the Compliance Agreement had provided details of 5792 vessels from 22 flag States and that many of the vessels already have an LR number. It was further noted that the same 22 flag States have a total of 8901 vessels entered in Lloyds Register (Appendix 2 of Annex II). Thus the Study recognized that a unique system of identification of fishing vessel would enhance the provisions of the Compliance Agreement whether or not it is decided to develop a Global Record.

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[21] It is common practice for open registers to contract out the process for the allocation of the flag to a non-government agency. An example noted during the development of the Compliance Agreement was the sighting of a vessel wearing the flag of a small island State lying in the roads at Singapore, awaiting transshipment of its cargo of tuna and thought to be carrying bills of lading that did not correspond to the actual area where the catch was taken. A check with the Director Maritime Shipping of the flag State revealed that no record of the vessel having the right to fly the flag (of that State), it transpired that the agent (in another island State) had not informed that flag State, probably because vessel had arrived safely in Singapore and in any case, it had changed flags again in that port by courtesy of the same agent.

The Study recognized the advantages that would accrue from the use of the LR Number, which would include, *inter-alia*, that

- the identification number remains with the vessels irrespective of change of ownership and or flag thus it provides a possibility to follow the history of a vessel;
- it is common practice for the LR/IMO number to be included in documentation;[22]; and
- that the use of the LR/IMO number would also allow ready comparison with other data bases, such as Lloyds Register of Shipping, EQUASIS, RFMOs and such port State control records where the number is included in the search criteria.

97. Although the International Radio Call Sign (IRCS) is nationality related (at least in theory) it is a required field in the global and regional records reviewed under the Study. In general, however, the requirement is limited to the entry of the call sign in the certificate of registry and other documents of a vessel. It was noted that more attention had been given in recent years to the IRCS being displayed on the hull of vessels as set out in the FAO Standard Specifications for the Marking and Identification of fishing vessels. Nevertheless, the main objectives of these standard specifications in relation to safety of life at sea and as an aid to fisheries management had not been fully met.

98. The Study came to the conclusion that the format used for the HSVAR data-base could be useful in the development of a Global Record, with slight amendments to allow public access to non confidential dada and to allow links to external data bases such as EQUASIS, RFMOs. Furthermore, the format could also be useful in relation to future arrangements for the port State control of fishing vessel for fisheries management purposes, as well as, for control in relation to maritime conventions as they apply or may be applied to fishing vessels.[23]

99. The Study also came to the conclusion that there would most likely be a need for flag States to revisit national legislation in order to ensure that a requirement:

- to provide data for insertion in a Global Record would be binding;
- that the adoption of a means to uniquely identify a vessel over time (most likely a number) would be mandatory. Similarly, the requirement to enter the unique identifier in a certificate of registry and or record of a vessel would also have to be mandatory.

Recommendations

The recommendations set out below are given under sub-headings for easy of recognition rather than to ascribe priorities.

Global Record

100. Should it be decided to develop a Global Record, it should be confined to decked fishing vessels of 10 GT and over that operate in bays, sounds, seas[24] and oceans. At a later stage and on the basis of experience gained, consideration could be given to a parallel record of vessels operating in inland waters.

101. Furthermore, given the large numbers of decked fishing vessels in the world, a phased approach should be followed commencing with all support and fishing vessels over 100 GT [25] in

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[22] It is recognized that should arrangements be made with Lloyds for the allocation of a LR/IMO LR number data would have to be submitted to Lloyds. On allocation of a number, the flag State would have to be informed and action would have to be taken to amend the records held by the Registrar.

[23] The latter could come about if the Torremolinos Protocol enters into force.

[24] Including semi enclosed seas and the Caspian Sea.

[25] The actual definition of length should not be a concern at this stage.

length and over to be followed by support vessels of 55GT but less than 100 GT and fishing vessels of 55 but less than 100GT. During the last phase, fishing vessels of 10 GT but less than 55GT could be targeted.

102. Whereas the Study recommends the following categories on the basis of tonnage, it would also be possible to select length categories should it be decided to align the categories with Part B of the FAO/ILO/IMO Fishing Vessel Safety Code and the Voluntary Guidelines:

- 500GT and over
- 400GT and over but less than 500GT
- 300GT and over but less than 400GT
- 100GT and over but less than 300GT
- 55GT and over but less than 100GT and,
- 10GT and over but less than 55GT

103. The name of the owner or owners to be shown in a global record should be the same as given in the certificate of registry and or fishing license as the case may be.

104. A more unique form of identification that does not change with age, ownership or flag, should be established for each vessel. Furthermore, such an identification number would have to be included in the certificate of registry and or fishing licence as the case may be, which would require action by the flag State.[26] In this regard, the Study recommends that for vessels of 100 GT and over, the LR numbering system should be adopted since this is currently mandatory for certain classes of merchant ships under the SOLAS convention to have an IMO number which consists of the letters IMO flowed by the LR seven digit number..

105. For vessels of less than 100 GT (fishing and support vessels). consideration would have to be given to the allocation of a number by FAO or other competent UN organization. The number to be added to the vessel's certificates and documentation by the flag State and this would have to be obligatory not voluntary. Consequently, FAO would probably have to seek the agreement of its membership through a binding agreement in much the same way as the Compliance Agreement (or by an amendment to the Compliance Agreement).

106. In relation to identification numbers, it is recommended that there be close cooperation with IMO in view of its ship security initiatives that may be extended to include all fishing vessels.

The Compliance Agreement

107. Whereas the Study noted that the HSVAR could technically form the basis for a Global Record, there would be some drawbacks to overcome. The main drawback to incorporating a global vessel record into the HSVAR is that access is currently restricted to parties to the Compliance Agreement. Given the possibility, however, to change this condition through an amendment to the Agreement, paragraph 2 of Article VI (Exchange of Information) could be made obligatory and allow general access to the data. Indeed there are valid arguments to support such a change since the compulsory data held in national registers can generally be sighted by the public on demand for a fee. Confidentiality could still be retained in the HSVAR for that section of Article VI, containing records of infringements and details of the authorization to fish.

108. The above argument would be in line with the Fish Stocks Agreement that provides for parties to establish a national record of fishing vessels authorized to fish on the high seas and make provision for access to the information contained in that record on request by directly interested States, taking into account any national laws of the flag State regarding the release of such information.

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[26] This is addressed in Annex I

109. It is recommended to revisit current requirements for reporting in relation to vessel particulars such as tonnage with a view to amending the Agreement or otherwise. With regard to "Length" it is proposed to adopt the following measures developed by IMO that could be made known to the Parties (and the FAO membership as a whole) through a note of understanding without there being a need to amend the Agreement:[27]

- Where the Registered Length (Lreg) is equal to 24m it is considered to be in accordance with the definition given in the Compliance Agreement.
- When the Lreg is not available and where the Length between perpendiculars (Lbp) is equal to 23.07m Lreg should be taken to be 24m.
- When both Lreg and Lbp are unavailable and the Length over all (Loa) is equal 26.47m Lreg should be taken to be 24m

110. FAO should endeavour to have the Compliance Agreement ratified by those flag States that are known to have a high seas operation. Nevertheless, even if they do not ratify the Compliance Agreement, there is no reason to suggest that these flag States should not be encouraged to supply information on vessels allowed by them to fish on the high seas. In addition, efforts should also be made to obtain data from the new members of the EU.

111. If the basic elements of the Compliance Agreement were to be considered as a basis for a wider application of a tool to combat IUU fishing, such a database could, if modified, certainly fit into the EQUASIS model.[28] It could then be linked to EQUASIS plus a port State control network for fishing vessels (for fisheries management purposes) and RFMOs.

Identification number

112. It is recommended, that in the first instance, an effort should be made to have a Lloyds number allocated to those vessels of 24m in length and over that are already in the HSVAR but not entered in the Lloyds Register.[29] This could be done directly by the flag State since IMO and LR-F have already an agreed process for the allocation of the IMO number. If done by FAO, it would require the approval of the flag State to allow particulars of the vessels to be transmitted to LR-F. Once issued, the LR Number would be inserted into the certificate registry and documents of a vessel (by the flag State) and ideally, also in the "Authorization to Fish. In this regard, IMO and LR-F have agreed on a format for the allocation of the IMO number to vessels that do not have a LR number and this is described in Appendix 3.

113. This to be followed by posting data collected for vessels of 100 GT and over and already allocated a LR number, the selection of 100 gross tons being made on the basis of current requirements under SOLAS.

114. For those vessels of 100GT and over that do not have a LR number, flag State administrations would be invited to request LR-F to allocate the LR and or IMO/LR number. On receipt of the number the flag State would amend the record of the vessel concerned before submitting the data to FAO.

115. Since it is unlikely that LR-F would accept to allocate a LR number to vessels of less than 100GT. with a lower cut off of 55 GT, it is, it is recommended that:

- States be requested to agree to accept a scheme for the allocation of an identification number, that would be unique to a vessel in the same way as the LR number that would be provided by the FAO or other competent UN organization and shown in the HSVAR, and

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[27] See Appendix 4.

[28] Recall, nevertheless, that EQUASIS does not give the opportunity to browse by flag.

[29] It is known that the High Seas Task Force has approached Lloyds/Fairplay sounding out the possibility to allocate a LR Number to vessels in a proposed record of those vessels capable of high seas fishing that are not yet in the LR.

- that the identification number is entered in the records of the vessel and a vessel's documentation by the flag State.[30]

116. Thereafter, the proposed project would concentrate on collecting data of vessels of 10GT but less than 55GT and to determine the need or otherwise to allocate an identification number in the same manner as described in paragraph 115 above.

International Radio Call Sign

117. The Study recommends that more has to be done by FAO to have the Standards Specifications for the Marking and Identification of Fishing vessels, as an aid to fisheries management and safety of life at sea more widely accepted, preferable as a mandatory instrument and it should be prominent in efforts to combat IUU Fishing.

Data base management (HSFVR)

118. The database should be modified to allow for fleet analysis in order for the Organization to provide a more complete service to Parties to the Agreement and for estimating fishing capacity.

119. It is recommended that data should be provided in an acceptable machine readable format and when this is ready, request flag States to update their records pointing out the significance of each field.

120. Furthermore, FAO should also make an effort to improve the quality of data in the HSVAR.

121. The Study also recommends that should it be the wish of COFI to develop a Global Record, the management and maintenance of the long-term maintenance of the HSFVR should be an integral part of such arrangements in relation to technical support and funding.

FIGIS Fleet Records

122. The difficulties experienced in obtaining raw data is understood and indeed, if a Global Record were to be established, greater attention would have to be given to quality control than is evident within the current record. As a priority, every effort should be made to endeavour to reduce the number of entries where the length is unspecified. In this regard, it is recommended that the Department of Fisheries is further strengthened.

General comment

123. The very nature of the recommendations would require the endorsement of COFI and binding agreements to be placed before the Conference. Consequently, there would be a need to present COFI at its next session in 2007 with a summary of the Study. In particular, the recommendations mentioned above would need to be addressed and the need for funding for a development phase project (see Appendix 4).

124. The proposed project for the development phase includes an activity to hold an Expert Consultation which should be held shortly after COFI 2007 if it be agreed to move forward with the development of a Global Record since the output(s) of the consultations may have an influence on the project work programme. Thus, the need for funding would have to be addressed.

Appendix 1 Terms of Reference

Appendix 2 Proposed Project outline for Development Phase

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[30] There would have to be flexibility in the timing of recording the changes to a certificate of registry and in practice, the change would most likely take place at renewal (where required annually) or within a fixed period of time.

Appendix 3 Proposed Minimum Criteria

Appendix 4 Request for IMO Ship Identification Number

Appendix 5 Memorandum of Understanding

Appendix 6 Agreement on the allocation of a unique identification number to decked fishing vessels of 55 Gross Tonnage and over but less than 100 gross tonnage.

Appendix 7 Proposal to amend Article II of the Compliance Agreement

Appendix 1 Terms of Reference for the Study

In cooperation with FI and LEG the Study will determine the feasibility and the viability of having a Global Record of fishing vessels from which, given certain information regarding an individual vessel, it would be possible to obtain further details of that vessel including its beneficial ownership.

The Study would also determine what would be needed to ensure that the essential linkages to other relevant databases could be established and maintained.

Assessment of current deficiencies

The Study will determine current deficiencies by comparing:

- FAO Statistics with fleet data from selected sources (sources of reasonable accuracy).
- FAO fleet Statistics with production data.
- fleet data from selected sources with production data.
- vessel characteristics as required by regional fisheries bodies; and,
- identify main discrepancies by regions/sub-regions/country.

The Study should also endeavour to identify those flag States that may not be currently in a position to provide particulars of their fleets in a "machine readable" format.

Identification of key fields

The Study will identify fields in relation to particulars of a vessel and ownership that are in common use by national administrations and fisheries bodies in order to identify essential links (see also Annexes 1, 2, 3 and 4). In addition, reasons for selection of short list of fields will be investigated. Software in use by regional bodies will be documented and to the extent possible information of difficulties faced in obtaining information and how data is imported would be sought.

The Study will also take into consideration the fields in use by Lloyds Register and consider the utility of making available to Lloyds, data that would be collected for vessels of 100 GT and over. In this regard there could be advantages, such as an income or at least an agreement to access the Lloyds data base free of charge or at a lesser cost than at present and, the fact that the vessels would then have an IMO/LR number (as the case may be) which would be beneficial, particularly in the case of port State control of fishing vessels, fish carriers and support vessels for bunkering and supplies.

Support systems within FAO will also be identified (including FISHLEX).

Selection of categories

The Study will consider whether or not it would be reasonable to target all fishing vessels or whether or not it would be more practical to limit the Global Record to:

- all fishing vessels operating in marine waters, or
- marine waters but limited to powered decked vessels
- marine waters and decked powered vessels but setting a lower length/GT limit

Nevertheless, the could comment on how a similar approach could be applied to inland waters, such as lakes bordered by two or more countries.

The Study will also consider a phased approach to the development of a global register by setting priorities.

Furthermore, the will recommend categories by, *inter-alia:*:

- Vessel types
- Vessel sizes/tonnage
- High Seas operation.

In addition, different options for the preparation of or access to a global register of fishing vessels will be studied and that such options should be supported by cost estimates for implementation and long-term maintenance

Test run

Taking into consideration FGIS experience in web technology, information standards, and formal agreements for data exchange protocols, the Study may propose a suitable operating system for testing purposes. In this regard, a modified HSVAR might prove useful by simply modifying the list of fields. A test run using data from reliable sources will be carried out.

Preparation of Project Proposal

Should the Study find that a Global Record would be feasible and viable, an argument for a proposal for a Project Document would be developed and such an argument would stress the reasons for the selection of the categories of vessels recommended by the Study and highlight the benefits to the end user. It would also provide estimates of maintenance costs that would have to be met on completion of the project.

In particular, and in collaboration with LEG, the project proposal would set out any constraints in relation to identifying or indeed making use of the term “beneficial ownership”.

A work plan would be developed noting that would take into consideration the priorities recommended by the Study in relation to the phasing of the development of the database and the collection of data.

A project budget would be prepared and the contribution of RP staff as well as consultants, contractors, equipment and travel would be enumerated.

Appendix 2 Proposed Project Outline for Development Phase of a Global Record

A. Background

At meetings of various fisheries management bodies, the subject of regional and sub-regional registers of fishing vessels has been raised on many occasions in connection with monitoring, control and surveillance. As an example, the Regional Workshop on MCS for African States Bordering the Atlantic Ocean (Accra, Ghana, 2-5 November 1992) drawing on the experience by the States in the South Pacific, agreed that whereas a regional register would be useful, a sub-regional approach was favoured.

The International Plan of Action (IPOA) for the Management of Fishing Capacity, adopted by the twenty-third session of the FAO Committee on Fisheries in February 1999 and endorsed by the FAO Council at the session held in June 1999, highlights the need for urgent action to be taken to establish records of fishing vessels. In particular, it is stated that *"While awaiting the entry into force of the Agreement to Promote Compliance with International Conservation and Management Measure by Fishing Vessels 0n the High Seas (Compliance Agreement), States should support the establishment by FAO by the end of 2000 of an international record off fishing vessels operating in the high seas, following the model indicated in the Compliance Agreement."*

The question of keeping records of fishing vessel was again raised during the development of the Compliance Agreement[31] which was completed in 1993 and lays much more emphasis on flag State registry functions than the Fish Stocks Agreement[32] that followed in 1995. The Compliance Agreement, for example, has detailed provisions requiring national administrations to maintain a record of fishing vessel information, including details of vessels scrapped or decommissioned or that have had their licenses withdrawn. These and related provisions, envisage in effect the FAO maintaining a record of fishing vessels on a global basis[33] under certain conditions.

The first substantive meeting of the Ministerial-led Task Force on IUU Fishing on the High Seas that took place in Paris on 9 March 2005 agreed. *inter-alia,* to

- establish a global information system on high seas fishing vessels in the form of a publicly-available international database of information relating to the global high seas fishing fleet. It was noted that this might form one of the core activities of the proposed MCS Network. However, in developing the proposal further it was suggested that the Secretariat also consider the feasibility of building on *Equasis*.
- develop guidelines on flag State performance in relation to high seas fishing vessels that may be used as criteria for evaluating flag State performance. The proposed guidelines, and an evaluation of the performance of flag States against them, would be considered and adopted at the next meeting of the HSTF in February 2006 and to
- promote the notion of a responsible port State as "a State that is committed to making the fullest possible use of its jurisdiction under international law in

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[31] Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993.

[32] The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10th December, 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995

[33] Ronald Barston, The Law of the Sea and Regional Fisheries Organizations, International Journal of Maritime and Coastal Law, 1999 Vol 14 Number 3

furtherance of its own rights and interests as well as the international community's interest in conservation and management of high seas marine living resources".

More recently, the Ministerial Meeting, Rome 12 March 2005, recognized that there was often a relationship between fleet overcapacity and IUU fishing and it acknowledged the economic incentives that drive these phenomena. Therefore for a better understanding of fleet capacity (not just numbers of vessels) a more complete global record would provide an important tool for improving fisheries management at all levels.

Thus, the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted by the Ministers called for, *inter-alia* *"to develop a comprehensive record of fishing vessels within FAO, including refrigerated transport vessels and supply vessels, that incorporates available information on beneficial ownership, subject to confidentiality requirements in accordance with international law.*

Consequently, FAO commissioned a Study to determine the feasibility and viability of developing such a comprehensive record and noted that it was this would be technically feasible and that the viability of such a system would depend to a great extent on its use by coastal States, regional fisheries management bodies and fisheries development agencies.

Project Description

The long term objective of this project is a global record of fishing vessels through which fisheries managers at the national, sub-regional and regional level could obtain information to enable them to more effectively regulate fisheries exploitation.

The long term objective would be achieved through the provision of support for the development and country driven application of the conceptual framework of an Ecosystem Approach to Fisheries (EAF) through capacity-building, promoting standardized data collection and monitoring, and supporting policy development and management practices consistent with EAF principles. The Project would work with countries participating in existing Global Environment Facility (GEF) initiatives in Sub-Saharan Africa as well as with other related projects on a global basis through the development and delivery of training modules and other services.

More specifically the proposed project would contribute to a more standard approach to vessel registration, fishing vessel licence records and authorizations to fish on the high seas through the following three main programme components:

i. Conduct a series of regional/sub-regional workshops ,with the involvement of RFMOs to promote the concept of compatibility of vessel data at the sub-regional, regional and inter-regional levels; the workshops also to refine minimum data requirements and to identify area of greatest needs.
ii. Support to registrars of fishing vessels, refrigerated transport vessels and supply vessels to enhance capacity to maintain records of a vessel's particulars, including information on the ownership and operators, as the case may be, in an appropriate format.
iii. Development of a data base with appropriate links the other fisheries management systems and initiatives.

B.1 Project Rational and Justification

B.1.1. Problems to be addressed

Whereas Part VII of the 1982 UNCLOS sets out provisions for registration, it only applies to all parts of the sea that are **not** included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State. Thus there is no provision in international law to the effect that all fishing vessels have to be registered. Furthermore, certain vessels that are excluded from generally accepted international regulations on account of their small size may be exempt from the registration process.

The current situation indicates that not all flag States have a requirement for fishing vessels to be registered and this applies to developed, as well as developing countries, although it is recognised that most require a fishing vessel to at least have a licence to fish.

Therefore, there is no complete record of the numbers of fishing vessels in the world there is also no single source of information from which it would be possible to trace individual vessels and ownership. In addition, such data that is available may be held by maritime administrations for all types of vessels or for fishing vessels over a certain length or tonnage measurement. Similarly, a fisheries administration may be responsible for the register of all fishing vessels or fishing vessels below a certain length or tonnage measurement.

Furthermore, in artisanal fisheries, records may be held at the community level with at best, a summary of the fleets being transmitted to an administrative level within a fisheries or maritime administration.

In addition there are other initiatives to be considered at the International Maritime Organization (IMO) concerning security measures for non-SOLAS vessels that are intended to include fishing vessels. Such initiatives would require a flow of information that would include the nationality of a vessel and its ownership.

B.1.2. Expanded information base

There is a need for all flag States to maintain records of fishing vessels and for documentation that would attest to the nationality of a vessel and its ownership. Preferably, this should follow a recognized system for the registration of fishing vessels and ships such as refrigerated cargo carriers. This is already a requirement in international law for fishing vessels operating on the high seas but for the purpose of this project, it should be understood that no decked vessel of 55GT[34] (approx. 15m in length) and over would be exempt from the process of registration.

In the case of decked fishing vessels of 10 GT (approx 12m in length) and over but less than 55GT (that are not intended for fishing on the high seas) the information may have to be derived from registry records and or authorizations to fish.

The project would evaluate the utility of including a record/registry record of authorizations to construct a new vessel which is a widely used practice.

B.1.3. Required Institutional Requirements

The project would envisage activities directed at both maritime administrations and fisheries administrations in individual countries, regional fisheries management organizations and regional fisheries management bodies.

Technical assistance would be required in a number of cases in relation to data storage and reporting formats.

B.2. Expected situation at the end of the project

The project would run for a period of not less than two years after which it would be expected that a substantial number of countries would be in a position to export to FAO, information on the particulars and ownership of fishing vessels and relevant support vessels. In this regard, FAO would have in place a data acquisition system into which information would be fed from countries and regional fisheries management organizations and could be readily interrogated by the public.

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[34] Following discussions at the 93rd Session of the Industrial Labour Conference, ILO May/June 2005 a gross tonnage of 55 was considered to be equivalent to a length of 15m (as defined in the Compliance Agreement) or a LOA of 16.5 m. See also Annex VI of the Report of the Study; reference to GT for vessels of less than 100GT should be seen as indicative.

The Compliance Agreement would have been amended to accept information on vessels authorized by them to fish on the high seas from non-Parties and a system of numbering that would be applied to fishing vessels that would remain with individual vessels over time would be in place. In addition, the HSVAR would have been modified to give public access to that section containing particulars of a vessel and its ownership.

B.3 Target beneficiaries of the project

Virtually all flag States either individually or in concert with other flag States that are members regional fisheries management organizations would benefit from the establishment of a Global Record of decked fishing and support vessels of 10 GT (approx. 12m in length) and over.

B.4. Strategy

The project would contribute to the enhancement of the capacity at country level to

- Support to policy formulation at the global and national level in relation to the principle of the register of a fishing vessel and the maintenance of records;
- Support to maritime and fisheries administrations in the implementation of national regulations concerning the register of fishing vessels and protocols associated with the maintenance of records and reporting information;
- Capacity building at management levels to achieve country and regional competence in support of a Global Record of fishing vessels;
- Increasing levels of cooperation with regional fisheries management organizations, the High Seas Ministerial Task Force and existing data providers such as Lloyds Register of Shipping and the European Quality Ship Information System.

B.4 Justification

Up to date national records, sub-regional and regional records of vessels (leading to a Global Record) would greatly assist fisheries managers and those concerned with monitoring, control and surveillance in general, as well as, those combating IUU Fishing in particular. Furthermore, properly maintained national registers of fishing vessels through which a vessel and its ownership can be identified as well as records of license to fish are a prerequisite for the application of vessel position monitoring systems whether by radio or satellite based systems.

States exercising port State control for fisheries management purposes would greatly benefit, particularly if the essential links (for port State control purposes) are build into a Global Record. In like manner, coastal States offering access agreements would be able to access historical records relating to past performance of a vessel in relation to previous infringement and or detentions.

Regional Fisheries Management Bodies would benefit from sub-directories containing data in relation to vessels flagged in the individual region/sub-region, as well as, vessels having authorization to fish in waters of States other than those of the flag State; the latter requirement to include vessels so authorized and having the flag of a non-coastal State within the region/sub-region.

The FAO Committee on Fisheries would be better served with improved information on fleet capacity and distribution of effort. Similarly the World Bank and Regional Development Banks would benefit from more accurate fleet information in assessing the effect of additional fishing capacity in the subject country/sub-region/region, as well as, new investment in high seas fisheries. In like manner, administrations developing or applying grant and loan (and buy-back) systems would be better informed.

Given the obligation of States Parties under UNCLOS to maintain a register of vessels as set out in Part VII (High Seas), the requirement in the Fish Stocks Agreement for flag States to maintain a record of fishing vessels authorized to fish on the high seas and the Compliance Agreement, there is certainly justification to move forward with a Global Record of vessels that are capable of fishing on the high seas. This could enhance the HSVAR through prompting States to meet their obligations and for Parties to the Agreement to encourage non-Parties to adopt, wholly or in part, the provisions of the Agreement. This would not necessarily limit the scope of such an exercise to the larger vessels since small vessels also operate in international waters.

In general fisheries managers would have a ready tool in support of efforts to implement the Code of Conduct for Responsible Fisheries, International Plans of Action and the provisions of legal instruments such as the Fish Stocks Agreement, as well as, to a certain extent, identifying vessels capable of deep sea fishing

C. Development objective

The development objective of this project is to have in place an information system which would enhance national and international initiatives to better manage the exploitation of fisheries resources.

D. Immediate objective, outputs and activities

D.1 Immediate objective

The immediate objective of the project is a Global Record of fishing vessels and support vessels that contains particulars of a vessels and its registered ownership.

D.2 Outputs and activities

Output 1

Policy formulated at the global and national level in relation to the principle of the register of a fishing vessel and the maintenance of records

Activity 1.1

Review of existing instrument concerning the conditions for the register of fishing vessels and ships and preparation of policy documents for submission to COFI.

Activity 1.2

Convene an expert consultation to seek opinions on the Global Record principle and how best it could be implemented at national, sub-regional and regional levels.

Activity 1.3.

Conduct a survey of how flag States measure the tonnage of vessels of less than 100GT.

Activity 1.4

Analysis of management options using information from the expert consultation (activity 1.2) and following interaction with RFMOs.

Activity 1.5

Convene an expert consultation in cooperation with IMO on technical and legal matters concerning the allocation of the LR number to fishing vessels of 100GT and over as well as, a similar series of numbers to be allocated to fishing vessels of 10 GT and over but less than 100GT. It being noted that for the smaller vessels there may be a need to come to an agreement to use the cubic number system and acceptable coefficients to estimate the gross tonnage. The Consultation to also consider the need or otherwise for a binding instrument in relation to a requirement for acceptance of a system for the allocation of unique vessel identification numbers to be inserted in vessel certificates and documents.

Output 2

Maritime and fisheries administrations assisted in the promulgation and or amendment of national regulations concerning the register of fishing vessels and protocols associated with the maintenance of records and reporting information;

Activity 2.1

Conduct a series of regional/sub-regional workshops to promote the concept of compatibility of vessel data at the sub-regional, regional and inter-regional levels; the workshops also to refine minimum data requirements and to identify area of greatest needs.

Activity 2.2

Provide legal and technical assistance to formulate new or amendments to national regulations associated with the registration and or licensing of fishing vessels and the acceptance of the unique identification number and how to obtain the number.

Activity 2.3

Establish list of the contact points within each flag State responsible for the register of a fishing vessel, the license of a fishing vessel and the authorization to fish, if different.

Output 3

Capacity at management levels to achieve country and regional competence in support of a Global Record of fishing vessels

Activity 3.1

Development of a data base with appropriate links the other fisheries management systems and initiatives.

Activity 3.2

Conduct training workshops to ensure a clear understanding data storage and reporting requirements, as well as, establishing links between the register of a vessel, allocation of a flag and the licence to fish.

Output 4

Increased levels of cooperation between regional fisheries management organizations, the High Seas Ministerial Task Force and existing data providers such as Lloyds Register of Shipping and the European Quality Ship Information System

Activity 4.1

Revisit certain parts of the Study, particularly in view of on going initiatives by;

- the High Seas Task Force in relation to progress in the creation of a high sees record;
- developments at IMO in relation to increasing ratification of the Torremolinos Protocol and the STCW-F convention; and
- monitor progress at IMO in relation to ship security and possible amendments to SOLAS.

Activity 4.2

Enter into negotiations with Lloyds regarding the allocation of the IMO/LR number for fishing vessels of 100grt and over and provide assistance to States to obtain the number..

Activity 4.3

Monitor and where appropriate draw on the experience of IMO in relation to compiling records of owners of ships that is done in cooperation with Lloyds.

E. Inputs

E.1 Participating Government Inputs

Individual partner beneficiary Governments will be expected to contribute to this Project in-kind in terms of arranging: the full collaboration of their existing staff and their related facilities in the national institutions, with project staff and consultants.

Each partner beneficiary country will be expected to allow access by Project staff and consultants to all available information relevant to the manner in which the register of a fishing vessel and or licence to fish are organized, records kept and by whom.

E.2 Donor Inputs through FAO

The donor undertakes to provide, through FAO, the sum budgeted towards the costs of project implementation in an amount of not less than US Dollars ....

Following the establishment by FAO of the expenditure plan (budget) for the first year of the project, subsequent annual revisions of the expenditure plan will be proposed and submitted to the donor for approval. The indicative expenditure plan (budget) for the full duration of the project is given in Section I below.

Personnel

Team Leader (P5) To be based at HQ. (30mm)

Consultants:

Data base expert. To develop or modify an existing data base at HQ that would be suitable to host a global record of fishing vessels and support vessels. (6mm)

Legal Experts With experience of maritime and fisheries administration to review relevant fisheries/maritime regulations and to propose appropriate amendments where necessary. To provide guidance at regional workshops and assist in the preparation of documents for a Technical Consultation. (2 x 6 mm).

Clerk (data entry) (G5) To be based at HQ (32mm)

Duty travel An allocation to cover travel costs of international and national project staff and consultants, non-staff travel to technical workshops, as well as, the cost of travel for related training activities (including travel of participating national officers as required).

Contracts: Letters of Agreement with regionally recognized institution for assistance in organizing regional workshops and follow up.

An allocation to cover the costs of sub-contracts for specific services to be provided for the project by national research institutions and other parties as required.

Training and Meetings Two expert consultations, ad-hoc working group with IMO, regional workshops, seminars, meetings and national workshops in selected countries having mixed Federal/State responsibilities for vessel registration/fishing licence.

Equipment An allocation to provide suitable office equipment and software.

Supplies An allocation to cover expendable office supplies.

Furniture As the Project would be based at FAO Headquarters where most standard office furniture and equipment can be made available no allocation has been made.

Premises Offices for the Team Leader, other Project staff and visiting consultants will be made available in the Fisheries Department at FAO HQ, Rome. It is not envisaged that any

other premises will be required on a full-time basis - only part-time accommodation in various partner beneficiary countries for specific short-term activities, meetings, workshops, etc

Technical Support Services Secondment to project activities of HQs and or FAO Sub-regional offices staff for periods exceeding two weeks for inputs as might be required

General operating expenses (field) An allocation covering the costs of communications services, computer use, local transport, sundries, editing and printing of project technical reports and field documents, the project's Terminal Report, etc

Project servicing costsA standard charge applied according to the level of expenditure realized by the project component, and covering administrative and operational costs to FAO in support of the Project.

F. Risks

Notwithstanding IMO initiatives related to ship security, the major risk is that not all flag States would participate in the exercise. A secondary risk would be the lack of cooperation by regional fisheries management organizations.

The implementation and maintenance phases could fall behind schedule due to the time required for administrations to effect the necessary changes and to introduce electronic reporting procedures.

There is also a risk that the non-FAO bodies and or institutions or commercial entities would not cooperate fully.

G. Prior Obligations and Prerequisite

A prerequisite for the project would be an agreement by the Committee on Fisheries (COFI) to develop a comprehensive record of fishing vessels within FAO, including refrigerated transport vessels and supply vessels that incorporates available information on beneficial ownership, subject to confidentiality requirements in accordance with international law.

A further agreement that the implementation phase should include the preparation of a mandatory instrument calling on flag States to maintain formal records of fishing vessels either through the registry process or a system for the issue of and authorization to fish or a combination of both; and

That a means to allocate an identification number that would remain with a vessel throughout its life and that such a number would be inserted in the certificates and documents of a fishing vessel.

H. Project Reporting, Reviews and Evaluations

H 1 Reports

Interim Reports

The Team Leader will prepare every six months a Project Progress Report (in English), using the standard FAO format. These reports together with any comments offered by the Fisheries Department at HQ, will be submitted to the donor Government by TCDM

Technical reports prepared by project staff and/or consultants will be issued in individual activities undertaken by the Project, after review and approval by other Headquarters units concerned

Terminal Report

At the end of the project, FAO will prepare a terminal report for submission to the donor and participating governments. The report will assess in a concise manner the extent to which the project's scheduled activities were carried out; the outputs produced and the objectives

achieved, and will make recommendations for any follow-up work to be undertaken after termination of the Project.

H2. Project Reviews and Evaluation

The project will be reviewed annually through the reports presented at annual meetings with donor(s).

The need or otherwise for an evaluation of the project will be decided at the second annual meeting.

I Budgets

Estimated total required budget for the 3.5 years is US$ 2,466,790

RP recoverable US$188,000

Section 1

Draft Budget outline

		2007		2008		2009		2010	
Object of Expenditure	mm	US $	mm	US $	mm	US $	mm	US $	Total US $
Personnel									
Team Leader P5	6mm	90,000	12mm	187,000	12mm	190,000			467,000
P2 Assistant	6mm	45,000	12mm	92,000	12mm	93,000	12mm	96,000	326,000
P3 Statistician	2mm	20,000	12mm	120,000	12mm	125,000	12mm	130,000	395,000
Consultants	4mm	40,000	8mm	80,000	4mm	40,000	2mm	20,000	180,000
GS Data input			8 mm	54,000	12mm	80,000	12mm	82,000	216,000
Duty Travel		20,000		50,000		40,000			110,000
Contracts		15,000		30,000		20,000		20,000	85,000
Training/Meetings		60,000		180,000		60,000			300,000
Equipment		15,000				8,000		8,000	31,000
Supplies		2,000		4,000		4,000		3,000	13,000
G.O.P.		10,000		20,000		20,000		10,000	60,000
Sub-total		317,000		817,000		680,000		369,000	2,183,000
Servicing Costs		41,210		106,210		88,400		47,970	283,790
RP Tech. Support	2mm	28,000	6mm	84,000	4mm	56,000	2mm	20,000	188,000
Totals	20mm	358,210	58mm	923,210	56mm	768,400	40mm	416,970	2,466,790

NB . During the final year of the project it is anticipated that management and leadership would be provided under the FAO Regular Programme (no recovery).

Appendix 3 Proposed Minimum Search Criteria

Table 1 Part 1 Vessel Particulars (Decked Vessels of 100GT and over)

Name of Vessel:		Registry Number:	
Previous Name(s) (if any):		Length Overall	
Flag:		Registered Length	
Previous flag(s) (if any):		Moulded Breadth:	
Port of Registry:		Moulded Depth:	
Previous Port(s) of Registry (if any)		Gross Tonnage:	
IMO/LR Number:		Propulsive Power:	
Call Sign:		Total Installed Power:	
Inmarsat Number		Hold Capacity in m³:	
Vessel Type:[35]		Freezing Capacity tonnes in 24 hours:	
When Built:		Refrigerated Hold Capacity: in m³:	
Where Built:*		Capacity in m³ RSW□ CSW □Tanks	
Hull Material:		Classification Society (if in class or built to class):	
Name and Address of Owner:		Date of major conversion (if any)**	
Name and Address of Operator:		Date scrapped/entry deleted from FV Register	
Comments:			

* Where the hull has been built in one country and fitted out in another enter the name of the country that built the hull followed by / and the name of the country of fitting out.

** If registered anew, give details in the space provided for comments.

[35] As per .FAO classification of fishing vessels.

Table 1 Part 2 *Fisheries management information*

Licence/Authorization to Fish			
Date Issued:		Expiry Date:	
Where Issued:		To whom issued:	
Conditions Applied: VMS Requirement: Yes □ No □ If yes specify..... Navigational warranties EEZ of (name of coastal State):..... High Seas (specify area)..... Regulatory Area (Name of RFMO):			

Table 2 Part 1 Vessel Particulars (Decked Vessels of 10 GT and over but less than 100GT)

Name of Vessel:		Registry/Fishing Number:	
		ID Number**	
Previous Name(s) (if any):		Length overall:	
Flag:		Moulded Breadth:	
Previous flag(s) (if any):		Moulded Depth:	
Port of Registry:		Gross Tonnage:	
Previous Port(s) of Registry (if any)		Gross Registered Tonnage	
Call Sign:		Propulsive Power:	
Vessel Type:[36]		Total Installed Power:	
When Built:		Hold Capacity in m³	
Where Built:*		Refrigerated Hold Capacity in m³	
Hull Material		Freezing capacity in tonnes in 24 hours:	
Name and Address of Owner:		Classification Society (if in class or built to class):	
Name and Address of Operator:		Date of Major Conversion (if any)***	
		Date scrapped/entry deleted from FV Register	
Comments:			

* Where the hull has been built in one country and fitted out in another enter the name of the country that built the hull followed by / and the name of the country of fitting out.

** IE Unique Identification Number

*** If registered anew, give details in the space provided for comments.

[36] As per ...

Table 2 Part 2 Fisheries management Information

Licence/Authorization to engage in support of fishing operations			
Date Issued:		Expiry Date:	
Where Issued:		To whom issued:	

Conditions Applied:

VMS Requirement: Yes □ No □ If yes specify.....

Navigational warranties EEZ of (name of coastal State):.....

Where applicable High Seas (specify area).....

Where applicable Regulatory Area (Name of RFMO): .....

Table 3 Part 1 Proposed Minimum Search Fields for Merchant Ships

Ship Particulars			
Name of Vessel		Length overall:	
		Registered Length	
Previous Name(s) (if any)		Moulded Breadth	
Flag		Moulded Depth	
Previous flag(s) (if any)		Draught:	
Port of Registry		Gross Tonnage	
Previous Port(s)of Registry (if any)		Propulsive Power	
Number on Certificate of Registry		Make and Type of Main Engine(s)	
IMO/LR Number		Total Installed Power	
Call Sign		Hold Capacity	
Inmarsat Number		Refrigerated Hold Capacity in m³:	
Ship Type[37]		Refrigerated containers	
When Built		Fuel Tank Capacity (if bunkering ship) in tons	
Where Built		Classification Society	
Sub contract builder (if applicable)		Date of Major Conversion (if any)**	
		Date scrapped/entry deleted from National Register	
Comments: :			

* Where the hull has been built in one country and fitted out in another enter the name of the country that built the hull followed by / and the name of the country of fitting out.

** If registered anew, give details in the space provided for comments.

[37] Refrigerated cargo carrier; Bunkering ship; Supply Ship, Live fish carrier

Tabl3 Part 2 Fisheries Management

Fisheries management[38]			
Licence/Authorization as support vessels (if applicable)[39]			
Date Issued		Expiry Date	
Where Issued		Name of Authorized Operator	
Conditions Applied: VMS Requirement: Yes □ No □ If yes specify..... Within EEZ of (name of coastal State): ..... High Seas (specify area)..... Regulatory Area (Name of RFMO):			

[38] Mainly for dedicated support vessels.

[39] This will probably only capture Ships that are dedicated fisheries support ships. Other ships, such as refrigerated cargo ships might only be identified during port State control either by a MOU Party or if port State measures are applied for fisheries management purposes.

Appendix 4 Request for IMO Ship Identification Number

REQUEST FOR IMO SHIP - IDENTIFICATION NUMBER
TO ENABLE UNIQUE IDENTIFICATION OF SHIPS FOR ASSIGNMENT OF AN IMO NUMBER IN ACCORDANCE WITH
IMO RESOLUTION A.600 (15), SOLAS XI I/3 and I/5, PLEASE COMPLETE THE FOLLOWING DETAILS IN CAPITALS:
Note: S*hipbuilding details are essential to issue an IMO Ship Number for Newbuildings prior to completion*
CURRENT SHIP NAME / SHIPYARD ID *
_____
FORMER NAME(S)
_____
ORIGINAL NAME*
_____
FLAG* PORT OF REGISTRY _____ CALL SIGN _____
MMSI _____ OFFICIAL NUMBER* _____
DATE OF FLAG REGISTRATION _____

TONNAGE (69 CONVENTION) YES NO
FISHING NUMBER _____

GROSS* NET* DEADWEIGHT _____

LENGTH OVERALL* _____ LENGTH B.P. _____

EXTREME BREADTH* _____ MOULDED BREADTH _____

MOULDED DEPTH _____ DRAUGHT _____

DATE OF KEEL LAYING _____ DATE OF LAUNCH _____
DATE OF COMPLETION*_____

SHIPBUILDER* PLACE OF BUILD* _____ HULL No.*_____

SUB-CONTRACTOR BUILDER (if applicable) HULL No..____

SHIP TYPE DESCRIPTION* _____ HULL MATERIAL _____

(MARPOL requirements The ship complies with regulation 13F(3) (double-hull) Yes No
for OIL TANKERS) The ship complies with regulations 13 and 13E (SBT/PL) Yes No

Other (please specify) _____

The ship is subject to CAS requirements of regulation 13G(7) Yes No

REGISTERED OWNER & ADDRESS MANAGER & ADDRESS
(Including Fax, Telephone & Email) (Including Fax, Telephone, Email & Website)
_____
_____
_____
_____
_____

NUMBER OF MAIN ENGINES ___ ENGINE TYPE _____
MANUFACTURER _____

CURRENT CLASS SOCIETY _____ TOTAL BHP _____
NUMBER OF PROPELLERS _____

SENDER.S NAME & FAX NUMBER FOR REPLY*:
_____
[* *Required Fields*] [**+***Distinctive Number or Letters for Fishing Vessels*]
FOR OFFICE USE ONLY
DATE RECEIVED _____ IMO REF. NO. _____
REFERRED TO _____ BY _____
ACTIONED BY _____ DATE _____
IMO NUMBER _____

LRF (04/06)
LLOYD.S REGISTER . FAIRPLAY, 3 PRINCESS WAY, REDHILL, SURREY, RH1 1UP, UNITED KINGDOM

Appendix 5 Memorandum of Understanding regarding the length of a vessel for the application of the Compliance Agreement

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

Memorandum of Understanding on the length measurement of a fishing vessel

Introduction

Experience gained by the Organization since the entry into force of the Agreement has shown that due to apparent difficulties in measuring a fishing vessel in accordance with the definition of length given in the Agreement it had been suggested that an alternative way to measure the length should be explored.

The International Maritime Organization had also taken note of the experience of its Members with regard to length measurement as defined in the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention fir the Safety of Fishing Vessels, 1977.

Background

In the development of the Compliance Agreement, the length criteria was aligned with definition of "length" as given in the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 and its Protocol of 1993. The same definition is also given in the recently revised FAO/ILO/IMO Code of Safety for Fishermen and Fishing vessels (for fishing vessels of 24m in length and over) and the FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing vessels (of 12m in length and over but less than 24m in length).

With regard to the length of a fishing vessel Article II (Application) of the Agreement states:

> 1. Subject to the following paragraphs of this Article, this Agreement shall apply to all fishing vessels that are used or intended for fishing on the high seas.
>
> 2. A Party may exempt fishing vessels of less than 24 metres in length entitled to fly its flag from the application of this Agreement unless the Party determines that such an exemption would undermine the object and purpose of this Agreement, provided that such exemptions:
>
> > (a) shall not be granted in respect of fishing vessels operating in fishing regions referred to in paragraph 3 below, other than fishing vessels that are entitled to fly the flag of a coastal State of that fishing region; and
> >
> > (b) shall not apply to the obligations undertaken by a Party under paragraph 1 of Article III, or paragraph 7 of Article VI of this Agreement.
>
> 3. Without prejudice to the provisions of paragraph 2 above, in any fishing region where bordering coastal States have not yet declared exclusive economic zones, or equivalent zones of national jurisdiction over fisheries, such coastal States as are Parties to this Agreement may agree, either directly or through appropriate regional fisheries organizations, to establish a minimum length of fishing vessels below which this Agreement shall not apply in respect of fishing vessels flying the flag of any such coastal State and operating exclusively in such fishing region.

In practice, the General Fisheries Council for the Mediterranean (GFCM) elected to establish a minimum length of fishing vessels below which this Agreement shall not apply in respect of fishing vessels flying the flag of any coastal State and operating exclusively in the fishing region. The length selected was 15m.

Thus for the purpose of Article VI (Exchange of Information) there is no lower limitation on length, thus a Party may post information on all vessels that it has authorized to fish on the High Seas if it has not exercised the options given in paragraph 2 of Article II (Application). In practice, it may be noted that currently information has been supplied and entered in the High Seas Fishing Vessels Agreement Record (held by FAO) by a Party in relation to a fishing vessel of 10m in length.

Understanding of the measurement of length

Article I (Definitions) sets out the definition of "length" in the following manner:

"Length" means

> (i) for any fishing vessel built after 18 July 1982, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;
>
> (ii) for any fishing vessel built before 18 July 1982, registered length as entered on the national register or other record of vessels;

Given the parallel experience of the International Maritime Organization and drawing on proposals made by that organization to overcome measurement difficulties, it is herby understood, that for the application of the Agreement the follow shall apply:

1. Where the length given in the Agreement is 24m:
   - Where the Registered Length (Lreg) is equal to 24m it is considered to be in accordance with the definition given in the Agreement.
   - Where the Lreg is not available and where the Length between perpendiculars (Lbp) is equal to 23.07m Lreg should be taken to be 24m.
   - Where both Lreg and Lbp are unavailable and the Length over all (Loa) is equal 26.47m Lreg should be taken to be 24m.
2. Where a lower length than 24m has been set below which a Party has exempted fishing vessels from the application of the Agreement:
   - the Party may exchange information as provided for in Article VI for those vessels it has authorized to fish on the High Seas; and
   - it may report the length of a fishing vessel to which the Agreement will apply, by registered length, length overall or by length between perpendiculars.

Appendix 6 Proposal for an agreement on the allocation of a unique identification number to decked fishing vessels of 55 gross tonnage and over but less than 100 gross tonnage.

Background

1. At one time, the Lloyds Register of Shipping (LRS) collected technical and administrative information on ships of all sizes of British Registered ships but gradually entries for ships below 50 tons were dropped and at a later date this was further modified ships to exclude ships of less than 100 gross tons. [40] The policy in relation to the register was also modified to widen the scope of the register to include ships registered by other flag States. This expansion of the scope of the register led to the addition the LR Number in order to accurately follow a ship throughout its life. Over time, it became standard practice for the LR Number to be inserted in the record of a ship by the flag State and that number does not change when a vessel was re-registered (by the flag State) or when it changes flag.

2. More recently, the International Maritime Organization found the need to make use of the LR Number it being a simple matter the add the letters IMO before the LR seven digit number. This is a requirement under Chapter XI-1 Special measures to enhance maritime safety of the SOLAS convention. In addition, it should be noted that IMO is currently giving consideration to the application of security measures to non-convention vessels, including fishing vessels, that could result in vessels of less than 100 GT being given a unique number similar to the IMO/LR number.

3. Unfortunately, fishing vessels are not as well covered as merchant ships with regard to the LR number since less than 30 percent of fishing vessels of 100GT and over are listed in the Lloyds Register of Ships. Within this 30% are a number of vessels currently in the HSVAR thus from a technical point of view, it would not be difficult to include the remaining entries (in the HSVAR) in the Lloyds Register. In addition, with the further cooperation of flag States through the contribution of particulars of fishing vessels in order to establish a Global Record of fishing vessels, it would also be possible to supply Lloyds with relevant information of vessels of 100GT and over and to have a LR number assigned.

4. However, for fishing vessels of less than 100GT, there is no universal system in place similar to the Lloyds numbering system which forms the basis for the IMO number to be used in accordance with the provisions set out in SOLAS.[41]

Justification

5. Should it be possible to cooperate with Lloyds in order to increase the numbers of fishing vessels in its records of vessels of 100GT and over and thus have a separate LR number assigned to individual vessels, it would facilitate MCS and the work of enforcement officers at all levels.

6. In addition, it would be beneficial to States exercising port State control as proposed at COFI 2005 as a means of combating IUU fishing in a more substantive manner given that the lack of agreed binding measures provides a loophole.

7. Since a great many fishing vessels of 55 GT[42] and over but less than 100 GT are capable of operating outside waters under the jurisdiction of the flag State, including on the high seas, a

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[40] In certain cases, ships below 100 gross tons are included particularly in the case of a vessels “in class” by a ship classification society.

[41] ISO 10087:2006 establishes a coding system to achieve identification of any small craft in terms of identification code of the country of the manufacturer; identification code of the manufacturer; serial number; month and year of manufacture and model year. It applies to small craft of all types and materials, of hull length up to 24 m in length. However the extent of its use world wide is vague.

numbering system for such vessels could provide similar benefits (to having a LR Number) to fisheries managers.

8. In both instances, however, the number that would be unique to the individual vessel would also have to be recorded by the flag State in the registry file and in the in the certificate and documents of the vessel, which means that an appropriate binding agreement may be required.

Proposal

9. The proposal to have a unique identifier allocated to a vessel is based, initially, on there being an agreement by FAO:

- to establish a Global Record of fishing vessels.
- that individual flag States would accept a means to uniquely identify a vessel throughout its life; and
- that individual flag States would undertake to amend its register of fishing vessels and to enter such amendments in the certificates and documentation of the vessel.

10. Although the need for a numbering system would be an integral part of a report to COFI of the result of the Study undertaken in relation to a possible Global Record, the Committee would have to be requested to agree in principle:

- to accept a means to uniquely identify a vessel throughout its life;
- to accept that FAO could extract pertinent details of a fishing vessel for data held in the HSVAR[43] and or data to be entered in a Global Record for submission to Lloyds/Fairplay with the intention that a LR number would be allocated to each vessel of 100 gross tons and over so recorded;
- to accept that for vessels of 55GT and over but less than 100GT a unique number, on a similar basis to the LR number, would be allocated to each vessel so recorded;
- that individual flag States would undertake to amend their registers of fishing vessels to include a number unique to an individual vessel and to enter such amendments in the certificates and documentation of the vessel, and
- instruct FAO to proceed accordingly with the development of a system in cooperation with other relevant UN Organizations.

11. Target date for agreement in principle by COFI: 2007.

12. Thereafter, FAO to:

- Seek funds to implement the proposal.
- In collaboration with IMO, prepare draft working documents in relation to flag States agreeing to ensure a numbering system for fishing vessel that would be unique to individual vessels and remain with that vessel over time. In particular, proposals should be made on who would allocate the number.[44]
- Convene an expert consultation to review/refine the draft working documents and provide advice on how best to design and implement a system of numbering and finalize submission to COFI 2009.[45]

---

[42] Following discussions at the 93rd Session of the Industrial Labour Conference, ILO May/June 2005 a gross tonnage of 55 was considered to be equivalent to a length of 15m (as defined in the Compliance Agreement) or a LOA of 16.5 m.

[43] This could be taken up with the Parties to the Compliance Agreement prior to COFI (together with any other references to the Compliance Agreement in the report of the).

[44] This would entail discussion with LR-F and IMO on the subject but is possible that FAO could take the lead.

[45] Note that it may be necessary to develop a binding agreement for the numbering system (it is binding in SOLAS) in which case there would be a need to go to Conference).

- Convene an expert consultation on legal matters concerning the allocation of the LR number to fishing vessels of 100GT and over and a similar series of numbers to be allocated to fishing vessels of 55GT and over but less than 100GT;
- Proceed with the extraction of information from existing data bases for submission to Lloyds/Fairplay for the allocation of a LR number;[46] and
- Determine the need or otherwise for a similar unique identification numbering system for vessels of less than 55GT.
- Submit to COFI 2009 draft instruments/agreements in relation to the obligation of flag States to accept the LR number as the unique identification number for all fishing vessel of 100GT and over and to undertake to insert in certificates and documents particulars of each vessel entitled to fly their flags;
- Submit to COFI 2009 draft instruments/agreements in relation to the obligation of flag States to accept a number following the system adopted by LR-F as the unique identification number for all fishing vessel of 55GT and over but less than 100GT and to undertake to insert in certificates and documents particulars of each vessel entitled to fly their flags; (and if necessary submit to Conference should a binding agreement be required, States would need time to amend relevant Acts and no doubt would need the assistance of LEG).

[46] Note that the prefix IMO would be allocated separately for such vessels that fall under the SOLAS requirement for the IMO number.

Appendix 7 Proposal to amend Article II of the Compliance Agreement

Background

In the development of the Compliance Agreement, the length criteria was aligned with the definition of "length" as given in the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 and its Protocol of 1993. The same definition is also given in the recently revised FAO/ILO/IMO Code of Safety for Fishermen and Fishing vessels (for fishing vessels of 24m in length and over) and the FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing vessels (of 12m in length and over but less than 24m in length).

With regard to the length of a fishing vessel Article II (Application) of the Agreement states:

> 1. Subject to the following paragraphs of this Article, this Agreement shall apply to all fishing vessels that are used or intended for fishing on the high seas.
>
> 2. A Party may exempt fishing vessels of less than 24 metres in length entitled to fly its flag from the application of this Agreement unless the Party determines that such an exemption would undermine the object and purpose of this Agreement, provided that such exemptions:
>
> - (a) shall not be granted in respect of fishing vessels operating in fishing regions referred to in paragraph 3 below, other than fishing vessels that are entitled to fly the flag of a coastal State of that fishing region; and
> - (b) shall not apply to the obligations undertaken by a Party under paragraph 1 of Article III, or paragraph 7 of Article VI of this Agreement.
>
> 3. Without prejudice to the provisions of paragraph 2 above, in any fishing region where bordering coastal States have not yet declared exclusive economic zones, or equivalent zones of national jurisdiction over fisheries, such coastal States as are Parties to this Agreement may agree, either directly or through appropriate regional fisheries organizations, to establish a minimum length of fishing vessels below which this Agreement shall not apply in respect of fishing vessels flying the flag of any such coastal State and operating exclusively in such fishing region.

It would appear from the experience gained through the maintenance of the High Seas Vessel Record established by FAO under Article VI Exchange of Information, that the length measurement used by Parties, may not always correspond with the definition of length given in the Agreement. Furthermore, since the national records containing the majority of fishing vessels in the world have not been measured previously in the manner defined in the Agreement many flag States have made the point that there is a cost to re-measuring fishing vessels.

The International Maritime Organization (IMO) has had similar experience and has recently proposed a formula to overcome measurement difficulties and as an interim measure; it is proposed to adopt that formula through a memorandum of understanding; see Appendix 5.

However, for the long term application of the Agreement, there is a case to be made to change the application criteria from length to tonnage due to the need for fishing vessels to comply with amendments to SOLAS Chapter XI Regulation 3 (done at IMO). At this stage, it is probably not a high priority if it is agreed to have a Global Record of fishing vessels and since there is a proposal to have an IMO/LR number assigned to vessels of 100GT and over.

The Proposal

It is proposed to redefine the criteria for the application of the Agreement from 24m in length and over to 100GT and over. The actual change, however, may be difficult to negotiate since the selection of 100GT would effectively target vessels of less than 24m in length (as defined in the Agreement) in certain areas of the world.

Justification

Notwithstanding the importance of the length criteria with regard to the Torremolnos Protocol for the Safety of Fishing vessels (not in force) and the FAO/IMO/ILO codes of fishing vessel safety and voluntary guidelines(not mandatory), it would appear to be more important to conform with the regulations of SOLAS which are applied mainly by gross tonnage. Of particular relevance is Chapter V Safety of Navigation in relation automatic identification system (AIS) and Chapter XI Reg. 3 Special measures to enhance maritime safety with regard to the IMO numbering system.

Furthermore, IMO is currently at the development stage of other ship security measures that would most likely include fishing vessels of all sizes, as well as pleasure craft and may require them to have a unique identification number. Thus the use of gross tonnage for the application of the Agreement, would not be at variance with the responsibilities of flag States under other maritime conventions and need no, necessarily, t imply additional cost to Parties.

List of Annexes

Annex I Matters concerning the register of ships and fishing vessels

Annex II High Seas Fishing Vessel Agreement Record

Annex III Other Existing Global Registers/Records

Annex IV Existing Regional Registers/Records of Ships/Fishing Vessels

Annex V Initiatives to Deter IUU Fishing

Annex VI Selection of vessel categories for the development of a Global Record

Annex I Matters concerning the register of ships and fishing vessels

Summary

In this annex the fundamental principles of international law in relation to the register of ships are summarized and excerpts from pertinent conventions are included. It is concluded that, in general, flag States require fishing vessels to be registered and or licensed and that the records of the relevant entries under both systems contain particulars of the vessel and its ownership.

It is noted that the application of provisions by flag States of International Conventions concerning maritime safety and the protection of the marine environment to which they are a party, would require merchant ships and fishing vessels where so mentioned, to be measured for both length and tonnage.

Attention is drawn to the apparent difficulties in identifying the true extent of beneficial ownership of ships and fishing vessels that would be included in a global record, thus it is recommended that the name(s) of the owner(s) should be the same as entered in the register and or license to fish as the case may be.

General

Fundamental Principle of International Law

o The freedom of the high seas is one of the fundamental principles of international law. However, in order to ensure that the principles of unrestricted access do not lead to abuse, international law lays down rules that provide a framework for the exercise of that freedom and for individual States to enforce compliance with those rules through the jurisdiction exercised over their national vessels. Thus vessels using the high seas must have a national character.[47]

o As provided for in Article 91 of the United Nations Convention of the Law of the Sea of 10 December 1882, States determine the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. States are required to issue to a ship to which it has granted the right to fly its flag documents to that effect. Conditions for granting nationality to vessels differ greatly between national registers, open registers and international registers. Ships without nationality are regarded as stateless and receive no protection under international law.

Documentation

o This refers to a document issued by the competent authority in a State, evidencing the vessel's nationality and attesting to the right of the vessel to fly the national flag of that State. Although the registration of a vessel and the granting of nationality are generally connected, this is not always the case.[48] This is simple because registration generally involves the

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[47] Oppenheim's International Law states, that the interest of order on the open sea, a vessel not sailing under the maritime flag of a State enjoys no protection whatsoever, for the freedom of navigation on the open sea is a freedom for such vessels only as sail under the flag of a State.

[48] For example a vessel may be enrolled on a temporary basis for the first time by a State and allocated its flag. A consul of the Flag State then issues the vessel with a document such as a Patente de Navigación or a Passavati de Navigación. Sometimes this is simply for a delivery voyage from the

recognition and protection of the ship owner's title to a vessel as well as the conferment of nationality, whereas documentation is principally concerned with granting entitlement to fly the national flag. Thus the two concepts should not be confused. Indeed, in so-called "dual registry" situations, which can arise when a vessel already registered in one State obtains the entitlement to fly the flag of another State on the basis of a bareboat charter arrangement, the distinction between documentation and registration becomes critical.[49.]

Flag

o The flying of a flag is evidence of the nationality and is flown from the stern of the vessel. It should be raised whenever required for the purpose of identification. Nevertheless, International Law does not set an obligation for the national flag to be flown at all times by vessels on the high seas. This lack of an obligation to do so, plus poor maintenance of marks such as those indicating the port of registry and name or number, is a constraint to the identification of vessels for the purposes of safety and fisheries management.[50]

Registration

- Registration means the entering of a matter in the public record and the process is equally important when an entry in a register is closed. There are two aspects of "full" registration that pertaining to public law and the other to private law.
- The public law function of registration includes*, inter alia*:

- the allocation of a vessel to a specific State and to the subjection of the vessel to the jurisdiction of that State, for example, for safety regulations, certification of crew and discipline;
- the conferment of the right to fly the national flag;
- the right to diplomatic and naval protection;
- right to engage in certain activities within waters under the jurisdiction of the flag State such as fishing.

- The private law functions of registration[51] include, *inter alia*:

- the protection of the title of the registered owner; and,
- protection of the title and the preservation of priorities between persons holding security interests over the vessel such as mortgages, liens and other encumbrances.

- Every State has the right to set conditions for the registration of a vessel including the information to be entered in the record. However, in most cases the following information would normally be recorded:

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place of construction to a port in the flag State, but not always. In such cases, the flag State does not usually require the normal details to be entered in the public record.

[49] See the case of the M/V Saiga, at the International Tribunal for the Law of the Sea. President Mensah gave a separate opinion stating: that it is hardly necessary to stress that a certificate of registry is the most important evidence of the nationality of a ship for third States and other parties who may have an interest in the identity of the flag State or in the discharge of flag State responsibilities under the Convention and other international agreements dealing with safety at sea and the prevention and control of pollution of the marine environment from ships. It is, therefore, imperative that every ship operating internationally should have a valid certificate of registry at all times.

[50] See - The Standard Specifications for the Marking and Identification of Fishing Vessels submitted to IMO prior to endorsement by the Eighteenth Session of the FAO Committee on Fisheries, Rome, April 1989.

[51] Note normally available under "simple" registry procedures.

- the name of the vessel and the port to which it belongs;
- details of the vessel as contained in the surveyors certificate;
- particulars concerning the origin of the vessel as stated in the declaration of ownership; and,
- name and description of the registered owner or owners and if there are more owners than one, the proportions in which they have an interest in the vessel.
    - In general, a person, on payment of the prescribed fee (if any required) may, on application to the registrar, inspect any register book
    - However, the processes of registration and the allocation of a flag are complex. Indeed the process is such that although the owner whose title may be recognized through entries in the private law record, those who benefit most from the operation of a fishing vessel (if different from the legal owner or owners (which is frequently the case), are more difficult to identify. This is one of the reasons why the so-called "genuine link" remains an issue. It is quite clear, however, that in relation to domestic law (in particular in national registers) the genuine link between the vessel and the flag State is generally based on certain socio-economic factors (construction, ownership, agent, crew etc.). Whereas in international law, the genuine link, consists of the effective control of the flag State over a vessel entitled to fly its flag. Nevertheless, there is a condition that expresses the intent of the flag State to exercise control over a fishing vessel entitled to fly its flag and that is the authorization to fish.
    - Where there is an option for "simple registration" it would not allow the register of mortgages and such an option would not be available in the case of a bare boat chartered vessel as set out below.
    - When a vessel is acquired abroad, it is usually possible to obtain "provisional certificate of registry" for the vessel, it being noted that the sighting of Carving and Marking on the vessel and the endorsement of the Carving and Marking by a Surveyor of Mercantile Marine Department of the country of build or of a Recognized Classification Society. In most case, the change to permanent registration is a simple case of a change in the wording from provisional to permanent. However, there would be one date for the provisional registration and another for the permanent with such entries as the serial number of the vessel remaining the same.
    - It is often common practice to allow the mortgage to be entered on provisional registry of vessels once the mortgage is entered on provisional registration, the said mortgage would continue to remain in force even after the vessel has been granted permanent registration.

The Bare Boat Charter.

- Further complications may arise from bareboat chartering in and out. Some flag States do not even require the suspension or deletion of the primary register. Others permit splitting the public and private law functions of the register of a fishing vessel that effectively leaves the private law register open (which may give greater protection in relation to mortgages, liens and other encumbrances) but at the same time suspending the entry in the public law function in the register. In addition, tracing the beneficial ownership may be further complicated in the event of a sub-demise of a chartered vessel.
- Under a demise charter, a vessel is leased for a fixed period of time, bare of officers and crew. The charterer, for the period of the charter, may appoint officers and crew and is considered to be the owner for the operation of the vessel

with regard to third parties. Such charter arrangements are referred to as a *bareboat charter*.

- Subject to the laws of the States concerned allowing bareboat chartering and provided that the mortgage holders are satisfied, it is common practice for a vessel bare boat chartered **in** to be given the flag of the State in which the charterer is located. In many cases the vessels may remain on the register of the bareboat chartering **out** State. This is often referred to as parallel registration or, "dual registration".

Register anew

- Where a ship is to be registered anew, the registrar proceeds as in the case of first registry, and on the delivery up to the registrar of the existing certificate of registry, and on the other requisites of registry, or in the case of a change of ownership such of them as is thought to be material, being duly complied with, makes such registry anew, and grants a certificate thereof.
- When a ship is registered anew, her former register is considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of sale or mortgage entered thereon, but the names of all persons appearing on the former register to be interested in the ship as owners or mortgagees are entered on the new register, and the registry anew does not in any way affect the rights of any of those persons.

Conventions

At the United Nations

UNCLOS

PART VII HIGH SEAS

SECTION 1. GENERAL PROVISIONS

- Article86 Application of the provisions of this Part
- The provisions of this Part apply to all parts of the sea that are **not** included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State. This article does not entail any abridgement of the freedoms enjoyed by all States in the exclusive economic zone in accordance with article 58,[52]
- Article 91 Nationality of ships
- 1. Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship.
- 2. Every State shall issue to ships to which it has granted the right to fly its flag documents to that effect.
- Article94 Duties of the flag State
- 1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

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[52] Rights and duties of other States in the exclusive economic zone

- 2. In particular every State shall:

- (a) maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size; and

- (b) assume jurisdiction under its internal law over each ship flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship.

Fish Stocks Agreement

- This Agreement does not deal directly with the register of fishing vessels since UNCLOS already makes provision for vessel on the high seas. It does, however, provide for:

- (e) establishment of a national record of fishing vessels authorized to fish on the high seas and provision of access to the information contained in that record on request by directly interested States, taking into account any national laws of the flag State regarding the release of such information;

- (d) requirements for marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels.

Paragraph (e) is on the basis of a register being kept by parties to parent Convention and paragraph (b) implies that such records in the register contain the "International Radio Call Sign".

At UNCTAD

Convention on Conditions for the Register of Ships

- The UNCTAD International Convention on Conditions for the Registration of Ships does not include fishing vessels and is not in force. Nevertheless, some countries have drawn on the Convention to effect changes in national legislation and while the changes were made for ships in general, there were cases where fishing vessels fell under the same legislation (or were not specifically excluded).

Article 11 of the Convention Register of ships

- 1 A State of registration shall establish a register of ships flying its flag, which register shall be maintained in a manner determined by that State and in conformity with the relevant provisions of this Convention. Ships entitled by the laws and regulations of a State to fly its flag shall be entered in this register in the name of the owner or owners or, where national laws and regulations so provide, the bareboat charterer.

2. Such register shall, *inter alia*, record the following:

- (a) the name of the ship and the previous name and registry if any;

- (b) the place or port of registration or home port and the official number or mark of identification of the ship;

- (c) the international call sign of the ship, if assigned;

- (d) the name of the builders, place of build and year of building of the ship;

- (e) the description of the main technical characteristics of the ship;

- (f) the name, address and, as appropriate, the nationality of the owner or of each of the owners; and, unless recorded in another public document readily accessible to the Registrar in the flag State:

- (g) the date of deletion or suspension of the previous registration of the ship;

- (h) the name, address and, as appropriate, the nationality of the bareboat charterer, where national laws and regulations provide for the registration of ships bareboat chartered-in;

- (i) the particulars of any mortgages or other similar charges upon the ship as stipulated by national laws and regulations.

- 3. Furthermore, such register should also record:

- (a) if there is more than one owner, the proportion of the ship owned by each;

- (b) the name, address and, as appropriate, the nationality of the operator, when the operator is not the owner or the bareboat charterer.

- 4. Before entering a ship in its register of ships a State should assure itself that the previous registration, if any, is deleted.

- 5. In the case of a ship bareboat chartered-in a State should assure itself that right to fly the flag of the former flag State is suspended. Such registration shall be effected on production of evidence, indicating suspension of previous registration as regards the nationality of the ship under the former flag State and indicating particulars of any registered encumbrances.

Article 12 Bareboat charter

- 1. Subject to the provisions of article 11 and in accordance with its laws and regulations a State may grant registration and the right to fly its flag to a ship bareboat chartered-in by a charterer in that State, for the period of that charter.

- 2. When ship owners or charterers in States Parties to this Convention enter into such bareboat charter activities, the conditions of registration contained in this Convention should be fully complied with.

- 3. To achieve the goal of compliance and for the purpose of applying the requirements of this Convention in the case of a ship so bareboat chartered-in the charterer **will be considered to be the owner**. This Convention, however, does not have the effect of providing for any ownership rights in the chartered ship other than those stipulated in the particular bareboat charter contract.

- 4. A State should ensure that a ship bareboat chartered-in and flying its flag, pursuant to paragraphs 1 to 3 of this article, will be subject to its full jurisdiction and control.

- 5. The State where the bareboat chartered-in ship is registered shall ensure that the former flag State is notified of the deletion of the registration of the bareboat chartered ship.

- 6 All terms and conditions, other than those specified in this article, relating to the relationship of the parties to a bareboat charter are left to the contractual disposal of those parties.

Convention on Mortgages and Liens

- The UNCTAD/IMO Conference of Plenipotentiaries, held in May 1993, adopted a new Convention on Maritime Liens and Mortgages. The underlying

requirement for the Convention lay in the need to improve conditions for ship financing and the development of national merchant fleets.

- If it comes into force, many Parties would again have to amend national legislation and although the Convention does not refer to fishing vessels, such vessels could be affected for a number of reasons. In the early stages of drafting this Convention, one of the aims was to achieve a single registry system into which details of the ship, mortgages, hypothèques and other like charges would be recorded as a means to facilitate ship financing. The final text of the Convention, however, also provides for temporary registration. One reason for this, stressed by the Conference, was that bareboat chartering plays an important role in ship financing (not unknown in the fishing industry today). The provision to allow temporary registration was not entirely unexpected since many States had introduced new legislation to facilitate bareboat chartering in and out for all types of vessels.

Article 3 - Change of ownership or registration

- 1 With the exception of the cases provided for in articles 11 and 12, in all other cases that entail the deregistration of the vessel from the register of a State Party, such State Party shall not permit the owner to deregister the vessel unless all registered mortgages, "hypothèques" or charges are previously deleted or the written consent of all holders of such mortgages, "hypothèques" or charges is obtained. However, where the deregistration of the vessel is obligatory in accordance with the law of a State Party, otherwise than as a result of a voluntary sale, the holders of registered mortgages, "hypothèques" or charges shall be notified of the pending deregistration in order to enable such holders to take appropriate action to protect their interests; unless the holders consent, the deregistration shall not be implemented earlier than after a lapse of a reasonable period of time which shall be not less than three months after the relevant notification to such holders.
- 2 Without prejudice to article 12, paragraph 5,[53] a vessel which is or has been registered in a State Party shall not be eligible for registration in another State Party unless either:
  - (a) a certificate has been issued by the former State to the effect that the vessel has been deregistered; or
  - (b) a certificate has been issued by the former State to the effect that the vessel will be deregistered with immediate effect, at such time as the new registration is effected. The date of deregistration shall be the date of the new registration of the vessel.

Article 11 - Notice of forced sale[54]

1 Prior to the forced sale of a vessel in a State Party, the competent authority in such State Party shall ensure that notice in accordance with this article is provided to:

(d) the **registered owner** of the vessel

Article 16 - Temporary change of flag

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[53] Article 12 covers the “Effects of a Forced Sale” and paragraph 5 sets conditions for the deletion of registered mortgages, to register the vessel in the name of the purchaser .or to issue a certificate of deregistration for the purpose of new registration as the case may be.

[54] Emphasis placed on the “registered owner”.

- If a seagoing vessel registered in one State is permitted to fly temporarily the flag of another State, the following shall apply:

- **(a)** For the purposes of this article, references in this Convention to the "State in which the vessel is registered" or to the "State of registration" shall be deemed to be references to the State in which the vessel was registered immediately prior to the change of flag, and references to "the authority in charge of the register" shall be deemed to be references to the authority in charge of the register in that State.

- **(b)** The law of the State of registration shall be determinative for the purpose of recognition of registered mortgages, "hypothèques" and charges.

- **(c)** The State of registration shall require a cross-reference entry in its register specifying the State who's Flag the vessel is permitted to fly temporarily; likewise, the State whose flag the vessel is permitted to fly temporarily shall require that the authority in charge of the vessel's record specifies by a cross-reference in the record the State of registration.

- **(d)** No State Party shall permit a vessel registered in that State to fly temporarily the flag of another State unless all registered mortgages, "hypothèques" or charges on that vessel have been previously satisfied or the written consent of the holders of all such mortgages, "hypothèques" or charges has been obtained.

- **(e)** The notice referred to in article 11 shall be given also to the competent authority in charge of the vessel's record in the State whose flag the vessel is permitted to fly temporarily.

- **(f)** Upon production of the certificate of deregistration referred to in article 12 paragraph 5, the competent authority in charge of the vessel's record in the State whose flag the vessel is permitted to fly temporarily shall, at the request of the purchaser, issue a certificate to the effect that the right to fly the flag of that State is revoked.

- **(g)** Nothing in this Convention is to be understood to impose any obligation on States Parties to permit foreign vessels to fly temporarily their flag or national vessels to fly temporarily a foreign flag.

Other UNCTAD initiatives

Open Registers

- UNCTAD is still preoccupied with open registers and address the issues in its Review of Maritime Transport, 2004. The table below, extracted from that Review, provides an overview of the way in which 35 of the most important countries were registering their ships at the beginning of 2004 under open registries. Overall, the share of the six major open registers stood at 93.9 per cent, with the share of the minor open register considerably less at only 6.1 per cent. The following table reproduced from the report attempts to identify what is termed the true nationality.

- True Nationality of major open registry fleets as of 1 January 2004

Country or Territory of Domicile	Panama	Liberia	Bahamas	Malta	Cyprus	Bermuda	Six Minor open Registers
Greece	548	166	116	571	480	4	155
Japan	!,807	109	43	3	18	0	27
Norway	85	66	259	37	16	5	53
Germany	19	510	17	47	220	1	928
China	262	59	7	16	12	0	111
USA	134	107	173	9	3	14	163
Hong Kong (China)	129	26	8	0	2	4	14
Korea, R of	300	8	1	1	3	0	4
Singapore	67	35	13	2	1	0	2
Taiwan (Province of China)	313	42	0	1	0	0	4
United Kingdom	39	24	89	4	13	29	33
Russian Federation	7	65	3	91	67	0	26
Denmark	14	5	59	3	0	0	23
Italy	4	10	9	25	1	0	30
India	9	6	2	0	5	0	10
Saudi Arabia	8	24	13	0	0	0	5
Malaysia	15	0	13	0	0	0	0
Iran, Islamic Rep. of	0	0	0	4	3	0	0
Turkey	9	3	5	99	6	0	12
Switzerland	148	13	2	43	5	1	23
Netherlands	10	5	14	10	2	1	39
Belgium	10	5	14	10	2	0	31
Canada	1	4	11	8	7	16	6
Sweden	4	12	13	1	7	5	19
Philippines	14	0	0	0	2	0	2
Brazil	4	5	0	0	0	0	0
France	10	4	25	0	2	1	28
Spain	42	1	6	0	4	0	3
Indonesia	47	1	2	2	0	1	1
Cyprus	9	1	10	3	41	0	5
Kuwait	0	0	0	0	0	0	0
Monaco	16	10	24	7	0	0	9
Australia	5	3	7	2	0	2	5
Thailand	11	0	1	0	0	0	0
Ukraine	8	3	0	25	2	0	7
Sub Total	4,111	1,336	1,026	1,020	938	84	1,778
Others	2,190	225	264	285	246	21	1,111
Total	6,301	1,564	1,250	1,305	1,184	105	2,889

The lesser open registers listed in the review are, St. Vincent and the Grenadines, Antigua and Barbuda, Cayman Islands, Luxembourg, Vanuatu and Gibralter

In addition, the Review lists the following international registers

- Singapore;
- Norwegian International Registry
- Hong Kong (China)
- Marshall Islands;
- Isle of Man
- Danish International Registry;
- French Antarctic Territory;
- Netherlands Antilles.

  - Of interest is that in 2004 a total of 378,923,000 dwt was entered in open registers of which the participation of nationals of the country of register and nationals of countries having a privileged relationship with the country of register was limited to only 1,062,000 dwt. On the other hand under the international registers, nationals of the country of register and those nationals of privileged countries with the country of register had an interest in 50% of the registered dwt.

Other conventions concerning ships and fishing vessels

- There are a number of maritime conventions in which provisions differ according to the tonnage and or length of a merchant ship or fishing vessel that require such particulars to be noted in a record for action by the flag State. Important conventions to note are:
- International Convention on Load Lines, 1966 and the Protocol of 1988. In force.
- Purpose: To establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea.
- International Convention on Tonnage Measurement of Ships, 1969. In force.
- Purpose: To establish uniform principles and rules with respect to the tonnage of ships engaged on international voyages.
- Convention on International Regulations for Preventing Collisions at Sea, 1972. In force**.**
- Purpose: To establish principles and rules concerning lights and shapes to be displayed by ships.
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Convention/LC-formerly "London Dumping Convention"(LDC), 1972. In force.
- Purpose: To control pollution of the sea by dumping, and to encourage regional agreements supplementary to the Convention.
- International Convention for the Prevention of Pollution from Ships 1973, as modified by its Protocol of 1978, MARPOL 73/78. In force.
- Purpose: To preserve the marine environment by achieving the complete elimination of pollution by oil and other harmful substances and the minimization of accidental discharge of such substances.

- Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973. In force.
- Purpose: To enable States to take action on the high seas in cases of maritime casualties resulting in grave and imminent danger of pollution to their coastline or related interests by substances other than oil.
- International Convention for the Safety of Life at Sea (SOLAS74/78), In force.
- Purpose: To promote safety at sea by establishing a common agreement, uniform principles and rules. The first version was brought out in 1914 the second entered into force in 1933 and the third in 1952. The fourth version of SOLAS entered into force in 1965 and the current SOLAS was adopted in 1974.

Commentary

- Apart from the mention in UNCLOS 1982, reproduced above, there is no internationally agreed system with respect to registry, whether it is primary (in the chartering out State) or secondary (in the chartering in State). Furthermore, as mentioned above, although the two UNCTAD Conventions address the registration of ships as well as the use of a flag they do not cover fishing vessels and are not in force. Nevertheless, notwithstanding the status of these Conventions the provisions therein hardly give confidence to anyone intent on identifying the beneficial ownership of fishing vessels.
- Therefore, for the purpose of the present study, the ownership as given in a certificate of registry or license to fish would be the criteria for a Global Record.
- Given the obligation under UNCLOS to maintain a register of vessels in Part VII High Seas and the requirement in the Fish Stocks Agreement, there is certainly justification to establish a Global record of vessels that are capable of fishing on the high seas. This does not, however, necessarily limit the scope of such an exercise since small vessels also operate in international waters.

FISHING VESSEL REGISTRY

- From a review of the relevant Acts held by the FAO Legal Office it is clear that there are different approaches to the register of fishing vessels. Many administrations require the vessel to be registered and to hold a license to fish whereas others require only the license to fish. It is fairly common, however, for the record of the license to contain similar information to that contained in a certificate of registry.
- Furthermore, there are countries where a Fisheries Act enacted by central government forms the basis for the different States (within the country) to introduce fishery laws and rules to suit local demands and conditions. What normally happens for example is that the “State” may decide that there is no need to register small vessels that are only intended for operation within territorial waters and that a license to fish is all that is required. Without exception, however, there would be a requirement to register a fishing vessel intended for operation outside the EEZ and for any vessel engaged in an international voyage.
- It is also evident that the responsibility for the register of a fishing vessel varies between countries with a mix of interventions by maritime authorities and administrations responsible for fisheries management.
- The following examples are indicative of the fact that most legislation does call for records to be kept of fishing vessels and their owners without which the government would find it difficult to collect the fees set out in legislation and control fishing effort.

Albania

Any vessel used for professional fishing must be registered. Every professional fisherman must be registered.

Every fishing activity must be licensed.

Records are maintained.

Argentina

Fishing register maintained contains details of those licensed to fish together with conditions. Fishing vessels are required to be registered by the Prefectura Naval (which also carries out safety surveys) and a record is kept.

Angola

- Local fishing vessel is defined as a fishing vessel registered in Angola and registered in the official Angolan registries.
- To be issued a license vessels must have navigability and fishing certificates, and be registered.

Bahrain

Fishing vessels have to be registered in accordance by port authorities and with the Fisheries Resources Department. Vessel must hold a licence issued by the Fisheries Resources Department. Exceptions to the rule:

small vessels without inboard engine

small boats that are part of bigger vessels and can be hoisted aboard.

Barbados

- Fishing vessels of 15 tonnes and over to be registered under the Shipping Act
- Below 15 tonnes the Fisheries Division is responsible for registration, maintenance of the register and safety inspection of fishing vessels.

Belize

- The "International Merchant Marine Registry of Belize" was established for the registration under the flag of Belize of vessels of any type, class, size or weight engaged in any kind of trade, service or international maritime activity, including pleasure vessels and a suitable record is maintained. Furthermore, every vessel registered in Belize must have a shipping agent appointed by the ship owners. Provision is also made for dual registration registered.
- Fishing vessels also require a license to fish and a record is kept.

Colombia

Maintains a general register of fishing that includes authorization to fish and where to fish as well as the registration of fishing vessels.

The law also requires the fishing capacity to be monitored and the size of the fleet to be regulated.

No fishing is allowed without a permit and no fishing vessel can engage in fishing activities without being registered.

Fiji

Fishing vessels to be registered and records maintained.

No fishing without a license.

Ghana

A license by the Secretary for Industries in consultation with the Secretaries for Transport and Communications and Agriculture is required for the building of any motor fishing vessel, whose design must be approved by the Shipping Commissioner. The building and sale of such vessels is supervised by the Shipping Commissioner. Regulations providing for construction standards, the issue of licenses and certificates of seaworthiness may be issued. A prior approval is required for the import into Ghana of any motor fishing vessel, while vessels which are more than five years of age from the date of construction (seven if tuna fishing vessels) may not be imported.

All fishing operations are prohibited without license in the "coastal waters and riverine system of Ghana". The licensing of both vessels owned by Ghanaians and foreigners is allowed only if the vessel is registered with the appropriate authorities and a certificate of seaworthiness has been issued in respect of it.

Iran

- The name and particulars of any kind of fishing vessel, boat or fish carrier should be registered “in the books” of the fisheries administration and owners to obtain a registry number and such marks as required.
- All of the above mentioned types of craft to have a license; the license to carry the name of the owner and particulars of the craft.

India

Merchant Shipping Act is divided into 24 parts, each part dealing with specific aspects of merchant shipping like registration of ships, sailing vessels and fishing vessels .Additional provisions for fishing boats were inserted by Amendment Act of 1983 (Part XVA) which came into force from 18.5.1983.

The Indian Fisheries Act 1897 forms the basis for the different states and union territories to introduce fishery laws and rules to suit local demands and conditions. The Fishing Regulation Act of 1981 authorized maritime states to frame rules for regulation of fishing to protect the traditional fishermen from the mechanized fishing vessels and the operation of large fishing vessels. Thus, for example:

- The Tamil Nadu Marine Fisheries Act, 1983 requires the registration and licensing of all fishing vessels.
- The Andra Pradesh Fisheries Act requires fishing vessels to obtain both a license and owners of vessels, not being a vessel registered under section 11 of the Marine Products Export Development Authority Act, 1972, to register such vessel under the Act.
- The Fisheries Act of Orissa requires fishing vessels to obtain both a license and to register the vessel.
- The Kerala Marine Fishing Regulation Act of 1980 requires fishing vessels to obtain a license and to be registered.
- The West Bengal Fisheries Act deals with the licensing and registration of fishing vessels.

Indonesia

- All individuals and companies carrying out fishing business should be licensed, except subsistence fishermen. Fishing vessels used by Indonesian citizens or companies for fishing activities, excepted research fishing, in the Indonesian fishing area, the EEZ excluded, shall be Indonesian flagged vessels.

Kenya

Every fisheries officer and or District Commissioner has to maintain a record of boats registered by him or her. A certificate of registry is supplied to the owner. The certificate of registry expires 31 December.

All fishing activities have to be licensed.

Malaysia

Fishing vessels must be licensed. The application for a license for a new vessel has to be made before the construction commences and has to be accompanied by such plans and specification as required by the Director General of Fisheries or as prescribed under the Fisheries Act.

Records are maintained.

Vessels, as required, are registered under the Department of Marine.

Pakistan

Requires fishing vessels to be registered by Mercantile Marine Department and issued role number. Registration number issued by Marine Fisheries Department.

Vessel to be licensed to fish;

Fishing gear to be registered; and

Vessel crew to have permit and identity card.

As well as the name of the vessel to be carried on the hull, the name of the owner must be added.

Peru

Requires fishing vessels to be registered and a record is kept. Registration valid for one year.

No fishing allowed without a permit.

Philippines

Vessels to be registered, licensed and records maintained.

Sri Lanka

Requires all fishing vessels and owners of fishing vessels to be registered and that the Director shall maintain a record of vessels and owners so registered.[55] Catamarams are included in the regulations.

- The Director shall also issue a certificate of registry to the owner of the vessel.

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[55] The register of a fishing vessel is subject to a report by a person authorized by the Director to the effect that the vessel is fit for use. It should be further noted that the certificate of registry has to be renewed every year and that implies annual inspection of a vessel.

- Fishing vessels must also have a fishing license.

Thailand

- Fishing vessels must be licensed and the license must be carried on board the vessel.

Tanzania

All fishing vessels other than dugout canoes must be registered and every licensing authority must keep a register of the registration of fishing vessels. A central record is kept by the Central Registrar.

Fishing activities must be licensed.

Tunisia

Authorization to fish essential and valid for one year from issue and requires supporting documentation such as certificates of competence, identity cards and document that the vessels is registered. Fees may be calculated on the basis of register tonnage and records are maintained.

Vanuatu

- No fishing to be undertaken unless authorized by license
- Local vessel defined as any fishing vessel:
- (a) wholly owned by the Government of Vanuatu or any public corporation established by or under any law of Vanuatu;
- (b) wholly owned by one or more persons who are citizens of Vanuatu; or
- (c) wholly owned by any company, society or other association of persons incorporated or established under the laws of Vanuatu.
- Locally-based foreign fishing vessel defined as one based in Vanuatu and landing all its catch there.
- Note: Any fishing vessel which is registered or documented pursuant to the Maritime Act No. 8 of 1981 or any amendment or re-enactment thereof is not a "local fishing vessel" for purposes of this Act.
- The operator shall comply with FAO standards specifications for the marking and identification of the vessel.
- Furthermore, "No license shall be issued in respect of a foreign fishing vessel unless such vessel is listed in good standing in the register maintained by the South Pacific Forum Fisheries Agency at Honiara in the Solomon Islands and known as the South Pacific Forum Fisheries Agency Regional Register of Foreign Fishing Vessels".

Vessels have to be licensed to fish and records are kept.

- List of flag States known to require a fishing vessel to be registered and or licensed

Albania	Algeria	Angola	Argentina	Australia	Bahamas
Bangladesh	Barbados	Belgium	Benin	Bermuda	Bolivia
Bosnia and Herzegovina	Brazil	Bulgaria	Cameroon	Cape Verde	Central African Republic
Chile	China	Colombia	Congo	Costa Rica	Cote DÏvoire
Croatia	Cuba	Cyprus	DPR Korea	Denmark	Djibouti

Dominica	Dominican Republic	Ecuador	Egypt	El Salvador	Equatorial Guinea
Estonia	Fiji	Finland	France	Gabon	Gambia, The
Germany	Ghana	Greece	Grenada	Guatemala	Guinea
Guyana	Haiti	Honduras	Hungary	Iceland	Indonesia
Iran	Iraq	Ireland	Israel	Italy	Jamaica
Japan	Kenya	Korea, Rep. of	Kuwait	Latvia	Lebanon
Liberia	Libya	Lithuania	Luxembourg[56]	Madagascar	Malaysia
Maldives	Malta	Mauritania	Mauritius	Mexico	Micronesia
Morocco	Mozambique	Myanmar	Netherlands	New Zealand	Nicaragua
Nigeria	Norway	Oman	Pakistan	Panama	Paraguay
Peru	Philippines	Poland	Portugal	Qatar	Romania
Russian Federation	St. Kitts and Nevis[57]	Saint Lucia	St Vincent and the Grenadines[58]	Samoa	Sao Tome and Principe
Saudi Arabia	Senegal	Serbia and Montenegro	Seychelles	Sierra Leone	Singapore
South Africa	Spain	Sri Lanka	Sudan	Sweden	Switzerland
Syrian Arab Republic	Tanzania	Thailand	The former Yugoslav Rep. of Macedonia	Togo	Tonga
Trinidad and Tobago	Tunisia	Turkey	Uganda	Ukraine	United Kingdom
United States of America	Uruguay	Venezuela	Viet Nam	Yemen	

Commentary

- Although the information contained in FISHLEX is biased towards foreign fishing, in many cases basic legislation could be sighted from which it is clear, that in general, flag States required fishing vessels to be registered and or licensed to fish. It is also clear that records are maintained in relation to both the register of a vessel and a licence to fish and that these records contain basic particulars of a vessel and its ownership. How the information is stored, however, is not given but it must be in an understandable format and so designed to facilitate easy reference particularly since fees have to be collected for registration and the allocation of a license, in general to be collected annually in the case of the latter.
- Coastal States also require foreign vessels to be licensed and a record is maintained in which the details therein reflect the information to be supplied for the registration of a vessel
- There may be a problem in accessing the various records of fishing vessels since in a many cases the registration (and allocation of the flag) is carried out by a maritime administration or port authority and in a lesser number of cases by a fisheries administration with the license to fish being invariably the responsibility of fisheries. Confusion could arise by contacting the wrong government officer. However, in order to draw on such records, it would be essential to establish list of the contact points within each flag State responsible for the register of a fishing

[56] Inland Waters.

[57] Inserted on the basis of information obtained through TCPRLA0069.

[58] Inserted on the basis of information obtained through TCPRLA0069.

vessel, the license of a fishing vessel and the authorization to fish, if different. This would be an activity to be carried out at the development stage of any global record.

- There would also be a need to take into consideration situations where a Federal government delegates authority to its States for the register of a vessel and or licence to fish. Similarly, consideration would have to be given to a situation where the Federal government does not delegate authority to its States.

Annex II High Seas Fishing Vessel Authorization Record (HSVAR)

Summary

This annex reflects the outcome of a review of the HSVAR data base established under the Compliance Agreement. The review finds that the style of the data base could be suitable, with slight modification, to store a comprehensive record of fishing vessels and support vessels. In particular it would form the foundation for a record of vessels engaged in high seas fishing.

The review notes that the data supplied by many Parties is incomplete, particularly in connection with owner and or operator entries. Furthermore, no data is supplied in relation to details of the "authorization to fish". It recommends, *inter-alia*, that greater efforts should be made to increase the numbers of ratifications of the Compliance Agreement and in particular, to target flag States known to have vessels fishing on the high seas. An effort should also be made to obtain data from the new members of the EU.

Introduction

- As at 30 November 2005 the Compliance Agreement had been ratified by 32 States and the European Union (EU) on behalf of its member States (with the exception of Sweden that had ratified the agreement prior to becoming a member of the EU); effectively encompassing 56 flag States. Although global in scope, it was decided to subject the system to a more critical review and to report on it separately rather than include it under Annex III.
- Some deficiencies were found and these are clearly identified for remedial action. The study confirmed that with modification, the system established for the HSVAR could be used to host a global record.

The Compliance Agreement

- Article VI of the Compliance Agreement states:
- 1 Each Party shall make readily available to FAO the following information with respect to each fishing vessel entered in the record required to be maintained under Article IV:

name of fishing vessel, registration number, previous names (if known), and port of registry;
previous flag (if any);
International Radio Call Sign (if any);
name and address of owner or owners;
where and when built;
type of vessel;
length.

- 2. Each Party shall, to the extent practicable, make available to FAO the following additional information with respect to each fishing vessel entered in the record required to be maintained under Article IV:

name and address of operator (manager) or operators (managers) (if any);
type of fishing method or methods;
moulded depth;
beam;
gross register tonnage;
power of main engine or engines.

- The actual record, the HSVR, is a combination of the mandatory and optional fields.

The HSFVR

- The HSFVR is resident within FIGIS and as of 30 September 2005**,** twenty two flag States had submitted particulars of vessels, said to be authorized to fish on the high seas. On entering the site, the search options are:

Radio Call sign
Flag State
Vessel name
Port
Registration Number

If flag is selected all of the vessels under that flag are displayed as shown in Figure 1.

Figure 1 Basic Vessel Data

Number of vessels matching your criteria : 1890				
Vessel Name	**Flag**	**Port Of Registry**	**Call Sign**	**Registration Number**
1 AJIRO-MARU	Japan	NAGATO		YG2-7833
1AKEBONO-MARU	Japan	GOTU		YG2-7641
1 ANSEI-MARU	Japan	YAMAGUCHI		YG2-7556
1 ASAHI-MARU	Japan	TO BE DETERMINED		OT1-33
1 ASAHI-MARU	Japan	NANGO, MIYAZAKI PREF.	JHOH	MZ1-6

- The extract from the record shown above was submitted by Japan and by chance, one field is blank for the first four vessels and in another, further information is awaited. Selecting a vessel, in this case the Asahi-Maru (the one with a call sign), the vessel information screen is displayed:

Click on the link below for details:			
Detailed vessel information			
Infringements	Owner/operator	Authorization	History
Detailed results for vessel "ASAHI_MARU"			
Flag State	Japan		
Port	Nango, Myasaki Pref.		
Registration	MZ1-6		
Call Sign	JHOH		
Type	Tuna Longline		
Length	37m		
GRT	125		
BHP	540		
Beam	7m		
Depth	4m		

Built	1987-3
Shipyard	Shizuoka Kamo

All fields are complete and by moving to the owner/operator option it is noted that in this case the operator is different from the owner.

Click on the link below for details:			
Detailed vessel information			
Infringements	Owner/operator	Authorization	History
Detailed results for vessel "ASAHI_MARU"			
Owner	Isozaki Yoko		
Address	Miyazaki-Ken, Minaminaka-Gun Mangocho Makamuraotu 5137-6		
Operator	Senkon Gyogyo		
Address	Hokkaido Kushiro-Shi Irifune 3-2-17		

Selecting the other options gives the following results[59]:

- Infringements = There are no infringements for this vessel.
- Authorization = There are no authorization records for this vessel.
- History = There are no history records for this vessel.
  - Unfortunately, not all of the flag States provide all of the information requested and the example below is typical with key fields left blank. Many, however, also fall short of supplying the length (which is basic to the Agreement) and date of build.

Click on the link below for details:			
Detailed vessel information			
Infringements	Owner/operator	Authorization	History
Detailed results for vessel "Acedia"			
Flag State	Italy		
Port	Mazarra Del Vallo.		
Registration	00MVD0032M		
Call Sign			
Type	Fishing Vessel Not Specified		
Length	34m		
GRT			
BHP	330		
Beam			
Depth			
Built	1974-0		
Shipyard			

- [59] The results shown is currently the case for every single entry in the complete record

Click on Owner/Operator

Click on the link below for details:			
Detailed vessel information			
Infringements	Owner/operator	Authorization	History
Detailed results for vessel "Acedia"			
Owner			
Address			
Operator			
Address			

- In the example given above for the vessel "Acedia" no indication is given of the names of the owner and or operator and such an omission is contrary to the spirit of the Compliance Agreement. There are many other examples of such an omission but more worrying is that in the case of at least two vessels under the Red Ensign, it simple that states the owner and operator are unknown. Some may argue that the data has been supplied by a maritime administration and hence the fisheries management input has been neglected. On the other hand, in the case of one of the UK vessels without an owner, it is 61m, has no call sign and the entry in the UK register is known to be complete.
- A lesser failing, of which there are many, is a single word to describe the owner and or operator and no address. This might be clear to those in the industry in the flag State but to users of the database, definitely not. For this review, an attempt to align the name with the port of registry and then do a search of the telephone directory to get the address was anything but positive.

Quality of data

Name of vessel

- Although the majority of the entries give the name of the vessel there are in fact some without a name and some with the same name.

Registration Number and Port of Registry

- Most complete record only 8 registration numbers missing (Cyprus, Germany and Italy). Benin has 2 ports to be determined and Syria the whole fleet of 22 vessels.

International Radio Call Sign

- Belgium, Canada, Demark, Germany, Namibia, Norway and Sweden list a call sign for each vessel. The remaining flag States account for not less than 770 missing call signs.

Type of Vessel

- A spot check was made under this field with Benin, Canada, Japan, Namibia, Norway, Syria and USA going into reasonable detail for each vessel, Ghana leaving a few to be identified, Cyprus many unidentified and Denmark, France, Germany, Greece, Ireland, Italy, Netherlands, Portugal, Spain, Sweden and the UK not supplying any information. There is no excuse for not supplying the information since this is available in the national register and it should be the type of information to be entered in an authorization to fish.

Vessel Length.

- Article I of the Compliance Agreement defines length as meaning:

- (i) for any fishing vessel built after 18 July 1982, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;
- (ii) for any fishing vessel built before 18 July 1982, registered length as entered on the national register or other record of vessels

  - It should be recalled that during the development of the Agreement, there was much discussion on selection of the length criteria. Given the choice of methods of length measurement, the preference was to go for a formula that was universally recognized with the LOA used in the COLREGS and the length as defined in Torremollinos[60] being the preferred options. The question put to the secretariat by the main working group was "which is bigger, a vessel 24m LOA or 24m measured under Torremollios the answer was the latter and at that, it was selected. Some, such as FFA, were not happy since they argued that many small vessels were operating on the high seas and that they would slip through the net
  - It should also be recalled that the GFCM agreed to apply Article VI to vessels down to 15m in length and in any event, for all vessels of any length not under the flag of one of the coastal States no exemptions are permitted under the Compliance Agreement.
  - The study noted that FI had, at some point in time, agreed that LOA should be used, but this could not be communicated to Parties to the Agreement since it could be seen as lowering the effective length (by definition) to 21/22m[61] without amending the Agreement. It is not suggested that the Organization should insist on accuracy in this regard, however, it may be advisable to indicate the method of measurement in the record in the event that cross checks are made against other records of fishing vessels. Currently the HSVAR contains many vessels of less than 24m in length measured in accordance with the definition of length given in the Agreement. Indeed the smallest noted was 10m in length overall.
  - It was also noted during the study that the International Maritime Organization (IMO) is experiencing some difficulties in relation to the measurement of length as defined in the Torremolinos Protocol and the STCW-F Convention. Indeed when the Council of IMO at its 93rd. Session, October 2004 was informed by the Secretary General of the outcome of the Secretariat study on the legal and practical implications of amending the entry-into-force provisions of the 1993 Torremolinos Protocol a number of issues were highlighted, such as:

- the various sources of statistical data relating to the world fleet of fishing vessels which exist today use, for the purpose of recording data on fishing vessels, a variety of different criteria and none of them appears to use as a criterion the length as defined in regulation I/2(5) of the 1993 Torremolinos Protocol. Furthermore, in order to estimate the current number of fishing vessels of 24 metres in length and over, the statistical data available need to be interpreted and converted., a process which entails errors in estimation;
- national fishing vessel fleet sizes change over time and it is not a straightforward exercise to determine the volume of the world fishing vessel fleet and national fishing vessel fleets at any given time, in an effort to confirm whether the fleet size

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60 As well as FAO/ILO/IMO Fishing Vessels Safety Code for vessels of 24m in length and over and the Voluntary Guidelines for vessel of 12m in length and over but less than 24m in length.

61 In its response to FAO, ICCAT suggested that LOA should be used.

requirement in the conditions for entry-into-force of the 1993 Torremolinos Protocol have been met; and,

- the entry-into-force provisions of the 1993 Torremolinos Protocol cannot be amended. However, a new Convention or Protocol with different entry-into-force and provisions could be considered with a view to adoption at an ad hoc conference.

In an effort to overcome inconsistencies in the use of the "length" criteria, IMO carried out an analysis of the Lloyds Register– Fairplay (LR-F) data base in an attempt to arrive at a close approximation of the length, as defined in the Protocol (and the Compliance Agreement) on the basis of length overall and registered length. IMO found that the registered length (L*reg)* given in the LR-F data base was measured in the same way as defined in the Protocol. However, only 21% of the entries are measured in this way. Thus, in search of possible alternative criterion, it was found that, besides length as registered (Lreg), there were three other fields in the database relating to the size of ship, namely length overall (Loa), length between perpendiculars (Lbp) and gross tonnage (GT).

- Consequently it is proposed to adopt the following formulae developed by IMO that could be made known to the Parties (and the FAO membership as a whole) through an note of understanding without there being a need to amend the Agreement:[62]

- Registered Length (Lreg) = as defined by protocol.
- Lbp> = 23.07m (when Lreg is unavailable).
- Loa> = 26.47m (when both Lreg and Lbp are unavailable).

Owner/Operator

- Too many records are incomplete and in many cases there is no owner and no operator. In others, the mandatory field (the owner) as is the case of the name of the operator. In this regard EQUASIS has the advantage that LRF, on behalf of IMO is currently establishing the IMO register of owners. Furthermore LRF maintains its own record of companies, operators and charterers.

Fairplay (LR-F)

- Spot checks were made against entries in Lloyds using the data for the year 2002 held under T/FIIT/HSVAR and a the numbers of vessels recorded at that time in Lloyds Register by flag State are given in Appendix 1 to this Annex. The Appendix also contains references to the numbers of vessels in the HSVAR that are also in the Lloyds Register.

Vessel Identification Number

HSVAR

- The intent is to allocate an ID number to each vessel in the HSVAR with the intention that it would be unique to individual vessels. However, the effectiveness of such a system could be frustrated by name changes, change of flag and call sign and even change of port of registry, unless of course the flag State(s) takes care over details (which is not the case at the moment).
- Ideally, such an ID should be entered in the Authorization to Fish if it is to follow the life of the vessel.
- Therefore, it is <u>recommended,</u> that in the first instance, an effort should be made to have a Lloyds number allocated to those vessels of 24m in length and over (but

[62] See Appendix 7..

preferably vessels o 100gt and over) in the HSVAR that are not yet entered in the Lloyds Register. [63] This would require the approval of the flag State to allow particulars of the vessels to be transmitted to Lloyds. Once issued, the LR Number would be inserted into the register of a vessel (by the flag State) and ideally, also in the "Authorization to Fish".

IMO Number

- The IMO number is allocated to ships of 100gt and above on the basis of the Lloyds number preceded by the letters IMO. That number is shown in the certificates and documents of the ship. Furthermore, Chapter XI-1 of SOLAS (Special measures to enhance maritime safety) requires all passenger ships of 100 gross tonnage and upwards and all cargo ships of 300 gross tonnage and upwards to be permanently marked with the IMO Number in a visible place.
- By MSC Resolution 600 (15) fishing vessels are not included in the requirement to have the IMO Number.

Lloyds Register of Shipping (LR-F)[64]

- Unlike EQUASIS, LR-F does not exclude fishing vessels. Currently there are currently a little over 22,000 fishing vessels of 100 GT and over listed in the LR-F and about 533[65] fish carriers, each vessel has a LR number. Furthermore, about 60% of the vessels in the HSVAR can be found in the Lloyds database and these have been allocated a LR Number. Since the LR number does not change when a vessel changes flag or name or ownership and since that number is referenced in a certificate of registry, an effort should be made to have pertinent particulars of vessels[66] in the HSVAR entered in the Lloyds Register.
- Similarly should there be a global record of fishing and support vessel, pertinent particulars of all vessels of 100 GT and over should be provided to Lloyds for the allocation of the LR number. Given that the documents of a vessel would contain the LR number, it would be an essential component of any scheme to apply port State control to fishing vessels.

International Radio Call Sign

- The call sign is seen as an important element within global and regional registers and it is the basis of the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.[67] However, there are obvious loopholes in the regulations of some flag States in relation to the register of fishing vessels and particularly the bare boat charter process. Indeed there are example in the HSFVR of a vessel flying the flag of one State and the call sign of another. From the point

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[63] It is known that the High Seas Task Force has approached Lloyds/Fairplay sounding out the possibility to allocate a LR Number to vessels in a proposed record of those vessels capable oh high seas fishing that are not yet in the LR..

[64] Lloyds Register together with the publisher Fairplay.

[65] 533 in 2002.

[66] In ship registration, particulars of a ship in the register are not confidential and can be sighted by any member of the public, usually for a fee.

[67] Although LEG has done a power of work to include reference to the vessel marking standards when assisting States to revise fisheries legislation and although many flag States enforce the practice of displaying the IRCS, more has to be done to have the standards accepted as mandatory and it should be prominent in efforts to combat IUU Fishing.

of view of safety at seas, this should be readdressed by the appropriate UN Agency.

Port State Control

- As set out in Article 23 (Measures taken by a port State) of the UN Fish Stocks Agreement, a port State has the right and the duty to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures. When taking such measures a port State shall not discriminate in form or in fact against the vessels of any State. A port State may, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals. The Agreement further provides that States may adopt regulations empowering the relevant national authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of subregional, regional or global conservation and management measures on the high seas.

- Initiatives should be pursued to include port State control for fisheries management purposes in measures to combat IUU Fishing..

- As described in the review of EQUASIS given in Annex III, fishing vessels are not included and this is mainly because under a Memorandum of Understanding for the exercise of port State control there are insufficient underlying international instruments related to fishing vessels. However, IMO is making strenuous efforts to speed up the ratification of the Protocol to the Torremollinos Convention on the Safety of Fishing Vessels and the outcome of the workshop held in Beijing in September 2004 was encouraging with the participating countries already making the appropriate preparations. This implies bringing their register of fishing vessels up to date through which it should be possible to identify all vessels of:

- 24 m in length and over, but less than 45m
- 45m in length and over but less than 65.m
- 65m in length and over but less than 75m in length, and
- Vessels of 75m in length and over.

o Thus, should the Protocol enter into force, it would provide a strong argument for inspection of fishing vessels under existing MOU.

Data Analysis

- Early in the Study it was not possible to carry out an in depth analysis of the records in the database, but this has now been solved by exporting data to an Excel file which makes it possible to obtain a breakdown of the “high seas” fleet by:

- Length categories;
- Tonnage;
- Age;
- Fishing methods;
- Owner operated;
- Not operated by owner.

- However, since no information is given under the authorization to fish, it is not possible establish where the vessels are actually authorized to fish. In fact, in some cases it is debatable whether or not an authorization does in fact exist.

- On the other hand, a distinct advantage is that in its present format, parties to the Agreement can call up an individual fleet by flag State and in this regard a rough

check can be made with Lloyds and FIGIS. For example Canada has 6 vessels entered in the HSVAR but there are 345 in Lloyds and 630 in FIGIS that are 24m in length or over. In this particular case, one would have to question whether or not there are only 6 Canadian vessel operating outside waters under the jurisdiction of Canada.

Global Record of Fishing Vessels

- The main drawback to incorporating a global vessel record into the HSVAR is that access is currently restricted to parties to the Compliance Agreement. Given the possibility, however, to change this condition through an amendment to the Agreement, confidentiality could still be retained for that section containing records of infringements and details of the authorization to fish. Indeed there are valid arguments to support such a change since both the compulsory and optional data are available for sighting on most registers by the public. In addition, similar information can be obtained by simply visiting the web sites of the regional fisheries management organizations.
- Furthermore, the Fish Socks Agreement provides for parties to establish a national record of fishing vessels authorized to fish on the high seas and make provision for access to the information contained in that record on request by directly interested States, taking into account any national laws of the flag State regarding the release of such information. Why not pursue this avenue to enhance the database?

Conclusions and Recommendations

- Apart from a few exceptions, too many fields are left blank and in a number of cases it is not possible to identify the ownership. Additionally, only New Zealand has given information concerning the authorization to fish. For the rest there are no entries under the "Authorization" thus it is not possible to identify whether or not a document has been issued (to be carried on board) or whether or not conditions have been set. Such omissions and lack of description limit the value of the HSVAR.
- Furthermore, raw data has been supplied in an ad hoc manner and Norway provided the data in hard copy (with the description in Norwegian). Furthermore a considerable amount of time was spent (by FIDI) in arranging names and addresses into a readable format
- It is recommended that the Agreement be amended to request GT rather than GRT
- The database should be modified to allow for fleet analysis in order for the Organization to provide a more complete service to Parties to the Agreement and for estimating fishing capacity.
- It is further recommended that data should be provided in an acceptable machine readable format and when this is ready, request flag States to update their records pointing out the significance of each field.
- Furthermore, FAO should also make an effort to improve the quality of data in the HSVAR and in particular to remind the individual flag States within the EU that it is their responsibility to provide fleet data directly to FAO.
- Subject to in house knowledge of the individual countries, FAO should follow up with Parties to the Agreement that have not submitted data, in particular, those countries that are known to have vessels fishing on the high seas.

- In addition, greater efforts should be made to increase the numbers of ratifications of the Compliance Agreement and in particular, to target flag States known to have vessels fishing on the high seas. An effort should also be made to obtain data from the new members of the EU.

Appendix 1 List of Parties To the Compliance Agreement as at 30 November 2005

Participant	Acceptance
Albania	8 Nov 2005
Argentina	24 Jun 1996
Australia	19 Aug 2004
Barbados	26 Oct 2000
Belize	19 Jul 2005
Benin	4 Jan 1999
Canada	20 May 1994
Chile	23 Jan 2004
Cyprus	19 Jul 2000
Egypt	14 Aug 2001
European Community	6 Aug 1996
Georgia	7 Sep 1994
Ghana	12 May 2003
Japan	20 Jun 2000
Madagascar	26 Oct 1994
Mauritius	27 Mar 2003
Mexico	11 Mar 1999
Morocco	30 Jan 2001
Myanmar	8 Sep 1994
Namibia	7 Aug 1998
New Zealand	14 July 2005
Norway	28 Dec 1994
Peru	23 Feb 2001
Republic of Korea	24 Apr 2003
St. Kitts & Nevis	24 Jun 1994
St. Lucia	23 Oct 2002
Seychelles	7 Apr 2000
Sweden	25 Oct 1994
Syrian Arab Republic	13 Nov 2002
Tanzania	17 Feb 1999
United States of America	19 Dec 1995
Uruguay	11 Nov 1999

Appendix 2 Summary of review of vessel information by flag State

Flag	Numbers of Vessels		Comment
	HSVAR	LRF[68]	
Belgium	64	65	No date of build and no B or D. Mainly only the operator is listed.
Benin	12	2	Only one vessel of 24m all other below. Smallest 12m. No call signs given. 4 vessels registered in Lagos the owner of one of them is resident in Benin.
Canada	6	345	Record very good only Shipyard missing. In LRF134 vessels are under 150 GRT. 49 vessels are over 500 GRT
Cyprus	54	54	Many vessels below 24m. Smallest 10m in length. No call signs. In LRF30 vessels are over 700 GRT.
Denmark	160	217	Poor description of operator and lean on owner information. B and D scarce.
Finland	24	22	15 listed are in LRF. Many records lacking tonnage, B and D, call sign date of build and length. Very few owners listed.
France	167	235	Reasonably complete but some gaps under B, D and owner
Germany	51	117	44 of vessels listed are also in LRF.. Many gaps under GRT, B and D. Owners scarce and many types of vessels remain unspecified.
Ghana	110	166	Lists vessels of less than 24m. One vessels listed as 208m in length.
Greece	133	81	Gaps under GRT, B, D and the call sign. 6 vessels have no names.
Ireland	96	153	Approx. 56 of listed vessels also in LRF. 63 have no call sign.2 vessels on charter still have the call sign of the primary register. No vessel type listed. Some owner/operator fields left blank and in 2 cases the machine reported a fault.
Italy	337	185	Not acceptable too many fields left unfilled.
Japan	1890	1485	Complete
Namibia	6	128	No single record complete although owner name given. 71 vessels in LRF of 1000 GRT and over. One vessel also in LRF and for that vessel the length given looks suspect.
New Zealand	51	97	Submitted in Excel. Good submission
Norway	125	422	Good data.
Portugal	185	114	Generally no owners listed with gaps under GRT, B and D. Vessel types unspecified
Spain	855	1101	In many cases no GRT, B or D and no date of build .Few owners/operators addresses given. Vessel types unspecified.
Sweden	67	109	59 of listed vessels also in LRF. Similar comments to Spain.
Syria	22	0	Entries down to 12m. No call signs. Ports remain to be specified. Difficult to reconcile GRT with length given in a number of cases.
United Kingdom	229	446	Many blanks under GRT, B, D and date of build. Poor info on owner/operator and in some cases simply unknown.
United States	847	3357	Lists vessels of less than 24m in length. Good with regard to owner/operator. BHP, B and D often omitted.
Total	5,792	8,901	

[68] Taken from the LRS data for 2003.

Appendix 3 Information provided by flag States to IMO in 2004

In its consideration of legal and practical implications of amending the entry-into-force provisions of the 1993 Torremolinos Protocol, IMO received the following information from its membership in relation to numbers of fishing vessels of 24m in length and over.

Member State	No. of Vessels	Member State	No. of Vessels
Argentina	482	Marshall Islands	6
Australia	141	Mauritius *	14
Barbados	0	Mexico	482
Bahamas	0	Monaco	0
Belgium	63	Myanmar	299
Brazil	229	New Zealand	77
Canada	252	Netherlands**	240
Cape Verde	18	Norway**	346
China*	28,679	Pakistan	49
Costa Rica	12	Poland	20
Cuba**	0	Qatar	0
Denmark**	328	Republic of Moldova	0
Ethiopia	0	Romania	5
Finland	21	Saint Vincent and the Grenadines	100
France	257	Slovenia	2
Germany**	66	Spain**	991
Greece	234	Sweden**	74
Iceland**	251	Tonga	11
Ireland**	131	United Republic of Tanzania	24
Italy**	611	United States	1,496
Lithuania	55	Uruguay	78
Luxembourg	0	Vanuatu	78
Madagascar	58		

* Figure reported does not include fishing vessels of Hong Kong-China and Macao-China.

** Contracting State to the 1993 Torremolinos Protocol.

Annex III Other Existing Global Registers/Records

Introduction

This part of the study concentrated on other existing global records/registers in an effort to determine whether or not their content and structure could be of use in the development of a global record of fishing vessels.

1. EQUASIS (European Quality Shipping Information System)

1a General

Although EQUASIS does not target fishing vessels, it was selected for scrutiny since it did contain records of refrigerated fish carriers, as well as, to analyze its structure and to understand how it had come to be. With regard to the latter reason, it became clear that from the outset it had been decided that EQUASSIS:

- should be a tool aimed at reducing substandard shipping, and it should be limited to safety-related information on ships;
- would have no commercial purpose; it addresses a public concern and should act accordingly;
- should be an international database covering the whole world fleet;
- would require the active co-operation with all players involved in the maritime industry;
- would be a tool used for a better selection of ships, but it would be used on a voluntary basis; there would be no legal pressure for industry to use EQUASIS;
- there would be no intention for EQASIS to be a profit making business and it was considered to fall within the field of competence of public authorities. For this reason EQUASIS would be financed by public money and would continue to be supported by public authorities in the future.
    - France and the European Commission shared the cost of developing and running EQUASIS until 31 December 2001 when the maritime authorities of the United Kingdom, Spain, Singapore and Japan also agreed to support EQUASIS financially.
    - It is, therefore, anticipated that the use of this website will remain free for the foreseeable future.

1b Scope

- EQUASIS only shows ships in service or under construction.
- Information available on EQUASIS: Ship identification, Management, Classification, Safety management certificate,
- P&I[69] information, list of Port State Controls, Banning orders, Association membership, Manning information.
- Furthermore a condensed history can be found, as well as the list of the ships under the same management.

[69] P&I Clubs which are Mutual Insurance Associations and many of these clubs have been in existence for more than one hundred years. They enable ship owners to protect themselves against many legal liabilities against which the normal policies on vessel, freight etc. offer no protection.

1.c Purpose (Procedural Requirement)

- The purpose of this procedural Requirement is to set out a standard reporting procedure for electronic exchange of class data between the International Association of Classification Society (IACS) Members and Associates and the Permanent Secretariat with a view to make these data available to EQUASIS.

1.d Definitions

- "EQUASIS" means an international ship database with an aim to enhance transparency of information and accessibility by creating on the internet a single point of access to all information concerning safety, and quality of ships of the world fleet.
- IACS[70] EQUASIS DATABASE" is a central network developed and maintained by the Permanent Secretariat to collect class data from IACS Members and Associates and submit the data to EQUASIS to support the EQUASIS project.
- "Class data" means details of the ship which are described in the vessel's classification certificate. For the purpose of application of this Procedure, the class data consists of ship's name, IMO number, classification society, class ID of all sea-going ships[71] of 100 grt tonnage and above, with the exception of the following[72] :

- vessels solely engaged in fishing,;
- ships without mechanical means of propulsion;
- pleasure yachts;
- ships engaged on special service;
- hopper barges;
- floating docks and structures classified in a similar manner; ships of war and troop ships; and
- ***wooden ships in general***.

1.e Searching EQUASIS

Access to the EQUASIS database is in the public domain (www.equasis.org),and for this reason, it was possible to carry out a practical review of the system by tracing the history of a ship (not a fishing vessel), known to have been involved in support of fishing operation is a fisheries regulated area.

- It is essential to register before access is granted, thereafter the option is to click "Search Ship" and insert either the:
- IMO number: ----------
- Name of ship: ----------
- Call sign: ----------
- Of these criteria, the name of the ship, if used alone, could give the searcher a list of vessels of the same name; selecting the correct vessel would be difficult unless other information were to be available. If used alone, the IMO number would deliver the correct vessel since it does not change during the life of the vessel. On the other hand, the call

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[70] International Association of Classification Societies.

[71] "Sea-going Ships" are understood to mean ships engaged in international voyage or domestic voyage but not in inland waters.

[72] It has been agreed between EQUASIS Management Unit (MU) and IACS Permanent Secretariat that the scope of reporting may be in line with IMO Res. A.600(15) "IMO ship identification number scheme "but including hydrofoils and hovercraft.

sign would/should change if a vessel were to reflag which could lead to detective work to find the correct vessel if it had reflagged, otherwise it would give good results when used alone.

- The following example targets a fish carrier in the FFA Register. It is interesting since it changed hands, classification societies and flag in 2002. In addition, the reports give 1982 or 1983 as the year of build and the gross tonnage as 4429 or 2787 tons, whereas the deadweight remains the same throughout at 4942 tons.
- Typing in "Friend" gave a list of vessels beginning with the letters f-r-i-e-n-d fortunately, as can be seen from the list given below, it was possible to identify the correct ship

List of Ships

	Name of ship	Gross tonnage	Type of ship	Year of build	Flag
	CONCORDE	756	Chemical	2002	Netherlands
	FRIEND	4394	Refrigerated Cargo Ship	**1983**	Korea (Republic of)
	FRIENDLY ACE	7633	General Cargo Ship	1995	Panama
	FRIENDLY SKY	9189	General Cargo Ship	1996	Panama
	FRIENDLY ZHEJIANG	39539	Bulk Carrier	1985	Panama
	FRIENDSHIP	35196	Bulk Carrier	1977	Panama
	FRIENDSHIP	1027	General Cargo Ship	1987	Cambodia
	FRIENDSHIP	1991	General Cargo Ship	1977	St Vincent and Grenadines
	LADY	18231	Oil Products Tanker	1980	Liberia
	LADY BERNADETTE II	186	General Cargo Ship	1939	Panama

Clicking on the correct button leads directly to the ship information screen. However, knowing the IMO Number or the Call sign it would have led directly to:-

	Name of ship	Gross tonnage	Type of ship	Year of build	Flag
	FRIEND	4394	Refrigerated Cargo Ship	1983	Korea (Republic of)

- There are also options to go directly to PSC Information, Manning Info, History and Manager's Fleet instead of having to sift through the ship information screens, which takes time. If the left button were to be clicked against the correct vessel, in this case the "Friend", what follows would be typical records held in EQUASIS.

Table 1 Ship Information (EQUASIS)

IMO Number: 8223311	Name of Ship: Friend
Call Sign: DSFY7	Gross tonnage: **4394**
Type of Ship: Refrigerated cargo ship	Year of build: 1983
Flag: Korea, Republic of	Status of ship: In service
Registered Owner: KDB Capital	Address: 16, Youido-dong, Seoul
Ship Manager: Shipping Land	Address: 145, Tangju-dong. Seoul
Last update: 23-12-02	

Table 2 Classification (EQUASIS)

	Classification Society	Date of Record	Status	Reason

►	Nippon Kaiji Kyokai	30-09-02	Withdrawn	Class withdrawn in association with transfer of Class within IACS Member Societies
►	Korean Register of Shipping	24-09-02	Delivered	

- Clicking ► the lower button in Table 3 links to the Korean Register of Shipping and gives the following class information

Table 3 Ship Information (KRS)

Vessel Name	*Friend*	IMO Number	*8223311*	Flag	*Korea*
Port	*JEJU*	Classed by	*KR*	Ship Type	*Refrigerated Cargo Carrier*
Gross Tons	***4,394***	Official number	*JJR-029284*	Class No.	*8554621*
Class notation	*Refrigerated Cargo carrier RMC*	Deadweight	*4,942*	Call Sign	*DSFY7*

Table 4Certificate (abridged list) (KRS)

Code	Type	Description	Expiry Date	ID
CLASS	F	CLASS	11/AUG/2005	HD-CC-6286-03
C	F	Cargo Ship Safety Construction	11/AUG/2005	HDOSS-0001-03

Table 5Surveys (abridged list) (KRS)

Code	Description	Date Held	Place Held	Due Date	Range	Due
Class 15	Classification intermediate survey	27/OCT/04	MASAN	11/AUG/05	11/MAY/05 11/NOV/05	Due

List of Port State Controls (EQUASIS)

- Port State Control information is up dated as follows:

- Paris MoU: Weekly
- USCG: Monthly
- Tokyo MoU: Direct link to Tokyo MoU information system

Table 6 Current ship manager(s) Port State Controls (EQUASIS)

	PSC Organization	Authority	Port of Inspection	Date of Report	Detention	Duration	Number of deficiencies
►	Tokyo MOU			20-12-04			
►	Tokyo MOU			13-02-04			

- Clicking the top button ►in Table 6 links to the Tokyo MOU and gives the following information:

Table 7 Ship Details (Tokyo MOU)

IMO Number	8223311	Call Sign	DSFY7
Ship's Name	Friend	Gross Tonnage	2787
Ship Type - 61	Refrigerated cargo carrier	Deadweight	4942
Flag	Korea, Republic of	Year of build	1982
Classification Society - 930	Korean Register of Shipping		

Table 8 List of Inspections (Tokyo MOU)

Inspection Date	Inspection Place	Ship Name	Call Sign	Flag	No. of Deficiencies	Detention
□ 20.12.04	Bangkok, Thailand	at the moment of inspection			(total/new)	
		Friend	DSFY7	Korea, Rep. of	4/4	No
□ 13.12.04	Kessenmura, Japan	Friend	DSFY7	Korea, Rep. of	0/0	No
□ 31.07.02	Qinhuangdao China	Smart Reefer Satu	9V5118	Singapore	21/21	Yes

Table 9 Previous ship manager(s) Port State Controls (EQUASIS)

	PSC Organization	Authority	Place of Inspection	Date of Report	Detention	Duration (days)	Number of Deficiencies
►	Tokyo MOU	China Peoples Republic	'Qinhuangdao	31.07.02	yes		21
►	Tokyo MOU	China People's Republic	Qinhuangdao	03-04-01	No		9
►	Tokyo MOU	China People's Republic	Qinhuangdao	09-11-2000	No		9
►	Tokyo MOU	Thailand	Bangkok	08-05-2000	Yes		6
►	Paris MOU	Spain	Villagarcia de arosa	28-10-98	Yes	9	8

- Clicking the top button ►in Table 9 gives the following information:

MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE ASIA-PACIFIC REGION

ASIA PACIFIC COMPUTERIZED INFORMATION SYSTEM

Table 10 Inspection Details (Tokyo MOU)

initial inspection			
name of ship:	**SMART REEFER SATU** call sign: **9V5118**	IMO number	:
year of build:	**1983**		
gross tonnage:	**4429**		
deadweight:	**4942**		
type of ship:	**refrigerated cargo carrier**	number of deficiencies: **21** including:	
flag of ship:	**Singapore**	SHIP'S CERTIFICATES AND DOCUMENTS:	**1**
classification society:	**Nippon Kaiji Kyokai**	WORKING SPACES (ILO 147):	**1**
particulars of company:	**GOLDEN AGRI SHIPPING DTR LTD**	LIFESAVING APPLIANCES:	**5**
name of reporting authority:	**China**	FIRE SAFETY MEASURES:	**4**
place of inspection:	**Qinhuangdao**	LOAD LINES:	**3**
date of inspection:	**31.07.2002**	SAFETY OF NAVIGATION:	**3**
deficiencies:	**yes**	RADIOCOMMUNICATIONS:	**2**
ship detained:	**yes**	SOLAS RELATED OPERATIONAL DEFICIENCIES:	**1**
	-	MARPOL - ANNEX V:	**1**

- Clicking ►the bottom button in Table gives the following information:

Table 11 PSC Summary (Paris MOU)

PSC Organization	Paris MOU	Authority	Spain
Port of Inspection	Villagarcia de arosa	Date or Report	28-10-1998
Detention	Yes	Duration	9 Days
No. of Deficiencies	8		

Table 12 Number of Deficiencies per Category (Paris MOU)

Category	Number
Fire safety measures	4
MARPOL annex I	2
SOLAS related operational def.	1
Marpol related operational def.	1

Table 13 Grounds for Detention (Paris MOU)

Deficiency	Number
Ready availability of fire fighting equipment	1

Table 14 Safety Management Certificate (EQUASIS)

Audited by	Issued by	Issued on	Expires on	Status
Korean Register of Shipping	Korean Register of Shipping	04-08-2003	14-05-2008	C

Table 15 P and I Information (EQUASIS)

Name of P&I insurer	Recorded on
Japan Ship Owners' P&I Association	27-05-2005

Additional PSC Information

Manning

- Clicking on the ILO Logo links the search to ILO from which details of acceptance of ILO Conventions can be obtained.

Table 19 Fundamental Conventions Ratified By ROK (ILO)

Forced Labour		Freedom of association		Discrimination		Child Labour	
C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C.182
-	-	-	-	08/12/1997	04/12/1998	28/01/1999	29/03/2001

Table 20 Maritime Conventions Ratified by ROK (ILO)

C. 53	**Officers' Competency Certificates Convention, 1936 (No. 53)**	**04.11.2003**
C. 73	**Medical Examination (Seafarers) Convention, 1946 (No. 73)**	**12.09.1992**
C. 135	**Workers' Representatives Convention, 1971 (No. 135)**	**27.12.2001**

- Clicking on the ITWF Logo links the search to the International Transport Workers Federation provides details concerning the manning of a ship.

Table 20 The ship (ITWF)

Name	Friend	IMO No.	8223311	Call Sign	DSFY7

Tble 20Agreements (ITWF)

Agreement		Blue Certificate	
Start Date	June 06, 1995	**No.**	
End Date	June 05, 1996	**Issued**	
Type	TCC	**Ends**	

Ship History

Current and Former Name(s)

Name of ship	Date of record	Source
FRIEND	16-12-2002	LRF
SMART REEFER SATU	12-05-2000	LRF

Current and Former Flag(s)

Flag	Date of record	Source

Korea (Republic of)	16-12-2002	LRF
Singapore	12-05-2000	LRF

Current and Former Classification(s)

►	Classification society	Date of record	Status	Source	Reason
►	Nippon Kaiji Kyokai	30-09-2002	Withdrawn	IACS	Class Withdrawn in association with transfer of Class within IACS Member Societies
►	Korean Register of Shipping	24-09-2002	Delivered	IACS	
►	Nippon Kaiji Kyokai	22-05-2001	Delivered	IACS	

Current and Former Registered Owners

Registered owner	Date of record	Source
KDB CAPITAL	16-12-2002	LRF
GOLDEN AGRI SHIPPING	11-08-1999	LRF

Current and Former Manager(s)

Ship manager	Date of record	Source
SHIPPING LAND	16-12-2002	LRF
CENTREPOINT SHIPPING & TRADING	11-08-1999	LRF

Managers Fleet

Ship manager: SHIPPING LAND

Address: 145, Tangju-dong, Chongno-gu, Seoul KOREA (SOUTH)

Class Key	
KRS	Korean Register of Shipping

	Ship's name	Gross tonnage	Ship's type	Year of build	Current flag	Current Class(es)	Detentions with current manager	Detentions in the last 3 years
	FRIEND	4394	Refrigerated Cargo Ship	**1983**	Rep Korea.	KRS	0	1
	GRAND	4148	Refrigerated Cargo Ship	1986	Rep Korea.	KRS	0	0
	SAGAMI	5589	Refrigerated Cargo Ship	1986	Rep Korea.	KRS	0	

1.f Protection and Indemnity Insurance

- This type of insurance is arranged with P&I Clubs which are Mutual Insurance Associations and many of these clubs have been in existence for more than one hundred years. They enable ship owners to protect themselves against many legal liabilities against which the normal policies on vessel, freight etc. offer no protection. In addition, whereas the markets (mentioned above) set out to make a profit, the Clubs are not motivated in the same way. Although the normal cover offered by Clubs, given in Annex I is based on merchant ships, the underlying principles also relate to commercial fishing vessels. Under certain circumstances, the may also be of interest to fishers that have an

interest in catch transshipped or otherwise transported by sea. The basic divisions within the cover are:

- Protecting Risks
- Indemnity Risks
- Freight, Demurrage and Defence Class
  - Within the data base, no link to the club provided and any follow up would have to be by other means of communication.
  - However, only a small number of fishing vessels carry P&I cover, therefore, knowing the P&I Club may be of little utility. On the other hand some of the rules of the club may be of interest in the development of port State control of fishing vessels. For example:

- If the ship is used for an illegal purpose with the knowledge and consent of the Member, the P& I cover automatically ceases. A purpose may be illegal it is contrary to the law of the State:
  - where the relevant acts take place, or
  - where the ship is registered.
- There is also a clause referring to loss of class since it is a condition that a ship should be and remain, throughout the period of entry, classed with a classification society approved by the Association. As an aside, FAO did manage to get P&I cover for its fleet, including vessels not in class.

1.g Advantages and disadvantages of EQUASIS to fisheries managers

Advantages

- The EQUASIS, with its links to the Paris and Tokyo MOUs, LRF, IACS and the P&I Clubs is a very good model of a global record and could probably be used as a guide for port State control of fishing vessels.
- If the basic elements of the Compliance Agreement were to be considered as a basis for a wider application of a tool to combat IUU fishing, such a database could, if modified, certainly fit in to the EQUASIS model. It could be linked to EQUASIS, a port State control network for fishing vessels, RFMOs and IACS. (although only a few of the records would concern fishing vessels of less than 100 GT.

Disadvantages

- Fishing vessels are not specifically targeted by MOUs;
- EQUASIS excludes fishing vessels;
- There are gaps in the MOU coverage;
- The LRF data base of vessels of 100 GT and over is not complete and is considerably low in relation to records of fishing vessels; and,
- EQUASIS does not contain data in relation to flag State control;

1h .Commentary

- Should it transpire that FAO develops an international agreement on the port State control of fishing vessels, the EQUASIS model, with its electronic links to the Paris and Tokyo MOUs, LRF, IACS and the P&I Clubs, could be followed. In addition, one could envisage that the Global Record could be a provider of information in the same way as IACS.

2. Lloyds Register of Shipping (Fairplay)

- Lloyd's Register-Fairplay (LR-F), claims to be the leading supplier of maritime information services, was formed in July 2001 from the merger of Lloyd's Register's Maritime Information Publishing Group and Fairplay Publications Limited. With a staff of 140, exclusive access to the Lloyd's Register Group offices worldwide and a global network of agents and correspondents we have the ability to access and verify information globally. No other organisation can match these dedicated in-house resources. It is claimed to be the only organisation able to provide comprehensive details of the world merchant fleet of 100 GT and above (over 91,000 ships).
- In addition to maintaining the Lloyd's Register of Ships database, LR-F also maintains the largest database of maritime companies (a total of over 154,000), a database with details of over 8,100 ports and terminals, information on the world order book (merchant ships of 100 GT and above on order and under construction in the world's shipyards), casualty data, fixtures, vessel detentions, photographs and an electronic news archive going back over seven years
- As the company name-style recorded by LR-F may not be the exact name-style recorded on the company registration documents, users are advised to search for companies using the "contains" option and key words or acronym from the name. This service is provided by LR-F on behalf of the International Maritime Organisation (IMO) and can be used to look up or request an IMO Registered Owner or Company (DOC) number or to request an IMO Ship number
- The Register of Ships CD ROM provides details of over 105,000 vessels and 52,236 companies that own operate and manage them. The CD ROM is more than just a replacement to the printed Registers; by combining the information on ships (over 100 GT) and owners with powerful database software users are able to search, sort and report on the information that they need most. Unfortunately, at best, the data base only contains records on less than half of the fishing vessels in the world of 100 GT and over. Furthermore, details of wooden hulled ships, unless classified with Lloyds Register are no longer published in the Register and associated publications.
- FIIT first purchased extracts of the Register when the Compliance Agreement was under development in order attempt to track reflagging. Since then, the number of fields requested has been considerably increased and the data has been used in support of a number of documents by FI in relation to fleet distribution and capacity. The list of fields under the current contract is given in Appendix 1 to this Annex.
- In common with other classification societies, the description of ship types is not given in sufficient detail to cover the major fishing vessel types and although Lloyds is trying to improve the situation it will take a considerable length of time to accurately described the vessels currently on the Register. Part of the reason lies with the unfamiliarity with the fishing industry by the reporting officer and partly because of the limitations imposed under the heading "type notation". For example, Det Norske (Stern Trawler and Tuna Vessel), whereas the FAO Definition and Classification of Fishing Vessels has 19 main fields and 39 sub-fields.
- Lloyds Register of Shipping contains an incredible amount of detailed information concerning the construction of ships and the full data base is well beyond the requirements of a global record of fishing vessels. The printed version is divided into 7 sections as shown in the tables below and Lloyds provides a

"key to the register of ships" that includes some 6 pages of description and the abbreviations used. In passing, it might be added in passing that in a fair number of cases, it was noted that ships had changed names as many as four times whereas the LR Number remained constant.

- With regard to the LR Number the standard approach by Lloyds is to limit the register to ships of 100GT and over. However, ships below 100 GT can be found in the data base. Indeed fishing vessels built to the order of FAO of 15m in length (and less than 100GT) that were in class with Lloyds Classification Society could be found in the register
- Key to the Register of Ships

- LR Number
- Call Sign
- Official Number
- Fishing Number
- Navigational aids

- Ships Name
- Former names
- Owners
- Managers
- Port of Registry Flag
- Satcom ID

- **Tonnage**
- Gross
- Net
- *Deadwt
- Gross
- Net
- *Deadwt
- * Tonnes
- T/cm

- **Classification**
- Hull Special Survey
- Machinery
- Refrigerated Cargo Installation
- Equipment letter
- Fee Numeral

- **Hull**
- Date of Build Shipbuilder Place of build
- Yard Number
- Length Beam Draught
- Overall (m) Extreme (m) Maximum (m)
- Length Beam Depth
- BP (m) Moulded (m) Moulded (m)
-
- Superstructure (m) Decks
- Riveted/welded Rise of Floor (mm) Keel (mm)
- Alterations
- Additional tanker dimensions
- Conversions

-

- **Ship Type/Cargo Facilities**
- Propulsion Ship Type Shelter deck
- Passengers
- Ro-Ro facilities
- Holds and lengths (m) Cargo tanks and types
- Grain hold Bale Insulated spaces Heating coils

- **Machinery**
- Design Designation
- No and Type of engines Bore and Stroke (mm)
- Power
- Engine builders Where manufactured
- Boilers Pressure Heating Surface

- (m³) (m³) (m³)
- Containers and lengths (m)
- Hatchways and sizes (m)
- Winches Cargo handling gear (SWL tonnes)
- Cargo discharge pumps

Furnaces

- Aux. electrical generating plant and output
- Special propellers
- Fuel bunkers (tonnes)
  Speed

-
- With regard to the names of vessels and names of owners, a search of the most recent LR/Fairplay data base reveals that it includes details of:

- 32,881 fishing vessel of 100GT and over of which **23,920** are declared to be in service;
- 58,794 owners linked to the 32,881 vessels;
- 57,794 vessel names linked to the 32,881 vessels.

3 Research Vessel Database (FAO)

- Following the presentation of a Report by the Administrator (UNDP) on the operation of the UNDP/FAO Fisheries Vessels Pool Agreement, the Governing Council of UNDP, at its 29th Session in May 1982 authorized the execution of a feasibility study on the cooperative use of research vessels for fisheries research, development and training, which might continue to provide vessel services to countries at an affordable cost. The concept was later endorsed by the World Fisheries Conference on Management and Development in June 1984. FAO conducted the study (funded by UNDP) and in doing so, collaborated with NORAD and IOC in a workshop on the ”Improved Use of Research Vessels” Lisbon, 28 May – 2 June 1984 at which greater cooperation in the use of research vessels was recommended; later endorsed by the XIII Session of the General Assembly of the IOC in March 1985.
- On completion of the study, UNDP and FAO entered into an agreement for the execution of a project for the “Cooperative Use of Vessels for Fisheries Research, Development and Training”, INT/86/010 with a starting date of 3 February 1987. The long term objective of the project was to ensure the continued provision of suitable vessels under acceptable conditions to projects and countries by coordination of available ship time with declared needs for additional vessel services in support of national development plans whether for research, exploratory fishing or training.
- The immediate objectives of the project were,

a) The creation of a long-term information system as a regular activity of FAO that will store and continuously update information on the characteristics, complements, scientific capabilities, cruise schedules and research programmes of fishery research vessels, especially those that can be made available for cooperative use; the information system to include details of UNDP/FAO pool vessels and such vessels operated by FAO under separate agreements;

b) The matching of this programme with requests for vessel services from governments, projects and individual institutes, and to assist in the establishment of initial contacts between owners and potential users of suitable vessels.

The Project obtained detailed information on research, development and training vessels including work programmes and availability for use elsewhere. The data base was set up in DB4 and used to provide information to users in need of vessel services, as well as, providing in formation on needs to those with surplus vessel time. The information was solicited by questionnaire and data input was done manually.

Although the programme was dropped by FI in 1996, the database was converted to ACCESS and was used as a reference by a Team evaluating the Dr. Fridtjof Nansen Programme.. The RVDB can be found on the "T" drive under FIIT

The data base

The data base was originally set up in DB4 but is now available within the Fisheries Department in the "Access" format. Unfortunately, questionnaires were returned in hard copy and it required an operator to input the data manually. Altogether there are 63 fields and although the tables listed below provide an idea of what is held in the data base, for a more full understanding, the original questionnaire (available in FIIT) would also have to be consulted.

			Vessel Main a			
Name	Flag	Form Completed	Updated	Existing	Planned	Operational
BEI DOU	CHINA	05/11/1990	25/10/1993	-1	0	0
MUKHTABA	QUATAR	13/11/1991	01/10/1993	-1	0	0
RALBIHAR MISAI	JAPAN	01/03/1993		-1	0	0

Vessel Main b					
01_16_1	01_16_02	01_18	02_12	02_13	02_14
Shipbuilder	Country of Build	Owner/Operator	Length	Breadth	Depth
FLEKKFJORD SHIPYARD	NORWAY	YSFRI	48	12.5	2.7
IVERSEN	NORWAY	MARINE SCIENCES DEPARTMENT	22	8	0.8
MOKUBEI ZOSEN CO.	JAPAN	KYOTO INST.OF OCEANIC AND FISHERY SCIENC	14.95	4.2	0
GARDEN REACH YRD,CALCUTTA	INDIA	CMFRI	28	7.4	1

Vessel Main c						
O6_21_2	**O6_21_3**	**O6_22_1**	**O6_22_2**	**O6_23_1**	**O6_23_2**	**O6_24**
Main Engine	Type	Power	RPM			
BERGEN DIESEL	KRMS-9	2250	825	3	164	700
CATERPILLAR	3412 TA	520	1800	1.39	380	152
YANMAR	6LASTI	500	1850	1.2	631	26
GRW/MAN	R8V TLS	705	1600	1.85	300	384

Vessel Main d

NAME	FLAG	CNTRY BLT	YEAR	TYPE	HULL MAT	GRT
DON ANGEL	PER	PER	94	PS	S	
OUR HAZEL	UK	ESP	94	CR	S	
EYBORG	ICE	POR	94	FST	S	

Vessel Main e

	DISP	LOA	LPP	LWL	BEAM	DEPTHMD
DON ANGEL		43	37.46		8.85	4.5
OUR HAZEL		20	16.9		7	3.5
EYBORG		25.98	22		7.9	3.8

Vessel Main f

	DEPTHSD	DRAFT	FIHOLD	FRHOLD	RSW	FUEL
DON ANGEL					520	
OUR HAZEL		3.3			42	15
EYBORG				150		56

Vessel Main g

	WATER	FRCAP	PRCAP	HP	SPEED	DPROP
DON ANGEL				1300	12.5	2.25
OUR HAZEL	5			532		1.75
EYBORG	21		10	1500		2.5

Vessel Main h

	NOZZLE	CREW	SPECIES	REFERENCE	ISSUE
DON ANGEL	0		ANCHOVY	FISHING BOAT WORLD	06/94
OUR HAZEL	0	6	CRAB	FISHING BOAT WORLD	06/94
EYBORG	-1	12	PANDALUS	FISHING BOAT WORLD	06/94

Appendix 1 Lloyds Register –Fairplay, Example of List of Available Fields

All fishing vessels (B1*)----------Status slrtcvwd

IMO number
Current ship name
Current ship name effective date
Original name indicator
Official number
Ship status decode
Ship status effective date
Flag decode
Ex Flag decode
Port of registry decode
Fishing number
Current shiptype code inbas
Effective date
Former inbas code
Effective date
Subtype codes x 5
ICST 94 Shiptype
Ship type grouping
Ship type stat code
Shiptype stat decode
Breadth (ex else moulded)
Breadth indicator
Depth moulded
Max Draught
Length (oa else bp else reg)
Length indicator
Displacement
GT
NT

MMSI
Total power bhp
Total power kw
Prime mover power kw
Power shp
Design power
Prime mover power hp
Propulsion
No screws
Total no main generators
Sequence
No of each type
Builder
Country of build
Date of build
Design
Model
Power (kw)
Voltage
Frequency (Hz)
Supply type
Installation date
Aux gen builder decode
Aux gen 1 kw
Aux gen 1 number of
Aux gen 2 kw
Aux gen 2 number of
Aux gen 3 kw

Call sign at time
Owner at time
Shipname history
-lrno
-ship names
-ship name dates
-ship name sequence
Flag history
-lrno
-ex flags
-ex flag dates
Reg own history
-lrno
-ex regown decodes
-ex regown dates
Charterer history
-lrno
-ex charterer name
-ex charterer dates
Operator history
-lrno
-ex Operator decodes
-ex Operator dates
Prices
-lrno
-newbuild price
-acquired price
-date acquired

Continuation

Tonnage system code
Insulated capacity
Date of build
Shipbuilder code
Shipbuilder country decode
Yard number
Date of keel laying
Date of completion
Date of conversion
Death date
Alterations effective date
Alterations indicator
Conversion indicator
Class 1
Class 2
Class status
Call sign
Comms a/c auth
Inmarsat no
Inmarsat a/b

Aux gen 3 numbr of
Aux gen total kw
Aux gen total number of
Aux eng country of build decode
Aux eng designation
Aux eng manufacturer
Aux eng model number
Aux eng sequence number
Bore
Number of cylinders
Power
Rpm
Stroke
Aux eng designer decode
Casualty
Lrno
Incident number
Complementary text
Assistance given

-demolition price
-ex sale price
-ex year acquired
-sale indicator
-sale type
Inbas dictionary
Sub type dictionary
Shipbuilder dictionary
-Code
-Name
-Address (6 lines)
-Country decode
-Telephone
-Fax
-Email
-Web
-telex
-town decode
-obsolete indicator

Annex IV Existing Regional Registers/Records of Ships/Fishing Vessels

Introduction

- Under the Study, a review was carried out of regional fisheries management organizations in relation to records/registers of vessels held by them and to determine the extent to which the information stored was readily available, as well as, to determine the linkages in place to ensure enforcement.

Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

General

- There are 24 Members of the Commission (Argentina, Australia, Belgiun, Chile, EU, France, Germany, India, Italy, Japan, Korea, R.of Namibia, New Zealand, Norway, Poland, Russia, South Africa, Spain, Sweden, Ukraine, UK, USA and Uruguay) and eight additional States that have acceded to the Convention (Bulgaria, Canada, Finland Greece, Mauritius, Netherlands, Peru and Vanuatu).[73]

Control Measures

- A Catch Documentation System is one of a suite of CCAMLR measures aimed at eliminating IUU fishing in the Convention Area. Such measures include as strict vessel licensing requirements, at-sea and port vessel inspections and the requirement for the continuous monitoring of vessels position in the Convention Area using automated satellite-linked monitoring systems (VMS). For a number of fisheries in the Convention Area, Flag States are required to transmit real-time vessel position information to the centralised VMS database located at the CCAMLR Headquarters. In fact each Contracting Party, within two working days of receiving the required VMS information, shall provide to the Secretariat dates and the statistical area, sub-area or division for each of the following movements of its flag fishing vessels:

(i) entering and leaving the Convention Area;

(ii) crossing boundaries between CCAMLR statistical areas, sub-areas and divisions.

- For the purpose of this measure, VMS means a system where, inter alia, through the installation of satellite-tracking devices on board its fishing vessels, the Flag State receives automatic transmission of certain information. This information includes the fishing vessel identification, location, date and time, and is collected by the Flag State at least every four hours to enable it to monitor effectively its flag vessels;

- The Commission has also established a system of inspection (MCS) providing information on vessels inspected and circulates lists of vessels in relation to IUU fishing. The vessel information recorded includes:

- Vessel's name and registration number;
- Country and port of registration;
- Radio call sign;
- Type of vessel (fishing, research);
- Tonnage: GRT..... Net RT .....

[73] Argentina, Australia, Chile, Uruguay, Mauritius and PERU have not supplied vessel data to the HSFVAR.

India (probably only for research), Korea, Rep. of, Poland, Russian Federation, South Africa, Ukraine and Vanuatu are not yet Parties to the Compliance Agreement.

- Master's name;
- Owner's name and address

- In addition, electronic scientific logs are in use and the observer must enter the following information:

Vessel Name:.....	Call Sign:.....	Port:.....
Owner/Charterer name/address:.....		
Vessel Type:.....	Fishing Gear:.....	Capacity: Blast Freezer :..... Hold (s) .....
LOA:	GRT:	
Radar:	On-board acoustic equipment:	
Communications Equipment:	Position fixing equipment:	
Plotters:	Vessel monitoring Equipment: Present/absent VMS unit and transmitter Type:	

-
- CCAMLR annually reviews information on IUU fishing activities in the Convention Area and, in accordance with Conservation Measures (10-06 and 10-07), has established a List of IUU Vessels of Contracting and non-Contracting Parties. Vessels included on the List are presumed to have engaged in IUU activities in the Convention Area thus undermining the effectiveness of CCAMLR Conservation measures in force. In the examples given below of the list maintained, both of the vessels selected were retained on the IUU list after review.

Contracting Parties: IUU Vessel List Information update: 17 March 2005

Current Name	**Current Flag**	**Lloyds/IMO Number**	**Name at time of incident (if different)**	**Reported flag at time of incident (if different)**	**Call Sign at time of incident**
Maya V	Uruguay	8882818			
Previous Name (if known)	**Nature of Activity**	**Date of incident**	**Conservation measures applied**	**SCIC Deliberations**	**Updated Information to be verified.**
	Fishing Division 58.5.2 Apprehended	23 Jan. 04	10.06	Retain	

Non-Contracting Parties: IUU Vessel List Information Update: June 05

Current Name	Current Flag	Lloyds/IMO Number	Name at time of incident (if different)	Reported flag at time of incident (if different)	Call Sign at time of incident
Sargo	Togo	Unknown	Lugalpesca	Uruguay	CXYT
Previous Name (if known)	**Nature of Activity**	**Date of incident**	**Conservation measures applied**	**SCIC Deliberations**	**Updated Information (date) to be verified.**
Lungapesca	i) Undocumented landing			Retain	Renamed "Hoking" flag

	transhipment ii) Sighted Division 58.4.2 iii) undocumented landing Malaysia	28 Dec. 03 21 Jan. 04 Aug. o4	10.07		unknown

- It can be concluded, that Contracting Parties have in place a system of authorization (permission) to fish, a register of fishing vessels and a VMS. Furthermore, the details in the documentation carried on board a vessel so authorized are not less than that to be recorded by the observer in the electronic scientific log. In relation to enforcement, the experience of the Commission is one of mixed success, since most cases are brought to court in a State Party and in a number of cases the inadmissibility of evidence (mainly on technical grounds) has resulted in a less than satisfactory decision. Parties have also been involved in "hot pursuit" of alleged offenders over great distances as reported by the media worldwide.

Foreign Fishing Agency (FFA)

The Vessel Register

- The FFA maintains a *vessel register* listing vessels that are in good standing and reporting to the FFA, VMS.[74]
- As at 6 June 2005, the register consisted of:-

Vessel Type	Number of Entries	FLAG
Bunker	13	PAN, ROK, SIN
Crab/Drop Line	0	-
Fish Carrier	99	CPR, PAN, PHI, ROK, STV, TWN
Longline	700	AUL, BZE, CKI, CPR, CMB, FIJ, INS, JPN, ROK, SPA, NZE, TWA, VAN, USA.
Mothership	5	PHI, VAN.
Net Boat	3	PHI, TWN
Pole and Line	42	JPN, VAN
Search/Anchor/Light	1	VAN.
Single Purse Seine	160	CPR, JPN, KIR, MAS, MIC, NAN, NZE, PHI, PNG, ROK, SOI, SPA, TWA, VAN, USA.
Supply Vessel	0	-
Trawler	0	-
Troll	1	CKI.

- On line, the register shows the name of the vessel, the type and the flag. It is possible however, that more information is held by the secretariat since the FFA registration form requests name and address of owner, as well as, details of the particulars of the vessel.
- Registration is online and instructions are available as a download the code name being CARAVEL (Complete All Registrations And Vessel Entries on Line).

[74] Cambodia, China, Cook Islands, Fiji, Indonesia, Panama and Philippines are not parties to the Compliance Agreement.

- Many, but not all of the vessels listed are included in the Lloyds data base and most of the bunker vessels and fish carriers can also be found in EQUASIS. However, fishing vessels are not in EQUASIS and there is currently no intention to include them.
- Overall the system in place is fairly transparent and implicit in the sense that if a vessel is not on the register it is not allowed to fish.

Inter American Tropical Tuna Commission (IATTC)

The IATTC, established by international convention in 1950, is responsible for the conservation and management of fisheries for tunas and other species taken by tuna-fishing vessels in the **eastern Pacific Ocean**. Each member country of the IATTC is represented by up to four **Commissioners**, appointed by the respective government.

The **member countries**[75] of the IATTC are:

Costa Rica	**Japan**	**Spain**
Ecuador	**Mexico**	**United States**
El Salvador	**Nicaragua**	**Vanuatu**
France	**Panama**	**Venezuela**
Guatemala	**Peru**	

Canada, **China**, the **European Union**, **Honduras**, **Korea** and **Chinese Taipei** are Cooperating Non Parties or Cooperating Fishing Entities.

The Regional Vessel Register

- The 2000 Resolution on a Regional Vessel Register established the list of vessels authorized by their governments to fish for species under the purview of the Commission.

Purse Seine Vessels

- **Active purse-seine capacity list** and **Inactive and sunk purse-seine capacity list**
- The 2002 Resolution on fleet capacity established the lists of purse-seine vessels authorized to fish for tunas in the eastern Pacific Ocean.

List of authorized large longline vessels

- The 2003 Resolution on large-scale longline vessels established the list of longline vessels over 24 meters authorized to fish for tunas and tuna-like species in the eastern Pacific Ocean.
- IATTC requires each Party to supply the Director the following information with respect to each vessel under its jurisdiction to be included in the record:
- a. name of vessel, registration number, previous names (if known), and port of registry;
- b. a photograph of the vessel showing its registration number;
- c. previous flag (if known and if any);
- d. International Radio Call Sign (if any);

[75] Costa Rica, Ecuador, El Salvador, Guatemala, Honduras and Venezuela are not Party to the Compliance Agreement.

- e. name and address of registered owner or owners;
- f. where and when built;
- g. length, beam, and moulded depth;
- h. fish hold capacity in cubic meters, and carrying capacity in metric tons;
- i. name and address of operator (manager) or operators (if any);
- j. type of fishing method or methods;
- k. gross tonnage;
- l. power of main engine or engines.

- Each Party has to notify the staff of any modifications to the information listed above. In addition, each Party has to promptly notify the staff of any additions to or deletions from the record of vessels authorized to fish, as well as, any fishing vessel that is no longer entitled to fly its flag.
- The Parties request non-member governments with vessels fishing in the EPO under their jurisdiction to provide to the Director with particulars of a vessel as set out above and to otherwise follow the terms of Resolution covering the need to maintain a list of vessels.
- The most recent information gives a breakdown of the following flag States and numbers of vessels by each flag State:
- Bolivia (44); Canada (5); China (90); Chinese Taipei; (143); Colombia (14); Costa Rica (356); Ecuador (285); El Salvador (11); France (14); Guatemala (97); Honduras (8); Japan (530); Korea (177); Mexico (231); Nicaragua (52); Panama (137); Peru (1); Spain (137); United States (948); Uruguay (2); Vanuatu (50), and Venezuela (26). The total numbers of vessels being 3,357.
- On line, the vessel register is displayed in the following manner and by clicking on the selected vessel name, further information is displayed:

Name	Gear	Length (m)	Fish hold volume(m^3)	Carrying capacity (t)	Notes
Bolivia					
Blue Star No. 608	Longline				
Blue Star No. 613	Longline				
Cacicus	Longline				
Chen Chieh No. 22	Longline				
Chen Chieh No. 31	Longline				
Chen Chieh No. 32	Longline				
Chin I Ming	Longline	46.2			

- The vessels Chen Chien Nos 22, 31 and 32, given in the table above, are inexplicably listed in the IATTC IUU vessel register under the flag of Georgia
- The blank fields shown in the table above are not limited to Bolivia, indeed there are a great many. The most complete records noted (over 80% of fields filled) were Colombia, Honduras; Korea. USA, Uruguay, Vanuatu and Venezuela.
- However, most countries supplied length data and it was interesting to note that providing information on very small vessels, the smallest being 5.8 m in length, did not appear to be a problem.

International Commission for the Conservation of Atlantic Tuna (ICCAT)

- A list of Contracting Parties to ICCAT,[76] in order of accession is as follows:
- UNITED STATES, **JAPAN,** SOUTH AFRICA, GHANA, CANADA, FRANCE (St-Pierre et Miquelon), BRASIL MAROC, KOREA, Rep. of, CÔTE D'IVOIRE, ANGOLA RUSSIA, GABON, CAP-VERT, URUGUAY, SÃO TOMÉ E PRINCIPE, VENEZUELA, GUINEA ECUATORIAL, GUINÉE-CONAKRY, UNITED KINGDOM (O. territories), LIBYA, CHINA, People's Rep. of, CROATIA. COMMUNAUTÉ EUROPÉENNE, TUNISIE, PANAMA, TRINIDAD & TOBAGO, NAMIBIA, BARBADOS, HONDURAS, ALGÉRIE, MEXICO, VANUATU, ICELAND, TURKEY, PHILIPPINES, NORWAY, GUATEMALA, BELIZE
- Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities are expected to provide particulars of all vessels of over 24m in length overall and over licensed to fish for tuna and/or tuna like species in the Convention Area. The report structure is in Excel is also available on the ICCAT web page and copies of the files are available on diskette on request. The target date set for submission of data was before the end of September 2004 and the following information was requested:

EXCEL FORM

FORM 1 - VESSELS

FLAG:

YEAR:

REPORTING AGENCY: **PERSON IN CHARGE:**

ADDRESS: **TELEPHONE:** **EMAIL:**

FAX:

Mandatory

Identifiers				Name (Latin script)	
Reporting Flag	Serial Number	Radio call Sign(RCS)	Registry Number	Current	Previous

Ownership		Flag State	
Owner ID	Operator ID	Current	Previous

Characterization (current attributes)				
Measurements			Vessel Type	Gear Type
length (m)	type of length	GRT(t)	ISSCFV category	ISSCFG category

Vessel Registry		
	Authorized period	

[76] Algeria, Angola, Brazil, Côte D'Ivoire, Cabo Verde, Croatia, Iceland, Lybia, Trinidad and Tobago, Turkey and Tunisia are not Party to the Compliance Agreement.

Active ? (Yes/No)	Authorized period		Previously Deleted/ suspended by
	from date	to date	

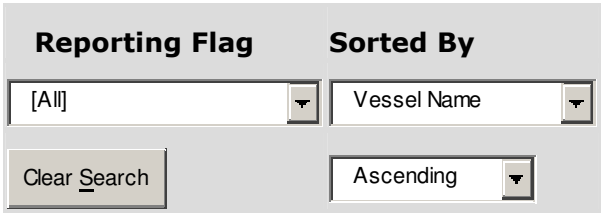
OPTIONAL					
Identification				Atributes	
IMO ID	Date Built	Shipyard Nation	Home port	Total Vessel Depth (m)	Power Class (HP)

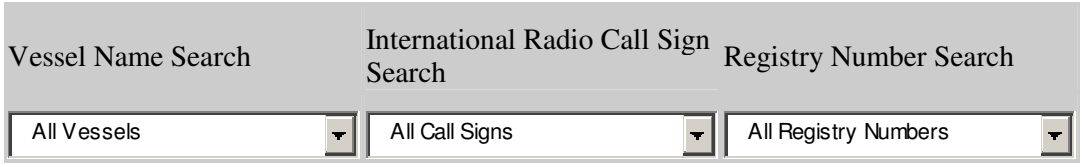
- A total of 35 Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities have responded, with a total of 3,637 vessels recorded, see table below.

Party	Vessels	Party	Vessels	Party	Vessels
Brazil	40	11	11	Namibia	12
Canada	4	67	67	Panama	31
Cap Vert	19	421	421	Philippines	18
IVC	1	331	331	Russia	9
Croatia	31	34	34	South Arica	17
China PR	45	2	2	Tunisia	28
Chinese Taip.	142	2	2	Turkey	442
Cyprus	1	3	3	USA	219
France	79	503	503	Uruguay	8
Greece	69	202	202	Venezuela	62
Ireland	22	16	16		
Italy	679	60	60		

- The data base is readily accessible by selecting “management” on entering the website and the two main options are:

- ICCAT Record of Vessels > 24m; and
- IUU Vessels List.
- Selecting the vessel record takes the viewer to the data base where it is possible to search in a number of ways as shown below:





Selecting a flag State:

- Vessel List - Japan (no reason for the first on the list being Italian)

ICCAT List No.	Reporting Flag	Radio Call Sign	Registry Number	Current Name	Previous Name	Current Flag	Previous Flag	Details
ATEC0ITA00632	EC-Italy	I.S.T.I	ITA000026547	"COSIMO GANCITANO"	No info	EC-Italy	No info	***Select***
AT000JPN00001	Japan	JHOH	MZ1-6	1 ASAHI MARU	No info	Japan	No info	***Select***
AT000JPN00002	Japan	JLBJ	MG1-1603	1 CHOKO MARU	No info	Japan	No info	***Select***
AT000JPN00003	Japan	JIJG	ME1-870	1 CHOKYU MARU	No info	Japan	No info	***Select***
AT000JPN00004	Japan	JRCP	FS1-591	1 CHOKYU MARU	No info	Japan	No info	***Select***

- Selecting the first on the above list gave the following information:

Active	Authorized from	Authorized until	Previously Suspended By
Yes	01/06/2005	31/12/2005	No

- Other Vessel Details

Vessel Name	Length (m)	Type Of Length	GRT	Vessel Type (Category)	Gear Type (Category)
"COSIMO GANCITANO"	30,22	No info	148,59	TRAWLERS	TRAWL NETS

- Owner Details

Name	Address	City	Postal Code	Country	Telephone	Fax	E-mail
LEVANTE S.R.L.	VIA S. GEMMA N. 47 - 91026 MAZARA DEL VALLO (TP)	No info	No info	EC-Italy	No info	No info	No info

- Operator Details

Name	Address	City	Postal Code	Country	Telephone	Fax	Email
LEVANTE S.R.L.	VIA S. GEMMA N. 47 - 91026 MAZARA DEL VALLO (TP)	No info	No info	EC-Italy	No info	No info	No info

- ICCAT is aware that that the records are incomplete, much in the same way as the HSFVAR and it indicates that efforts are being made to plug the gaps. Nevertheless, it is important to note that ICCAT does get information on the authorization whereas there is no such information given as yet in the HSFVAR even although it should be recorded there. Indian Ocean Tuna Commission (IOTC)

- Members of the Commission are:[77]
- The Commission undertook to establish and maintain an IOTC Record of fishing vessels that are:
- a) larger than 24 metres in length overall, or
- b) in case of vessels less than 24m, those operating in waters outside the economic exclusive zone of the flag state, and that are authorised to fish for tuna and tuna-like species in the IOTC Area (hereinafter referred to as 'authorized fishing vessels', AFV.

77

- For the purpose of this recommendation, AFVs that are not entered into the Record are deemed not to be authorised to fish for, retain on board, tranship or land tuna and tuna-like species.
- Each Contracting Party, and Non-Contracting Party co-operating with IOTC (hereinafter referred to as "CPCs") shall submit electronically, where possible, to the IOTC Secretary by 1 July 2003 for those vessels referred to 1.a) and 1 January 2006 for those vessels referred to 1.b), the list of its AFVs that are authorised to operate in the IOTC Area. This list shall include the following information:

Name of vessel(s): Flag(s) Register number(s);
Previous name(s) (if any); Previous flag(s) (if any);
Previous details of deletion from other registries (if any);
International radio call sign(s) (if any);
Operating port
Type of vessel(s),
Length and gross registered tonnage (GRT);
Name and address of owner(s) and operator(s)
Gear(s) used;
Time period(s) authorised for fishing and/or transhipping;

- Although IOTC has developed its own software 'WinTuna 2000" and makes use of "FishStat Plus", the actual list of vessel can be downloaded in excel format.

Links are offered to;

1.Other Tuna commissions

- SPC (the Secretariat of the Pacific Community)
- CCSBT (Commission for the Conservation of Southern Bluefin Tuna)
- IATTC (the Inter-American Tropical Tuna Commission)
- ICCAT (International Commission for the Conservation of Atlantic Tunas)

2. International Organizations

- United Nations convention on the law of the Sea
- Intergovernmental Oceanographic Commission of UNESCO
- United Nations Program for the Environment (UNEP)
- Addresses for all UN organizations
- Fisheries Department of the Food and Agriculture Organization
- The World Bank Group--Development Data Data by topic

3.Miscelaneous

- Indian Ocean - South-East Asian Marine Turtle MoU Website

  The site promotes the exchange of information vital for the conservation of the region's marine turtles, as well as the habitats on which they depend. Reporting of current news items, announcements and profiles of areas important for turtles will all be regular features on the site. An electronic library hosting hard-to-find regional literature, presentations, and a database of ongoing projects and the Marine Turtle IMapS which enables users to query data on turtle nesting sites and numbers, along with other vital information such as the location of seagrass beds, coral reefs and protected areas..

- SADC Monitoring Control and Surveillance of Fishing Activities Programme

The SADC - EU MCS Programme is financed by the European Union to a total of €14.55 million. The overall objective of the Programme is to improve management of marine resources in the SADC region. Ownership of the Programme is vested in the participating SADC states, i.e. Angola, Mozambique, Namibia, South Africa and Tanzania.

- Thonier senneur - pêche au thon

  A personnal site about tuna fishing by the French purse seine fleet, complete with total catches.

4.National Institutions

- Australia > Australian Fisheries Management Authority (AFMA)
- France > IRD (Institut de Recherche pour le Développement, ex-ORSTOM)
- Maldives > Department of Fisheries

5.Oceanographic Resources

- CLIVAR

  CLIVAR is a scientific programme to extend the investigation of climate variability and predictability to larger geographic regions and longer time-scales for the ultimate benefit of the world's societies. The World Climate Research Programme (WCRP) has prepared a Science Plan for this new fifteen year research programme. CLIVAR's task is to study climate variability and predictability and the response of the climate system to anthropogenic forcing. Lots of text and some charts. Summarizes current knowledge of and research plans for understanding ocean variability (from C. Anderson).

- Coastline Extractor

  An interactive facility for the extraction of coastline files at various resolutions.

- ENSO Information from the NOAA-CIRES Climate Diagnostics Center
- Multivariate ENSO Index

  An alternative way of measuring the intensity of ENSO effects.

- SEA-MAT

  Matlab tools for Oceanographic Analysis.

- Southern Oscillation Index

  from the Bureau of Meteorology in Australia, listing the SOI by month from 1860. Easy to cut and paste into spreadsheets (from C. Anderson).

- The Indian Ocean Climatology & Oceanography (IOCO)

  A page by J-L LeBlanc, dedicated to oceanographic information, contains also relevant links to the Indian Ocean.

- There are currently **1973** authorized vessels from **19** flags in the Record (last update: 2005-07-11). The shortest is 24m in length and the longest 120 m in length. Unfortunately no length is given for 509 vessels thus it is not possible to get an average length.
- To Search for vessels matching (select one or more criteria then click "search")

: SEARCH **Vessel Name:**
starts w ith

Country flag*:	**Vessel Type*:**

-all-
Australia
China

-all-
Longliners
Longliners-Pole and Line vessels

International Radio Call Sign:

starts w ith

(e.g: JZHK)

IOTC record number:

IOTC
(e.g. : 000123 for IOTC000123)

SEARCH

show 10 results per page

Vessels matching: flag="Australia "

EXPORT RESULTS

list of authorised vessels (26 found)

previous showing 1-10 of 26 results next 10

click on a vessel's name to view detailed information

34 SOUTH (Australia) licensed from 2003-07-01 to 2004-06-30

IOTC record number: **IOTC000005**

National register number: O640 - ACT Intl. radio call sign:

tonnage: 190 GRT Length: 24.3 m Type: Unknown

ALCYONE II (Australia) licensed from 2003-07-01 to 2004-06-30

IOTC record number: **IOTC000004**

National register number: O652 - ACT Intl. radio call sign:

tonnage: 110 GRT Length: 24.3 m Type: Unknown

APOLLO S (Australia) licensed from 2003-07-01 to 2004-06-30

IOTC record number: **IOTC000027**

National register number: O634 - ACT Intl. radio call sign:

IOTC RECORD OF VESSELS OVER 24 METRES AUTHORISED TO OPERATE IN THE IOTC AREA

search | statistics | about | submit data

data on: ALCYONE II (Australia)

vessel identification

vessel name:	ALCYONE II
IOTC record n°:	**IOTC000004**
flag :	Australia
national record n°:	O652 - ACT
radio call sign:	

> HISTORY

vessel characteristics

type :	Unknown
tonnage :	110 GRT > HISTORY
length :	24.3 m > HISTORY
gear used:	

administrative details

license :	from: to: 2004-06-30	2003-07-01 > HISTORY
ownership:	**owner:**	RADAR HOLDINGS P/ L ATF SAN TON SUPERANNUATION > HISTORY
	address :	

vessel history (clic on a name to display matching historical record)

There are no historical data on this vessel

- The IOTC, as part of its efforts to combat illegal fishing, reviews information provided by its member states on activities of fishing vessels that could undermine the effectiveness of IOTC's conservation and management measures. Vessels that are confirmed to have conducted such activities are then listed in the 'List of Vessels Presumed to have conducted illegal, unregulated and unreported fishing, also referred to as the "IIUU list".
- The list contained 12 such vessels at 22 July 2005. In addition a link is provided to the ICCAT list of IUU Fishing Vessels (8 entries at 22 July 2005). The data held on IUU fishing vessels is set out below.

IOTC List of IUU Fishing Vessels

Lloyds/IMO number	Current Name	Previous Name (if any	Ship Length	Current Flag	Previous Flag(s) (if any)	Call Sign	Name of Owner	Address of owner	Date entered in this list

ICCAT List of IUU Fishing Vessels

Serial Number	Reporting CPC	Date Informed	Entrada #	Current Flag	Previous Flag	Name of Vessel (Latin)	Name of Vessel (other)	Owner Name	Address of Owner	Area

North West Atlantic Fisheries Organization (NAFO)

- There are 12 countries (Bulgaria, Canada, Cuba, Denmark in respect of the Faroe Islands and Greenland, France in respect of Saint Pierre et Miquelon, Iceland, Japan, Korea R.of, Norway, Russian Federation, Ukraine and the USA) plus the European Union that are Contracting Parties.[78]
- An underlying principle is that the use of fishing vessels flying its flag for fishing activities may be authorized only where it is able to exercise effectively its responsibilities in respect of such vessels. Furthermore, a fishing vessel is considered to mean vessel which is or has been engaged in fishing activities, including fish processing vessels and

[78] Bulgaria and Cuba are not Party to the Compliance Agreement. The same would be the case for te Faeroe Islands, Greenlan and Saint Pierre et Miquelon

vessels engaged in transhipment or any other activity in preparation for or related to fishing, including experimental or exploratory fishing.

- The Executive Secretary maintains a register of all fishing vessels of more than 50 gross tons authorised to fish in the Regulatory Area. Fishing vessels not entered into this register are deemed not to be authorised to fish in the Regulatory Area. Contracting Parties are obliged to give notice of the list vessels which are authorised to operate in the Regulatory Area. The notification to be made in an electronic form and in accordance with the format prescribed in the following table "Format for the Register of Fishing Vessels".

Format for Register of Fishing Vessels

Data Element:	Code:	Mandatory/ Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, "XNW" for NAFO Secretariat
From	FR	M	Message detail; ISO-3 code of the transmitting Contracting Party
Record Number	RN	M	Message detail; message serial number in current year
Record Date	RD	M	Message detail; date of transmission
Record Time	RT	M	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, "NOT" as Notification of authorized vessels
Vessel Name	NA	M	Vessel registration detail; name of the vessel
Radio Call Sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Flag State	FS	M	Vessel registration detail; State where the vessel is registered
Internal Reference Number	IR	O[1]	Vessel registration detail; Unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	M	Vessel registration detail; the side number of the vessel
Port Name	PO	O	Vessel registration detail; port of registration or home port
Vessel Owner	VO	M[2]	Vessel registration detail; responsible for using the vessel
Vessel Charterer	VC	M[2]	Vessel registration detail; responsible for using the vessel
Vessel Type	TP	O	Vessel characteristic, FAO vessel code (Annex V.A)
Vessel Gear	GE	O	Vessel characteristic, FAO statistical classification of fishing gear (Annex VI)
Vessel capacity measurement method tonnage	VT	M M 	Vessel characteristic; vessel capacity in pairs as needed "OC" "OSLO" convention 1947, "LC" "London" convention ICTM-69 total capacity in tonnage
Vessel length	VL	M	Vessel characteristic; length in meters in pairs as needed

measurement method length		M	"OA" overall; "PP" between perpendiculars length in meters
Vessel Power measurement method Power	VP	M M	Vessel characteristic; engine power in pairs as needed "KW" total installed engine power in vessel as kilowatts, "HP" total installed engine power as horsepower total installed engine power
Limited Authorization	LU	O	License detail; authorization subject to specific restrictions on operation in the R.A., "Yes" or "No"
End of record	ER	M	System detail; indicates end of the record

Chartered Vessels

- Chartering Contracting Parties intending to have recourse to such chartering arrangements shall notify prior to commencement of the chartering arrangement the following information to the Executive Secretary:

a) the name and registration of the chartered vessel and the relevant flag Contracting Party;
b) previous name(s) and flag state(s) of the vessel, if any;
c) the name and address of the owner(s) and operators of the vessel;
d) a copy of the chartering and the fishing licence issued by the chartering Contracting Party;
e) the fishing possibilities concerned;
f) the date as from which the vessel is authorised to commence fishing on these fishing possibilities; and
g) the duration of the chartering arrangement

Research Vessels

- Information on the vessel

a) name of vessel owner and address;
b) type and name of vessel;
c) length, beam and draft of vessel;
d) port of registration, registration number, and radio call sign;
e) a note whether the vessel is a permanent research vessel or the period for which the vessel will be employed as a research vessel; and
f) for vessels which are temporarily employed in research only, purpose and area of research and plan of research program.

Other Conditions

- Fishing vessels over 10 metres in length shall carry on board documents issued by the competent authority of the State in which it is registered showing at least the elements referred to in Annex VII of the regulations..
- Fishing vessels over 17 metres in length which freeze or salt fish shall keep on board up-to-date drawings or descriptions of their fish rooms, including an indication of their storage capacity in cubic metres
- Elements to be included in documents onboard vessels over 10 metres in length:

its name, if any
the letter(s) of the port or district in which it is registered, and the number(s) under which it is registered
its international radio call sign, if any
the names and addresses of the owner(s) and, where applicable, the charterers
its length and engine power.

- The implication is quite clear that the Contracting Parties must have a register in place for fishing vessels (according to the definition) down to 10m in length.

North East Atlantic Fisheries Commission (NEAFC)

Contracting Parties

- Denmark in respect of the Faeroe Islands and Greenland, Estonia, the EU, Iceland, Norway, Poland and the Russian Federation.[79]
- Convention definitions:

- "fishing vessel" means any vessel used or intended for use for the purposes of the commercial exploitation of fisheries resources, including fish processing vessels and vessels engaged in transhipment;
- "transhipment operation" means the transfer, over the side, of any quantity of fish, molluscs, crustaceans and/or fishery products retained on board, from one fishing vessel to another; authorise the use of fishing vessels flying its flag for fishing activities under Article 2 only where it is able to exercise effectively its responsibilities in respect of such vessels;
  - Each Contracting Party has to notify, in computer readable form, to the Secretary prior to 1 January of each year if possible, or in any case before the vessel's entry into the Regulatory Area, all fishing vessels authorised to fish in the Regulatory Area and notably whether the vessel is authorised to fish one or more regulated resource. This notification has to include for each fishing vessel the information listed and in the same format as given above under NAFO. Each Contracting Party has to notify any modifications to this information without delay. NEAFC also has a similar format for the reporting of the intention of a Contracting Party to withdraw an authorized vessel.
  - Each Contracting Party has to communicate reports and messages to the Secretary without delay. In the event of technical malfunction, these reports have, however be transmitted to the Secretary within 24 hours of receipt. Contracting Parties must ensure that all reports and messages forwarded by them will be sequentially numbered or, if the Contracting Party so desires, it has to ensure that each of its fishing vessels communicate reports (by satellite, radio, telefax or telex) to the Secretary.
  - Each Contracting Party has to ensure that the reports and messages transmitted between the Contracting Party and the Secretary or if the Contracting Party so desires, between its fishing vessels and the Secretary, are in accordance with the data exchange formats and protocols set out in below.
  - **Notification of fishing vessels**
  - Each Contracting Party shall ensure that each of its fishing vessels shall carry onboard documents issued by the competent authority of that Contracting Party showing at least the following data elements as identified in Annex

- its name;
- the letter(s) of the port or district in which it is registered, and the number(s) under which it is registered;
- its international radio call sign;
- the names and addresses of the owner and, where relevant, the charterer;
- its overall length;

[79] Estonia is not a party to the Compliance Agreement.

- engine power, in kW/horsepower, where available.

Activity List A

North East Atlantic Fisheries Commission				
NEAFC's on Contracting Party Scheme – Illegal Unregulated and Unreported Activity List A				
Vessels Name	Ext. Reg.	IRCS	Flag State	Comments
Sunny Jane		V3KG2	Belize	

Activity List B

North East Atlantic Fisheries Commission				
NEAFC's Non-Contracting Party Scheme – Illegal Unregulated and Unreported Activity List B				
Vessels Name	Ext. Reg.	IRCS	Flag State	Comments
Fontenova			Panama	Port Inspection
Iannis			Panama	Non-regulatory Resources.
Lisa	50052	J7AJ4	Dominica	Redfish Fishery

- Once more it is clear that all Contracting Parties must have a registration and reporting system in place including the required fields anticipated for a Global Record of Fishing Vessels and Support Ships

Coalition of Legal Toothfish Operator29 August 2005s (COLTO)

COLTO – "a not for profit group" of toothfishing operators working together to provide surveillance and other valuable information to governments to help stop the toothfish poachers."

The web site provides information on a number of fishing vessels said to be illegally targeting toothfish. Most, if not all of the vessels have reflagged more than once and by clicking on the name of a vessel a case history is displayed together with particulars and photographs of the vessel. There are also links to press releases and government reports.

From the information given there would appear to be a low level of cooperation between certain Parties to CCLMR and the examples given (by COLTO) illustrate legal obstacles to enforcement since not all of the vessels listed are actually fishing within a Convention area or waters under the jurisdiction of a particular State. COLTO has also alleged that there are instances of vessels of a Party falsifying VMS data. Indeed the links to news reports are quite informative.

Summing Up

It is clear that a large number of vessels are fishing in waters that could be described as high seas, yet a considerable number of States Parties to these regional fisheries management organizations have not ratified the Compliance Agreement. Furthermore, the numbers of vessels clearly authorized to fish in the various regulatory areas, is considerable and even although many vessels are included in more than one record, the true total is greatly in excess of the numbers in the HSFVAR.

It is noticeable that there must be a low level of quality control of the at the data entry stage since many fields are left blank. This seems to be the case even where registration is on line and it may well be that the system is not designed to reject an application when all of the essential fields have not been filled in.

An important point to note is that some organizations have definitely collaborated at the design stage of data base systems and this is the case with the tuna organizations and the two North Atlantic organisations. The most recent would have been IOTC which has expanded linkages to other sites and seems to be user friendly.

[1] Argentina, Australia, Chile, Uruguay, Mauritius and PERU have not supplied vessel data to the HSFVAR.

India (probably only for research), Korea, Rep. of, Poland, Russian Federation, South Africa, Ukraine and Vanuatu are not yet Parties to the Compliance Agreement.

[1] Cambodia, China, Cook Islands, Fiji, Indonesia, Panama and Philippines are not parties to the Compliance Agreement.

[1] Costa Rica, Ecuador, El Salvador, Guatemala, Honduras and Venezuela are not Party to the Compliance Agreement.

[1] Algeria, Angola, Brazil, Côte D'Ivoire, Cape Verde, Croatia, Iceland, Libya, Trinidad and Tobago, Turkey and Tunisia are not Party to the Compliance Agreement.

[1]

[1] Bulgaria and Cuba are not Party to the Compliance Agreement. The same would be the case for te Faeroe Islands, Greenland and Saint Pierre et Miquelon

[1] Estonia is not a party to the Compliance Agreement.

Annex V Initiatives to Deter IUU Fishing

Introduction

1. The study looked at initiatives to deter IUU Fishing and Vessel Monitoring System in order to determine the extent to which they relied on flag States having in place systems for the register of a fishing vessel, the issue of a licence to fish and the authorization to carry a vessel location device.

Background

2. The international community has witnessed a growing incidence of fishing activity that does not respect applicable rules and principles established in the relevant laws and regulations or international instruments. Such illegal, unreported and unregulated (IUU) fishing occurs in virtually all capture fisheries, whether they are conducted within areas under national jurisdiction or on the high seas. IUU fishing poses a direct and significant threat to effective conservation and management of many fish stocks, causing multiple adverse consequences for fisheries and for the people who depend on them in the pursuit of their legitimate livelihoods.

3. The FAO Committee on Fisheries (COFI), at its Twenty-third Session in 1999, considered the problem of IUU Fishing to be a matter of high priority and recommended the elaboration of an International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU).

4. 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 the International Maritime Organization (IMO) to cooperate on solving problems related to IUU Fishing. Accordingly FAO and IMO set up a Joint *ad-hoc* Working Group which first met in Rome 9-11 October 2000. The *ad-hoc* Working Group discussed how flag States and port State control of fishing vessels could assist in combating IUU Fishing and took into account the long experience of IMO in the port State control of merchant ships. The recommendation of the *ad-hoc* Working Group formed the basis for a report to the IMO Sub0Committee of Flag State Implementation which met in February 2001.

5. FAO in collaboration with the Government of Australia convened an Expert Consultation on the subject in Australia, May 2000. This was followed by a FAO Technical Consultation, Rome 2-6 October 2000, which prepared an International Programme of Action containing a large and diverse set of measures for States to take to combat IUU fishing, individually and in collaboration with other States. Some of these measures being designed for use by all States; others for application by coastal States, port States and flag States.

6. At its Twenty-fourth Session in 2001, COFI accepted the International Plan of Action (IPOA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, as adopted by the Second Technical Consultation on Illegal, Unreported and Unregulated Fishing and recommended to the FAO Council that the plan be endorsed. The IPOA was subsequently adopted by the FAO Council, also in 2001.

Relevance of the IPOA in relation to a Global Record

7. The FAO Expert Consultation on IUU Fishing held in Australia, May 2000 highlighted the responsibilities of flag States, coastal States and port States in international law. In particular, it was recognized that the primary responsibility lies with the flag State, since it is duty bound to exercise control over vessels entitled to fly its flag and thus deter any illegal fishing, unreported or unregulated fishing. Appropriate control starts with a processes of registration and the allocation of a flag and an interpretation of the "genuine link" that ensures that the flag State can exercise control over the ownership, its management and crew. The fact that IUU Fishing exist is a clear indication that certain flag States are not exercising appropriate control.

8. States are also meant to exercise control over their nationals but this is a grey area when the beneficial ownership is not clearly identified. There is a further complication in relation to the officers and crew of a fishing vessel. The conditions set by many of the international and open registers do not require individuals to be nationals of the flag State. This has lead to the growth of "manpower

exporting" agencies with doubtful guarantees in relation to the level of training, experience and certification of officers and crew so recruited. Control by the flag State becomes more difficult or even less stringent with further complications in relation to accountability when the beneficial ownership is also of a different nationality to, and located outside, the flag State. Unfortunately, recent developments, particularly in relation to the right of establishment (where it exists), give further interpretation to the link between the ownership of a vessel and the flag State

9. The first meeting of the Joint FAO/IMO *ad hoc* Working Group in October 2000 recognized the importance of fishing vessels being registered and endorsed the need to ensure that the flag State links the registration of a fishing vessel with its authorization to fish and urged closer collaboration between relevant agencies in national administrations.

10. Successive FAO meetings, and the IPOA on IUU Fishing looked for greater flag State, coastal State and port State control and all of which require an information base containing records containing particulars of fishing vessels and their ownership. Yet the fact remains, that some so called flag States (including developed countries) do not require a fishing vessel to be registered if it operates in home waters.

11. The FAO Expert Consultation on IUU Fishing held in Australia, May 2000 highlighted the responsibilities of flag States, coastal States and port States in international law. In particular, it was recognized that the primary responsibility lies with the flag State, since it is duty bound to exercise control over vessels entitled to fly its flag and thus deter any illegal fishing, unreported or unregulated fishing. Appropriate control starts with a processes of registration and the allocation of a flag and an interpretation of the "genuine link" that ensures that the flag State can exercise control over the ownership, its management and crew. The fact that IUU Fishing exist is a clear indication that a fair number of flag States are not exercising appropriate control.

12. States are also meant to exercise control over their nationals but this is a grey area when the beneficial ownership is not clearly identified. There is a further complication in relation to the officers and crew of a fishing vessel. The conditions set by many of the international and open registers do not require individuals to be nationals of the flag State. This has lead to the growth of "manpower exporting" agencies with doubtful guarantees in relation to the level of training, experience and certification of officers and crew so recruited. Control by the flag State becomes more difficult or even less stringent with further complications in relation to accountability when the beneficial ownership is also of a different nationality to, and located outside, the flag State. Unfortunately, recent developments, particularly in relation to the right of establishment (where it exists), give further interpretation to the link between the ownership of a vessel and the flag State.

13. The IPOA-IUU contains a large and diverse set of measures for States to take to combat IUU fishing, individually and in collaboration with other States. Some of these measures are designed for use by all States; others are tailored for application by coastal States,[80] port States[81] and flag States.[82]

14. The Twenty-fourth Session of COFI concluded that flag States should establish and agree on the minimum acceptable performance standards for equipment and systems that do not conflict with performance standards agreed by the relevant international organizations for:

- mandatory reporting of the position of a fishing vessel when it is not in port;
- the remote sensing of the position of a fishing vessel using satellite based vessel monitoring systems, as well as, surveillance, control and data acquisition systems.

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[80] The term "coastal State" is generally understood to mean a State bordering a marine area.

[81] The term "port State" is generally understood to mean a State in whose port a vessel is seeking or has obtained access. Port State measures against IUU fishing were recently the focus of an FAO Expert Consultation. See: "Report of the Expert Consultation to review Port State measures to combat illegal, unreported and unregulated fishing." Rome, 4-6 November 2002. *FAO Fisheries Report.* No. 692. Rome, FAO. 2002. 22p. Also see: Lobach, Terje. 2003. "Port State control of fishing vessels." FAO Fisheries Circular No. 987. FAO. Rome. 21p.

[82] The term "flag State" is generally understood to mean a State in whose territory a vessel is registered and whose flag a vessel is entitled to fly.

15. Flag States should make satellite based vessel monitoring systems a requirement for fishing vessels authorized to fish on the high seas and or in waters of States other than the flag State.

Records of Fishing Vessels/Vessel Location Device

16. It is fairly clear from scrutiny of the records held by RFMOs and the HSFVR, that details of particulars of a vessel are not always complete. or indeed correct. It was also noted that the lack of a means of identification, unique to an individual vessel, made it difficult to reconcile lists of vessels in records of vessels authorized to fish in a certain management area with details of a vessel held in records of alleged IUU Fishing vessels operating in the same area that had the same name but, for example, a different flag. In other cases, vessel carrying the flag of one State were using a radio call sign issued by another.

17. A standard requirement in vessel registration is the radio call sign which in theory, is unique to a vessel as long as it is not deregistered and registered in another State. In the case of a vessel location device (VLD) the identifier is unique to the VLD unit. Furthermore, it appears that not all States maintain a register of VLD units; such registers where available would not display the built in unique identifier. Nevertheless, a VLD has to be programmed and that requires information given in the vessel register or licence to be available to the programmer, which in turn means that the State must maintain a suitable vessel record.

18. It was also noted that although progress is being made with regard to VMS, the register or record requirements for such units are not entirely clear. This should not be confused with the so called "Unique Identifier" built into the system for reasons of security (reducing cloning possibilities) and not made public. VMS requirements are most often linked to fishing permits, vessel registries, or other mechanisms that convey the authorization to participate in a particular fishery or geographic area.

19. In the event that a fishing vessel is authorized to fish in waters of another State, the flag State should inform the other State of the conditions it has set for the good conduct of fishing vessel operations by its vessel and those in charge of the vessel. The coastal State should not give more favourable treatment to the foreign flag vessel that it would give to its own flag fishing vessels and may, therefore, set more stringent conditions than the flag State.

Registration

20. In a paper to the regional workshop on MCS in Kuala Lumpur,1998, Philippe Cacaud, Legal Consultant made the follow comments in relation to registration of a VLD:

> "Insofar as the author has been able to determine, it appears that only New Zealand currently requires the registration of VTUs. Regulation 6 of the Fisheries (Satellite Vessel Monitoring Regulations 1993 provides that the Director-General shall register a VTU if (s)he is satisfied that the device under consideration is of the same type as a type approved in accordance with the appropriate standards and requirements set out in Regulation 5 of these regulations. It further specifies that the Director-General may make the registration of a VTU subject to such reasonable conditions as they may indicate in writing to the applicant. They are also empowered to cancel at any time the registration of a VTU if satisfied that it no longer complies with the appropriate standards and requirements. The registration certificate issued by the Ministry of Agriculture and Fisheries must be kept on board the fishing vessel to which it relates and maintained in a legible condition and produced immediately on the request of a Scientific Observer2. The registration expires when the vessel to which the VTU is registered is no longer authorized to operate within New Zealand waters or at such earlier date if cancelled by the Director-General. Of particular interest are the recommendations made by the 1st FFA VMS Legal Workshop, which provide for the modification of the minimum terms and conditions of access by requiring the registration of VTUs and for the establishment of a separate FFA VMS register. It was also recommended that registration should be an annual requirement and should remain valid only until 31 August each year. These recommendations have been adopted and became operational in November."

Annex VI Selection of vessel categories for the development of a Global Record

Background

- The Study gave consideration to both the tonnage measurement and the length of a vessel in order to determine the scope of the proposed Global Record taking into consideration the precedents set through relevant international legal instruments and internationally agreed codes of practice. It also considered how to proceed in order to implement a system to allocate a unique identification number to ships and fishing vessels that would remain with a ship or fishing vessel over time and not be subject to change as a consequence of change of name, change of ownership or change of flag.

Consequently, the Study recognized the utility of developing a system that could be readily applied to both merchant ships and fishing vessels.

Gross Tonnage

- Gross tonnage means the internal volume of hull and superstructure on the basis of one ton being equal to **100** cubic feet of volume or 2.83 cubic metres of volume.

The Study noted that the length of a ship or vessel is only one of the elements required to determine the gross tonnage and consequently, for ships or vessels of the same length the gross tonnage measurements may be significantly different. Consequently, and particularly in the case of fishing vessels, it is not possible to produce an accurate correlation curve of length versus gross tonnage that would be suitable for world wide usage.

- The International Convention on Tonnage Measurement of Ships, 1969 (London Tonnage Convention) was examined during the Study, it being noted that the Convention applies to the following ships engaged on international voyages:

- (a) ships registered in countries the Governments of which are Contracting Governments;
- (b) ships registered in territories to which the present Convention is extended under Article 20; and
- (c) unregistered ships flying the flag of a State, the Government of which is a Contracting Government.

- The exceptions being that the Convention does not apply, *inter-alia,* to vessels of less than 24m (79feet).or to

- (a) the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the meridian of longitude 63W;
- (b) the Caspian Sea; or
- (c) the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Rasa (Cabo San Antonio), Argentina, and Punta del Este, Uruguay.

- The International Convention on the Safety of Life at Sea (SOLAS) was also examined in which the application is mainly determined by gross tonnage a to a lesser extent by length between perpendiculars. In this regard the Study paid special attention to Chapter V (Safety of Navigation),and Chapter XI-I (Special measures to enhance maritime safety) concerning the ship identification number, as well to its automatic information system (AIS) and long range tracking of a vessels position. Furthermore, the Study took note of initiatives by the International Maritime Organization to consider the application of measures in relation to maritime security to non-convention vessels that could include fishing vessels and pleasure craft that would lead to n amendment to SOLAS.

- The Study also monitored discussions at ILO in connection with the convention concerning work in the fishing sector in relation to the setting of categories for the application of various provision of a final instrument. In this regard, it had been agreed that a fishing vessel of 55GT shall be considered equivalent to a length (L) of 15meters or a length overall of 16.5 meters.
- More recently, the Director General has agreed to cooperate with the IMO secretariat in an exchange of views on available technologies and systems, for the wider application of vessel tracking and identification, as well as, to consider the technical, organizational and legal aspects of how such technologies, including VMS, could serve IMO and FAO, particularly in relation to combating IUU fishing and enhancing safety of fishers and fishing vessels.
- In this regard, it should be noted that the requirement for automatic information system (AIS) set out in Regulation 19 of Chapter V of SOLAS applies to ships of 300 Gross Tonnage and upwards engaged on international voyages. However, Administrations shall determine to what extent the provisions of Regulation 19 do not apply to fishing vessels. It should be noted, that AIS shall provide automatically to appropriately equipped shore stations, other ships and aircraft, information including the ship's identity, type, position, course, speed, navigational status and other safety- related information. Such a requirement is not compatible with the need for confidentiality as embodied in VMS for fisheries management purposes. There is, however, a further clarification given in SOLAS that would allow relaxation of this requirement (even if an Administration decided that AIS should be fitted to fishing vessels) and that is that the automatic transmission of the data shall not apply where international agreements, rules or standards provide for the protection of navigational information.
- With regard to long range ship identification and tracking it is noted that the SOLAS Conference, December 2002 acknowledged that Inmarsat C polling is currently an appropriate system and invited Contracting Governments to encourage ships entitled to fly the flag of the State to take necessary measures so that they are prepared to respond automatically to Inmarsat C polling or to other available systems. It may be that not all of the systems currently used for VMS would meet the minimum specification for compatibility with Inmarsat C polling.
- The Study also took note of the fact that Lloyds Register of Shipping traditionally assigns its LR Number to ships of 100GT when it is aware that a ship is under construction (including fishing vessels) and that it has made arrangements to provide IMO with the seven digit number that it uses for each ship. The letters IMO are then placed before the seven digits that make up the LR number to create the IMO number.
- The European Quality Shipping Information System (EQUASIS) follows the Lloyds pattern and contains data on ships, but not fishing vessels, of 100GT and over with inputs from a number of information providers that include ship classification societies, port State control MOUs, and Lloyds.
- It was recognized that in relation to non-London Tonnage Convention vessels, tonnage is measured in different ways and this was seen to be the case in Asia and Latin America thus the tonnage measurement entered in a certificate of registry of one flag State ma have been calculated using a different formula to that in use by a neighbouring State. In addition, in the case of small fishing vessels, many administrations tend to give more importance to the overall length of a fishing vessel and that where the tonnage measurement is required it is often measured on the basis of applying a coefficient to the cubic number rather than following the formula set out in the London Tonnage Convention. In this regard, it is noted that some administrations may require assistance during the development phase to introduce a Global Record concerning the use of length overall and the application of the cubic number plus the coefficient principle.

Length

- The Study recognized that there could be merit in aligning the various categories of fishing vessels with the length of a vessel since this it is the length that is the principle indicator in Part B of the Fishing Vessels Safety Code for vessels of 24m in length and over, as well as the Voluntary Guidelines for the Design and Equipment of Small Fishing Vessels of 12m in length and over but less than 24m in length. It being recalled that both documents were recently revised by FAO/ILO/IMO and approved by the Maritime Safety Committee of IMO in December 2004 and accepted by both FAO and ILO in 2006. The Study also recognized that the provisions of these documents are not mandatory.
- It was noted by the Study that the definition of "length" given in Part B of the Code and the Voluntary Guidelines is the same as defined in the Torremolinos International Convention for the Safety of Fishing Vessels and its 1993 Protocol. In like manner, the definition of length given in the Compliance Agreement follows the Torremolinos Protocol. It was noted during the Study, however, that a number of the Members of IMO had expressed concern that to measure all fishing vessels in accordance with definition given in the Torremolinos Protocol could prove to be a costly exercise especially in cases where suitable drawings of a vessel did not exist. Consequently, IMO sought to develop a formula that would be suitable for Administrations to equate other length criteria, normally entered in a certificate of registry, with the length as defined in the Torremolinos Protocol when that length equalled 24m.
- The intention of equating other length parameters with the length when it is equal to 24m measured in accordance with the definition of length given in the Protocol is to assist States to ratify the Protocol. Nevertheless, for the moment, no proposals have been made for similar action in the case of intermediate lengths given in the Protocol for the application of specific provisions of the Protocol.
- The Study also drew on the experience gained from the management of the Compliance Agreement and it was seen that many fisheries administrations had much the same problem of measuring length as defined in therein. Thus the Study recommends that the following formulae developed by IMO should be followed:

- Where the Registered Length (Lreg) is equal to 24m it is considered to be in accordance with the definition given in the Compliance Agreement.
- When the Lreg is not available and where the Length between perpendiculars (Lbp) is equal to 23.07m Lreg should be taken to be 24m.
- When both Lreg and Lbp are unavailable and the Length over all (Loa) is equal 26.47m Lreg should be taken to be 24m.

- However, the Study concluded that many administrations are unlikely to include the length, as defined by the Protocol, in certificates of registry and records of fishing vessels of less than 24m in length.

Recommendation of the Study

- It is recommended that the tonnage measurements should be used in order to place merchant ships and fishing vessels into categories for the implementation of systems for the allocation of unique identification numbers that would remain with a ship or vessel over time and not be subject to change as a consequence of change of name, change of ownership or change of flag. The following categories are proposed, although it should be noted, that since the tonnage convention does not apply to vessels below 24m in length (as defined by the convention), the use of GT for vessels below 100GT is merely indicative and not meant to impose rigid conditions on administrations. Furthermore, it is more than

likely that the majority of vessels of less than 100GT are measured for tonnage using a variety of formulae to that given in the London Tonnage Convention.[83]

- 500GT and over
- 300GT and over but less than 500GT
- 100GT and over but less than 300GT
- 55GT and over but less than 100GT and,
- 10GT and over but less than 55GT

- It is also recommended that during the development phase to establish a global record, flag States should be requested to provide the formulae they have adopted to measure tonnage, if different from gross tonnage, of their vessels that are less than 100GT and not engaged in international voyages.
- Should there be a desire to extend the scope of a Global Record to include smaller decked fishing vessels, it would be possible to apply a simple formula to estimate the GT on the basis of the length overall and standard hull forms rather that subject administrations to time consuming measurement procedures.

[83] It is common practice to use the Gross Registered Tonnage measurement as derived from the Oslo Convention of 1947 particularly for vessels of less than 24m in length as defined in the London Convention of 1969.