

Working document providing guidance on agenda items

Submitted by FAO, ILO and IMO Secretariats

SUMMARY

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

1 GENERAL

1.1 There has been a longstanding cooperative relationship among the secretariats of the Food and Agricultural Organization (FAO), the International Labour Organization (ILO) and the International Maritime Organization (IMO) on matters related to the fishing sector. This cooperative work has been undertaken within the context of each organization's mandate: FAO for fisheries in general; IMO for maritime safety and security, and the protection of the marine environment; and ILO for work on labour standards and working conditions in the fishing industry.

1.2 The FAO Committee on Fisheries (COFI) is the principal global inter-governmental forum where States meet to review and consider the issues and challenges related to fisheries. COFI has been fostering the development and adoption of binding fisheries instruments and non-binding instruments that have reshaped how the fisheries sector works in the interests of resource sustainability. COFI has repeatedly welcomed FAO/ILO/IMO collaboration, in particular relating to safety-at-sea in the fisheries sector. At COFI 31, many Members stressed the link between safety at sea issues and forced labour and the occurrence of illegal, unreported and unregulated (IUU) fishing activities. They referred, in this context, to the ILO Work in Fishing Convention, 2007 (188) and to the IMO Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977. In addition, it has also been pointed out that there are possible links between the level of safety on board fishing vessels and IUU fishing practices. ILO tripartite meetings concerning the fishing sector have also noted that IUU fishing may also involve forced

labour, human trafficking, and child labour, and have called upon FAO, ILO and IMO, inter alia, to work together to implement the above-mentioned Conventions. The main areas where cooperation has already occurred concern a broad range of issues that are elaborated in this document.

Establishment of the Joint Working Group

1.3 The establishment of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG) was prompted by a call from COFI 23, in February 1999, for FAO to obtain assistance from IMO, in particular, with regard to general concerns about re-flagging of fishing vessels and IUU fishing. Shortly afterwards, in April 1999, the United Nations Commission on Sustainable Development highlighted the issues of flag and port State responsibilities and the need for FAO and IMO to cooperate on solving problems relating to IUU Fishing. As a result, the Secretariats of IMO and FAO worked together to facilitate the creation of JWG. Since then, four meetings have been held by the JWG, respectively in 2000, 2007, 2015 and 2019.

1.4 The Governing Body of ILO, at its 335th session (14 to 28 March 2019) authorized the participation of ILO as a full member in JWG and decided that two representatives of employers and two representatives of workers would be appointed by their respective groups. The terms of reference of JWG are provided in Appendix 1.

2 STATUS AND DEVELOPMENTS IN INTERNATIONAL PROCESSES TO COMBAT ILLEGAL, UNREPORTED AND UNREGULATED FISHING (AGENDA ITEM 5)

2.1 Introduction

Responsible fisheries management is undermined by IUU fishing. The UN Sustainable Development Goals (SDGs), namely its targets 14.4 and 14.6, recognize the importance of eliminating IUU fishing in order to safeguard the sustainable use of fisheries resources. Over the years, a suite of international instruments have been adopted by States which address IUU fishing, either specifically or in part, and their full implementation is key in achieving these targets.

2.2 Agreement on Port State Measures

2.2.1 The FAO Agreement on Port State Measures to prevent, deter and eliminate illegal, unreported and unregulated fishing (PSMA) is the first binding international instrument to target IUU fishing and is widely recognized as being a potent and cost effective tool to eliminate it. The number of Parties to the PSMA trebled since it came into force in 2016. The Agreement has the highest rate of adherence of all fisheries and ocean-related treaties. As of December 2023, the PSMA has 76 Parties, including the European Union, representing a total of 102 States. From a global perspective, the percentage of coastal States where the Agreement is in force is 63% and the percentage of total States where the Agreement is in force is 51%. From a regional perspective, the percentage of coastal States where the Agreement is in force is lowest in the Near East (29%) and Southwest Pacific (38%), medium in Latin America and the Caribbean (55%) and Asia (58%), and highest in Africa (73%), Europe (73%) and North America (100%). The percentage of total States where the Agreement is in force is lowest in the Near East (24%), Southwest Pacific (38%), and medium in Asia (46%), Africa (49%) and Latin America and the Caribbean (52%), and highest in Europe (69%) and North America (100%).

2.2.2 By establishing the framework for port States to seek specific information from foreign-flagged vessels seeking entry into ports under their jurisdiction, the PSMA empowers port States to check compliance of these vessels with applicable conservation and management measures (CMMs) and deny their entry or use of port if there is clear evidence of IUU fishing and related activities. In such a way, it promotes adherence and efforts to implement the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks (UNFSA), the FAO Agreement to Promote Compliance with International Conservation and Management Measures of fishing vessels on the high seas (Compliance Agreement), regional CMMs, the voluntary fisheries instruments including the FAO Code of Conduct for Responsible Fisheries (CCRF) and related instruments. Moreover, through its requirements on information exchange between port State, flag State, coastal State and regional fisheries management organizations (RFMOs), the PSMA facilitates transparency of the fisheries sector and strengthens cooperation, coordination and consultation of relevant international instruments, frameworks and bodies.

2.2.3 The Parties to the PSMA have acted fast in moving to implement the PSMA, including through established working groups and the support of FAO, and have reached a critical milestone to bring the effectiveness of the Agreement to a whole new level. FAO has facilitated discussions among States at regional level to identify operational challenges in the implementation of port State measures and to find ways to overcome them. On the basis of the outcomes of these regional dialogues and discussions at the PSMA Ad Hoc Strategy Working Group (WGS), the 4th meeting of the Parties to the PSMA adopted the “Strategy to Improve the Effectiveness of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing” (Bali Strategy).

2.2.4 The Global Information Exchange System (GIES), developed by FAO at the request of the Parties to the PSMA, is a key element for the effective implementation of the PSMA to tackle IUU fishing. As agreed by the Parties, the GIES will be operationalised by the end of 2023. Port entry/use denials and inspection reports are to be shared among Parties and non-Parties following Articles 9, 11 and 15 of the Agreement, with notifications being automatically sent to the flag State, the State of which the vessel’s master is a national, any relevant coastal State, RFMO, FAO and other relevant international organizations.

2.2.5 The GIES is the first global information exchange system handling compliance information on fisheries-related matters, and as such this information refers to compliance or non-compliance with national legislation, regional CMMs and requirements defined in other international instruments, such as the UNFSA, the FAO Compliance Agreement, and the FAO Voluntary Guidelines for Transshipment (VGT).

2.3 Voluntary Guidelines for Transshipment

2.3.1 Transshipments are one of the critical activities legitimately supporting fishing globally. However, as an in-depth FAO study concluded in 2020, the lack of regulation in monitoring and controlling transshipments increases the risk of fish derived from IUU fishing entering the seafood supply chain, undermining sustainable fisheries. The VGT, endorsed by the 35th Session of COFI

in 2022, set out standards to address the monitoring and control of transshipment of fish, whether processed or not. The VGT categorizes the movement of fish as either transshipment or landing, setting out corresponding requirements for flag, coastal and port States, thereby eliminating loopholes that would result in uncontrolled and undeclared movement of fish. The global implementation of the VGT will contribute to ensure that all movement of fish at sea and port are properly controlled and documented, supporting the achievement of the PSMA objectives.

2.4 Flag State Performance

2.4.1 The Voluntary Guidelines for Flag State Performance (VGFSP) was endorsed by COFI in 2014. Soft law instrument as it is, the VGFSP reflects principles and requirements of the United Nations Convention on the Law of the Sea (UNCLOS), the FAO Compliance Agreement and the UNFSA, aims at consolidating and promoting effective implementation of flag State responsibilities, through requiring flag States to exercise jurisdiction over their vessels, take measures to ensure persons, vessel owners and operators do not support or engage in IUU fishing, and coordinate activities and exchange information both among national agencies and with other States.

2.4.2 More specifically, the VGFSP, in respect of registration, requires flag State not to register or allocate a flag to a fishing vessel unless the State is prepared to issue a fish authorization to that vessel. In that way, it requires the coordination of registration of fishing vessels among relevant agencies to verify the vessel history and refusal of registration of a vessel if it is on the IUU fishing list of RFMOs. Regarding record of fishing vessels, the VGFSP requests minimum information requirements for a record of fishing vessels, as stipulated in the FAO Compliance Agreement. With respect of authorization, minimum information requirements are listed, including name of vessel, areas, scope and duration, species and fishing gears, and conditions of fishing authorization are also elaborated. The VGFSP further requires flag State to implement fisheries monitoring, control and surveillance (MCS) regime over vessels flying its flag, which includes, amongst others, vessel monitoring system (VMS) and catch data reporting as explained comprehensively in the Annex of Conditions of Authorizations.

2.4.3 One important novelty of the VGFSP is that it provides a procedure for carrying out an assessment of the manner in which the flag State fulfils its international duties and obligations regarding the flagging and control of its fishing vessels on fisheries-related matters. Promoting the implementation of the VGFSP strengthens the compliance of flag States with their duties and obligations and encourages flag States, individually and collectively through RFMOs, to develop appropriate processes to assess flag State performance with respect to the fulfilment of their obligations in fisheries-related matters relevant international instruments.

2.4.4 The questionnaire on the implementation of the CCRF and related instruments sheds some light on FAO Members' flag State performance based on self-assessment. The 2022 edition, in which 98 FAO Member States and the European Union that reported, as an example, using 1-5 scale, FAO Members reported an average degree of implementation of the provisions in relation to flag State responsibilities with regard to policy (3.48), legislation (3.56), institutional framework (3.56), and operations and procedures (3.52). About 38 percent of Members reported to have undertaken an assessment on flag State performance in accordance with the VGFSP, with 74 percent of the remaining intending to do so in the future. Respectively, 85 and 88 percent reported

to be ensuring that their vessels were not engaged in activities undermining CMMs and that their vessels were providing all necessary information to fulfil their obligations as flag States¹.

2.4.5 It is also worth noting that several RFMOs assess annually the compliance of its members and even cooperation of non-members with measures of these RFMOs. For example, the North East Atlantic Fisheries Commission (NEAFC) routinely assesses the compliance of parties with its control and enforcement scheme; Southern Indian Ocean Fisheries Agreement (SIOFA) requests its members to ensure that their vessels comply with its CMMs, which is monitored annually by a compliance committee; and Western and Central Pacific Fisheries Commission (WCPFC) has enacted a compliance monitoring scheme to bolster the ability of flag States to satisfy their relevant obligations.

2.4.6 To promote and assist Member States in improving their capabilities and performance as flag States, coastal States and port States and in giving full and complete effect to the instruments to which they are Parties, IMO develops a lot of supporting measures and tools. Historically, focusing initially on flag State's responsibilities, the Organization established the Self-assessment of flag State performance (resolutions A.881(21) and A.912(22) of 1999 and 2001, respectively), which laid down a stepping stone for IMO to develop the Voluntary IMO Member State Audit Scheme (VIMSAS) in 2003, also covering port State and coastal State responsibilities, that ultimately became the IMO Member State Audit Scheme (IMSAS) under which mandatory audits started in January 2016.

2.4.7 IMSAS was developed to determine to what extent Member States are implementing and enforcing nine applicable IMO instruments on maritime safety and the protection of the marine environment. Up to 25 audits of Member States are carried out per year in accordance with the overall audit schedule. All Member States are required to undergo a mandatory audit within a seven-year cycle established under the Scheme. To date 118 mandatory audits have been carried under the first audit cycle, which is expected to be completed in 2025. A Council Joint Working Group on the Member State Audit Scheme considers in detail modalities for the further development of the Scheme into the second audit cycle, based on the potential introduction of a continuous monitoring approach and prioritization of audits, and to revise relevant documentation for the Scheme accordingly.

2.4.8 JWG 3 recommended that FAO shares information regarding the implementation of the VGFSP with IMO, and, in cooperation with the IMO Secretariat and the ILO Secretariat, as appropriate, explore how the VGFSP could be implemented effectively, in conjunction with other relevant instruments adopted by IMO and ILO.

2.5 WTO Agreement on Fisheries Subsidies

2.5.1 The World Trade Organization's new Agreement on Fisheries Subsidies was adopted at the WTO Ministerial Conference in June 2022. It is WTO's second plurilateral set of regulations since the inception of the WTO in 1995. The Agreement includes disciplines to address harmful fisheries subsidies associated with overfished stocks, IUU fishing and fishing operations outside areas of national jurisdiction. The Agreement also sets crucial procedures that provide the necessary incentives for continuing the negotiating process within a specific deadline.

¹ <https://www.fao.org/3/nj569en/nj569en.pdf>

2.5.2 As at 20 November 2023, 52 WTO Members, including the European Union, had accepted the Agreement. For the Agreement to enter into force, two-thirds of the WTO Members (110 Members out of 164 members in total) are required to formally accept the Agreement by depositing an instrument of acceptance with the WTO. WTO has established a funding mechanism to support the implementation of the Agreement, which has already received substantial contributions from donors.

2.6 Regional fisheries mechanisms

2.6.1 Regional Fishery Bodies (RFBs), which include RFMOs and regional fisheries advisory bodies (RFABs), play a key role in combatting IUU fishing. RFMOs have increasingly adopted and enforced the implementation of CMMs that directly or indirectly contribute to combatting IUU fishing. RFABs have provided advice, suggested actions and provided support to their members, including through capacity building activities to contribute to the implementation of measures targeting IUU fishing. Notable achievements pertaining to combatting IUU fishing have been made by some RFMOs with the adoption of decisions related to the regulation of transshipment, establishment of IUU fishing vessels lists, monitoring of flag State performance, catch documentation schemes (CDS), vessel tracking, and minimum standards for port inspections.

2.6.2 Up until recently, RFBs were focusing their efforts on the management of fisheries resources and the fight against IUU fishing. At their request, the ILO has been engaging actively with RFBs to promote decent work and the prevention of forced labour in fisheries. This includes embedding labour rights of fishers and the elimination of forced labour in agendas, action plans and mandates that have traditionally focused on the environmental sustainability of fishing. The emerging trend that has seen several regional fisheries organisations address a social dimension in their work, includes: (i) the WCPFC in adoption of a Resolution on Labour Standards for Crew on Fishing vessels and consideration of a proposed binding CMM on crew labour standards; (ii) the International Commission for the Conservation of Atlantic Tuna (ICCAT) in adoption of a non-binding Resolution on Core Principles on Labour Standards; (iii) the General Fisheries Commission for the Mediterranean (GFCM) in its 2030 Strategy upholding the principle of decent work, (iv) the Fisheries Committee for the West Central Gulf of Guinea (FCWC) in its progress of a protocol on Labour Standards for Crew and the Elimination of Forced Labour on Fishing vessels in the FCWC region, and (v) the Pacific Island Forum Fisheries Agency (FFA) in introducing its mandatory Crew Employment Conditions in its Harmonised Minimal Terms & Conditions for Fishing Vessels Access. Some RFBs play a crucial role in the implementation of the IMO Ship Identification and Company and Register Owner Identification Number Schemes in making the use of the numbers mandatory in areas under their purview.

3 SAFETY AND WORKING CONDITIONS IN THE FISHERIES SECTOR AND PROTECTION OF THE MARINE ENVIRONMENT (AGENDA ITEM 6)

3.1 Introduction

3.1.1 The mission of IMO as a United Nations specialized agency is to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation. This mission covers fishing vessels and their personnel. This is accomplished by adopting the highest practicable standards of maritime safety and security, efficiency of navigation and prevention and

control of pollution from ships, as well as through consideration of the related legal matters and effective implementation of IMO's instruments with a view to their universal and uniform application.

3.1.2 As regards the regulatory framework in the fishing sector, IMO has adopted the following safety-, security- and environmental protection-related mandatory treaties applicable to fishing vessels:

- .1 the Cape Town Agreement of 2012 on the implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (not yet in force);
- .2 the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), as amended;
- .3 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974) (chapter V applicable to fishing vessels subject to determination in respective national legislation; Polar Code where applicable);
- .4 the International Tonnage Convention 1969, as amended;
- .5 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 and 1997 Protocols, as amended (MARPOL);
- .6 the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, as amended;
- .7 the Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972, as amended;
- .8 the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, as amended;
- .9 the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (entry into force 26 June 2025);
- .10 the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001; and
- .11 the Nairobi International Convention on the removal of wrecks, 2007.

3.1.3 FAO, ILO and IMO have been collaborating in developing a number of voluntary instruments, as shown below, whose purpose is to provide information on the design, construction, equipment, training and protection of the crews and observers of fishing vessels, with a view to promoting the safety of the vessel and safety and health of the crews:

- .1 Document for Guidance on Training, and Certification of Fishing Vessel Personnel (Revised in 2001);
 - .2 Code of Safety for Fishermen and Fishing Vessels, 2005, parts A and B;
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Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005;

- .3 Safety Recommendations for Decked Fishing Vessels of Less than 12 Metres in Length and Undecked Fishing Vessels; and
- .4 Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations.

3.1.4 Currently, the Guidelines to assist in the implementation of the Cape Town Agreement of 2012 are under development under the purview of the Sub-Committee on Implementation of IMO Instruments (III), in particular, through a Correspondence Group, with a view to finalizing the draft instrument at III 10 in 2024 for the facilitation of accession to the Cape Town Agreement of 2012.

3.1.5 Further areas of cooperation among the agencies exist, such as issues related to marine plastic, discarded fishing gear and fish aggregating devices (FADs). IMO is also working on matters which can interact with IUU fishing activities, such as abandonment of seafarers and fishers and fraudulent registration of ships, which are on the agenda of the IMO Legal Committee.

3.2 IMO Cape Town Agreement of 2012, STCW-F Convention and safety-related instruments

Cape Town Agreement of 2012

3.2.1 The status of the Cape Town Agreement of 2012, as at 18 October 2023, is presented in the tables below showing the number of instruments of ratification, acceptance, approval or accession deposited in respect of the Agreement. The tables also show the status of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F 1995), which entered into force on 29 September 2012.

3.2.2 The Cape Town Agreement of 2012 will enter into force 12 months after the date on which not less than 22 States, the aggregate number of whose fishing vessels of 24 m in length and over operating on the high seas is not less than 3,600, have expressed their consent to be bound by it. In this respect, one criterion has been met with 22 States becoming party to the Cape Town Agreement of 2012 in total. The current status of the other criterion which is yet to be met with respect to the number of fishing vessels of 24m in length and over, stands at around 2,600 vessels.

Instruments	Date of entry into force	No. of Contracting States/Parties
SFV Protocol 1993	Not intended to enter into force	17
Cape Town Agreement of 2012	Not yet in force	22
STCW-F 1995	29/09/2012	35

Draft Guidelines to assist in the implementation of the Cape Town Agreement of 2012

3.2.4 A guidance on the implementation of the Cape Town Agreement of 2012 was recommended by JWG4.

3.2.5 In this respect, the 9th session of the Sub-Committee on Implementation of IMO Instruments (III 9) further developed the draft guidelines to assist in the implementation of the Cape Town Agreement of 2012. The Sub-Committee established a Correspondence Group to further the work for finalization at its next session, which is tentatively scheduled from 22 to 26 July 2024.

Initiatives taken to promote the Cape Town Agreement of 2012

3.2.6 The IMO Secretariat, together with the continued support of the FAO and ILO Secretariats, have conducted seven regional webinars and nine bilateral consultation sessions with the interested States for promoting the entry into force of the Cape Town Agreement of 2012, which yielded quick and positive outcomes.

3.2.7 Additionally, the IMO Secretariat has developed an online information portal on fishing vessel safety, which also provides materials developed by FAO and ILO, and is accessible through this [link](#). There are also frequently-asked-questions' sections, which would be of assistance to those interested States planning to accede to the Agreement. The IMO Secretariat stands ready to provide legal and technical assistance to interested States with respect to the Agreement upon request.

STCW-F Convention and related instruments

Revised STCW-F Convention and new STCW-F Code

3.2.8 After the adoption of the STCW-F in 1995, and following its entry into force on 29 September 2012, the first exercise to revise and update the STCW-F was completed by the Sub-Committee on Human Element, Training and Watchkeeping at its ninth session (HTW 9). In revising the Convention comprehensively, a new STCW-F Code was developed with a similar structure to the STCW Code for seafarers, providing detailed competencies for fishing vessel personnel.

3.2.9 The revised Convention and the new Code were approved by the IMO Maritime Safety Committee (MSC), at its 107th session, with a view to subsequent adoption at MSC 108 in May 2024.

Guidelines on the medical examination of fishing vessel personnel

3.2.10 Progress was also made on the development of draft guidelines on the medical examination of fishing vessel personnel, which are expected to be completed by the Joint ILO/IMO Working Group on the Medical Examination of Fishing Vessel Personnel in February 2024, aiming

for its approval at MSC 108, in conjunction with the adoption of the revised STCW-F Convention and the new STCW-F Code.

3.3 ILO Work in Fishing Convention and related work to promote its ratification, implementation and enforcement

3.3.1 In 2007, the International Labour Conference adopted the Work in Fishing Convention, 2007 (C.188)², which aims to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security. In parallel, the ILO tripartite constituents adopted the Work in Fishing Recommendation, 2007 (No. 199)³, which contains guidance as to how to best implement the Convention.

3.3.2 C.188 entered into force in 2017. As of 28 November 2023, it has been ratified by 21 States (Angola, Antigua and Barbuda, Argentina, Bosnia and Herzegovina, Congo, Denmark, Estonia, France, Kenya, Lithuania, Morocco, Namibia, Netherlands, Norway, Poland, Portugal, Senegal, South Africa, Spain, Thailand and the United Kingdom), with Spain being the most recent country ratifying it in February 2023.

3.3.3 Work on possible ratification and effective implementation of C.188 is underway in: Belgium, Côte d'Ivoire, Ecuador, Ghana, Iceland, Indonesia, Republic of Korea, Nigeria, Peru, Philippines, Seychelles, Sri Lanka and Viet Nam. The ILO has been working directly with ILO Member States, including through ILO projects, to assist Member States in their endeavours to promote or better implement the Convention. The path towards ratification of C.188 usually includes information and sensitization workshops, elaboration of a gap analysis subsequently reviewed by ILO, and tripartite validation workshops. In Ecuador and Peru, gap analyses have been carried out to identify main legal gaps in the national legislation vis-à-vis the C.188.

3.3.4 The [Committee of Experts on Application of Conventions and Recommendations](#) (CEACR), the ILO's supervisory mechanism, has examined the [application of C.188](#) by 18 Member States so far.

3.3.5 ILO has also developed tools to promote the ratification and implementation of C.188. Of particular relevance to the FAO/ILO/IMO JWG are the following:

- (i) Guidelines on flag State inspection of working and living conditions on board fishing vessels⁴;
- (ii) Guidelines for port State control officers carrying out inspections under the work in Fishing Convention, 2007 (No.188)⁵;
- (iii) ILO training package on inspection of labour conditions on board fishing vessels⁶:

This training package published in 2020 is based on the above two sets of guidelines and draws upon the wealth of practical experiences on inspection of labour conditions in the fishing sector gained in recent years. In particular, it seeks to promote cooperation and coordination among the many authorities that

² https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188

³ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312536:NO

⁴ https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_428592/lang--en/index.htm

⁵ https://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_177245/lang--en/index.htm.

⁶ https://www.ilo.org/sector/Resources/training-materials/WCMS_766744/lang--en/index.htm.

- may have a role in the inspection of living and working conditions on fishing vessels.
- (iv) ILO online courses relating to inspection of labour conditions on board fishing vessels: Since 2022, the ILO's International Training Centre, together with the ILO's Sectoral Policies Department, organize yearly online training courses on: (i) the Training of inspectors of labour conditions on board fishing vessels; and (ii) the Development and management of inspection systems of labour conditions on board fishing vessels;
 - (v) ILO Global handbook on the detection of forced labour in fishing
The Global handbook presents key indicators or "warnings signs" of forced labour in fishing and provides guidance, tools, and protocols for the integration of these indicators into the broader work of agencies with regulatory authority over different aspects of the commercial fishing industry, as well as the work of other actors outside government in contact with fishers and involved in protecting and promoting their rights. The handbook is under development by the 8.7 Accelerator Lab in collaboration with the MAP16 Project (managed by the ILO and financed by USDOL).

3.3.6 The ILO Secretariat calls on concrete measures to enhance training for port State control officers on the Work in Fishing Convention, 2007 (No. 188) and has organized a series of online courses that address this issue. MOUs and Maritime Administrations are encouraged to send participants to future ILO courses.

3.3.7 The ILO, in line with the provisions of C.188, has been actively engaging in empowering migrant fishers through its efforts in recruitment and placement, technical assistance, social dialogue, capacity building activities for labour inspectors, and other activities through the Ship to Shore Southeast Asia project⁷. Further details on its activities promoting the ratification and effective implementation of Convention No. 188 can be found in JWG Information Document 1.

3.3.8 FAO has integrated the promotion of the Decent Work Agenda, including promoting the ratification, implementation and enforcement of C.188 into the organization's strategic narrative "Better production, better nutrition, a better environment, and a better life, leaving no one behind". FAO's active engagement in promoting decent work in fisheries and aquaculture is mandated explicitly in the 2021 COFI Declaration for Sustainable Fisheries and Aquaculture.

3.3.9 FAO therefore continues to promote fisher's occupational health and safety and safety at sea, for example, through an extensive training program for fisher's, including small-scale fishers, in all FAO regions, through the publishing of an FAO manual on Safety at sea for small-scale fishers in 16 languages, spoken by 70 percent of the world's population and making its Fishing Safety website available in all six UN languages.

3.3.10 FAO has conducted a comprehensive scoping study on decent work, examining recent legal developments that impact fisheries' working conditions globally, regionally, and nationally. This new study builds upon and complements a previous [FAO publication from 2016](#). The objective of the new scoping study is to identify the full range of challenges related to decent work faced by fishers working on board fishing vessels at sea as well as to show promising innovations and good practices in advancing the Decent Work Agenda. A brief description of the study including key highlights and recommendations can be found in the Information paper submitted to the 5th session of the JWG.

⁷ <https://shiptoshorerights.org/>

Abandonment of seafarers and fishers cases

3.3.11 The abandonment and repatriation of seafarers and also fishers remain a serious issue. Information from the IMO/ILO joint database of abandonment of seafarers and fishers reveals that from 1 January 2022 to 23 December 2022 a total number of 109 new cases have been reported. As of 14 December 2023 there were 128 cases reported this year, the vast majority concerning seafarers on merchant ships.

3.3.12 The [Guidelines on how to deal with seafarer abandonment cases](#) were adopted by the first meeting of the joint ILO–IMO Tripartite Working Group to identify and address seafarers' issues and the human element (Geneva, 13-15 December 2022) , following development by an intersessional correspondence group reporting to the IMO Legal Committee. The Guidelines make many references to the roles of port States and include a specific reference to port State control officers. It was suggested that the Guidelines be circulated to all PSC authorities and PSCOs.

3.3.13 To date, the vast majority of cases reported have concerned seafarers on merchant ships. The procedures for facilitating reporting of cases involve cooperation among the ILO, IMO, ITF and International Chamber of Shipping (ICS) secretariats. As the ICS membership does not cover fishing vessel owners, there are challenges in identifying and engaging a similar employer organization to help facilitate abandonment cases in the fishing sector.

3.4 Addressing forced labour and child labour

3.4.1 Forced labour and child labour in fisheries are addressed through multiple instruments, including three ILO fundamental Conventions. The Forced Labour Convention, 1930 (No. 29)⁸ that prohibits all forms of forced or compulsory labour, has been ratified by 181 States, with China being the most recent ratification. The Protocol of 2014 supplementing the Convention No. 29⁹ aims to advance prevention, protection and compensation measures, and to intensify efforts to eliminate contemporary forms of slavery, including to combat trafficking in persons. The Worst Forms of Child Labour Convention, 1999 (No. 182)¹⁰ requires ratifying States to eliminate the worst forms of child labour, which includes all forms of slavery such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour; the use of children for illicit activities; and work which is likely to harm the health, safety or morals of children.

3.4.2 C.188, which applies to all vessels engaged in commercial fishing activities, contains many provisions with a preventative effect on forced labour and child labour, for example requirements relating to fishers' work agreements, crew list, fair recruitment, minimum age and payment of fishers. In addition, the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (SSF Guidelines) include guidance specifically on small-scale fishers' access to social protection and decent work. In this context, FAO is supporting countries and regions to build their institutional capacity to expand social protection programmes to small-scale fishers as a key policy instrument to deter IUU fishing in small-scale fisheries.

⁸https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174:NO

⁹https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:3174672:NO

¹⁰https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO

3.4.3 While an international normative framework for work in fishing exists, accurate data on child labour and forced labour in fishing is still scarce and while the sectoral responses have evolved over the last decade, forced labour and child labour continue to be entrenched human rights violations. According to the 2021 ILO-UNICEF Global Estimates on child labour, 70 percent of child labour is happening in agriculture, including fisheries and aquaculture¹¹. The ILO published, in collaboration with Walk Free and the IOM, the Global Estimates on Modern Slavery in September 2022¹². The report also revealed that there were at least 128 000 fishers who were trapped in forced labour aboard fishing vessels, often on the high seas, a workplace characterized by extreme isolation, hazardousness, and gaps in regulatory oversight. The 128 000 figure is considered to be an underestimation due to the difficulties in accessing fishers on the high seas for interviews.

3.4.4 Effective strategies to address forced labour and child labour in fisheries must address prevention, protection of victims, and prosecuting perpetrators through:

- Building of the knowledge base on forced labour and child labour in fisheries.
- Ensuring decent living and working conditions for fishers through effective implementation of C.188, notably its provisions concerning fishers' work agreements, crew list, fair recruitment, minimum age, repatriation and payment of fishers.
- Ensuring conservation of marine resources and effective fisheries management to underpin livelihoods in coastal communities.
- Improving coordination and law enforcement capacity and oversight, e.g., through multi-disciplinary inspection teams, cross-border cooperation and the use of satellite, VMS and automatic identification system (AIS) data.
- Promoting safe migration, e.g., through pre-departure training and outreach programs.
- Strengthening organization of fishers and fish workers in trade unions, cooperatives etc.
- Provision of social services, notably education and health services in fishing communities, including in remote areas.
- Implementing social protection schemes targeting/accessible to fishers, fish workers and their families.
- Protection of young workers and ensuring early access to vocational training in fisheries and related occupations.
- Promoting labour rights monitoring system for due diligence and value chain transparency.

3.4.5 Following the recommendations adopted at the 4th session of the JWG in October 2019, the ILO redoubled its efforts to tackle the scourge of forced labour in fishing. At the national level, [the ILO 8.7 Accelerator Lab initiative](#)¹³ has been supporting joint labour inspection pilots by maritime safety, labour or fisheries departments to improve the detection of forced labour and protection for fishers, as well as joint-inspection mechanisms consolidated in MoUs or other arrangements.

¹¹ International Labour Office and United Nations Children's Fund, Child Labour: Global estimates 2020, trends and the road forward, ILO and UNICEF, New York, 2021. ([wcms_797515.pdf \(ilo.org\)](#)).

¹² https://www.ilo.org/global/topics/forced-labour/publications/WCMS_854733/lang--en/index.htm

¹³ <https://www.ilo.org/global/topics/sdg-2030/goal-8/target-8-7/accelerator-lab/lang--en/index.htm>.

3.4.6 Further details on ILO activities via development cooperation projects, to combat forced labour in fishing can be found in JWG Information Document 1.

3.4.7 The ILO is also developing a qualitative study on migrant fisher journeys and experiences and an online training module for labour inspectors on how to detect forced labour in fishing. Lastly the 8.7 Accelerator Lab is fostering collaboration between ILO's constituents and digital technology actors to improve the detection of forced labour through satellite data and other means. It created for that purpose a mapping of digital actors active on this issue and facilitated a roundtable to agree on how to bring promising technologies to scale.

3.4.8 Currently, ILO and FAO are together planning an update of the joint 2013 Guidance Document on Addressing Child Labour in Fisheries and Aquaculture in 2024.¹⁴

3.4.9 Recent FAO initiatives towards elimination of forced labour and child labour in fishing are an integral part of FAO's work to ensure stable livelihoods, food security, sustainable fisheries management practices and a responsible seafood industry, such as development of guidance on social responsibility in fisheries and aquaculture value chains. In 2017, at the 16th Session of Sub-Committee on Fish Trade (COFI:FT), FAO received a specific mandate to promote social responsibility in fisheries and aquaculture value chains, supporting efforts to recognize and protect human and labour rights in the context of the global seafood industry. Through an inclusive and transparent consultation, and in close collaboration with ILO and IMO, FAO is developing the FAO Guidance on Social Responsibility in the Fisheries and Aquaculture Value Chains to improve decent working conditions. The FAO Guidance will be a practical, supportive and voluntary document, and based on the existing international conventions, instruments and tools. The target audience is the industry; however, it could also be a valuable reference instrument for policymakers, RFMO and civil society for ensuring human and labour rights, and decent working conditions.

3.4.10 FAO continues to work with RFBs in particular RFMOs to integrate decent work, including the elimination of forced labor and child labor, into their agendas. In 2022, FAO published a circular on the role of RFBs and RFMOs' role in promoting safety at sea and decent work in fisheries¹⁵, which will form the basis for continued dialogue with the RFBs and RFMOs. In 2023 FAO published the Plan of action for enhanced safety, decent work and social protection in the fisheries sector of the Bay of Bengal Programme region (BOBSAFE)¹⁶.

3.4.11 In 2021, FAO organized the high-level virtual event: "The Global Solutions Forum: Acting Together to End Child Labour in Agriculture".¹⁷ The event had the objective to mobilize global action and highlight concrete solutions to end child labour in agriculture, including its sub-sectors. The Forum included a dedicated session and a working paper on child labour in fisheries and aquaculture.

3.5 Environmental issues related to fisheries

¹⁴ <https://www.fao.org/3/i3318e/i3318e.pdf>

¹⁵ <https://www.fao.org/documents/card/en/c/cc1145en>

¹⁶ <https://www.fao.org/3/cc8204en/cc8204en.pdf>

¹⁷ <https://www.fao.org/childlabouragriculture/global-solutions-forum/en>

MARPOL Annex V

3.5.1 MARPOL Annex V entered into force on 31 December 1988. The revised MARPOL Annex V was adopted in 2011 by the Marine Environment Protection Committee (MEPC) (resolution MEPC.201(62)) and entered into force on 1 January 2013. To date, MARPOL Annex V has been ratified by 153 States representing almost 99% of the world tonnage. The latest country to accede to MARPOL Annex V was Iraq in May 2018. Unless expressly provided otherwise, the provisions of Annex V apply to all ships.

3.5.2 The revised MARPOL Annex V prohibits the discharge of all types of garbage into the sea from ships (regulation 3.1), except as provided otherwise (such as food waste and other organic matters that are not harmful to the marine environment).

3.5.3 The discharge of plastics, including but not limited to synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ashes from plastic products, is prohibited at all times, except in case of (regulations 3.2 and 7.1):

- .1 securing the safety of a ship and those on board or saving life at sea;
- .2 accidental loss of garbage that results from damage to a ship or its equipment, provided that all reasonable precautions have been taken to prevent or minimize accidental loss;
- .3 accidental loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss; or
- .4 discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew.

3.5.4 Every ship of 100 GT and above and every ship which is certified to carry 15 or more persons engaged in voyages to ports under the jurisdiction of another Party to the Convention shall also be provided with a Garbage Record Book (regulation 10.3). Any discharge or accidental loss of garbage or fishing gear shall be entered in the Garbage Record Book. In the case of any ship of less than 400 GT, such an entry shall be in the ship's official logbook.

3.5.5 In addition, the accidental loss or discharge of fishing gear as provided for in regulation 7.1.3 and 7.1.4 (see also paragraph 3.5.3 above) which poses a significant threat to the marine environment or navigation shall be reported to the State whose flag the ship is entitled to fly, and, where the loss or discharge occurs within waters subject to the jurisdiction of a coastal State, also to that coastal State (regulation 10.6).

3.5.6 To facilitate implementation of MARPOL Annex V, MEPC 63 adopted in March 2012 the *2012 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.219(63)), which have been superseded by the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)).

London Convention and London Protocol

3.5.7 The 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention or LC), and its 1996 Protocol (London Protocol or LP), regulate the dumping of wastes at sea. The London Convention, which entered into force on 30 August 1975, has been ratified by 87 States. The London Protocol entered into force on 24 March 2006 and has been ratified by 54 States, and together the two treaties have a combined membership of 101 Contracting Parties.

3.5.8 The disposal of plastics at sea is in effect prohibited under both the Convention and Protocol (although the regime is stricter under the more recently adopted Protocol). Under the Protocol all dumping is prohibited, except for eight waste types which may be considered for dumping at sea provided a permit is granted by the competent authorities following an environmental assessment process.

IMO Action Plan and Strategy to Address Marine Plastic Litter from Ships

3.5.9 In recognizing the ongoing problem of marine plastic pollution, and as part of its commitment to support the implementation of the 2030 Agenda for Sustainable Development and in particular the Sustainable Development Goal (SDG) 14 (not least target SDG 14.1, addressing marine litter/plastics), IMO adopted on 26 October 2018 its *Action Plan to address marine plastic litter from ships* (resolution MEPC.310(73)), thereby contributing to the global solution for preventing marine plastic litter entering the oceans through ship-based activities.

3.5.10 The Action Plan builds on existing policy and regulatory frameworks, and identifies opportunities to enhance these frameworks and introduce new supporting measures to address the issue of marine plastic litter from ships. Several actions are focused on fishing vessels, to be implemented in cooperation with the FAO, as appropriate¹⁸.

3.5.11 On 26 November 2021, IMO also adopted the *Strategy to address marine plastic litter from ships* (MEPC.341(77)), which, *inter alia*, included a prioritization of the actions in the Action Plan into short-term, mid-term and long-term measures, as well as an associated timeline.

3.5.12 Work is ongoing at the Sub-Committee on Pollution Prevention and Response (PPR) on enhancing the reporting requirements in regulation 10.6 of MARPOL Annex V (see also paragraphs 3.5.3 and 3.5.6 above) to include reporting data on exceptional discharge or loss of fishing gear by the flag State to IMO via Global Integrated Shipping Information System (GISIS) or other means if appropriate. The report of the most recent correspondence group that was established by PPR 10 has been submitted to PPR 11 (19 to 23 February 2024) as document PPR 11/13 (Spain) for consideration by the Sub-Committee.

Port reception facilities

3.5.13 The effectiveness of all ships to comply with the discharge requirements of MARPOL Annex V depends largely upon the availability of adequate port reception facilities (PRFs). To that purpose, MARPOL Annex V obliges Governments to ensure the provision of adequate facilities at ports and terminals for the reception of garbage without causing delay to ships, and according to the needs of the ships using them (regulation 8.1).

¹⁸ Details of the Action Plan are available at <https://www.mlit.go.jp/common/001312164.pdf>

3.5.14 Circular MEPC.1/Circ.834/Rev.1 of 1 March 2018 on *Consolidated guidance for port reception facility providers and users* provides specific guidance on the obligation to Parties to provide PRFs. MEPC.1/Circ.893 on *Provision of adequate facilities at ports and terminals for the reception of plastic waste from ships* was approved in 2021.

3.5.15 In 2006 a specific Port Reception Facility (PRFs) module was created in the GISIS. The module contains information on the available PRFs for the delivery of the ship-generated waste, as provided by the competent authorities of the States Parties, and allows for direct reporting of alleged inadequacies of PRFs by flag States.

GESAMP Working Group on Sea-based Sources of Marine Litter

3.5.16 The GESAMP Working Group on sea-based sources of marine litter (WG 43) was established formally in April 2019. The overall objective of WG 43 is to build a broader understanding of sea-based sources of marine litter, in particular from the shipping and fishing sectors, including the relative contribution of different sources, analysis of plastic use and management within both industries and the range and extent of impacts from sea-based sources of marine litter.

3.5.17 Following two interim reports, to IMO's MEPC and FAO's COFI, WG 43 published its final technical report in October 2021, as GESAMP Reports & Studies No. 108¹⁹:

3.5.18 The report covers fishing, shipping, dumping of wastes and other matter, as well as other ocean uses (e.g. offshore oil and gas exploration, shark and stinger nets, weather monitoring, artificial reefs, scientific activities, and fireworks) as possible main sea-based sources of marine litter. In addition to an overview of the sources, characterization, quantities and impacts from each category, the report also provides an assessment of the current data and knowledge gaps. A webinar to present WG 43 findings to the sponsoring agencies was held 23 September 2021.

3.5.19 In October 2022, GESAMP approved revised terms of reference (ToRs) for a second phase of work for WG 43. The membership of WG 43 was subsequently reconstituted to ensure the Working Group had the necessary expertise to address the new ToRs. Work is now underway to address WG 43's ToRs; these are organized in two different work streams, one to address requests from the LC/LP Correspondence Group on Marine Litter regarding plastics in LC/LP waste streams and the other resulting from requests from FAO for information to inform its work to address abandoned, lost and otherwise discarded fishing gears.

IMO-FAO GloLitter Partnerships Project

3.5.20 The GloLitter Partnerships Project was signed on 5 December 2019 by IMO and the Government of Norway, with the aim of building partnerships to assist developing countries to address the issue of marine litter from sea-based sources. The initial funding of NOK 40 million (approximately USD 4.5 million) from the Government of Norway provides for a 3.5-year project, executed by IMO in close partnership with FAO. In 2021, Australia and the Kingdom of Saudi Arabia joined the project as donors.

3.5.21 The GloLitter Partnerships Project is assisting developing countries with identifying opportunities to prevent and reduce marine litter, including plastic litter, from within the maritime

¹⁹ <http://www.gesamp.org/site/assets/files/2213/rs108e.pdf>

transport and fisheries sectors, and to decrease the use of plastics in these industries, including identifying opportunities to re-use and recycle plastics. As part of these efforts, the project will develop guidance documents, training material and toolkits to help enforce existing IMO regulations, particularly MARPOL Annex V, promote compliance with relevant FAO instruments and emphasize implementation and enforcement of IMO's LC/LP regime on prevention of pollution from dumping of wastes at sea.

3.5.22 The project has also established an industry-led Global Industry Alliance (GIA), in close collaboration with the UN Global Compact and with partners from major maritime and fisheries companies.

3.5.23 The GloLitter Project has developed a number of knowledge products to support the participating countries in their efforts²⁰, including:

- .1 “Legal aspects of abandoned, lost or otherwise discarded fishing gear”;
- .2 “Reporting and retrieval of lost fishing gear: recommendations for developing effective programmes”;
- .3 “Report on good practices to prevent and reduce marine plastic litter from fishing activities”;
- .4 “Guidance document on developing a port waste management plan”;
- .5 “Guidance document on conducting techno-economic feasibility studies for the establishment of port reception facilities for plastic waste”;
- .6 “Guidance document on the country status assessment on sea-based marine plastic litter”;
- .7 “Guidance document on development of national action plan on sea-based marine plastic litter”; and
- .8 “Fishing gear recycling technologies and practices”

3.6 Marking of fishing gear

3.6.1 The FAO Voluntary Guidelines on the Marking of Fishing Gear (VGMFG), endorsed by the FAO COFI in 2018, are a tool to contribute to sustainable fisheries, to improve the state of the marine environment, and to enhance safety at sea by combatting, minimizing and eliminating abandoned, lost or otherwise discarded fishing gear (ALDFG) and facilitating the identification and recovery of such gear. The Guidelines assist fisheries management and can be used as a tool in the identification of IUU fishing activities. The Guidelines are expected to assist States in meeting their obligations under international law, including relevant international agreements and related governance frameworks and the specific requirements for gear marking contained in the CCRF.

²⁰ These publications, along with series of National Action Plans developed by the partner countries, are available at <https://www.imo.org/en/OurWork/PartnershipsProjects/Pages/GloLitter-Partnerships-Project.aspx>

3.6.2 In 2023, FAO produced a supplement to the VGMFG providing a framework for conducting a risk assessment to assist in determining the need for, and requirements of, a system for the marking of fishing gear. The development of this document was based on principles outlined in the Annex of the VGMFG and guided by the results of a pilot project for risk assessment on the marking of fishing gear conducted in Grenada. It is intended to serve as a manual for fisheries managers, fishing gear manufacturers and the fisheries sector to meet the relevant international, regional or national obligations for gear marking. More specifically, it enables all stakeholders to comply with the specific gear marking requirements outlined in the CCRF, as well as in other international instruments and agreements. Organizations or parties concerned with, or actively addressing the issue of ALDFG may also find the information in this publication useful.

3.6.3 The IMO Marine Environment Protection Committee (MEPC), at its seventy-eighth session (6 to 10 June 2022):

- .1 agreed that a goal-based requirement under MARPOL Annex V for the mandatory marking of fishing gear should be developed, and instructed the Sub-Committee on Pollution Prevention and Response (PPR) to develop draft amendments to MARPOL Annex V and associated guidelines accordingly;
- .2 invited IMO Member States to submit information on the implementation of fishing gear marking systems, including how the diversity of fisheries and fishing gear had been accommodated, specific technical or legal considerations that had been taken into account, and other relevant experience regarding fishing gear marking to help inform the process of developing a mandatory goal-based requirement;
- .3 recognized the importance of also taking action in the near-term with regard to ALDFG and instructed the PPR Sub-Committee to develop an MEPC circular to promote the implementation of fishing gear marking systems and the FAO Voluntary Guidelines for the Marking of Fishing Gear, taking into account additional work by FAO, such as the technical manual on marking of fishing gear being developed by FAO; and
- .4 invited the Secretariats of FAO and IMO to continue to cooperate closely, with a view to keeping the Committee informed of relevant joint capacity-building activities and work being carried out by FAO.

3.6.4 A variety of views were expressed in relation to marking of fishing gear, as outlined in the report of PPR 10 (PPR 10/18, paragraphs 13.34 to 13.49). PPR 10 invited interested Member States and international organizations to submit proposals to PPR 11 (19 to 23 February 2024) for:

- .1 a draft MEPC circular to promote the implementation of fishing gear marking systems and the FAO Voluntary Guidelines for the Marking of Fishing Gear, taking into account additional work by FAO reported in document PPR 10/13/4; and
-

- .2 draft amendments to MARPOL Annex V and associated guidelines for a goal-based fishing gear marking requirement, taking into consideration the work undertaken by the Sub-Committee on the reporting of fishing gear.

3.6.5 In this connection, the PPR Sub-Committee forwarded documents PPR 10/13/1, PPR 10/13/2, PPR 10/13/4, PPR 10/13/8, PPR 10/INF.11 and MEPC 79/INF.13 to PPR 11, to be further considered, as appropriate, together with any new documents on marking of fishing gear submitted at that session.

3.7 Collection of fisher safety data and accident and mortality information

3.7.1 IMO recognizes the importance of marine safety investigations into marine casualties and marine incidents to prevent reoccurrence and to promote maritime safety and prevent pollution. Many national administrations have established a dedicated marine casualty investigating body which, in most cases, also investigate casualties to fishing vessels and fishing vessel personnel. IMO granted observer status to the Marine Accident Investigators' International Forum (MAIIF) in 2010, as an inter-governmental organization and develops capacity-building activities on casualty investigation with its members, as well as with the World Maritime University (WMU).

3.7.2 Under SOLAS regulation I/21 and MARPOL articles 8 and 12, each flag Administration undertakes to conduct an investigation into any casualty occurring to ships entitled to fly its flag subject to those conventions and to supply the Organization with pertinent information concerning the findings of such investigations. A similar requirement can also be found in the provision of the Cape Town Agreement of 2012, regarding the investigation of casualties to fishing vessels.

3.7.3 IMO encourages full cooperation between States in the conduct of investigations, the recognition of mutual interest and the exchange of information regarding investigations. In order to have a common and consistent approach for States to adopt in the conduct of marine safety investigations, in 2008, IMO adopted the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), which was made mandatory under SOLAS. Over decades, IMO also adopted a series of non-mandatory instruments on casualty-related matters, including the latest adopted resolution A.1075(28) on Guidelines to assist investigators in the implementation of the Casualty Investigation Code.

3.7.4 The investigating States are invited to populate basic factual data about the casualty as soon as possible after the occurrence, followed up by the provision of more detailed information when the data becomes available, including the submission of the full marine safety investigation reports especially under mandatory reporting. The overall data collection and analysis of casualties, including those involving fishing vessels is carried out electronically through the GISIS Maritime Casualties and Incidents (MCI) module database containing a unique collection of MCI data, as defined by circulars MSC-MEPC.3/Circ.4/Rev.1 as well as circular MSC/Circ.539/Add.2 on reports on casualty statistics concerning fishing vessels and fishermen at sea. The MCI module, which is accessible to the public, contains all marine safety investigation reports submitted to the Organization and all casualty analyses that have been approved by the III Sub-Committee.

3.7.5 The comprehensive casualty data collection and analysis process is designed to feed the rule-making process of the whole Organization and relies on the continuous work of dedicated

correspondence/working groups under the III Sub-Committee. In this context, the groups are tasked to analyse investigation reports, including identification of safety issues and safety deficiencies as well as lessons learned from the marine casualties for the benefit of the maritime community. Currently, the III Sub-Committee is working on the prevention of collision involving fishing vessels and safety issues related to fishing vessels' personnel falling overboard.

3.7.6 The 35th session of COFI in September 2022 requested FAO to take a lead on the establishment of a repository for fisher safety data and accident and mortality information. At its 107th session in June 2023, while being informed by the observer from FAO about the above-mentioned COFI's outcome and that a relevant scoping document with recommendations for future steps would be presented at the next meeting of the JWG, the IMO Maritime Safety Committee "encouraged continued cooperation of the Secretariats of ILO, FAO and IMO regarding safety and decent work in fisheries and the fight against IUU fishing within their respective competences". In line with the above, FAO commissioned an international consultant to prepare an information paper to be presented at JWG. The paper recommends that FAO and IMO, together with ILO agree on a phased approach as follows:

- Phase 1 (years 2024-2026):
 - o JWG to agree on the overall aim of the repository, responsibilities, and a roadmap
 - o FAO to host a Joint Expert Workshop to:
 - Agree on the data system's objective, scope and tasks that will be threefold:
 - Determine the relevant scope of fatalities;
 - Improve safety at sea and support casualty data analysis to identify main and contributing factors and prevent reoccurrence; and
 - Reduce labour accidents.
 - Ensure that all relevant fishing-related activities are considered, as appropriate, including small-scale fisheries.
 - Develop an architecture by identifying:
 - Options for data management systems, including existing data collection systems and data system;
 - assessing the potential of an hybrid mode of reporting including mandatory and recommendatory governmental/non-governmental reporting schemes;
 - taxonomy;
 - Source IT, preparing a plan to cover:
 - data security,
 - transparency and dissemination of information, including a potential option for anonymization,
 - data sharing,
 - incentives,
 - monitoring, and
 - access.

- Find potential participants and partners other than UN Agencies to collaborate, including financial partners.
- FAO/IMO/ILO bring recommendations to the consideration/approval of their appropriate bodies.
- Phase 2 (year 2026-2027)
 - Gather initial data. In order to do this:
 - o Develop a prototype and a pilot that needs to be flexible enough to adapt to the different schemes.
 - o Encourage national administrations to provide data (including through webinars and workshops), which may include additional metadata (even accident investigation reports).
 - o Connect to fleet databases containing ship details.
 - o Encourage data provision at local level including by fishers and local administrations through online and/or face-to-face safety training and raising awareness on the importance of a repository.
 - o Ensure data security, anonymization and the provision of reports both of progress of the database and also with possible analysis.
 - o Issue regular reports to FAO/ILO/IMO via web pages.
 - o Provide assistance to countries for data and information analysis.
- Phase 3 (years 2027-2030)
 - o Scale up the pilot data system, add additional fields to be able to carry out additional analysis and quality assessments.
 - o Monitor behaviours and create further incentives for developing countries' participation.
 - o Ensuring longevity of the data system.
 - o Issue regular reports to FAO/ILO/IMO via web pages.
 - o Provide analysis.

4 OPERATIONAL TOOLS TO COMBAT IUU FISHING AND RELATED MATTERS (AGENDA ITEM 7)

4.1 Introduction

4.1.1 Global information exchange is an essential element for fisheries management to achieve sustainable fisheries. States in their capacities as flag, coastal, port and market States, along with the private sector, civil society and other actors need to collaborate to fulfil their international commitments for which the availability and exchange of information is key.

4.1.2 Fisheries dependent and fisheries independent information is gathered through various mechanisms, systems and tools, analysed and used for planning, decision-making, monitoring implementation and supporting enforcement action as necessary. Besides national information systems, necessary to manage national fisheries and its interactions with other sectors, States have through, different international frameworks, established measures, mechanisms and tools to share information to: i) jointly manage shared resources (notably through RFMOs), ii) assess and monitor bilateral agreements and iii) implement international fisheries law. Traditional global

mechanisms or tools to share fisheries information have been addressing the needs of the initial phases of the fisheries management cycle. Instead, monitoring compliance with international fisheries law has lagged owing to various reasons, most notably the absence of internationally-agreed processes. Limited global information exchange first emerged under the Compliance Agreement but was stagnant over the years.

4.1.3 Information technology enables a comprehensive collection, collation and analysis of relevant data. In this regard, some IMO GISIS modules as listed in section 4.5 might be relevant for potential tools used against IUU fishing.

4.2 Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels

4.2.1 With the advent of the concept of IUU fishing, COFI called for the development of the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record) to support the effort to combat IUU fishing. Launched in 2017, the Global Record slowly gained traction and currently comprises information of fleets from 70 FAO Members covering 60 percent of the global eligible fleet, that is, vessels with international activity carrying an IMO ship identification number as a Unique Vessel Identifier. It is critical to have a reliable, comprehensive and updated list of vessels which are properly identified so as to be able to link compliance information.

4.3 PSMA Global Information Exchange System

4.3.1 The 4th Meeting of the Parties to the PSMA held in 2023 agreed to the launch of the GIES developed by the Parties, to be able to exchange port denials and inspection reports in accordance with the Agreement. The operationalization of the GIES will create opportunities to strengthen international cooperation and enhance compliance not only with the provisions of the PSMA, but also with other international instruments such as the UNFSA, the FAO Compliance Agreement, all relevant international voluntary guidelines (especially the VGT), RFMOs' CMMs, as well as national laws and regulations. The operationalization of the GIES will also directly support the objectives of other related instruments such as the WTO Agreement on Fisheries Subsidies and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and indirectly, through improved coordination, with the IMO Cape Town Agreement and the ILO C.188.

4.3.2 The extended value of the GIES in exchanging compliance information is that, in this case, the port State is a check point for activities of the international fleet that could escape the control of flag and coastal States, strengthening compliance globally and supporting also market-related measures. This is the first time that compliance information will be exchanged globally, through a fully secure system, further supporting enforcement of rules through international cooperation.

4.3.3 The logical evolution and integration of the GIES and the Global Record are already underway. The Global Record is key to the correct identification of the vessels being denied entry into port or use of port, and inspected under the PSMA, and the IMO ship identification number is the connection key to create a vessel file gathering all related reports to feed risk analysis. Among

the requisites to request entry to/use of a port, the transshipment and/or landing declarations could be added, as well as other requirements such as the latest VMS positions. Transshipment pre-event notification and post-event reporting can be channelled through the Global Record to bolster and standardize data flow (among relevant actors and subject to applicable confidentiality provisions).

4.3.4 These two systems together can take the sustainability of fisheries to a new level dynamizing the interactions among States and levelling the playing field for authorities through readily available certified information.

4.4 Number Schemes (for ships, companies and registered owners)

IMO Ship Identification Number

4.4.1 The IMO Ship Identification Number Scheme was introduced on 19 November 1987 through the adoption of resolution A.600(15), as a measure to enhance maritime safety and to prevent marine pollution and maritime fraud. The scheme established by resolution A.600(15) was subsequently amended by resolutions A.1078(28) and A.1117(30), in particular, to extend its scope of application to fishing vessels of 100 GT and all motorized inboard fishing vessels of less than 100 GT down to a size limit of 12 metres in length overall (LOA), authorized to operate outside waters under the national jurisdiction of the flag State. The scheme directly supports the management of the FAO's Global Record of Fishing Vessels.

4.4.2 The IMO Ship Identification Number (IMO number) is allocated by S&P Global Market Intelligence on behalf of IMO. IMO numbers remain unchanged during the entire life of the ship, even in case of change of flag, name, ownership or type. The IMO number is inserted in the ship's certificates and is permanently marked on the hull structure of the ship when and where appropriate, under the mandatory scope of the scheme.

4.4.3 According to the latest information provided by S&P Global, there would be a sufficient range of available numbers to cover the needs of the maritime community for approximately two decades. This is an estimate only, based on trends to date but this forecast may be exceeded if the requests for fishing boats and small vessels soar. In this context, S&P Global explores the matter of increasing the format of the number beyond seven digits. To enable further discussions and to provide decision makers with the necessary information, S&P Global, in consultation with the IMO Secretariat, has recently completed an impact assessment survey on IMO ship identification number format extension, the results of which will be reported to MSC 108.

IMO Unique Company and Registered Owner Identification Number Scheme

4.4.4 The IMO Unique Company and Registered Owner Identification Number Scheme was introduced by adoption of resolution MSC.160(78) in 2004, as a measure to enhance maritime safety, security and environmental protection, and to facilitate the prevention of maritime fraud. Its purpose is to assign a permanent number for identification purposes to each company and/or registered owner managing ships of 100 GT and above engaged on international voyages. Additionally, Administrations are invited to participate in the scheme to the extent they desire by assigning an IMO unique company and registered owner identification number (hereinafter,

referred to as "Number") to each company and/or registered owner managing ships of 100 gross tonnage and above not engaged on international voyages. As per the provisions of resolution MSC.160(78), the IMO unique company and registered owner identification number should be inserted into the ship's certificates issued under the International Safety Management Code (ISM) and the International Ship and Port Facility Security Code (ISPS), and the Continuous Synopsis Record (CSR).

4.4.5 The IMO Unique Company and Registered Owner Identification Number Scheme is managed, in parallel with the IMO Ship Identification Number Scheme. Like IMO ship's identification number, the number also consists of seven digits assigned by S&P Global Market Intelligence. Once assigned, the number remains unchanged for a company and/or registered owner. When companies and/or registered owners merge, as a matter of general policy, S&P assigns the number of the larger company and/or registered owner to the new amalgamated entity, while the number of the smaller entity is frozen and not re-used. The scheme has also been extended to the fishing sector.

4.5 Data information systems

GISIS

4.5.1 IMO GISIS²¹ presently consists of more than 40 modules, for the collection, processing and sharing of shipping-related data in order to assist Member States and the Secretariat in carrying out their respective and complementary duties, generate reports and provide information about shipping to the public.

4.5.2 The following GISIS modules might be particularly relevant to fishing vessels or potentially used as a tool against IUU fishing:

- .1 Contact Points: providing information on contact points of the relevant authorities of a Member State that are responsible for specific areas, e.g. ship registration, ship inspection, port State inspection, casualty investigation, emergency response for environment pollution, etc.;
- .2 Ship and Company particulars: providing basic world fleet information regarding particulars of ship, registered owner, company, including history record of these particulars as well as marking of fraudulent ships, and corresponding IMO numbers. It contains about 24,395 "fishing" ships and 2,021 other fishing ships so far.
- .3 Port State Control: providing information on the data of PSC inspections provided by PSC regimes, to which IMO have data transfer agreements, supplemented by flag States' comments following a detention;
- .4 Marine Casualties and incidents: providing information on marine casualties and incidents, including investigation reports submitted by Member State, casualty data feed in cooperation with S&P Global, a roster of experts of the correspondence

²¹ <https://gisis.imo.org/Public/>

group on analysis of casualty investigation reports, lessons learned deriving from analysis of investigation reports; and of data covering 1,623 fish catching vessels and 114 fish factory ships/fish carriers so far;

- .5 Survey and Certification: providing information on certificate specimens issued by flag State or recognized organizations (ROs), exemption and equivalents and voluntary early implementation, and the link provided in the module, by which users could verify e-certificate issued by a flag Administration that adopted issuance of e-certificates;
- .6 Recognized Organizations: providing information on the ROs to which a flag State authorized to act on its behalf for survey and certification; and
- .7 Crew Change and Repatriation of Seafarers: providing information on the reported cases related to crew change and repatriation of seafarers.

4.5.3 A holistic review of GISIS to enhance the utilization and efficacy of the platform is currently ongoing and a data management project has been initiated. Work is ongoing to enhance and improve GISIS aimed at bringing it to the forefront of data-management systems to deliver exceptional value to Member States, international organizations, the industry and public users.

EQUASIS

4.5.4 Equasis (Electronic Quality Shipping Information System) is a public source of information on quality-, safety- and environment-related data on the world merchant fleet, intending to meet its underlying objective to improve quality and reduce substandard practices in any sector of the maritime industry. Equasis is managed by the Management Unit (MU) hosted by the European Maritime Safety Agency (EMSA) and technically supported by the Technical Unit (TU) hosted by the French Maritime Administration. Provided by 53 public authorities, industry organizations and private companies, Equasis aims at collecting and disseminating in an unbiased and transparent way high quality, safety-related information on the world's merchant fleet. It thus allows persons involved in maritime transport to be better informed about the performance of ships and maritime organizations with which they are dealing. Information is directly accessible for free on www.equasis.org. Equasis contains updated and historical information related the ship and its company for about 26,000 fishing vessels (above 100GT).

4.6 MCS checklist

4.6.1 The FAO Checklist of MCS systems, operations, procedures and tools is aimed to support States in establishing best practices for implementation of their responsibilities and for the enforcement of compliance, to ensure that they meet their international duties and obligations. The Checklist is designed to be used in the review of national MCS systems, operations, procedures and tools aimed at combating IUU fishing.

4.6.2 This checklist aims at supporting FAO Members and other interested parties in assessing their respective MCS systems, operations, procedures and tools aimed at combating IUU fishing, providing a list of minimum requirements to ensure that the national systems are of the desired standard to achieve the objectives of the fisheries management framework in place.

4.6.3 The checklist reflects relevant provisions in binding and non-binding instruments, guidelines and tools, and presents a broad list of MCS and enforcement means, tools, standards and procedures that coastal, flag, port and market States should consider as they establish or assess their MCS systems.

4.7 Vessel tracking systems

4.7.1 The requirement for effective MCS of fishing and fishing related activities by States is prescribed in a number of international binding and voluntary instruments. The effective management of fisheries is highly dependent on reliable information and data, which are essential to risk assessment, decision-making and adaptive management. Vessel tracking constitutes an important element of MCS and technological developments over the years have enabled States, including through regional arrangements, to implement vessel tracking schemes, albeit at varying levels and effectiveness. FAO is preparing to conduct a global study, including widespread consultations with States and RFBs, to obtain a comprehensive review of the state of implementation and effectiveness of such tools and related systems, including information sharing mechanisms. The results of the study are expected to draw up options on enhancing the use of vessel tracking tools and developing best practices at global scale.

4.7.2 Different terrestrial and satellite-based communication systems, such as Automatic Identification System (AIS) and Long-Range Identification and Tracking (LRIT), can provide solutions for identification and tracking ships. Both systems are established by IMO under the 1974 SOLAS Convention and can provide the capability to collect, collate and analyze data received from ships covered by SOLAS, which excludes fishing vessels.

Available ship tracking tools under the IMO framework

4.7.3 AIS provides for automatic transmission of the ship's identity, type, position, course, speed, navigational status and other safety information to shore stations and other ships by means of terrestrial communications (detection of AIS signals by satellites is also possible). AIS equipment can also receive such information automatically from similarly fitted ships. Shipboard carriage requirements for AIS equipment are set out in SOLAS regulation V/19 which is not applicable to fishing vessels.

4.7.4 The Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, does not cater provisions for the carriage and use of AIS equipment. Nevertheless, AIS is known to be widely used by many fishing vessels around the world and some flag States even extended the requirements to their national fishing fleets. However, cautious approach may be needed due to vulnerability of AIS against deliberate manipulation or tampering and the limited capacity of the dedicated AIS frequencies, particularly in heavily congested areas.

4.7.5 LRIT system provides for the global identification and tracking of ships through means of satellite communications. Provisions for the transmission of "LRIT information", consisting of the ship's identity, position, and date and time of the position, and reception of such information by

shore-based authorities are established in SOLAS regulation V/19-1. This regulation does not apply to ships that operate exclusively within sea area A1 and are fitted with an AIS nor to fishing vessels.

4.7.6 In recognition of its reliability, security and automatic operation (i.e. without intervention from the crew), LRIT could be considered as a solution for the tracking of fishing vessels, particularly in offshore locations, taking into account the limitations and possible adverse effects (i.e. cost implications).

4.7.7 In addition to the above, IMO is undertaking a technical, regulatory and operational analysis of VHF Data Exchange System (VDES) and its communication component with a view to introducing this technology in the maritime domain in the future. If introduced, this might provide a new potential to allow coastal authorities to monitor vessels carrying relevant transponders.

4.7.8 The Ship Security Alert System (SSAS) is provided to a ship for the purpose of transmitting a security alert, upon activation, to the shore to indicate to a competent authority that the security of the ships is under threat or has been compromised. The system is defined under SOLAS chapter XI-2 and is intended to allow a covert activation which alerts the competent authority ashore and does not raise alarm on board ship nor alert to other ships. SSAS is not applicable to fishing vessels.

4.8 Compliance information and intelligence exchange

4.8.1 With the launch of the GIES in December 2023, fisheries compliance information starts to be shared globally. Taking stock of solutions advanced by some RFMOs and national systems, Parties to the PSMA fulfil their obligations under the Agreement. Information on denials of port entry or use, motivated by high risk of having conducted IUU fishing, and inspections of vessels at port, including possible infringements, are to be notified to relevant authorities. These reports will provide an individual index of compliance with fisheries regulations by vessel having carried out fishing or fishing related activities. This index could be an indicator of risk for safety and labour matters and support the implementation of IMO and ILO related instruments. Parties to the PSMA could also benefit from compliance information in safety and labour sectors to strengthen fisheries risk analysis.

4.8.2 Fisheries intelligence information is not formally shared by Parties to the PSMA through an agreed system. Intelligence analysis is usually carried out at national level by control authorities having access to different types of data, some of which are strictly outside fisheries control. Such type of information and data supports cross-checks and verification of information and thus provides indications of possible risks, but as such, it cannot be used for decision making, particularly in relation to port State control actions following inspection. Intelligence information has to be carefully considered and it can not, in any way, replace control information.

4.8.3 Intelligence information needs to be assessed and checked in order to evaluate its reliability and accuracy, as part of the intelligence development process. It is often not possible to

complete this assessment with a high degree of accuracy as often times the information comes from an anonymous source or the motivation for providing the information is not clear, etc. Consequently, there are many reasons why information relating to IUU fishing is alleged and requires care in its evaluation. One has to also assess the source of the information and what the information actually says. In the fisheries world, a formal assessment of this information is usually not carried out. Consequently, the actions (decisions) taken following port inspection when IUU fishing is detected are usually based on control data, whilst intelligence information feeds the risk analysis process.

4.9 Fraudulent registration and registry

4.9.1 The IMO Legal Committee agreed that access to information was key to combating the problem of fraudulent registration and fraudulent registries of ships, and that more information needed to be collected in this regard, to be made readily available to Member States, flag States and port States. In this context, there was broad support in principle for the creation of a database for flag States and port States to share information on fraudulent registration and fraudulent registries of ships. There was also support for the development of methods for validating the authenticity of ships' certificates. A document describing different options of the proposed database is under preparation and to be submitted to the next session of the Legal Committee.

4.9.2 The Committee established a correspondence group to: define and develop the elements of "due diligence" to be exercised in the process of registration of ships under the flag of a State when involving vessels in the IMO Unique Company and Registered Owner Identification Number Scheme; consider the additional factors raised with regard to the abuse of the IMO identification number schemes, how widespread the issue is and the possible loopholes in the system; and submit a report to LEG 111, in April 2024. An interim report on study to address issues arising in connection with fraudulent registration and registries of ships and possible measures to prevent them was developed. The report encourages to examine the correlation between the incidents of fraudulent registration mentioned by certain participants and other fraudulent activities; and the prospects of success of certain best practices and actions proposed by the participants to tackle the problem. IMO Member States are encouraged to take part in the study.

5 INTERAGENCY COOPERATION TO PROMOTE AND IMPLEMENT INTERNATIONALLY-AGREED MEASURES TO COMBAT IUU FISHING AND RELATED MATTERS (AGENDA ITEM 8)

5.1 Introduction

5.1.1 The JWG is initially a result of call for interagency cooperation to address re-flagging and IUU fishing and later its scope was broadened to cover also matters in relation to maritime safety and security, decent work in the fishing sector and protection of the marine environment. In its previous sessions, the JWG recommended many collaborative actions that bring the work of FAO and IMO and later ILO closer and facilitate promotion, understanding and implementation of international fisheries instruments, as well as of IMO and ILO conventions of relevance to fisheries.

5.1.2 Specifically, the JWG has elaborated on flag State control and responsibilities and, through its recommendations, has allowed the IMO Ship Identification Number Scheme to be applied as unique vessel identifier for fishing vessels of 100 GT and all motorized inboard fishing

vessels of less than 100 GT down to a size limit of 12 metres in length overall, authorized to operate outside waters under the national jurisdiction of the flag State, that supports the development of FAO Global Record to discourage the practice of re-flagging and utilizing flags of non-compliance so as to combat IUU fishing.

5.1.3 The discussions in the JWG on port State control and clarity on difficulty in introducing port State inspection procedures for fisheries management purpose in absence of legally binding instrument in this regard prompted, together with many other factors, the development of the PSMA.

5.1.4 IMO Secretariat's attendance at relevant FAO meetings and consultations allowed for provision of its technical expertise in areas of port State control, IMO Ship Identification Number Scheme, tracking systems for ships used for maritime safety and search and rescue, and GISIS to inform relevant FAO processes leading to the development of international fisheries instruments and global information systems that support implementation of such instruments.

5.1.5 Under the FAO PSMA Global Capacity Development Programme, many activities and initiatives were implemented to promote the ratification of the Cape Town Agreement of 2012 and the C.188, such as inviting representatives from the IMO and ILO Secretariats to raise awareness of its Agreement/Convention in gap analysis workshops FAO conducted at national level. This interagency cooperation provides national authorities with opportunities to have more holistic knowledge and view of the fisheries sector in their capacity either for management of seaworthiness and manning of fishing vessels, or for fisheries management to forge a coordinated and harmonized approach in implementing international instruments developed under the competence of the three Organizations.

5.2 International organizations cooperation

5.2.1 To leverage comparative advantages, FAO collaborates with other international organizations in promoting synergies and coherent implementation of international fisheries instruments, comprising the PSMA, the FAO Compliance Agreement, UNFSA, CCRF and related non-binding instruments. This includes FAO's participation and provision of technical expertise in various international and regional meetings, such as the resumed Review Conference of the UNFSA, annual meetings and compliance committee meetings of RFBs, the UN Office on Drugs and Crime (UNODC) workshop for development of Legislative Guide to Address Crimes in the Fisheries Sector, regional workshops co-organized with the CITES Secretariat to enhance CITES implementation in fisheries sector.

5.2.2 FAO and the WTO are collaborating to assist its Members upon request in implementing the Fisheries Subsidies Agreement in accordance with their respective mandates, especially in respect of subsidies contributing to overfished stocks, to IUU fishing and to fishing taking place outside the jurisdiction of coastal State and outside the competence of RFMO/A. In addition, FAO developed policy briefs to elaborate how PSMA and related international processes and information systems developed therein support the implementation of the WTO Agreement on Fisheries Subsidies, and FAO in Geneva Fisheries Trade Talks that delve deeper in fisheries technical matters.

5.2.3 Cooperation with other international organizations further strengthens FAO's role in supporting international, regional and national efforts to combat IUU fishing through disseminating knowledge and exchanging information relating to implementation of international fisheries

instruments to a wider audience and in a concerted and enhanced way. It also allows for coordination of capacity development activities, and synergies in development of tools and systems as well acknowledge products that support combating IUU fishing.

5.2.4 As requested by ILO's tripartite constituents, the ILO has engaged in 2022 with International Criminal Police Organization (INTERPOL)'s Fisheries Crimes and Human Trafficking divisions to learn from each other and explore possible areas of cooperation related to labour abuse and forced labour on board fishing vessels. As a result, ILO will sensitize governments, in the framework of its work on C.188 and/or forced labour, of: (i) the possibility to request INTERPOL assistance for national law enforcement authorities in case of detection of forced labour on board fishing vessels in national ports, as regards gathering evidence and advancing prosecution; (ii) the necessity of establishing a clear procedure in the event of a suspected or detected forced labour case on board fishing vessels; and (iii) the need to ensure repatriation of trafficked fishers in accordance with C.188. The ILO will sensitize inspectors in the framework of training given on C.188 or forced labour, of the need for securing evidence that is robust enough not to be discarded in court at a later stage; and the need to know how to proceed (protocol) in the case of a suspected/detected forced labour case on board a fishing vessel. At the INTERPOL training of national law enforcement agencies, INTERPOL considers to invite ILO staff to sensitize on the need not to penalize forced labour victims (Article 4 of the Protocol to C.29) and the need to involve labour inspectors in the collection of evidence. Furthermore, both organizations will seek to facilitate the exchange of knowledge, including the mutual access to each other's training modules.

5.2.5 The ILO has engaged with the Southern African Development Community (SADC) in the framework of the implementation of the 2001 SADC Protocol on Fisheries which contains provisions on the promotion of decent work in the fisheries sector. The SADC Technical Committee on Fisheries recommended that a SADC Ministerial Declaration promoting decent work in the fisheries sector be devised together with a plan of action, with the technical assistance of the ILO.

5.2.6 The ILO has also engaged with the Association of Southeast Asian Nations (ASEAN) by providing technical support in the development of the ASEAN Declaration on the Placement and Protection of Migrant Fishers, adopted at the 42nd ASEAN Summit in May 2023, and supporting its implementation.

5.2.7 The United Nations Code for Trade and Transport Locations (UN/LOCODE) is an international standard to identify locations uniquely and unambiguously for international trade and transport. It is a five-character code where the first two characters represent the International Organization for Standardization (ISO) country/territory code (ISO 3166-1) followed by a three-character code unique within that country.

5.2.8 As one of the UN/LOCODE child code, the IMO Port Facility Number is used to identify port facilities of all kinds, with focus on maritime security compliance with ISPS regulation. The IMO Secretariat has been actively working with the UN Economic Commission for Europe (UNECE) Secretariat on the UN/LOCODE issues through the UN/LOCODE Focal Point for IMO.

5.2.9 The UNECE Secretariat attended the 47th Session of the IMO Facilitation Committee (FAL 47) on 13-17 March 2023. Considering that there was a recommendation of only using GS1 Global Location Number (GLN) for vessel-berth compatibility check in the Guidelines for Harmonized Communication and Electronic Exchange of Operational Data for Port Call, the UNECE

Secretariat coordinated with the IMO Secretariat to intervene at FAL 47 to reiterate that UN/LOCODE be used to identify ports and GS1 GLN be used to identify sub-locations at ports to avoid confusion and adverse impacts on trade facilitation. Finally, this recommendation was removed from the Guidelines.

5.2.10 The UNECE Secretariat has been working with the FAO Secretariat on the use of UN/LOCODE to support the fight against IUU fishing due to its importance as the international standard to guarantee consistency and accuracy when identifying and exchanging information on ports, especially for the designated ports (DPs) under the PSMA. Discussions at TWG-IE3 were held to consider the possibility of mandating the use of UN/LOCODE.

5.2.11 The UNECE Secretariat is closely engaging with relevant partner organizations to expand the use of UN/LOCODE to other areas, such as maritime security, environmental protection and sustainable fishery, in order to ensure harmonization and interoperability of data exchange systems for sustainable and digital cross-border trade.

5.3 National interagency cooperation (maritime, fisheries, labour, etc.)

5.3.1 FAO, in collaboration with IMO and ILO, have developed a Global Study on Integrating Port State Measures into the Broader Framework of Port State Control to assist countries in identifying mechanisms, procedures, and tools to ensure that the implementation of the PSMA complements and supports the implementation of the Cape Town Agreement of 2012 and the C.188, and vice versa. This Global Study is a response to the recommendation from JWG4 encouraging Organizations to promote and support the development of methods to increase coordination and information sharing for national inspection and control procedures.

5.3.2 In the context of the development of the Global Study, virtual interviews were conducted with national fisheries officers and experts from Chile, France, Iceland, Indonesia, Kenya, Peru, Senegal, South Africa, Spain, Thailand, Trinidad and Tobago and the United States of America to understand their current practice of cooperation with maritime and labour administrations when implementing port State measures; their views on the challenges related to coordination with other agencies and possible ways to tackle such challenges. Representatives from the IMO and ILO Secretariats, experts from regional agreements on port State control, RFMOs, national fisheries and maritime offices, through an FAO informal expert group meeting, were also invited to identify in implementing port State measures critical points where information sharing and cooperation with maritime and labour authorities could occur to support other administrations to identify and inspect high-risk vessels and to subsequently take action against those that have been found to be engaged in illegal activities.

5.3.3 Based on the analysis of inputs gathered from above, the Global Study concluded the following observations and identified practical strategies and actions for achieving interagency coordination among national administrations responsible for fisheries, maritime and labour matters in risk analysis, inspection, and follow-up actions:

- .1 there are limited coordination mechanisms on inspections among the various administrations involved, except for rare cases. This lack of coordination can be attributed to insufficient information sharing mechanisms. The critical solution is to establish a formal mechanism that clarifies for officials across different administrations what information to gather and analyse, what to share and with whom, and what decisions and actions to take to ensure the effective
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implementation of PSMA while ensuring maritime safety and labour conditions. A coordinated approach during the process of designating ports provides a basis for setting up a system for effective cooperation to identify non-compliance with regard to sustainable fisheries, maritime safety and security, and labour matters; and information exchange between system handling with advance request for port entry (ARPE) and information system for port State control provides a solid basis for setting up a formal system for inter-agency national coordination²²;

- .2 intensive joint inspections can have unexpected effects, notably fatigue, in the crew, with an inherent risk to security and safety. It is advisable for port States to adopt an approach that involves identifying non-compliance indicators that a single inspector from the fisheries administration or other department (e.g. safety, environment, labour) can easily verify. Such indicators can then be followed up with in-depth inspections from other administrations. Guidelines for identifying indicators of violations or non-compliance by FAO, IMO and ILO in their respective fields can significantly enhance the vigilance of inspectors and initiate pragmatic inter-agency cooperation in port inspections. Enable access to the results of independent risk assessment among different administrations to coordinate and strengthen capacity to detect high risk vessels and direct limited resources for MCS and enforcement to these vessels. Moreover, to ensure adequate inspections, comprehensive training activities are necessary, covering inspectors and officials across various administrations and making them aware of the obligations of the port State in the PSMA, the 2012 Cape Town Agreement, the C.188 and other relevant instruments; and
- .3 sharing and respecting decisions taken by fisheries, maritime and labour authorities is crucial as the follow-up from port inspections. Coordination and cooperation between various administrations involved must be exercised at all stages, from decision-making to implementation of measures, to avoid a decision taken within the framework of one instrument coming into conflict with the objectives of another, highlighting cooperation and information sharing.

5.3.4 In line with Article 7 of ILO Convention No. 188, which requires ratifying States to establish mechanisms for coordination among relevant authorities for the fishing sector, ILO's efforts to promote the necessary coordination among maritime, labour and fisheries agencies in implementing C.188, included supporting joint labour inspection pilots, establishing a joint labour inspection mechanism and strengthening collaboration, coordination and knowledge transfer among different government agencies. Further details of ILO activities at national level via development cooperation projects to enhance national interagency cooperation, can be found in JWG Information Document 1.

5.4 Integration of port State measures within the broader framework of port State control

5.4.1 Following JWG4 that had welcomed the Indian Ocean Memorandum of Understanding on Port State Control (IOMOU)'s initiative to explore a collaborative programme with the IOTC, a

²² For instance. Thai government departments, including the Navy, Marine Department, the Department of Labour Welfare and Protection, Local Police, Department of Provincial Administration and Fishery Association, coordinate through Port-In Port-Out (PIPO) Controlling Centres.

letter of intent was signed jointly by the IOTC and IOMOU on 5 February 2021. In this letter, both Secretariats agreed to cooperate with each other to: enhance inspector awareness for improved coordination, identify commonalities, facilitate information sharing, support capacity development, align legal frameworks for efficient inspections, promote international agreements' implementation, and prepare a comprehensive pilot training program covering relevant IMO and FAO regulations for fishing vessel inspections.

5.4.2 Recognizing the global importance of this project, Australia expressed their willingness to provide funds in two phases, consisting of the development of training materials and a training programme, and the delivery of three separate in-country training courses. Upon the release of funds for the initial phase, the Project's Working Partners — FAO, ILO, IMO, IOTC, IOMOU, and The Pew Charitable Trusts — selected two consultants to develop the training materials and training programme. The initial phase ended in November 2023 after reviewing consultants' final report. Pending the ratification of crucial international agreements, the second phase aims for completion by June 2024.

5.4.3 The programme, which may eventually be expanded to other regions to explore synergies between the distinct inspection regimes (Port State Control and Port State Measures), aims to improve the coordination and efficiency of the implementation of the respective fishing vessel inspection instruments (including PSMA, CTA and C.188), to facilitate the efforts of FAO, ILO and IMO.

5.4.4 The eighth session of IMO Workshop for PSC MoU/Agreement Secretaries, Database Managers and Chairpersons (PSCWS 8) was held in November 2023, representatives of other international organizations in consultative status at IMO and Member States having also been invited to attend. The Workshop noted, among others, the IOMOU report on the status as regards a pilot project on Collaboration Programme on Inspection of Fishing Vessels; Tokyo MoU activities in the area of PSC inspections on fishing vessels, including policy decisions, a road map for PSC inspections of fishing vessels, establishment of relevant instruments, deficiency coding as well as the creation of a separate database for recording of inspections on such vessels; and an outline of the activities developed by ILO to promote and share experiences on inspection of labour conditions on board fishing vessels in connection with the C.188, including availability of the Guidelines for port State control officers carrying out inspections under the C.188.

5.4.5 In the above context, PSCWS 8 recommended:

- .1 those PSC regimes which had started a plan to initiate inspection for fishing vessels to share their experience on methodologies, roadmap, development of pilot PSC Officer training schemes and establishment of the inspection database in support of the development of a global approach for inspection of fishing vessels; and
 - .2 PSC regimes to adopt a policy for inspection of fishing vessels as early as possible and in their preparation of inspection for fishing to define applicable conventions/instruments for the inspection of fishing vessels, including the ILO Work in Fishing Convention, 2007.
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5.4.6 PSCWS 8, having noted that, during III 9, the majority of delegations and the observer delegations of PSC regimes that took the floor supported the development of an overarching database, indicating that associated web-service would enable the participating PSC regimes to easily use information collected by other PSC regimes to enrich their own databases and use it in the inspection of ships. In this context, III 9 had agreed in principle with the proposed future developments regarding, among others, the development of an overarching database and inspection of fishing vessels.

5.4.7 In this regard, PSCWS 8 recommended that:

- .1 the IMO Secretariat and PSC regimes work together towards establishing the overarching database, together with the associated webservices and report the progress to further sessions of the III Sub-Committee and the PSC Workshop, as appropriate; and
- .2 the PSC regimes consider establishing a technical group, in association with the IMO and relevant experts, that can be tasked with collecting and detailing especially the user requirements, data harmonization, including exploration of possible use of PSC inspection unique identifier for the overarching database.

Appendix 1

Terms of Reference for the Joint FAO/ILO/IMO ad hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters

Background

1. There has been a longstanding cooperative relationship among the secretariats of the Food and Agriculture Organization (FAO), the International Labour Organization (ILO) and the International Maritime Organization (IMO) on matters related to the fishing sector.
2. The establishment of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG) was prompted by a call from the FAO Committee on Fisheries (COFI), in 1999, for FAO to obtain assistance from IMO, in particular, with regard to general concerns about re-flagging and IUU fishing. Also in 1999, the United Nations Commission on Sustainable Development highlighted the need for FAO and IMO to cooperate on solving problems related to IUU Fishing. IMO and FAO worked together to establish the JWG, and the first JWG meeting was held in 2000.
3. ILO attended JWG meetings in 2000, 2007 and 2015 as an observer. As from 2019, ILO was admitted as the third member organization of the JWG.

Objective

4. The three member organizations, i.e. FAO, ILO and IMO, shall collaborate in order to coordinate efforts to address IUU fishing and related matters. This collaborative work shall be undertaken within the context of each member organization's mandate: FAO on fisheries in general, ILO on decent work in the fishing sector, and IMO on maritime safety and security, and the protection of the marine environment. The JWG will promote global, regional and national cooperation on IUU fishing and related matters, in particular, among the various national authorities and other public actors involved.

Secretariat

5. The member organizations shall establish a joint secretariat with an identified focal point for each member organization.
 6. The joint secretariat shall have the following functions:
 1. coordinate the selection of members to JWG meetings;
 2. decide on the convening of special meetings and organize the holding of JWG meetings, as appropriate;
 3. provide services to the JWG to facilitate the execution of its functions;
 4. be responsible for preparing draft agendas and the receipt, collection, circulation, submitting documents or issuing submissions received for JWG meetings;
 5. issue the JWG report, including recommendations, in cooperation with the chairperson and the vice-chairpersons, and its publication, as appropriate;
 6. be responsible for the coordination of the follow-up to the recommendations of the JWG, including coordination of technical cooperation and follow-up of work plans;
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7. maintain contacts with relevant governments, international organizations and institutions; and
8. undertake other functions or responsibilities as may be conferred by the JWG.

Composition

7. The JWG shall be composed of up to 12 members²³ nominated by FAO and up to 12 members²⁴ nominated by IMO, as well as four members – two representatives of employers and two representatives of workers – nominated by the ILO through the respective Employers' and Workers' groups of the ILO Governing Body.

8. Bearing in mind that one of the key objectives of the JWG is to enhance awareness and cooperation among various authorities involved in fishing and fishery management-related matters at the national level, each FAO and IMO member shall endeavour to participate with representatives from fisheries, labour and maritime authorities.

9. The FAO and IMO shall nominate their members, giving due consideration in particular to equitable geographical representation and a balance between developed and developing member States.

10. All members may submit working and information documents and may be assisted by experts and advisers when needed.

Functions

11. In order to meet its objective, the JWG shall discuss, coordinate and, as appropriate, make recommendations concerning cooperation among and between flag, port, coastal, market and labour supplying States, with respect to:

1. IUU fishing;
2. maritime safety and security;
3. decent work in the fishing sector;
4. protection of the marine environment;
5. capacity development; and
6. other relevant topics.

12. The JWG shall exchange information about relevant developments, propose workplans for intersessional periods, and initiate and support FAO, ILO and IMO coordination and cooperation at global, regional and national levels.

Chairperson and vice-chairpersons

13. The JWG shall elect among the members a chairperson and two vice-chairpersons so that all three member organizations are duly represented. These positions shall rotate from one meeting to the other.

²³ For the purpose of these Terms of Reference, the references to "members" include Member Nations, Associate Members and Regional Economic Integration Organizations.

²⁴ For the purpose of these Terms of Reference, the references to "members" include Member States and Associate Members.

14. The chairperson shall have the following functions:
- (a) declare the opening and closing of each meeting of the JWG;
 - (b) direct the discussions, while being guided as much as practicable by the following order of interventions (see paragraph 7): members; member States of FAO and IMO that are not nominated as members; secretariat members of the United Nations and specialized agencies of the United Nations; intergovernmental organizations (IGOs) and non-governmental organizations (NGOs);
 - (c) put forward questions, suggestions and conclusions on recommendations;
 - (d) rule on points of order;
 - (e) control the proceedings of the meeting;
 - (f) in cooperation with the joint secretariat, prepare meeting reports;
 - (g) as practicable, contribute to the consideration of the outcome of JWG by member organizations; and
 - (h) perform any other function that may be decided by the JWG.
15. In the absence or at the request of the chairperson, her/his functions shall be exercised by the vice-chairperson or, in the absence of the latter, by the second vice-chairperson.

Observers

16. Eligible observers to JWG meetings are: (1) all member States of FAO and IMO that are not selected as members (see paragraph 7), (2) the United Nations and specialized agencies of the United Nations, and (3) IGOs and NGOs with observer status within at least one of the member organizations.

17. Observers have the right to speak at meetings, following as much as practicable the order of interventions set out in paragraph 14(b), and may submit information documents, as well as working documents, subject to co-sponsoring of the latter by at least one member identified in paragraph 7 to the joint secretariat for distribution to the JWG.

Recommendations

18. The members of the JWG shall adopt the Recommendations by consensus.

Reports

19. The joint secretariat shall prepare, in consultation with the chairperson and the vice-chairpersons, as appropriate, a brief report in English focussing on the recommendations of the meeting, which shall be finalized within 30 days after a meeting.

Follow-up actions

20. Each member organization's secretariat shall ensure that recommendations relevant to that particular member organization are submitted to the appropriate bodies within the respective organization.

Meetings

21. The JWG shall aim to hold one regular meeting every four years.
22. In general, meetings shall take place at the headquarters of one of the member organizations, which would be expected to cover the costs related to the hosting of the meeting. Time and place shall be notified in accordance with existing procedures of each member organization.
23. Registration of the participants shall be conducted by the joint secretariat in coordination with the hosting organization.
24. The member organizations may agree to invite additional experts to meetings for particular aspects.

Documents

25. Working documents shall be prepared by the joint secretariat and members, as necessary. Observers may prepare and submit working documents in accordance with paragraph 17. Working documents shall in general be put on the respective websites of the member organizations nine weeks ahead of the meetings. All participants may prepare and submit information documents.
26. The meetings shall be conducted in the English language, and documents related to the work of the JWG shall be prepared in the English language. Other UN languages would be used subject to available funding.

Expenses

27. In general, participants shall meet their own expenses. Necessary financial resources may be obtained by relevant funding mechanisms, in accordance with existing rules and procedures of each member organization.

Co-operation with the United Nations and specialized agencies of the United Nations

28. The cooperation with the United Nations and other specialized agencies of the United Nations may be sought on particular aspects, within their competences.
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Appendix 2

States having deposited an instrument for at least one of the fishing related treaties (as at 18/10/2023)	SFV Protocol 93	Cape Town Agreement of 2012	STCW-F Convention 95
Belgium		X	X
Belize		X	
Bulgaria	X		
Canada			X
Congo		X	X
Cook Islands		X	
Croatia	X	X	
Cuba	X		
Denmark	X	X	X
Finland		X	
France	X	X	X
Gambia			X
Germany	X	X	
Iceland	X	X	X
Indonesia			X
Ireland	X		
Italy	X		
Japan		X	
Kenya		X	X
Kiribati	X		X
Latvia			X
Liberia	X		
Lithuania	X		X
Mauritania			X
Morocco			X
Namibia			X
Nauru			X
Netherlands (Kingdom of the)	X	X	X
New Zealand		X	X
Norway	X	X	X
Palau			X
Peru		X	
Poland			X
Portugal		X	X

States having deposited an instrument for at least one of the fishing related treaties (as at 18/10/2023)	SFV Protocol 93	Cape Town Agreement of 2012	STCW-F Convention 95
Romania			X
Russian Federation			X
Saint Kitts and Nevis	X	X	
Saint Lucia			X
San Marino			X
Sao Tome and Principe			X
Sierra Leone			X
South Africa		X	X
Spain	X	X	X
Sweden	X		
Syrian Arab Republic			X
Tunisia			X
Uganda			X
Ukraine			X
Uruguay			X
<u>Associate Members</u>			
Faroes			X