

The JWG 5 recommends FAO, ILO and IMO Members that have not yet acceded to the Cape Town Agreement of 2012 to do so, with a view to achieving its timely entry into force. The JWG 5 also recommends FAO, ILO, IMO Members that have not yet acceded to the PSMA, STCW-F Convention and ILO C.188, to become a party to these instruments, with a view to achieving safe and sustainable fisheries and ensuring decent living and working conditions for fishers at global level.

The JWG 5 recommends FAO, ILO and IMO Secretariats to further strengthen joint activities, such as capacity development activities or pilot-projects that address the four key treaties for their promotion and effective implementation, as appropriate.

5.1 Agreement on Port State Measures

The JWG 5 recommends FAO, ILO and IMO to continue advancing the development of guidance documents to increase coordination and information exchange among national fisheries, maritime and labour authorities for effective implementation of international instruments of the three Organizations.

The JWG 5 recommends FAO, ILO and IMO Members to consider establishing integrated information systems at national level for efficient coordination, cooperation and information exchange among fisheries, maritime, labour and other relevant authorities.

5.2 Voluntary Guidelines for Transshipment

The JWG recommends FAO, ILO and IMO Secretariats to conduct a study on the risks inherent in other transfers that may occur in the context of transshipment, such as transfer of supplies, crew and other materials, and on the manner in which such transfers could be monitored to mitigate those risks.

The JWG 5 recommends ILO and IMO Member States, subject to the findings of the Study, to consider developing measures as appropriate, informed by the Voluntary Guidelines for Transshipment, for the monitoring of other transfers that may occur in the context of maritime and labour matters, such as transfer of supplies, crew and other materials.

5.3 Flag State Performance

The JWG 5 recommends FAO, ILO and IMO Secretariats to develop a practical guidance document, in particular for use at the national level, that integrates the requirements of the FAO, ILO and IMO instruments, especially the PSMA, the Cape Town Agreement of 2012 and the Work in Fishing Convention (C.188).

The JWG 5 recommends FAO and IMO, taking into account experience of IMO in implementing the IMO Member State Audit Scheme, to promote the exchange of information on best practice of mechanisms that monitor implementation of the international instruments and coordination of activities at national level.

The JWG 5 recommends FAO, ILO, and IMO Members to ensure their relevant authorities contribute to the management of the IMO Number Schemes, by requesting for assignment of new numbers and updating data associated to existing numbers linked to national registers of fishing vessels.

5.4 WTO Agreement on Fisheries Subsidies

The JWG 5 encourages FAO, ILO and IMO Members to ratify the WTO Agreement on Fisheries Subsidies to bring its entry into force.

The JWG 5 recommends FAO, IMO and other relevant organizations to coordinate in joining forces for capacity development of States in relation to the WTO Agreement on Fisheries Subsidies.

5.5 Regional fisheries mechanisms

The JWG 5 recommends FAO Members to include relevant agencies, in particular maritime and labour authorities, in their national delegations to RFB meetings.

6.1 Introduction

The JWG 5 recommends FAO, ILO and IMO Members that have not yet acceded to the 2007 Nairobi Wreck Removal Convention to ratify the Convention, and contracting States to the Nairobi Wreck Removal Convention to ensure the issuing and maintaining of the compulsory financial insurance certificate, also in relation to fishing vessels.

The JWG 5 recommends FAO, ILO and IMO to review the scope and status of the voluntary instruments listed in paragraph 3.1.3 of document JWG 5/4/2, with a view to revising these instruments in future and reporting the findings to JWG 6.

6.2 IMO Cape Town Agreement, STCW-F Convention and safety-related instruments

The JWG 5 recommends interested States that need legal/technical assistance for becoming a party to the Cape Town Agreement of 2012, to:

1. liaise with the IMO Secretariat for assistance;
2. benefit from the Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations, jointly prepared by IMO, ILO and FAO; and
3. utilize the draft guidelines to assist in the implementation of the Cape Town Agreement of 2012 when finalized, and the fishing safety portal that is accessible on IMO's public web-site.

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

The JWG 5 recommends States, when regulating fishing capacity, to ensure that measures taken do not have a detrimental effect on the working and living conditions of fishers (for example on accommodation).

The JWG 5 recommends FAO, ILO and IMO Members, as well as PSC regimes, to send participants to existing FAO/ILO/IMO courses to strengthen their capacity in relation to inspection of fishing vessels under the PSMA, C.188, the Cape Town Agreement of the 2012 and the STCW-F Convention.

The JWG 5 recommends FAO, ILO and IMO to consider the development of a guidance document for national fisheries agencies to contribute to implementing relevant ILO and IMO instruments governing fishers and workers in the seafood industry throughout the supply chain. Such effort may be informed by ILO research and tools as well as the FAO *Scoping Study on Decent Work in Fisheries: Exploring Challenges and Evolving Legal and Policy Avenues for Strengthened Decent Work Standards*. The JWG recommends FAO, IMO and ILO Secretariats to consider organizing, in the framework of JWG, an intersessional expert meeting to this end.

Bis (US proposal)

Recommend FAO host an expert workshop to develop guidance for national fisheries agencies to implement relevant ILO and IMO labor related instruments for workers in the seafood industry throughout the supply chain. This effort should be done in collaboration with the ILO and IMO, and may be informed by, or otherwise coordinated with, FAO's ongoing scoping study on Decent Work in Fisheries: Exploring Challenges and Evolving Legal and Policy Avenues for Strengthened Decent Work Standards, as appropriate.

Abandonment of seafarers and fishers cases

The JWG 5 recommends FAO, ILO and IMO Members to increase their efforts to improve the reporting of cases of abandonment of fishers to the Joint IMO-ILO Database of reported cases of abandonment and facilitate their resolution. ILO should address the issue of abandonment of fishers in any future review of C.188.

The JWG 5 recommends flag and port States to take further action to ensure the presence of financial security to assist fishers in the event of their abandonment, as recommended by the *Guidelines on provision of financial security in case of abandonment of seafarers (resolution A.930(22))*, and to take appropriate action when financial security is not in place.

6.4 Addressing forced labour and child labour in fishing

(This paragraph from US proposal) The JWG 5 recommends FAO, ILO and IMO Members to establish a mechanism for information sharing related to labour and fisheries, and encourage JWG Members and observers to share information intersessionally on:

- mechanisms and tools for achieving decent work in the seafood sector, including those that support ethical recruitment, detect forced labour on fishing vessels, promote fundamental rights, and improve crew access to communication tools at-sea;
- best practices for enforcement mechanisms in fisheries, as well as seafood trade and importation;
- best practices for enhanced coordination amongst relevant government agencies, including government entities responsible for inspections of vessels and working conditions of crew.

The JWG 5 recommends ILO, in collaboration with FAO and IMO, to promote and disseminate the new ILO Handbook for the Detection of Forced Labour in Commercial Fishing, and build the capacity of labour, maritime and fisheries enforcement authorities as well as social partners to effectively use this handbook. In addition, JWG 5 recommends FAO, ILO and IMO Members to

redouble their efforts to eradicate forced labour in the fishing sector, including by ratifying and implementing the Forced Labour Protocol (P.29).

The JWG 5 recommends FAO, ILO and IMO to promote and disseminate the forthcoming update of the FAO-ILO Guidance on addressing child labour in fisheries and aquaculture.

6.5 Safety of observers at sea

The JWG 5 recommends FAO, ILO and IMO Secretariats to organize, in the framework of JWG, an intersessional expert meeting to identify and analyze the gaps in protections for, and authorities over, safety of fisheries observers, including with respect to insurance coverage, jurisdictional conflicts, and safe and decent working conditions, and explore ways to enhance the safety, working and living conditions of fisheries observers, including possibly through a review of relevant international instruments, such as C.188. This expert meeting will propose recommendations to address these gaps for consideration by FAO, ILO, and IMO, and report to JWG 6.

Bis (US proposal)

Recommend that the JWG establish an intersessional working group to identify and analyze the gaps in protections for, and authorities over, safety of fisheries observers, including with respect to insurance coverage, jurisdictional conflicts, and safe and decent working conditions. This working group will propose recommendations to address these gaps for consideration by FAO, ILO, and IMO. JWG6 will review the outcomes of this intersessional work, and make additional recommendations, as necessary.

JWG 5 recommends FAO, ILO and IMO Members to review their national legislation to strengthen accountability of vessel owners on ensuring safety of fisheries observers.

6.6 Environmental issues related to fisheries

6.7 Marking of fishing gear

The JWG 5 recommends FAO and IMO to develop a global Strategy to support effective implementation of existing, and any future, ALDFG-related instruments, including amendments to MARPOL Annex V to make mandatory the marking of fishing gear and FAO's Voluntary Guidelines on the Marking of Fishing Gear (VGMFG). The global Strategy could address, inter alia, fishing gear marking, reporting of lost fishing gear, recovery of ALDFG, port reception facilities, and end-of-life-measures for fishing gear.

Bis (US proposal)

FAO and IMO will develop a strategy to support effective implementation of existing, and any future, IMO ALDFG related instruments and requirements, such as updates to MARPOL Annex V, building from FAO's existing work to support implementation of the FAO Guidelines of Fishing Gear Marking. A draft strategy and any progress shall be shared with IMO and FAO members for their consideration and comment.

The JWG 5 recommends FAO and IMO Members to develop national action plans to address ALDFG.

6.8 Collection and analysis of casualties' related data involving fishing vessels

The JWG 5 recommends IMO to continue developing and enhancing its core function of collection, collation, and analysis of casualty data, as part of its rule-making mandate for maritime safety and the prevention of marine pollution, and coordinate with other organizations accordingly.

The JWG 5 recommends FAO, ILO and IMO Secretariats to organize, in the framework of JWG, an intersessional expert meeting to discuss on improving reporting of casualties' related data involving fishing vessels, under the purview of FAO following the decision of COFI on the collection of casualty data involving fishing vessels.

The JWG 5 recommends IMO, FAO and ILO to cooperate in developing capacity-building activities for the investigation of casualties in the fisheries sector and reporting thereon, making use of the available expertise.