

# Instrumentos internacionales para mejorar la seguridad en el mar en el ámbito del sector pesquero

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# Disclaimer

The opinions expressed in this presentation are those of the author and should not be construed as necessarily reflecting the views of FAO, ILO and IMO or their Secretariats



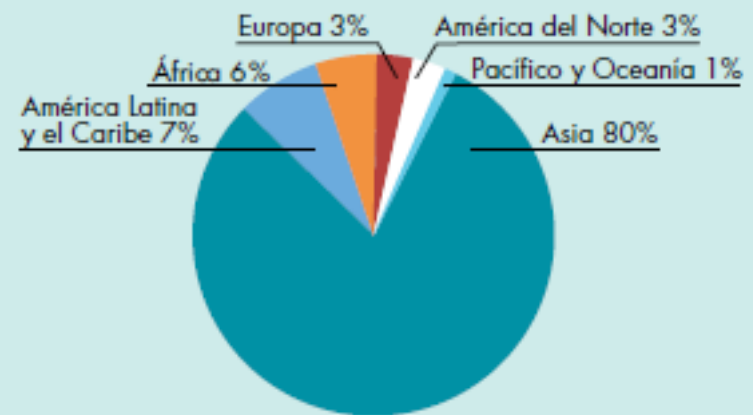
# Outline

- Estimate of the numbers (people/vessels)
- Safety at sea (the most dangerous occupation in the world)
- FAO/ILO/IMO cooperation
- International instruments (voluntary and mandatory)
- Focus on the Cape Town Agreement of 2012
- Concluding remarks



# Estimate of global fishing fleet and its regional distribution in 2014

- No. of Vessels: 4.6 million
- 64% in marine waters and 36% in inland waters
- 64% engine-powered (comp. to 57% in 2012)
- Number of personnel: 39 million - 80% in Asia

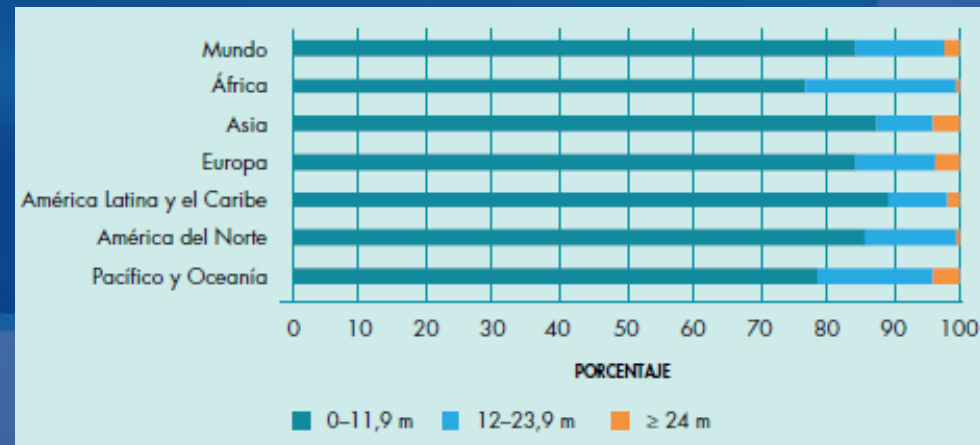


Source: SOFIA 2016



# Size distribution and the importance of small boats

- > 79% of motorized fishing vessels <12 m LOA
- Ca. 2% (or 64,000) of motorized vessels  $\geq$  24 m
- Ca. 99% of non-motorized fishing vessels < 12 m LOA
- Ca. 90% of world fishing fleet < 12 m LOA



Source: SOFIA 2016





# Fishing – the most dangerous occupation in the world.

- 24,000 deaths annually
- Large majority on board small vessels
- Fatality rate: 80 lives lost per 100,000 fishermen
- Consequences of loss of live fall heavily on the dependents



# Difference between fishing vessels and merchant ships

## Fishing vessels

- Crew work in exposed areas in all weather conditions
- Hatches are open during fishing operations
- Many small vessels are operated from exposed beaches, often through heavy surf conditions

## Merchant ships

- Unless essential, crew does not carry out dangerous work
- Hatches are closed at sea
- The loading/unloading takes place in a safe harbour



# Accidents, causes and solutions

## Causes (examples):

- Failure of boat and its equipment
- Human error - fatigue
- Unsafe fishing operations and practices - **attitude**
- Unsafe onboard working conditions
- Overcapacity and overfishing of coastal resources

## Possible solutions:

- Regulations, compliance, enforcement
- Awareness raising, education and training
- Improved fisheries management
- Cooperation between maritime, labour and fisheries administrations at **national level**





# FAO/ILO/IMO cooperation

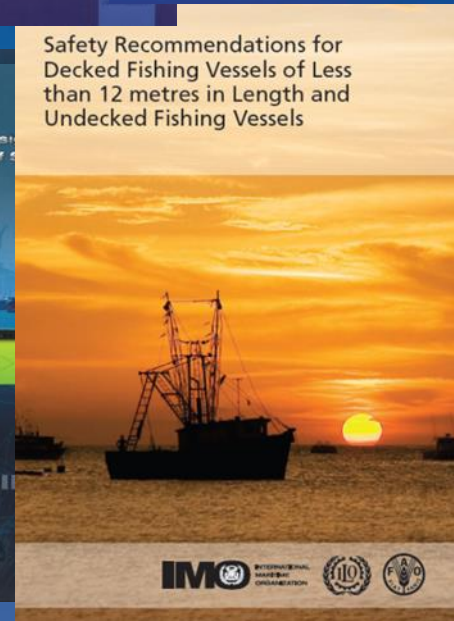
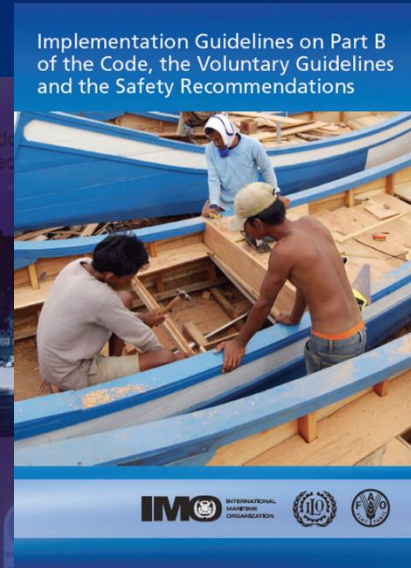
Agreement - respective areas of competence:

- FAO – fisheries in general
- ILO – labour in the fishing industry
- IMO – safety of life, vessels and equipment at sea



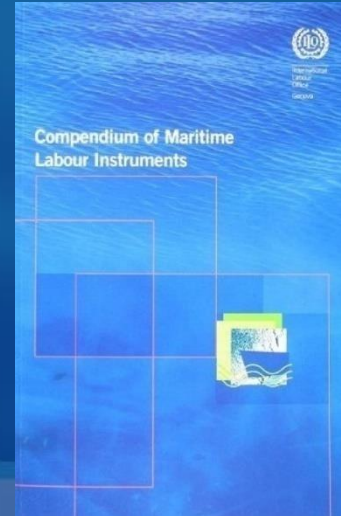
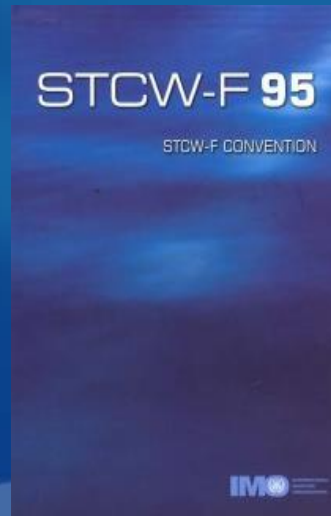
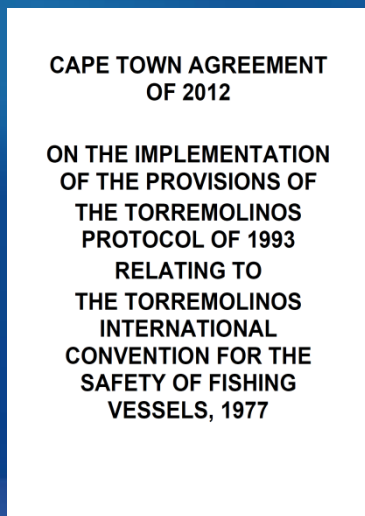
# Voluntary Instruments

- Code of Safety of Fishermen and Fishing Vessels, Parts A and B
- Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels
- Document for Guidance on Training and Certification of Fishing Vessel Personnel
- **Safety recommendations for decked fishing vessels of less than 12 m in length and undecked fishing vessels**
- Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations



# Mandatory instruments

- Cape Town Agreement of 2012
- 1995 STCW-F Convention:
  - undergoing a comprehensive review
- Work in Fishing Convention (No. 188)
- SOLAS (Chapter V on navigation)



# The 2007 ILO Work in Fishing Convention

- Work in Fishing Convention (**No. 188**) and Work in Fishing Recommendation (No. 199)
- Revise several existing ILO standards for the fishing sector
- Flexibility for Member States:
  - Tonnage equivalents to length (L) as the basis for measurement: **24 m = 300 gross tonnage** (ITC 69)
  - Progressive implementation
- ILO.188 will enter into force on 16 Nov. 2017



# The main Parts of ILO Work in Fishing Convention (No 188)

- I. Definitions and Scope: applies to **all** fishers and **all** fishing vessels (less stringent to vessels <24m)
- II. General Principles
- III. Minimum Requirements for Work on Board (minimum age, medical examination)
- IV. Conditions of Service (manning and hours of rest, fisher's work agreement, repatriation, etc.)
- V. Accommodation and Food
- VI. (Medical Care, Health Protection and Social Security)

Annexes





# Cape Town Agreement of 2012 (CTA)

## Outline

- Background
- The “Core” of the Agreement (the 10 chapters)
- Articles
- Regional standards (Articles 3(4) and (5))
- Application
- Exemptions (Regulation 1/3 of the Agreement)



# Background

- 1977 - Torremolinos Convention (TC) (not in force):
  - applied to fishing vessels  $\geq 24$  m
- 1993 - Torremolinos Protocol (TP) (not in force):
  - main change: the scope of 4 (out of 10 chapters) was limited to vessels  $\geq 45$  m
- 2012 - Cape Town Agreement:
  - based on the Torremolinos Convention and Protocol
  - provides considerable flexibility to the flag States
- Entry into force criteria:
  - **22 States** with **3,600 fishing vessels**  $\geq 24$  m, operating on the high seas, agree to be bound by it
- Already ratified by 7 States (Congo, Denmark, Germany, Iceland, Netherlands, Norway & South Africa with 800+ vessels)



# Regional seminars on the implementation of the Protocol and Agreement

## Objective:

- to exchange views between officials on fishing vessel safety in each region on how to accelerate ratification and implementation of the Protocol and Agreement
- to prepare recommendations (to IMO)

## Seminars:

- 2004: Beijing, China; 2009: Bali, Indonesia; 2014: Agadir, Morocco; 2014: Lima, Peru; 2014: Belize City, Belize; 2015: Bali, Indonesia; 2016: Abidjan, Côte d'Ivoire
- Planned: August 2017: Cook Islands; October 2017 South Africa



# Technical difficulties identified by the 2004 Beijing seminar

- “Narrow beam” design
- Existing vessels
- Port State control
- Survey intervals
- Stability
- Machinery and electrical installations and periodically unattended machinery spaces
- Fire protection, fire detection, fire extinction and fire fighting
- Life-saving appliances
- Radiocommunication equipment
- Shipborne navigational equipment and arrangements



# **“Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977”**

- Adopted on 11 October 2012 by a Diplomatic Conference
- Main changes:
  - Length/gross tonnage equivalent
  - Progressive implementation
  - Exemptions for vessels not operating on the high seas
  - Inspection and survey regime based on the HSSC (but with some flexibility) with consequential amendments to the certificates (5-year cycle)





# The “Core” of the Cape Town Agreement - the 10 chapters

- I. General Provisions
- II. Construction, watertight integrity and equipment
- III. Stability & associated seaworthiness
- IV. Machinery and electrical installations and periodically unattended machinery spaces
- V. Fire Protection, Fire Detection, Fire Extinction and Fire Fighting
- VI. Protection of the crew
- VII. Life-saving appliances and arrangements
- VIII. Emergency procedures, musters and drills
- IX. Radio communications
- X. Shipborne navigational equipment and arrangements



# Articles of the Cape Town Agreement and Torremolinos Protocol

## Cape Town Agreement

Art. 1: General obligations

Art. 2: Interpretation and application of the 1993 Torremolinos Protocol and the 1977 Torremolinos Convention

Art. 3: Signature, ratification, acceptance, approval and accession

Art. 4: Entry into force

## Torremolinos Protocol

Art. 1: General obligations

Art. 2 to 8 inclusive; and Art. 11 to 14 Inclusive of the Torremolinos Protocol shall apply to the Cape Town Agreement

Art. 9: Signature, ratification, acceptance, approval and accession

Art. 10: Entry into force

CTA and TP interpreted as a single instrument

Reference to CTA is also a reference to its Annex



# Articles of the Torremolinos Protocol applying to the Cape Town Agreement

## Torremolinos Protocol

Art. 2: Definitions

Art. 3: **Application**

Art. 4: Certification and PSC

Art. 5: Force major

Art. 6: Communication of  
information

Art. 7: Casualties to fishing  
vessels

Art. 8: Other treaties and  
interpretation

## Torremolinos Protocol

Art. 11: Amendments

Art. 12: Denunciation

Art. 13: Depositary

Art. 14: Languages



# Application (Article 3 of the Protocol)

- Article 3(1) - Protocol applies to seagoing fishing vessels including vessels also processing their catch
- Article 3(2) - Circumstances where the provisions of the Protocol do **not** apply:
  - for sport or recreation;
  - for processing;
  - for research and training; or
  - as fish carriers



# Application (new vessels)

- Unless expressly provided otherwise, the provisions of the Protocol shall apply to fishing vessels  $\geq 24$  m
- However, 4 out of 10 chapters do not apply to fishing vessels  $< 45$  m, i.e.:
  - IV: Machinery and electrical installations and periodically unattended machinery spaces
  - V: Fire protection, fire detection, fire extinction and fire fighting
  - VII: Life-saving appliances and arrangements
  - IX: Radiocommunications





# Application (existing vessels)

Chapters which apply to existing vessels:

- Chapter VII: Radiocommunication **equipment** (part of Life-saving appliances)
- Chapter VIII: Emergency procedures, musters and drills
- Chapter IX: Radiocommunications  
• (mainly GMDSS **equipment**)
- Chapter X: Shipborne navigational **equipment** and arrangements
- Easy for existing vessels to comply with the CTA



# Application (Regulation I/1)

Gross tonnage/Length equivalents (**for all chapters**):

- 300 gross tonnage equivalent to 24 m
- 950 gross tonnage equivalent to 45 m
- 2,000 gross tonnage equivalent to 60 m
- 3,000 gross tonnage equivalent to 75 m

**Progressive implementation** of measures of:

Chapters VII (5 years), VIII (5 years), IX (10 years) and X (5 years) for existing vessels

(Concepts first adopted through the ILO Work in Fishing Convention)



## Regional standards (Article 3(4) and (5))

- The Administration shall determine which regulations of chapters IV, V, VII and IX should apply, wholly or in part, to a vessel 24-45 m, having regard to the type, size and mode of operation of such a vessel
- Parties to establish uniform regional standards for vessels 24-45 m, operating in the same region
- Part B of FAO/ILO/IMO Code of Safety may serve as a guide in developing regional standards
- Such uniform regional standards shall be communicated to IMO for circulation to other Parties for information



# Technical co-operation and technical assistance

Resolution 3 from the 2012 CTA Conference:

- URGES States to provide, or arrange to provide, in cooperation with IMO, assistance to those States which have difficulty in meeting the requirements of the CTA and which request such assistance
- REQUESTS IMO to intensify its efforts to provide States with the assistance they may need in implementing the CTA and to make adequate provisions for that purpose within its Integrated Technical Co-operation Programme



# Exemptions – summary

- Exemptions from chapters IX and X are dealt with in those chapters
- The Administration may exempt any vessel which embodies features of a **novel** kind
- The Administration may exempt **any vessel from any of the requirements**, provided the vessel is operating solely in:
  - (i) a common fishing zone (CFZ)
  - (ii) the EEZ (or in an area  $\leq 200$  nm)
  - (iii) the EEZ or a marine area of another State, or a CFZ
- The Administration shall communicate to IMO particulars of the exemption granted





# Summary: Vessel-related instruments

Vessel length → Instruments ↓	Decked < 12 m/ Undecked (all)	Decked 12-24 m	Decked ≥ 24 m ≥ 750 kW
Cape Town Agreement			✓
Part B of the Code of Safety			✓
Voluntary Guidelines		✓	
Safety Recommendations	✓		
Implementation Guidelines	✓	✓	✓
ILO C.188/ ILO R.199	✓	✓	✓



# Summary: Personnel-related instruments

Vessel length → Instruments ↓	Decked < 12 m and undecked (all)	Decked 12-24 m	Decked ≥ 24 m ≥ 750 kW
STCW-F Convention			✓
Document for Guidance on Training and Certification of Fishing Vessel Personnel		✓	✓
Part A of the Code of Safety	✓	✓	✓
ILO Work in Fishing Convention (No.188) and Recommendation No. 199	✓	✓	✓
Safety Recommendations	✓		



# Concluding remarks

- Fishing - the world's most dangerous occupation
- The unacceptable loss of life could be substantially reduced by global and effective implementation of: **ILO.188**; **STCW-F**; and **CTA**
- COFI has stressed the link between safety at sea, forced labour and IUU fishing
- The safety-at-sea instruments will be useful in fighting IUU fishing due to PSC requirements
- In addition to legally caught fish from sustainable resources, many retailers are now focusing on the conditions of the fishermen, i.e. the safety of the vessels and the working and living conditions on board



شكراً!

谢谢!

Thank you!

Merci!

¡Gracias!

Спасибо

