

MINISTERIAL CONFERENCE RESOLUTION 1

TORREMOLINOS STATEMENT ON THE CAPE TOWN AGREEMENT OF 2012, RELATING TO FISHING VESSEL SAFETY, AND COMBATING ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Adopted in Torremolinos, Spain, on 23 October 2019

THE MINISTERIAL CONFERENCE,

RECALLING that the International Conference on the Safety of Fishing Vessels ("the International Conference") held in Cape Town, South Africa, on 11 October 2012, adopted 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 ("the Agreement"),

RECALLING ALSO that the International Conference, through Conference resolution 2 on Avoidance of a situation in which two conflicting treaty regimes are operational, inter alia, declared that:

- States should not ratify or otherwise express their consent to be bound by the 1993 Torremolinos Protocol and should instead become a Party to the Agreement,
- States which have already expressed their consent to be bound by the 1993 Torremolinos Protocol should take appropriate steps to signify their consent to be bound by the Agreement using one of the options available under article 3 of the Agreement,

RECOGNIZING that 17 States have already expressed their consent to be bound by the 1993 Torremolinos Protocol, thereby taking a positive step to improve the safety of fishing vessels, and that, notwithstanding their need to take appropriate steps to signify their consent to be bound by the Agreement, these States have already demonstrated their commitment to fishing vessel safety, and for this are meritorious of the gratitude of the Conference,

RECALLING that the Assembly of the International Maritime Organization ("IMO") adopted resolution A.998(25) on Need for capacity-building for the development and implementation of new, and amendments to existing, instruments,

RECALLING ALSO that the IMO Assembly, through resolution A.1107(29) on Entry into force and implementation of the 2012 Cape Town Agreement, inter alia, urged States to consider accepting the Agreement at the earliest possible opportunity,

REMAINING CONVINCED that the continuing and alarmingly high number of fishing vessel personnel fatalities and of fishing vessels reported lost every year could be reduced by global, uniform and effective implementation of the Agreement,

BEING CONCERNED about the hazardous working conditions fishing vessel personnel encounter working at sea, and the fact that unsafe working conditions are exacerbated when fishing vessels are poorly designed, constructed and maintained,

RECOGNIZING the important role of:

- radiocommunication services, in particular the promulgation of maritime safety information, including navigational and meteorological warnings, meteorological forecasts and other urgent safety-related messages broadcast to ships, in preventing marine casualties and incidents,
- the search and rescue and emergency response services in mitigating the consequences of marine casualties,

RECOGNIZING ALSO the importance of reporting all marine casualties and incidents involving fishing vessels to marine safety investigation authorities in order to identify root causes in marine casualty investigation reports; and of promptly taking appropriate actions in response to the identified causal factors,

RECALLING the United Nations 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal (SDG) 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development,

UNDERSTANDING that the catching and processing of seafood provides a vital protein supply to the world, and that fishing vessel personnel play an indispensable role in delivering seafood to the people worldwide,

NOTING WITH CONCERN:

- the proliferation of IUU fishing practices and the necessity to eliminate such activities from the world's oceans in order to help ensure biologically sustainable levels of fish stocks for future generations,
- the issues of fraudulent registration and fraudulent registries of vessels or vessels without nationality contributing to IUU fishing or fishing-related activities in support of IUU fishing,
- the many reports of labour abuse – including forced labour – on coastal and high-seas fishing vessels,

MINDFUL that operators who engage in IUU fishing or fishing-related activities in support of IUU fishing may be less likely to provide fishing vessel personnel with adequate working conditions, training or safety equipment,

NOTING that the General Assembly of the United Nations, through resolution 71/123, inter alia, emphasized once again its serious concern that IUU fishing remains one of the greatest threats to fish stocks and marine ecosystems and continues to have serious and major implications for the conservation and management of ocean resources, as well as the food security and the economies of many States, particularly developing States, and renewed its call upon States to comply fully with all existing obligations and to combat such fishing and urgently take all steps necessary to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing,

NOTING ALSO the entry into force on 5 June 2016 of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) of the Food and Agriculture Organization of the United Nations (FAO), and the subsequent rapid rate of adherence to the PSMA reaching 62 Parties, including the European Union on behalf of its Member States,

NOTING FURTHER the guidance provided for flag States regarding registration procedures of vessels engaged in fishing and fishing-related activities as defined in the FAO Voluntary Guidelines for Flag State Performance,

BEING CONVINCED that establishing international safety standards for fishing vessels and providing for inspections and surveys will also contribute to enhanced safety for workers on board those vessels and support efforts to combat IUU fishing by increasing the transparency of fishing activities,

RECALLING that the IMO Assembly, at its thirtieth session, recognized, inter alia, that the ongoing problem of marine plastic pollution required further consideration as part of a global solution within the framework of ocean governance, in pursuance of SDG 14's target to prevent and significantly reduce marine pollution of all kinds by 2025,

ACKNOWLEDGING the relevant work of other international forums in relation to marine plastic litter and the importance of existing cooperation mechanisms, including the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters and the Global Partnership on Marine Litter,

CONSIDERING that the entry into force of the Agreement, together with the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention), would contribute to a comprehensive regulatory framework for the safety of fishing vessel personnel and fishing vessels,

RECALLING the ILO's Declaration on Fundamental Principles and Rights at Work, 1998, and recognizing that these fundamental principles and rights should be respected for all workers,

RECALLING ALSO that the Work in Fishing Convention, 2007 (No.188) of the International Labour Organization (ILO), which entered into force on 16 November 2017, addresses decent working conditions on fishing vessels such as minimum requirements for work on board; conditions of service, including those related to recruitment and fishers' work agreements; accommodation and food; occupational safety and health protection; medical care and social security,

BEING AWARE that more than 42 years after the first international Convention to address the safety of fishing vessels was adopted, the 1977 Torremolinos Convention, there is still no internationally binding regulatory regime in force concerning the safety of such vessels,

NOTING that a number of provisions emanating from the 1977 Torremolinos Convention as amended by the 1993 Torremolinos Protocol are out of date and will need to be revised once the Agreement enters into force, pursuant to relevant procedures and processes,

MINDFUL that it is important for those States who have different circumstances that the provisions remain stable and unamended to give States time to implement those provisions,

RECALLING that the Agreement, in accordance with its article 4(1), shall 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,

NOTING that the number of States that have so far deposited instruments of ratification, acceptance, approval or accession in respect of the Agreement is insufficient to enable it to enter into force,

RECOGNIZING the importance of global cooperation and partnerships to promote the ratification and effective implementation of the Agreement by as many States as possible, including developing States,

BELIEVING that the promotion of technical cooperation and the provision of technical assistance will aid States lacking adequate expertise to implement the provisions of the Agreement,

APPRECIATING the efforts and contributions made by IMO, FAO, ILO, other United Nations agencies and other international organizations to improve the safety of fishing vessels, including the conditions under which fishing vessel personnel work, and combat IUU fishing practices,

ENCOURAGED BY the determination of the signatory States of the Torremolinos Declaration on 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 ("the Torremolinos Declaration"),

GREATLY APPRECIATING the efforts of the officers of the Ministerial Conference, the panel moderators and the information provided by the expert presenters, as well as the messages from the United Nations Secretary-General's Special Envoy for the Ocean, ministers, ambassadors and other dignitaries conveyed during the Ministerial Conference,

1 ENCOURAGES States that have not yet signed the Torremolinos Declaration to consider doing so during the period that it is open for signature;

2 CALLS UPON States that have not yet become parties to the Agreement to consider doing so by the tenth anniversary of its adoption (11 October 2022);

3 URGES States Parties to the Agreement to implement it, recognizing that the effectiveness of the Agreement depends upon the widespread support of States, in their capacities as flag, port and coastal States;

4 STRONGLY URGES States to take actions to prevent, deter and eliminate IUU fishing, consistent with their respective obligations under international law, and recognizing that entry into force of the Agreement can empower Parties to carry out inspections and surveys of fishing vessels, thereby enhancing the transparency of fishing activities;

5 ENCOURAGES States to ratify, promote and implement the 1995 STCW-F Convention, which sets the standards of training, certification and watchkeeping of personnel employed on board fishing vessels, the goals of which run parallel to those of the Agreement, and which forms a significant component of IMO's regulatory framework for the safety of fishing vessel personnel and fishing vessels;

6 CALLS UPON IMO, FAO and ILO to continue to work together to achieve rapid worldwide implementation of international agreements on issues relating to work in the fishing sector, protection of fishing vessel personnel, improvement of fishing vessel safety and elimination of IUU fishing, and combating forced labour in fishing and related industries; and States, through ministries, agencies and departments at the national level, to coordinate their actions to address these issues;

7 ENCOURAGES IMO and other relevant international organizations and States with technical expertise on matters relating to fishing vessel safety and IUU fishing to provide technical assistance on the said matters to States that are seeking such assistance;

8 INVITES States that experience difficulties in the process of becoming parties to the Agreement to inform IMO of the circumstances thereof, so that consideration can be given to taking appropriate action in this respect, including providing necessary technical assistance;

9 REQUESTS IMO to consider:

- .1 continuing to provide States, particularly developing States, with the assistance they may need in acceding to and implementing the Agreement and to make adequate provision for that purpose within its Integrated Technical Cooperation Programme;
- .2 developing further related technical assistance tools, as appropriate and in cooperation with relevant international organizations, for example on matters concerning fishing working conditions, fishing vessel construction, training of fishing vessel personnel, monitoring, control and surveillance, operations and seaworthiness standards for fishing vessels, protection of the environment, combating IUU fishing, and measures against the fraudulent registration of vessels engaged in IUU fishing;

10 ALSO REQUESTS IMO to monitor the progress made regarding the entry into force of the Agreement and to take action as appropriate.

