

FACILITATION COMMITTEE
46th session
Agenda item 1

FAL 46/1/2
24 January 2022
Original: ENGLISH
Pre-session public release:

ADOPTION OF THE AGENDA; REPORT ON CREDENTIALS

Arrangements for FAL 46

Consideration of selected agenda items by correspondence

Note by the Chair

SUMMARY

| | |
|--|---|
| <i>Executive summary:</i> | This document provides information on action the Committee will be invited to take by correspondence in relation to items on its agenda for the forty-sixth session |
| <i>Strategic direction, if applicable:</i> | Not applicable |
| <i>Output:</i> | Not applicable |
| <i>Action to be taken:</i> | Paragraph 7 |
| <i>Related documents:</i> | As specified in the annex |

Background

1 The last two sessions of the Committee, FAL 45 and FAL 46, were held virtually. Due to the limitations of virtual meetings, the Committee on neither occasion managed to consider the complete agenda for the respective sessions. Taking into account the high number of agenda items and the limited time of remote meetings, the Chair intends to consider some of the agenda items by correspondence.

Proposed way forward

2 With a view to alleviating the burden of the virtual meetings and to progressing the work as much as possible, taking into account the precedents set by the Council, MSC and MEPC, the following agenda items should be considered by correspondence prior to FAL 46:

- .1 agenda item 11 – Unsafe mixed migration by sea;
- .2 agenda item 12 – Consideration and analysis of reports and information on persons rescued at sea and stowaways;

- .3 agenda item 18 – Technical cooperation activities related to facilitation of maritime traffic;
- .4 agenda item 19 – Relations with other organizations; and
- .5 agenda item 20 – Application of the Committee's procedures on organization and method of work.

3 The annex to this document sets out a list of documents submitted under the above agenda items to the FAL Committee, together with some background information, as appropriate, and the Chair's proposals on what relevant action should be taken, to be considered by correspondence prior to FAL 46.

4 Member States and international organizations are invited to provide their comments, if any, on the Chair's proposed actions to be taken by the Committee in relation to the documents to be considered by correspondence prior to the virtual meeting, to info@imo.org by 4 March 2022 (to allow for the preparation of a document replying to any comments by the deadline for commenting documents for FAL 46, i.e. 18 March 2022). In the event that substantial comments on a particular proposal are received, the Chair, in consultation with the Member State(s) concerned and the Secretariat, will aim to modify the proposal in question, or alternatively suggest to defer the consideration of the matter to FAL 47.

5 The Secretariat, in consultation with the Chair, will collate all comments received in a single document, which will also contain explanations on how these comments were addressed. This document will be circulated in good time before FAL 46.

6 The Chair's proposals, as may be amended following receipt of comments, will be subject to endorsement by the Committee during the virtual meeting.

Action requested of the Committee

7 The Committee is invited to:

- .1 endorse the Chair's proposals on the arrangements for the consideration of selected agenda items by correspondence, as set out in this document; and
- .2 consider the Chair's proposals for the actions to be taken in relation to the documents considered by correspondence prior to the virtual meeting, noting that those proposals, as may be amended following receipt of comments, will be subject to final endorsement during the virtual meeting.

ANNEX

LIST OF DOCUMENTS TO BE CONSIDERED BY CORRESPONDENCE PRIOR TO FAL 46 AND CHAIR'S PROPOSALS FOR ACTION

1 AGENDA ITEM 11 – UNSAFE MIXED MIGRATION BY SEA

Documents to be considered through correspondence prior to the virtual meeting

No documents submitted to FAL 44 and FAL 45.

Background

In 2021, UNHCR launched an initiative to re-constitute the Inter-Agency Group on Safety of Life at Sea, to discuss, plan and execute coordinated joint action and advocacy to support the prevention of dangerous journeys at sea, SAR activities, and safe disembarkation. EOSG, ICS, ILO, IMO, IOM, OHCHR, OLA and UNODC have been invited to participate in the Group.

FAL 45 agreed to postpone the consideration of the agenda item on "Unsafe mixed migration by sea" and extended its target completion year to 2022.

MSC 104 considered the proposal of Denmark of an MSC resolution to reiterate the importance of effective and timely involvement of Governments in cases of rescue of migrants at sea by merchant ships. The Committee, taking into account the various views and suggestions, agreed to postpone further consideration of the matter to MSC 105 and invited Member States to submit comments to that session, with a view to finalizing the resolution then.

The Chair proposes that the Committee:

- .1 notes UNHCR's initiative to re-constitute the Inter-Agency Group on Safety of Life at Sea;
- .2 notes the discussions in MSC regarding the adoption of a new resolution to reiterate the importance of effective and timely involvement of Governments in cases of rescue of migrants at sea by merchant ships; and
- .3 agree to extend the target completion year of output 5.13 "IMO's contribution to addressing unsafe mixed migration by sea" to 2023, with the aim of keeping the Committee informed of developments.

2 AGENDA ITEM 12 – CONSIDERATION AND ANALYSIS OF REPORTS AND INFORMATION ON PERSONS RESCUED AT SEA AND STOWAWAYS

Documents to be considered through correspondence prior to the virtual meeting

No documents submitted to FAL 44 and FAL 45.

Background

Consideration and analysis of reports and information on stowaways

The information of the stowaway incidents which have been reported to the Organization since FAL 43, the last session which the Committee considered this agenda item, is as follows:

| Year | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|---------------------|------|------|------|------|------|------|------|------|------|
| Number of incidents | 70 | 61 | 28 | 55 | 63 | 47 | 55 | 54 | 50 |
| Number of stowaways | 203 | 120 | 80 | 163 | 157 | 182 | 138 | 55 | 96 |

The number of reports received by the Organization since FAL 43 is 159, which involved 289 stowaways; and the total number of reports until 31 December 2021 has been 4,783, which involved 14,741 stowaways.

FAL 43 considered document FAL 43/13 (P&I Clubs), which provided information on an analysis of claims data collated by them on stowaway cases in the policy years 2007, 2011, 2014 and 2017. FAL 43 noted that that the figures provided by the P&I Clubs suggested that the scale of the stowaway problem was still significant. While the number of incidents had nearly halved during the 11-year period from 2007 to 2017, the number of stowaways per incident had increased by nearly 50%, and the total cost net of deductible to the P&I Clubs, including fines imposed by Governments on shipowners, had decreased by some 30%, from \$14.3 million in 2007 to \$9.5 million in 2017. The P&I Clubs noted a significant reduction in the number of incidents emanating from some West African ports, which could represent a positive outcome of the seminars on stowaways organized by IMO in Abidjan and Durban in 2014 and in Yaoundé in 2017.

FAL 43, having noted that the statistics published by IMO presented lower figures of stowaways than the figures reported by the P&I Clubs, urged Member States and international organizations to provide timely and accurate information on stowaway cases to the Organization in accordance with standard 4.7.1 of the FAL Convention, making use of the relevant GISIS module.

Consideration and analysis of reports and information on persons rescued at sea

Since the launch of the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS¹ (on 6 July 2015), only 23 incidents had been entered in the database, by two Member States.

The Chair proposes that the Committee:

- .1 notes the information on the number of reports of incidents and the stowaways involved;
- .2 urges Member States and international organizations to provide timely and accurate information on stowaway cases to the Organization in accordance with standard 4.7.1 of the FAL Convention, making use of the relevant GISIS module;
- .3 invites the P&I Clubs to present information on stowaway cases, as this is an effective information source to understand the complexity of stowaway incidents;
- .4 notes the number of reports on persons rescued at sea entered in GISIS since 2015; and

¹ Refer to Global Integrated Shipping Information System (GISIS) – Inter-agency platform for information sharing on migrant smuggling by sea (Circular Letter No.3569).

- .5 notes the low level of reporting of migrant incidents at sea and of suspected smugglers and vessels, as requested by the Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea (MSC.1/Circ.896/Rev.2), and encourages Member States to provide and update the information in the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS.

3 AGENDA ITEM 18 – TECHNICAL COOPERATION ACTIVITIES RELATED TO FACILITATION OF MARITIME TRAFFIC

Documents to be considered through correspondence prior to the virtual meeting

| | | |
|------------------------|-------------|--|
| FAL 46/18 ² | Secretariat | Activities relevant to the FAL Convention since FAL 44 |
|------------------------|-------------|--|

Background

Document FAL 46/18 contains the activities relevant to the implementation of the FAL Convention, conducted since FAL 44, when the Committee considered the activities conducted under ITCP in the period from December 2018 to December 2019.

The Chair proposes that the Committee:

- .1 notes the status of activities relevant to the implementation of the FAL Convention, conducted under ITCP in the period from December 2019 to December 2021; and
- .2 urges Member States and the maritime industry to contribute to the Organization's technical cooperation programme.

4 AGENDA ITEM 19 – RELATIONS WITH OTHER ORGANIZATIONS

Documents to be considered through correspondence prior to the virtual meeting

| | | |
|-----------|-------------|------------------------------------|
| FAL 46/19 | Secretariat | Outcome of A 32, C 124 and C/ES.34 |
|-----------|-------------|------------------------------------|

Background

Document FAL 46/19 contains the outcome of A 32, C 124 and C/ES.34 concerning relations with non-governmental organizations. This document provides information about the decisions of these IMO bodies and summarizes the relevant information since FAL 44, the last time the Committee considered this agenda item.

The Chair proposes that the Committee:

- .1 notes the Committee noted the relevant decisions of A 32, C 124 and C/ES.34 with regard to relations with non-governmental organizations, applications for consultative status and related matters.

² To be issued in due course.

5 AGENDA ITEM 20 – APPLICATION OF THE COMMITTEE'S PROCEDURES ON ORGANIZATION AND METHOD OF WORK

Documents to be considered through correspondence prior to the virtual meeting

No documents submitted to FAL 44 and FAL 45.

Background

MSC 101 and MEPC 75 approved the revised document on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, which reflects the decision of the Committees to no longer assess capacity-building implications for new outputs at the time of their approval and incorporates the corrections that had previously been issued as MSC-MEPC.1/Circ.5/Rev.1/Corr.1, taking into account the document on *Application of the Strategic Plan of the Organization* (resolution A.1111(30)). This new version of the guidelines was issued by means of MSC-MEPC.1/Circ.5/Rev.2.

The Chair proposes that the Committee:

- .1 notes that MSC 101 and MEPC 75 approved MSC-MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*.
