



**Food and Agriculture
Organization of the
United Nations**

FIRO/R1124 (En)

**FAO
Fisheries and
Aquaculture Report**

ISSN 2070-6987

Report of the

**SECOND SESSION OF THE JOINT FAO/IMO AD HOC WORKING
GROUP ON ILLEGAL, UNREPORTED AND UNREGULATED (IUU)
FISHING AND RELATED MATTERS**

Rome, 16–18 July 2007

Report of the
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ISBN 978-92-5-108925-5

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PREPARATION OF THIS DOCUMENT

This is the report of the Second Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG), held in Rome, Italy, on 16–18 July 2007.

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FAO. 2015.

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FAO Fisheries and Aquaculture Report No. 1124. Rome, Italy.

ABSTRACT

This document contains the report of the Second Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG), held in Rome, Italy, on 16–18 July 2007.

The UN Commission on Sustainable Development, which met in April 1999, highlighted the issue of flag and port State responsibilities and the need for FAO and the International Maritime Organization (IMO) to cooperate on solving problems relating to IUU fishing. Accordingly, FAO presented a paper to the IMO Maritime Safety Committee suggesting draft terms of reference for an ad hoc working group. The first session of the JWG was held in Rome, Italy, on 9–11 October 2000.

Contents

OPENING OF THE JOINT WORKING GROUP	1
ARRANGEMENTS FOR THE SESSION	1
ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON	1
ADOPTION OF THE AGENDA	2
OVERVIEW OF IUU FISHING	2
BACKGROUND SUMMARIES	2
PORT STATE CONTROL – PORT STATE MEASURES	3
COMPREHENSIVE GLOBAL RECORD OF FISHING VESSELS	4
REPORT OF THE 2006 FAO EXPERT CONSULTATION ON THE USE OF VESSEL MONITORING SYSTEMS AND SATELLITES FOR FISHERIES MONITORING, CONTROL AND SURVEILLANCE	6
TORREMOLINOS PROTOCOL/STCW-F, CODE OF SAFETY FOR FISHERMEN AND FISHING VESSELS, VOLUNTARY GUIDELINES FOR THE DESIGN, CONSTRUCTION, AND EQUIPMENT OF SMALL FISHING VESSELS AND THE DRAFT SAFETY RECOMMENDATIONS FOR DECKED FISHING VESSELS OF LESS THAN 12 METRES IN LENGTH AND UNDECKED FISHING VESSELS. THE ILO CONVENTION AND RECOMMENDATION ON WORK IN THE FISHING SECTOR	7
CONSULTANT STUDY ON THE ENTRY INTO FORCE OF THE 1993 TORREMOLINOS PROTOCOL	7
VESSEL MANAGEMENT AND STATES' AUDIT	9
SECURITY ISSUES RELATED TO NON-CONVENTION SHIPS	9
MEASURES AGAINST CRIMINAL OFFENCES ON BOARD FOREIGN FLAGGED VESSELS	9
SAFETY AT SEA	9
ILO WORK IN FISHING CONVENTION	9
MARINE DEBRIS	10
FUTURE COLLABORATION BETWEEN FAO AND IMO	11
ANY OTHER BUSINESS	12
ADOPTION OF THE REPORT	12
APPENDIX 1: Agenda	13
APPENDIX 2: List of Delegates and Observers	14

APPENDIX 3: List of Documents	21
APPENDIX 4: The Working Document Providing Guidance on Agenda Items	23
Annex 1: IMO's and FAO's Mandates and Areas of Interest	45
Annex 2: Global Integrated Shipping Information System (GISIS)	46
APPENDIX 5: Opening Statement by Ichiro Nomura	50
APPENDIX 6: Speech of Mr K. Sekimizu	52

OPENING OF THE JOINT WORKING GROUP

1. The second session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG) was held in Rome, Italy, from 16 to 18 July 2007. The Governments of Australia, Chile, Iran (Islamic Republic of), Japan, the Philippines, and the United States of America, and the European Community (Member Organization) represented the Food and Agriculture Organization of the United Nations (FAO) at the JWG. The Governments of Argentina, Canada, China, Denmark, Liberia, Norway, the Republic of Korea, and Turkey represented the International Maritime Organization (IMO). Iceland participated as an observer. In addition, the United Nations Office of Legal Affairs/ Division for Ocean Affairs and the Law of the Sea (UN/DOALOS), the International Labour Organization (ILO), and the International Transport Workers Federation (ITF) were represented.

2. The agenda is given in Appendix 1, and the list of delegates and observers is given in Appendix 2. The documents prepared for the JWG are listed in Appendix 3. The working document providing guidance on agenda items is attached in Appendix 4.

3. The meeting was called to order by the Technical Secretary of the JWG, who welcomed delegates and observers to the second session of the JWG.

4. In his opening statement, the Assistant Director-General for FAO's Fisheries and Aquaculture Department, Mr Ichiro Nomura, welcomed participants to FAO and Rome and then outlined the purpose of the second session of the JWG and the agenda topics it would consider. He described the serious concerns surrounding IUU fishing but noted that much had occurred since the JWG first met in 2000. The need to identify areas of meaningful collaboration between the organizations that addressed IUU fishing was stressed. He summarized the type of collaboration that FAO and IMO had engaged in in the past and suggested that it might be useful for meetings between the respective Secretariats to be held on a regular basis, allowing each Organization to become more familiar with the work and operation of the other. Mr Nomura's opening statement is attached in Appendix 5.

5. The Director of the Maritime Safety Division of IMO, Mr K. Sekimizu, thanked FAO for hosting the second session of the JWG and welcomed attendees. He continued by stressing the concern regarding the slow pace of ratification of the 1993 Torremolinos Protocol as expressed by the Secretary-General of IMO in his address to the Twenty-seventh Session of the FAO Committee on Fisheries (COFI), in March 2007. On the issue of marine debris, the IMO Marine Environment Protection Committee expects advice from the JWG concerning the development of the framework for a comprehensive review of MARPOL Annex V, focused on fishing gear as a significant component of marine debris. Finally, he supported M. Nomura's view of a close and regular organizational relationship between FAO and IMO, while stressing the importance of considering a more systematic approach between the main organs of both Organizations involving maritime administrations and fishery authorities of Members. The complete text of Mr Sekimizu's intervention is set out in Appendix 6.

ARRANGEMENTS FOR THE SESSION

6. The Technical Secretary described the arrangements to be followed.

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON

7. Mr Joji Morishita, Director for International Negotiations, International Affairs Division, Fisheries Agency (Japan) was elected Chairperson. He thanked participants for their support. Capitan Eduardo Polemann (Argentina) was elected Vice-Chairperson.

ADOPTION OF THE AGENDA

8. The Chair asked for comments on the agenda. A suggestion was made to address an IMO initiative dealing with the development of a new criminal law provision regarding crimes against crew on ships. The Chair suggested this matter could be raised under agenda item 10. It was also mentioned that the monitoring, control and surveillance (MCS) network would be sponsoring a global MCS training conference in 2008 and that this could be discussed under the agenda item “Any other business”. The JWG then adopted the agenda given in Appendix 1.

OVERVIEW OF IUU FISHING

9. The JWG viewed the DVD Illegal, Unreported and Unregulated (IUU) Fishing, prepared for the FAO Ministerial Meeting on Fisheries, Rome, 12 March 2005, as an introduction to the topic.

BACKGROUND SUMMARIES

10. FAO introduced the topic of IUU fishing by describing some of the most significant attributes of IUU fishing and initiatives taken to combat it. The Chair’s observations and the discussion that followed noted that: IUU fishing describes an extensive range of conduct; and it concerns harvesting, shipment, processing, landing, sale and distribution of fish and fishery products. This range of activities also encompasses an array of different actors. These IUU activities occur both on the high seas and in areas under national jurisdiction. As these activities occur at the local, national, regional and global levels, it underscores the need for joint solutions and cooperative approaches to these problems. There is a range of IUU situations that spans a continuum from high-tech organized corporate operations to poverty-driven local communities with subsistence and small-scale IUU fisheries that can devastate local communities economically. Additional differences include organization, laws, authorization, personnel and orientation. Solutions should take account of these differences. Compliance with vessel safety and marine pollution prevention requirements can also vary widely with IUU vessels.

11. A number of tools, including both binding and non-binding instruments, have been developed in the past decade to support States in their fight against IUU fishing. Initially, the emphasis centred on measures to be adopted by flag States, in accordance with their duties and responsibilities under the United Nations Convention on the Law of the Sea (UNCLOS). The FAO’s International Plan of Action to Prevent, Deter and Eliminate IUU Fishing, adopted in 2001, broadened this approach through establishing a comprehensive set of measures that States can apply in their capacity as a flag, port, coastal, or market State or as a member of a regional fisheries management organization (RFMO). The RFMOs have also been very active in implementing measures against IUU fishing such as the use of “black” and “white” lists, catch documentation schemes, port State measures, and prohibitions on transshipment.

12. FAO proceeded to summarize the events that led to the formation of the JWG in 1999–2000 involving both FAO and IMO, their Members and various committees and subcommittees. At that time, the formation of the JWG was suggested within the context of rising concerns over flag hopping, use of flags of convenience/non-compliance and reflagging, as these facilitated IUU fishing.

13. The work of the first session of the JWG centred on two areas: (i) flag State control; and (ii) port State inspections of foreign flag vessels. Checklists for each were developed.

14. While the first JWG had terms of reference, these had largely been achieved and as so much had transpired during the seven years since the first meeting, no new terms were drawn up for this second session. Instead, the FAO and IMO Secretariats had discussed and agreed that the JWG should

identify areas for meaningful collaboration between the Organizations, taking into account differing mandates, methods of operation and priorities, and limits on staff, budget and resources.

PORT STATE CONTROL – PORT STATE MEASURES

15. The topic of port State measures was introduced by FAO with reference to the Working Document Providing Guidance on Agenda Items, Appendix 4. The presentation outlined FAO's initiatives on port State measures with particular focus on the FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing (the FAO Model Scheme) and the directive of COFI to develop a binding instrument on port State measures.

16. The JWG, in comparing port State control under IMO and ILO Conventions and port State measures regimes, noted the significant difference between the two regimes, with the former focusing on ships and crews, and the latter targeting compliance with fisheries conservation and management measures. The JWG noted that the use of the terms "PSC" and "PSM" was to distinguish between regimes for maritime shipping and regimes for fisheries conservation and management, and that the use of the terms was without prejudice to the effect of the terms. It also noted that for IMO port State control, highly trained PSC officers conducted inspections. The JWG was informed that the FAO Model Scheme anticipated that fisheries inspectors would conduct inspections. It also noted that in some countries a single national authority carried out inspections under IMO and ILO Conventions as well as fisheries inspections, while in other countries these tasks were carried out by separate authorities. These differences should be considered in capacity building and training initiatives that will require improved collaboration between interested parties in the development of harmonized guidelines. In this context, the need to consider the difference between developed and developing countries and their requirements was emphasized.

17. The JWG noted the usefulness of effective regional port State measures regimes, especially those employing market measures, catch documentation schemes and "black" and "white" lists. In this connection, the catch documentation scheme of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the recent entry into force and successful enforcement of the comprehensive port State measures scheme of the North East Atlantic Fisheries Commission (NEAFC) against incidences of IUU fishing were noted. The need for the exchange of experiences in developing the criteria for determining the blacklisting of vessels and the harmonization of such systems was stressed. It was clarified by IMO that the use of "black", "grey" and "white" lists and the use of the "banned ships" classification were actions undertaken by regional PSC regimes.

18. With regard to regional port State control regimes, the JWG noted the success of substandard ship detention and mandatory correction of deficiencies before detention was lifted. These measures, which had an immediate economic impact, both in terms of financial outlay for repairs and lost operating time, were credited with the scheme's positive impact. FAO was encouraged to consider similar measures and incentives in developing its regime on port State measures.

19. The JWG recognized that port State measures were only one tool to combat IUU fishing that should be used to complement other monitoring and surveillance tools. The JWG also noted that the primary responsibility for ensuring compliance by fishing vessels with fisheries management measures and other requirements rested with flag States. Port States and flag States should work closely together, including in the sharing of information. At COFI 27, a number of States had proposed an Expert Consultation to develop flag State performance criteria, the arrangements for which were being considered.

20. The JWG recommended that the FAO Model Scheme be widely circulated, in particular, to PSC inspection services in support of the enhanced cooperation to be established between PSC

officers and fisheries authorities. The idea of the development of an international database on the implementation of port State measures, similar to the European Quality Shipping Information System (Equasis) or the Global Integrated Shipping Information System (GISIS), which should be accessible to all PSC regimes and RFMOs, was supported.

21. The recommendation of COFI 27 to develop a binding instrument on port State measures based on the FAO Model Scheme was commended. The anticipated adoption of the instrument by COFI in 2009 was also noted, as well as the convening of an Expert Consultation in 2007 and a Technical Consultation in 2008 to prepare the text of this instrument. While acknowledging the differences in the competencies of IMO and FAO in relation to the purpose and activities of port State control, the JWG encouraged IMO to assist FAO in the development of the binding instrument to ensure that the final product is effective and not redundant. The expressed willingness of IMO to assist FAO in this regard was noted.

22. It was acknowledged by the JWG that important IMO binding instruments had not entered into force after many years, thus having a negative impact on conformity with international safety standards. The provisions for entry into force of the proposed FAO binding instrument on port State measures should be crafted in a manner that would ensure its early entry into force.

23. The JWG recognized the need to have clear definitions of terms such as “fishing vessel” in a binding agreement. It was noted that the definition of “fishing vessels” in the FAO Model Scheme included “support ships” and “carrier vessels”, which is the basis for possible overlap in relation to “cargo” and “transport” vessels. This underscores the need for FAO and IMO collaboration to avoid duplication of effort and to ensure harmonization of standards and terminology.

24. It was also observed that RFMO Secretariats could attend Committee on Flag State Implementation (FSI) meetings as observers to facilitate sharing of information in matters relating to measures against IUU fishing.

25. The JWG recommended that FAO and IMO should:

- share information among regional organizations involving port State control regimes and RFMOs. In this context, the JWG proposed that the FAO Secretariat consider attending the next IMO Global Workshop on PSC and jointly present a comparative study of the areas covered by the various regional organizations;
- identify enforcement options to act as incentives or deterrents;
- facilitate the harmonization of standards, definitions and terminologies.

COMPREHENSIVE GLOBAL RECORD OF FISHING VESSELS

26. The agenda item was introduced by FAO. IMO introduced other pertinent information on its GISIS and on the development of the European Quality Shipping Information System (Equasis).

27. The JWG, in noting that no comprehensive list of fishing vessels existed worldwide, supported the FAO initiative to develop a global record of fishing vessels, to include refrigerated transport vessels and support vessels. The JWG noted that existing databases of fishing vessels, including the Lloyd’s Register Fairplay (LRF) database, might be incomplete and that the collection of more complete sets of records on fishing vessels would require the active participation of flag States, in particular of those flag States having a considerable fleet of fishing vessels that could be approached in this regard, as appropriate.

28. It noted that a proposal for an Expert Consultation to further develop the concept and seek policy advice had been endorsed by COFI 27.

29. In responding to a question from the JWG in relation to the use of the terms “register” and “record”, the FAO Secretariat explained that for the purpose of the feasibility study on the global record written by FAO, the term “register” of vessels referred to the formal act of registration of ownership and nationality in accordance with the national legislation of the flag State concerned, while the word “record” referred to the document in which authorized fishing vessels are listed by the competent authorities, in accordance to the requisites of national legislation or the relevant provisions of international instruments such as the 1993 Compliance Agreement. Thus, the study was conducted on the understanding that information, from whatever source, would be entered in such a global “record” without any doubt as to the fact that vessels are not to be “registered” by FAO.

30. It was noted with concern that not all States had a domestic register of fishing vessels.

31. With regard to the scope of a global record, the JWG noted the need to:

- clearly define what is meant by the term “fishing vessel”;
- give a clear interpretation of the expression “bays, sounds, seas and oceans” as used in the study;
- consider the use of accepted definitions for the length and tonnage of vessels, in particular, the recommended harmonization of the size criteria among the various international instruments, preferably on the basis of requirements that already cover the issuance of certificates.

32. With regard to the proposal to develop a means to uniquely identify a vessel throughout its life, the JWG noted the recommendation of the study to allocate the Lloyds’ Register (LR) number to all vessels of 100 GT and above. The JWG was advised that in certain areas port States actually request the IMO number although there is no requirement for a fishing vessel to have one. The JWG also considered the allocation of a unique number to vessels of less than 100 GT and concluded that FAO and IMO should collaborate in order to avoid the creation of conflicting systems of identification. In addition, the JWG recommended that there should be close cooperation in the development of a global record between FAO and RFMOs. The JWG also noted that the development of a fishing vessel identification number scheme should serve the objectives and requirements of all international instruments. This could require such a scheme to be developed, maintained and monitored to serve the various purposes in a harmonized way.

33. The JWG noted that although important, and while it should be addressed, the issue of collecting information about ownership would be a difficult one to tackle.

34. The JWG was informed that the FAO study had recognized the need for legal and technical assistance to developing countries in the process of creating a global record. This assistance would span a period of not less than three and a half years.

35. The JWG, in expressing its appreciation for the FAO initiative to create a global record in the public domain, noted that the benefits might not be limited to combating IUU fishing alone and encouraged FAO to obtain adequate funding for the proposed development project and the long-term maintenance.

36. The JWG recommended that:

1. in the development of a scheme to uniquely identify refrigerated transport vessels and support vessels of less than 100 GT, and fishing vessels of all sizes, FAO and IMO should collaborate in order to avoid the creation of conflicting systems of identification;
2. IMO collaborate with FAO in the preparation of the forthcoming Expert Consultation on the development of the Global Record scheduled for later in 2007;

3. the IMO and FAO Secretariats cooperate on the collection of records from flag States to develop a more comprehensive world fishing fleet database. Provided that the issuance of identification numbers by LRF would remain at a no-cost basis for IMO, FAO and their Members (including the facilities of the GISIS module on ship identification), the two Secretariats may consider associating the current manager of the IMO number schemes to this exercise, and report to their relevant respective bodies, as appropriate.

REPORT OF THE 2006 FAO EXPERT CONSULTATION ON THE USE OF VESSEL MONITORING SYSTEMS AND SATELLITES FOR FISHERIES MONITORING, CONTROL AND SURVEILLANCE

37. The JWG was informed about the outcomes of the 2006 FAO Expert Consultation on the use of Vessel Monitoring Systems and Satellites for Fisheries MCS. The discussion of the JWG acknowledged the rapid and continued expansion of satellite-based vessel monitoring systems (VMS) by countries and RFMOs for fishing vessel monitoring. The value of satellite-based VMS as an effective MCS tool was noted but it also should be considered as part of a broader MCS framework and used in an integrated manner, with other data sources and for additional purposes, such as safety. Increasing VMS data sharing requires cooperation on harmonization, formats and data quality and attention to data access and sensitivity to confidentiality concerns. The JWG also appreciated that other types of non-satellite-based systems that were available at a lower cost might provide more appropriate solutions to monitoring in some situations. FAO's dissemination of its comprehensive questionnaire on VMS was noted.

38. Other existing technologies used for vessel monitoring were also discussed including: (i) the Long-Range Identification and Tracking (LRIT) system, a global identification and tracking system for ships; and (ii) the Automatic Identification System (AIS), which provides information about vessel identity and movements within the more limited very high frequency range for vessel identification and collision avoidance. Successful experience in using these to track transport vessels was described.

39. The JWG noted that developments in identification and tracking technology would assist in dealing with the issue of at-sea transshipment of IUU fish.

40. The JWG recommended that FAO and IMO should:

- monitor developments and discuss information sharing, where possible;
- avoid duplication;
- examine the issue of transport and carrier vessels;
- coordinate capacity building
- consider the means for filling the gaps among different systems, if any.

TORREMOLINOS PROTOCOL STCW-F, CODE OF SAFETY FOR FISHERMEN AND FISHING VESSELS, VOLUNTARY GUIDELINES FOR THE DESIGN, CONSTRUCTION, AND EQUIPMENT OF SMALL FISHING VESSELS AND THE DRAFT SAFETY RECOMMENDATIONS FOR DECKED FISHING VESSELS OF LESS THAN 12 METRES IN LENGTH AND UNDECKED FISHING VESSELS. THE ILO CONVENTION AND RECOMMENDATION ON WORK IN THE FISHING SECTOR

CONSULTANT STUDY ON THE ENTRY INTO FORCE OF THE 1993 TORREMOLINOS PROTOCOL

41. The JWG considered issues related to the entry into force of IMO instruments for fishing vessels and fishers, i.e. the 1993 Torremolinos Protocol and STCW-F Convention, and noted that IMO had appointed an international consultant, Dr T. Mensah, to undertake a legal study to facilitate the entry into force of the 1993 Torremolinos Protocol. The Consultant presented his preliminary conclusions to the JWG, noting that many Governments had indicated that certain provisions were too stringent and wanted the relevant provisions of the Protocol to be amended before they could agree to be bound by the Protocol.

42. The Consultant observed that one of the important means to enable States to ratify the Protocol was increased coordination and cooperation among the authorities responsible, respectively, for fisheries and maritime transport in the Member States of FAO and IMO. To achieve this, it was necessary for FAO and IMO to ensure that future discussions on the Protocol would involve the relevant ministries and departments in each State.

43. The Consultant identified the following options – which he had analysed for presentation to the JWG:

1. Adoption of a new protocol

44. The Consultant stated that he had considered a suggestion to adopt a new protocol that would incorporate lower entry-into-force requirements while maintaining the substantive provisions of the 1993 Protocol, but did not consider that such an approach would be satisfactory. In the first place, such a new protocol would not satisfy the Governments that have concerns with some of the provisions of the present Protocol. Moreover, a new protocol could present serious legal and constitutional complications for the States that had already ratified the 1993 Protocol:

2. Revision of provisions of the Protocol

45. The preliminary view of the Consultant was, assuming there was a general agreement between the interested States that revising some provisions would facilitate ratification by enough States to bring the Protocol into force, that it would be possible to introduce the agreed revisions into the Protocol before it came into force. The following alternative options for achieving this were suggested:

a) Statement of understanding for suspending the application of provisions

The first option was for the Governments to identify the provisions that they found to be too stringent and agree on the changes that would be needed to make them acceptable. The Governments would then agree that, upon entry into force of the Protocol, the specified provisions would either not apply at all, or would apply subject to the specific changes that have been agreed. Such an agreement to suspend the application of the specified provisions could be formulated by a statement of understanding that might be adopted by the appropriate organ of IMO or by a conference of States convened by IMO with the collaboration of FAO. The Consultant stated that an agreement of all the States parties to a treaty to suspend the application of certain provisions (or to adopt a moratorium in respect of such provisions) was

permitted under the international law of treaties as embodied in the 1969 Convention on the Law of Treaties, and there were precedents for such a procedure.

b) Agreement relating to the implementation of the 1993 Torremolinos Protocol

The second option suggested by the Consultant was to incorporate the agreed revisions of the 1993 Protocol in a new instrument referred to as an Agreement relating to the implementation of the 1993 Torremolinos Protocol. This Agreement would be read and interpreted with the 1993 Protocol as a single treaty instrument. The Agreement would be adopted by an appropriate IMO organ or by an intergovernmental conference convened by IMO in collaboration with FAO. Such an Agreement would provide that States that accept it would also have to accept the 1993 Protocol, and the States that have already ratified the 1993 Protocol would be able to accept the revisions in the Agreement through the tacit acceptance procedure, if they so wished.

The adoption of such an Agreement would make it possible to revise the 1993 Protocol in order to remove the impediments that currently prevent some States with large fishing fleets from ratifying the Protocol. It would also make it possible for the revisions to become applicable at the same time as the Protocol enters into force. In addition, it would avoid the complications of having two separate treaties. In particular, it would make it possible for the States that have already ratified the 1993 Protocol to accept the revised Protocol without necessarily going through the constitutional or parliamentary processes normally required for formal ratification.

46. The JWG, having been made aware of the intention of additional States to ratify the Protocol and having noted the benefits of the possibility to introduce in the proposed Agreement the flexibility found within the ILO Work in Fishing Convention, 2007, also making use of the tables of equivalence between a vessel's length and tonnage contained therein, recognized the potential of the Consultant's proposal to achieve the entry into force of the Protocol.

47. Having noted that the technical difficulties for the entry into force of the Protocol had been described in detail in the report of the 2004 Regional Seminar on the Implementation of the 1993 Torremolinos Protocol in Beijing (China), such as the "narrow beam design" and the differences between vessels involved in fishing in domestic and international waters, the JWG agreed to recommend that IMO, with the collaboration of FAO, undertake appropriate consultations with interested Governments with a view to identifying the revisions to the 1993 Protocol that are needed to make the Protocol acceptable to enough Governments to ensure the early entry into force. In this context, the consultation could, possibly, involve the Consultant and a representative of FAO, and could be directed towards the Governments of the States with a national fleet of more than 1 000 fishing vessels of 24 metres in length and above.

48. The JWG recommended that IMO and FAO should ascertain States' views as to which of the above options is acceptable to the majority of Governments. In this context, IMO, with the cooperation of FAO, was recommended to explore options suggested by Dr Mensah and in particular explore the possibility of preparation of the draft Agreement relating to the implementation of the Torremolinos Protocol with a view to adoption by an appropriate IMO organ.

49. The JWG recommended that the IMO Secretariat, in cooperation with the FAO Secretariat, further consider the organization of international events for a focused consideration, at a decision-making level, of the entry into force of the Torremolinos Protocol and the STCW-F Convention.

VESSEL MANAGEMENT AND STATES' AUDIT

50. The JWG recommended that further consideration be given by the FAO Secretariat, in consultation with the IMO Secretariat, as appropriate, to the development of an instrument similar to the International Safety Management (ISM) Code for fishing vessels and companies, including fishery management-related provisions.

51. The JWG also recommended that the FAO Secretariat, in consultation with the IMO Secretariat, as appropriate, consider the merit of an audit scheme, as described in Working Document Providing Guidance on Agenda Items FI:JWG/FAO/IMO/IUU/2007/2/REV.2, based on the implementation of fishery management requirements by Members in their capacity as flag State, port State, coastal State and market State.

SECURITY ISSUES RELATED TO NON-CONVENTION SHIPS

52. The JWG noted that the ongoing work of IMO on security issues related to ships not covered by the International Convention for the Safety of Life at Sea (SOLAS) could be relevant in the context of the cooperation between the two Organizations, as this may contribute to the fight against IUU fishing. It was noted that the discussion on maritime security measures for non-SOLAS ships had revealed the need for consideration of a number of issues including the identification of fishing vessels.

MEASURES AGAINST CRIMINAL OFFENCES ON BOARD FOREIGN-FLAGGED VESSELS

53. The JWG considered the work of the Legal Committee of IMO, involving the Comité Maritime International (CMI) concerning the development of a model national law on criminal offences committed on foreign-flagged vessels. Having noted that the consideration of the issue had been limited to addressing criminal offences against members of the crew and passengers, the JWG supported the views expressed that the scope of the offences should also cover criminal offences against law enforcement officers, who are often involved in investigating IUU incidents, and recommended that the FAO Secretariat associate itself to any possible future work on this issue.

SAFETY AT SEA

54. The JWG was informed about the longstanding cooperation among FAO, ILO and IMO on the safety of fishing vessels and fishers. Recently revised publications, the Code of Safety for Fishermen and Fishing Vessels and Voluntary Guidelines, were the result of collaborative efforts among FAO, ILO and IMO. The three Organizations are currently developing a new standard, provisionally entitled "Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels".

ILO WORK IN FISHING CONVENTION

55. There were many areas of mutual interest to FAO, ILO and IMO that related directly and indirectly to IUU fishing and poor working conditions of fishers. The ILO representative informed the JWG of a significant recent development. In June 2007, the International Labour Conference adopted the Work in Fishing Convention, 2007 (No. 188) and its accompanying Recommendation (No. 199) by overwhelmingly positive votes. Extensive consultations among government, employer and worker representatives had led to this result. The ILO representative described the main contents of the Convention, the various flexibility provisions that would enable widespread ratification at an early date, and its enhanced flag and port State control compliance and enforcement provisions. The Convention also addressed the vital issue of coordination among both national and local authorities.

56. The JWG recommended that:

- IMO, in consultation with FAO, should explore options suggested by Dr Mensah and, in particular, explore the possibility of preparation of the draft Agreement relating to the implementation of the Torremolinos Protocol with a view to adoption by an appropriate IMO organ;
- the two Organizations should undertake appropriate consultations with the interested Governments with a view to identifying the revisions of the 1993 Protocol that are needed to make the Protocol acceptable to the required number of Governments to ensure the early entry into force;
- the two Organizations should assist Governments to adopt the measures needed to accept and implement the 1993 Protocol;
- the IMO Secretariat, in cooperation with the FAO Secretariat, should further consider organizing international events for a focused consideration, at a decision-making level, of the entry into force of the Torremolinos Protocol and the STCW-F Convention;
- the FAO Secretariat, in consultation with the IMO Secretariat, as appropriate, should consider the development of an instrument similar to the International Safety Management (ISM) Code for fishing vessels and companies, including fishery management-related provisions;
- the FAO Secretariat, in consultation with the IMO Secretariat, as appropriate, should consider the merits of an audit scheme, as described in Working Document Providing Guidance on Agenda Items FI:JWG/FAO/IMO/IUU/2007/2/REV.2, based on the implementation of fishery management requirements by Members in their capacity as flag State, port State, coastal State and market State;
- the FAO Secretariat should associate itself, as appropriate, with the IMO Secretariat to any possible work on the development of a model national law on criminal offences committed on foreign-flagged vessels, taking into account the proposal that the model national law should also cover criminal offences against law enforcement officers; and
- FAO and IMO should contribute technical expertise to ILO in its preparation of related guidance for port State control officers and invite ILO to participate in relevant FAO and IMO meetings concerning port State control in the fishing sector as appropriate.

MARINE DEBRIS

57. The United Nations General Assembly (A/RES/60/30 2006) invited IMO to review MARPOL Annex V in consultation with relevant organizations and bodies, and to assess its effectiveness in addressing sea-based sources of marine debris. The report on activities of the United Nations Environment Programme (UNEP) and other relevant UN bodies on the impact of marine debris on the health and productivity of the marine environment and consequent economic loss was also welcomed. A Correspondence Group, established by MEPC 55 in 2006 under the coordination of Canada, was tasked to develop the framework, method of work and timetable for a comprehensive review of MARPOL Annex V and the associated Guidelines for its implementation. A number of issues related to how ships manage their wastes are being considered, including concerns regarding fishing gear. The coordinator of the MEPC Correspondence Group reported to the JWG that both the Annex V text and associated Guidelines were under review and therefore advice from FAO and other UN agencies on measures that IMO could adopt for fishing vessels would be an asset. The coordinator also noted that FAO data on the incidence of lost fishing gear would help quantify the problem.

58. At the same time, FAO and UNEP have entered into a memorandum of understanding for the purpose of collaboration on the issue of abandoned or lost fishing gear. The findings of the

FAO/UNEP study titled “Abandoned, Lost and Otherwise Discarded Fishing Gear” (ALDFG) will be made available to the MEPC Correspondence Group. It was noted that ALDFG have a high probability to ghost fish and that such fishing could be a symptom of the “unreported” component of IUU fishing. Any changes to the legally binding text of MARPOL Annex V and Guidelines should aim to minimize both the occurrence and the impacts of ALDFG from all fishing vessels. The JWG reported that few States had implemented the Guidelines associated with MARPOL Annex V, especially with respect to measures for reporting, disposal, recycling and retrieval of lost gear. It was further noted that without unique identifying marks, the fishery or vessel of origin responsible for ALDFG could not be determined but that certain technology such as a bar coding system to identify ownership and transponders to locate and assist in retrieval of lost gear was available. In this regard, the JWG was advised that FAO would address this issue through the further development of standards for the marketing of fishing gear. Standard setting will also contribute to the development and implementation of programmes to prevent and recover marine debris as urged in UNGA Resolution A/RES/60/30/2006.

59. The JWG recommended that:

- FAO and IMO should continue collaboration on ALDFG through the MEPC Correspondence Group working on Annex V of MARPOL.

FUTURE COLLABORATION BETWEEN FAO AND IMO

60. In introducing this item, the Chair noted the need to address the general arrangements and conditions under which the two Organizations might collaborate; he further suggested that, where appropriate, FAO and IMO collaboration should be extended to include ILO.

61. Representatives of the two Secretariats noted the differing working arrangements of the two Organizations. Both representatives emphasized their full support to ensure that inter-Secretariat collaboration should continue on a regular basis. Concerning future meetings of the JWG, IMO requires governing body approval, while the FAO Secretariat would keep COFI fully informed of such meetings and the matters under discussion.

62. All Members/delegations spoke highly of the second session of the JWG regarding its organization, content and outcomes, and recommended that these meetings should continue. It was suggested that, in respect of the many new issues arising, the need for continued and extended FAO–IMO cooperation should be underlined, as well as appropriate coordination by the relevant authorities within Governments. It was agreed that the frequency of meetings of the JWG should be determined largely by the extent of developments of the various significant issues under review, some of which might extend beyond the sphere of IUU fishing. However, it was further agreed that the interval between JWG meetings would not exceed five years. On the basis of this understanding, the FAO and IMO Secretariats were requested to recommend in due course the date of the next JWG.

63. In addition to the recommendations contained in above sections of this report, the JWG recognized four priorities for action in the short term: port State control/measures, the Global Record of Fishing Vessels, Torremolinos Protocol and STCW-F, and marine debris.

64. It was agreed that the Secretariats should produce a document noting the purpose for a future meeting and a work plan for appropriate approvals in their respective Organizations. It was noted that collaboration would be further enhanced by regular reporting of follow-up actions or other matters arising out of this and future sessions of the JWG.

ANY OTHER BUSINESS

MCS Network and Second Global Fisheries Enforcement Training Workshop

65. The JWG was alerted to the existence of an additional tool being employed to fight IUU fishing – the International Monitoring, Control and Surveillance Network, which is a no-cost, voluntary network of fisheries MCS professionals who cooperate on fisheries MCS and share information about enforcement experiences. The MCS Network has about 60 member countries, and information about its most recent activities can be found on its website, www.imesnet.org.

66. The Government of Norway will serve as host to the Second Global Fisheries Enforcement Training Workshop to be held in Trondheim, Norway, on 7–11 August 2008. The workshop programme will include presentations on tools all countries can benefit from, regardless of the extent of their IUU activity or level of MCS capabilities. It will be sponsored by the MCS Network, FAO and other cosponsors, and information is available at www.gfetw.org or through the Network.

ADOPTION OF THE REPORT

67. The report was adopted on 18 July 2007.

AGENDA

1. Opening of Session
2. Arrangements for the second session of the Joint Working Group
3. Election of the Chairperson and Vice-Chairperson
4. Adoption of the Agenda
5. Overview of IUU fishing
6. Background summaries
 - Summary of events leading to the creation of the Joint Working Group, its first meeting and the meeting paper prepared jointly by the secretariats for the assistance of the Joint Working Group
7. Port State controls - port State measures
8. Comprehensive global record of fishing vessels
9. Report of the 2006 FAO Expert Consultation on the Use of Vessel Monitoring Systems and Satellites for Fisheries Monitoring, Control and Surveillance
10. Torremolinos Protocol, STCW-F, Code of Safety for Fishermen and Fishing – Vessels, Voluntary Guidelines for the Design, Construction, and Equipment of Small Fishing Vessels and the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels. The ILO Convention and Recommendation on Work in the Fishing Sector
11. Marine Debris
12. Future Collaboration between FAO and IMO
13. Any Other Business
14. Adoption of the Report

LIST OF DELEGATES AND OBSERVERS

ARGENTINA

Eduardo Raúl POLEMANN
 Vice-Chairperson
 Captain
 Alternate Permanent Representative to
 IMO
 27 Three Kings Yard
 London W1K 4DF
 United Kingdom
 Tel.: (+44) 020 74918785
 Fax: (+44) 020 749 8837
 E-mail: romi@saqnet.co.uk

Andrés Manuel MONZON
 Prefecto Mayor
 Jefe Departamento Seguridad de la
 Navegación
 Prefectura Naval Argentina
 Avda. Eduardo Madero 235
 1 piso of. 1.13
 C1 106ACC
 Buenos Aires
 Argentina
 Tel. – Fax: (+011) 43187508
 E-mail: amonzon@prefecturanaval.gov.ar

Javier Esteban FIGUEROA
 Consejero
 Consejo Federal Pesquero
 Paseo Colón 922, 1 piso Of. 102
 C1063ACW
 Buenos Aires
 Argentina
 Tel.: (+011) 43198013
 Tel. – Fax. : (+011) 43198009
 E-mail: fje@mercec.gov.ar
 www.cfp.gov.ar

Elisa Guillermina CALVO
 Fisheries Economics Division
 Undersecretariat of Fisheries and
 Aquaculture
 Avenida Paseo Colón 982
 (Anexo Jardín)
 Buenos Aires 1212
 Argentina
 Tel.: (+54) 11 43492476 – 43492329
 E-mail: elical@mecon.gov.ar

María del Carmen SQUEFF
 Consejero
 Representante Permanente Alterno
 ante la FAO/FIDA/PMA
 Embajada de la República Argentina
 Piazza dell'Esquilino 2
 00185 Rome
 Italy
 Tel.: (+39) 06 48073300
 E-mail: faoprargt@interfree.it
 mcsqueff@yahoo.com

AUSTRALIA

Franco ALVAREZ
 Fisheries and Aquaculture
 Fisheries and Forestry Division
 Department of Agriculture, Fisheries
 and Forestry
 GPO Box 858
 Canberra ACT 2601
 Australia
 Tel.: (+61) 2 62724694
 Fax: (+61) 2 62724875
 E-mail: franco.alvarez@daff.gov.au
 www.daff.gov.au

Judy BARFIELD
 Counselor (Agricultural Affairs)
 Alternate Permanent Representative
 to FAO
 Embassy of Australia
 Via Antonio Bosio, 5
 00161 Rome
 Italy
 Tel.: (+39) 06 85272376
 Fax: (+39) 06 85272346
 E-mail: judy.barfield@dfat.gov.au

CANADA

Richard DAY
 Director Operations and Environmental
 Programs
 Transport Canada
 330 Sparks Street, 10 Floor
 Ottawa, Canada
 Tel.: (+1) 613 9913131
 Fax: (+1) 613 9938196
 E-mail: dayrh@tc.gc.ca

Paul TOPPING
 Head, Marine Shipping
 Compliance Promotion and Permitting
 Environment Canada
 Gatineau, Quebec, Canada
 E-mail: paul.topping@ec.gc.ca

Caterina VENTURA
 Deputy Director
 Oceans Law Section
 Department of Foreign Affairs
 and International Trade
 125 Sussex Drive
 Ottawa, Ontario, Canada
 E-mail: caterina.ventura@international.gc.ca

Angela BEXTEN
 A/Manager
 International Fisheries Policy
 International Policy and Integration
 Fisheries and Oceans Canada
 200 Kent Street
 Station 14W095
 Ottawa, Ontario K1A 0E6, Canada
 Tel.: (+1) 613 9933050
 Fax: (+1) 613 9909574
 E-mail: bextena@dfo-mpo.gc.ca

CHILE

Luis BURGOS VELAZQUEZ
 Capitan de Navio
 Ministerio de Relaciones Exteriores
 76 Lynwood Road Thames Ditton
 United Kingdom
 Fax. : (+44) 2072921501
 E-mail: burgosimo@yahoo.co.uk

Julio FIOLE
 Primer Secretario
 Representante Permanente Alterno
 ante la FAO
 Embajada de la República de Chile
 Via Po, 23
 00198 Rome
 Italy

CHINA (PEOPLE'S REPUBLIC OF)

Zheng SONG CHUAN
 Consultant
 Register of Fishing Vessels
 Ministry of Agriculture
 22 Maizidian St.
 Chao Yang District
 Beijing 100026, China
 Tel.: (+86) 10 64194322
 Fax: (+86) 10 64194368
 Mobile: (+86) 13601261632
 E-mail: ccc_zheng@163.com

Yuliang PANG
 Third Secretary
 Alternate Permanent Representative
 of China to FAO
 Via degli Urali, 12
 Rome 00144, Italy
 Tel.: (+39) 06 59193129
 E-mail: yuliangpang@hotmail.com

DENMARK

Svend KARSTENSEN
 Head of Survey
 Danish Maritime Authority
 Ministry of Economic and Business Affairs
 Tel.: (+45) 39 174400
 Tel. direct: (+45) 39 174663
 Fax: (+45) 39 174401
 Mobile: (+45) 20 201866
 E-mail: ska@dma.dk
 www.dma.dk

**EUROPEAN COMMUNITY
(Member Organization)**

Gael DE ROTALIER
Administrator, International Policy and Law
of the Sea Unit, Directorate General for
Fisheries and Maritime Affairs
European Commission
99 rue Joseph II
1000 Brussels
Belgium
Tel.: (+32) 229 57573
E-mail: gael.de-rotalier@ec.europa.eu

IRAN (ISLAMIC REPUBLIC OF)

Javad Shakhs TAVAKOLIAN
Ambassador
Permanent Representative to FAO
Permanent Representation of the Islamic
Republic of Iran to FAO
Via Aventina, 8
00153 Rome, Italy
Tel.: (+39) 06 5743594
Fax: (+39) 06 5747636
E-mail: missiranfao@missiranfao.191.it
missiranfao@yahoo.com

JAPAN

Joji MORISHITA
Chairperson
Director for International Negotiations
International Affairs Division
Fisheries Agency of Japan
Ministry of Agriculture, Forestry
and Fisheries
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8950, Japan
Tel.: (+81) 3 35043995
Fax: (+81) 3 35020571
E-mail: joji-morishita@nm.maff.go.jp

Yukito NARISAWA
Planner
Far Seas Fisheries Division
Resources Management Department
Fisheries Agency of Japan
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8950, Japan
Tel.: (+81) 3 35028111 ext. 7248
Fax: (+81) 3 35915824
E-mail: yukito_narisawa@nm.maff.go.jp

Kenji MATSUMOTO
Research Coordinator
Fisheries Research Agency
15F Queen's Tower B, 2-3-3 Minato Mirai
Nishi-ku, Yokohama
Kanagawa 220-6115, Japan
Tel.: (+81) 45 2272755
Fax: (+81) 45 2272705
E-mail: hana0401@affrc.go.jp

Tetsuya KAWASHIMA
First Secretary
Alternate Permanent Representative to FAO
Embassy of Japan
Via Quintino Sella 60
00187 Roma, Italy
Tel.: (+39) 06 48799411
Fax: (+39) 06 4885109
E-mail: tetsuya.kawashima@mofa.go.jp

KOREA (REPUBLIC OF)

Ki-tack LIM
Counsellor (Maritime)
Embassy of the Republic of Korea
60 Buckingham Gate
London SW1E 6AJ
United Kingdom
Tel.: (+44) 0207 2275543
Fax: (+44) 0207 2275523
E-mail: limkt@hanmail.net
lim.kitack@gmail.com

LIBERIA

George ARKU
Permanent Maritime Representative to
the IMO
Minister Plenipotentiary
Liberian Permanent Mission to the IMO
Dean Bradley House
52 Horseferry Road
London SW1P 2AF
United Kingdom
Tel.: (+44) 0207 9760725
Direct: (+44) 0207 9760737
Fax: (+44) 0207 9760726
E-mail: garku@liberianpm.org.uk
georgearku@yahoo.com

NORWAY

Guri Kristin HJALLEN ERIKSEN
 Higher Executive Officer
 Department of Marine Resources and
 Environment
 Ministry of Fisheries and Coastal Affairs
 PO Box 8118 Dep.
 0032 Oslo, Norway
 Tel.: (+47) 22 246457
 Fax: (+47) 22 249585
 E-mail: guri.eriksen@fkd.dep.no
 odin.dep.no/fkd

Gunnar STOLSVIK
 Senior Adviser
 Norwegian Coast Guard
 Oslo mil/Akershus
 N-0015 Oslo
 Grev Wedels plass 9, Norway
 Tel.: (+47) 23 097905
 Fax: (+47) 23 097909
 Mobile: (+47) 95114247
 E-mail: gstolsvik@mil.no

Hans OLAV STENSLI
 Senior Adviser
 Royal Ministry of Fisheries and Coastal
 Affairs
 PO Box 8118 Dep.
 0032 Oslo, Norway
 Tel.: (+22) 246418
 Fax: (+22) 249585
 E-mail: hos@fkd.dep.no
 odin.dep.no/fkd

PHILIPPINES

Noel DE LUNA
 Deputy Permanent Representative to FAO
 Embassy of the Republic of the Philippines
 Viale delle Medaglie d'Oro, 112
 00136 Rome, Italy
 Tel.: (+39) 06 39746717
 Fax: (+39) 06 39889925
 Mobile: (+39) 3485109268
 E-mail: philrepfao@libero.it
 noeldeluna@gmail.com

TURKEY

H. Cahit YALCIN
 Captain
 Head, Ship Inspection Board
 Undersecretariat for Maritime Affairs
 Antalya District Directorate
 Antalya Liman Baskanligi, Turkey
 Tel.: (+242) 259 0993
 Fax: (+242) 259 1350
 E-mail: cahitkpt@denizcilik.gov.tr

Yüksel YUCEKAL
 Counsellor
 Embassy of Turkey
 Via Palestro 28
 Rome 00185, Italy
 Tel.: (+39) 06 4494200
 Fax: (+39) 06 4941526
 E-mail: yycekal@mfa.gov.tr

Ejbel CIRA
 Ministry of Interior
 Coast Guard Command Expert
 Sahil Güvenlik Komutanligi
 Bakanliklar/Ankara, Turkey
 Tel.: (+90) 312 4164765
 Fax: (+90) 312 4172845
 E-mail: ejbelcira@sgk.tsk.mil.tr

UNITED STATES OF AMERICA

Dean SWANSON
 Chief
 Office of International Affairs
 National Oceanic and Atmospheric
 Administration
 National Marine Fisheries Service
 Silver Spring, Maryland 20910, USA
 Tel.: (+1) 301 7132276
 Fax: (+1) 301 7132313
 E-mail: dean.Swanson@noaa.gov

Christopher M. BARROWS
 Chief
 Fisheries and Marine Protected
 Species Law Enforcement Policy
 US Coast Guard
 Commandant (CG-3RPL-4)
 2100 2nd Street S.W.
 Washington, DC
 DC 20593 0001, USA
 Tel.: (+1) 202 3722187
 E-mail: chris.m.barrows@uscg.mil

Augustus VOGEL
 Policy Liaison
 Office of the Oceanographer of the Navy
 U.S. Naval Observatory
 3450 Massachusetts Ave., NW
 Washington, DC, 20392-5421, USA
 Tel.: (+1) 202 7620577
 Fax: (+1) 202 7620618
 E-mail: augustus.vogel@navy.mil

Meggan ENGELKE-ROS
 Attorney-Advisor
 Office of General Counsel for
 Enforcement and Litigation
 National Oceanic and Atmospheric
 Administration (NOAA)
 8484 Georgia Ave., Suite 400
 Silver Spring, Maryland 20910, USA
 Tel.: (+1) 301 4272202
 Fax: (+1) 301 4272211
 E-mail: meggan.engelke-ros@noaa.gov

Stacey NATHANSON
 Attorney Advisor
 National Oceanic and Atmospheric
 Administration (NOAA)
 Office of General Counsel for Fisheries
 Silver Spring, Maryland 20910, USA
 Tel.: (+1) 301 7139673
 E-mail: stacey.nathanson@noaa.gov

John MITTLEMAN
 Science Advisor to the fleet
 US Navy
 ONR-Global/CNE-C6F
 Naples, Italy

OBSERVER FROM FAO MEMBER

ICELAND

Stefan ASMUNDSSON
 Director of International Affairs
 Ministry of Fisheries
 Skulagata 4
 IS-150 Reykjavik, Iceland
 Tel.: (+354) 5458300
 Fax: (+354) 5621853
 E-mail: stefan.asmundsson@sjr.stjr.is

REPRESENTATIVES OF UNITED NATIONS AND SPECIALIZED AGENCIES

International Maritime Organization (IMO)

Koji SEKIMIZU
 Director
 Maritime Safety Division
 International Maritime Organization
 4, Albert Embankment
 London SE1 7SR
 United Kingdom
 Tel.: (+44) 0207 5873119
 Fax: (+44) 0207 5873210
 E-mail: ksekimizu@imo.org

Brice Martin-CASTEX
 Head, Implementation and Port State
 Control Co-ordination (IPC) Section
 Maritime Safety Division (MSD)
 4, Albert Embankment
 London SE1 7SR
 United Kingdom
 Tel.: (+44) 0207 5873155
 Fax: (+44) 0207 5873210
 E-mail: bmcastex@imo.org /
 bmartinc@imo.org
 Website: www.imo.org

Thomas A. MENSAH
 International Consultant
 50 Connaught Drive
 London NW11 6BJ, United Kingdom
 Tel.: (+44) 20 84583180
 Fax: (+44) 20 84558288
 E-mail: tamensha@yahoo.co.uk

The International Labour Organization (ILO)

Brandt WAGNER
 Senior Maritime Specialist
 International Labour Office
 4, route des Morillons
 CH-1211 Geneva 22
 Switzerland
 Tel.: (+41) 22 7997008
 Fax: (+41) 22 7997050
 E-mail: wagner@ilo.org
 Website: www.ilo.org

**United Nations Office of Legal Affairs /
Division for Ocean Affairs and the Law of
the Sea (UN/DOALOS)**

Elizabeth GALL
Legal Officer
United Nations Office of Legal
Affairs/Division
for Ocean Affairs and the Law of the Sea
DOALOS, OLA, UN
United States of America
Tel.: (+1) 917 3673404
E-mail: gall@un.org

**INTERNATIONAL NON-
GOVERNMENTAL
ORGANIZATION**

**International Transport Workers'
Federation (ITF)**

Rossen KARAVATCHEV
Senior Section Assistant
Seafarers' Section
ITF House
49-60 Borough Road
London SE1 1DR, United Kingdom
Tel.: (+44) 20 74032733
Fax: (+44) 20 73577871
E-mail: karavachev_rossen@itf.org.uk
mail@itf.org.uk
www.itf.org.uk

**FAO FISHERIES AND
AQUACULTURE DEPARTMENT**

Viale delle Terme di Caracalla
00153 Rome
Italy

Ichiro NOMURA
Assistant Director-General
Fisheries and Aquaculture Department
Tel.: (+39) 06 57056423
E-mail: ichiro.nomura@fao.org

Jean-François PULVENIS DE SÉLIGNY
Director
Fisheries and Aquaculture Economics and
Policy Division
Tel.: (+39) 06 57054138
E-mail: jeanfrancois.pulvenis@fao.org

Grimur VALDIMARSSON
Director
Fish Products and Industry Division
Tel.: (+39) 06 57056510
E-mail: grimur.valdimarsson@fao.org

Ndiaga GUEYE
Chief
International Institution and Liaison Service
Tel.: (+39) 06 57052847
E-mail: ndiaga.gueye@fao.org

Jeremy TURNER
Chief
Fishing Technology Service
Tel.: (+39) 06 57056446
E-mail: jeremy.turner@fao.org

Francis CHOPIN
Senior Fishery Industry Officer
Fishing Technology Service
Tel.: (+39) 06 57055257
E-mail: francis.chopin@fao.org

Sachiko TSUJI
Senior Fishery Statistician
Fishery and Aquaculture Information and
Statistics Service
Tel.: (+39) 06 57055318
E-mail: sachiko.tsuji@fao.org

John FITZPATRICK
Consultant
Fishing Technology Service
Tel.: (+39) 06 57056028
E-mail: john.fitzpatrick@fao.org

Ari GUDMUNDSSON
Fishery Industry Officer (Vessels)
Fishing Technology Service
Tel.: (+39) 06 57054561
E-mail: ari.gudmundsson@fao.org

FAO LEGAL OFFICE

Blaise KUEMPLANGAN
Legal Officer
Legal Office
Tel.: (+39) 06 57054080
E-mail: blaise.kuemplangan@fao.org

FAO SECRETARIAT

Michele KURUC
Senior Fishery Industry Officer
Fishing Technology Service
Tel.: (+39) 06 57055836
E-mail: michele.kuruc@fao.org

Raschad AL-KHAFAJI
Liaison and Meetings Officer
International Institution and Liaison Service
Tel.: (+39) 06 57055105
E-mail: raschad.alkhafaji@fao.org

Jessica STEWART
Clerk
Fishing Technology Service
Tel.: (+39) 06 57053968
E-mail: jessica.stewart@fao.org

LIST OF DOCUMENTS

FI: JWG/FAO/IMO/IUU/2007/1	Provisional Agenda
FI: JWG/FAO/IMO/IUU/2007/2/Rev.2	The Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters: Working Document Providing Guidance on Agenda Items
FI: JWG/FAO/IMO/IUU/2007/Inf.1	Provisional List of Documents
FI: JWG/FAO/IMO/IUU/2007/Inf.2	Provisional List of Participants
FI: JWG/FAO/IMO/IUU/2007/Inf.3	Provisional Annotated Agenda
FI: JWG/FAO/IMO/IUU/2007/Inf.4	Report of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, 2000
FI: JWG/FAO/IMO/IUU/2007/Inf.5	Summary of events leading to the establishment of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters
FI: JWG/FAO/IMO/IUU/2007/Inf.6	Report of the Twenty-Seventh Session of the Committee on Fisheries, 5-9 March 2007
FI: JWG/FAO/IMO/IUU/2007/Inf.7	Combating Illegal, Unreported and Unregulated Fishing through Monitoring, Control and Surveillance, Port State Measures and Other Means
FI: JWG/FAO/IMO/IUU/2007/Inf.8	FAO Report on the Development of a Comprehensive Record of Fishing Vessels
FI: JWG/FAO/IMO/IUU/2007/Inf.9	Report of the FAO Technical Consultation to Review the Progress and Promote the Full Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and the International Plan of Action for Management of Fishing Capacity, June 2004 R753
FI: JWG/FAO/IMO/IUU/2007/Inf.10	Report of the 2004 Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing R759
FI: JWG/FAO/IMO/IUU/2007/Inf.11	Report of the 2002 FAO Expert Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing R692

FI: JWG/FAO/IMO/IUU/2007/Inf.12	Report of the 2006 FAO Expert Consultation on the Use of Vessel Monitoring Systems (VMS) and Satellites for Fisheries Monitoring, Control, and Surveillance R815
FI: JWG/FAO/IMO/IUU/2007/Inf.13	Report of the FAO Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing R722
FI: JWG/FAO/IMO/IUU/2007/Inf.14	Report of the Expert Consultation on Data Formats and Procedures for Monitoring, Control and Surveillance R761
FI: JWG/FAO/IMO/IUU/2007/Inf.15	2000, IMO Procedures for Port State Control
FI: JWG/FAO/IMO/IUU/2007/Inf.16	Reports of the regional vessel monitoring systems workshops: Southwest Indian Ocean, the Caribbean, Central America and Southeast Asia FAO/FishCode Review No. 14
FI: JWG/FAO/IMO/IUU/2007/Inf.17	Working Draft of Background Paper presented to IMO Sub-Committees, MSC, FSI
FI: JWG/FAO/IMO/IUU/2007/csd.1	Submission by Norway: Use of AIS and possible future use of LRIT as a tool to track IUU fishing vessels
FI: JWG/FAO/IMO/IUU/2007/csd.2	Submission by Belize
FI: JWG/FAO/IMO/IUU/2007/dma.1	Progress in the implementation of the 1995 Code of Conduct for Responsible Fisheries, related international plans of action and strategy
FI: JWG/FAO/IMO/IUU/2007/dma.2	FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
FI: JWG/FAO/IMO/IUU/2007/dma.3	2002, Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
FI: JWG/FAO/IMO/IUU/2007/dma.4	FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing
FI: JWG/FAO/IMO/IUU/2007/dma.5	Illegal, Unreported and Unregulated (IUU) Fishing, Multimedia Presentation 2007 DVD

THE WORKING DOCUMENT PROVIDING GUIDANCE ON AGENDA ITEMS**ABSTRACT**

The many facets of illegal, unreported and unregulated (IUU) fishing present opportunities for the Food and Agriculture Organization of the United Nations (FAO) and the International Maritime Organization (IMO) to work collaboratively, often in conjunction with International Labour Organization (ILO). While the organizations have differing mandates and operating procedures, they have many areas where common concerns and actions arise. The Joint Ad Hoc Working Group is to explore areas for possible collaboration. This paper summarises key activities in the topic areas on the agenda and suggests possible collaborative actions. The Joint Ad Hoc Working Group is encouraged to go beyond the recommendations for action, if appropriate.

I. INTRODUCTION

1. There have been long standing cooperative relationships among the Secretariats of the International Maritime Organization (IMO), the International Labour Organization (ILO) and the Food and Agricultural Organization (FAO) which stretch back several decades. This cooperative work has been done within the context of each organization's mandate: IMO for safety at sea and protection of the marine environment; ILO for work on labour standards and working conditions in the fishing industry; and FAO for fisheries in general.

2. While there are differences among the organizations, their work intersects in a number of subject areas. In the past, the principle areas where cooperation has occurred have concerned a broad range of issues involving safety at sea and pollution of the marine environment. See chart, Annex 1. In the area of illegal, unreported and unregulated (IUU) fishing¹, safety issues often provide a link to bridge the subject areas and the interests of the organizations. These connections between the traditional work areas of FAO and IMO to the field of IUU fishing were articulated in the paper submitted by FAO to IMO's Maritime Safety Committee in 2000 prior to formation of the joint Ad Hoc working group, when its establishment was being considered by IMO. To assist this second session of the Joint Ad Hoc Working Group in its appreciation of the relationship between these traditional subject areas of the organizations, the explanation provided originally to IMO of their association is reproduced below:

Maritime Safety and Maritime Fraud Issues²

IUU fishing is prejudicial to maritime safety. There is evidence that vessels engaged in IUU fishing are poorly maintained. Moreover, the clandestine operations of such vessels, often under cover of darkness and without authorization, are frequently carried out within the fishing zones of coastal states, endangering the safety of other vessels and people, including small fishing vessels and crew in many developing countries. Such operations are commonly carried out in contravention of the Convention on the International Regulations for Prevention of Collisions at Sea, 1972, as amended (COLREGS) Vessel position monitoring systems are often intentionally disabled with the consequence that interfaced navigation and communications equipment including GMDSS facilities might also be rendered inoperative.

Other examples of maritime safety adversely affected by IUU fishing include:

- contravention of national and international requirements with respect to vessel marking to avoid identification of IUU fishing vessels from the sea and from the air;
- certificates of competency having been obtained fraudulently, by means other than examination; this applies not only to fishing vessels per se, but also to support vessels associated with IUU fishing such as mother ships that are likely to be subject to the provisions of Standards of Training, Watchkeeping and Certification for Seafarers (STWC) (fraudulent documentation may also be involved in recording the nature and amount of the fishing catch and the places where fish were caught);
- unauthorized modifications to the hull of a fishing vessel to conceal parts of the catch, in some cases with an adverse effect on vessel trim and stability; and
- the falsification of the documented power of installed main and auxiliary machinery, calling into question the validity of the certificate of registry.

¹ See definitions of illegal, unreported and unregulated fishing in the FAO 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, section II.Doc dma.2

² Note Submitted by FAO to the IMO Maritime Safety Committee, 72nd session, March 2000. MSC72/7/4. See Doc Info 5

Protection of the Marine Environment

When, in the act of IUU fishing, an operator sights a fishery protection vessel and/or a licensed fishing vessel, and the IUU fisher fears apprehension, fishing gear is often cut loose and abandoned, in contravention of Annex V of MARPOL.

In addition, types of fishing gear and fishing methods are employed by IUU fishers in areas where their use is prohibited, to the detriment of those areas' resources and the marine environment. Illegal fishing often takes place in particularly sensitive areas, as well as in traffic separation schemes.

Poor standards of maintenance of hull, machinery and equipment in the vessels frequently used by IUU fishers and improper practices contribute to contaminated overboard discharges.

Issues Involving Other International Organizations

Poor conditions of work and service on fishing vessels engaged in IUU fishing are other issues that call for cooperation in reviewing forms of contracts of employment, although this may be a matter primarily requiring the assistance of ILO.

3. In the excerpt above, while the connection to IUU fishing is drawn from the perspective of IMO instruments and the subject captions are most readily identified to areas within IMO's mandate, and acknowledging that the connections to IUU fishing are more direct on some issues and more speculative and attenuated on others, there are a number of areas suggested where collaboration may be beneficial to the cause of combating IUU fishing. Information on past collaboration between the organizations, both in general matters and on IUU fishing in particular, will be presented throughout this paper.

4. The purpose of this paper is to provide a summary of significant developments, correlated to the items on this session's agenda, with a view toward assisting participants in the second session of the Joint Working Group with the identification of areas for future meaningful collaboration between FAO and IMO on the issues of IUU fishing and related matters. This paper is also structured to aid in the development of recommendations for follow-up actions, recognizing that while there may be a number of issues of mutual interest, due to the respective competencies of the organizations and their operating differences and limitations of staff and budget, not all relevant issues may lend themselves to fruitful collaboration.

II. ESTABLISHMENT OF THE JOINT WORKING GROUP

5. The establishment of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG) was prompted by a call from the Twenty-third session of FAO's Committee on Fisheries (COFI) in February 1999 for FAO to obtain assistance from IMO with regard to fishing vessels flying flags of convenience and general concerns about re-flagging 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. For a detailed history of the events leading to the establishment of the JWG see Inf 4. As a result, the Secretariats of IMO and FAO worked together to facilitate the creation of the JWG and it met for its initial session 9 – 11 October 2000 in Rome. The full report of the JWG including its Terms of Reference and its conclusions is attached as Inf.4. Although the JWG produced a number of outcomes, notably a checklist for flag state control and criteria for inspections of a foreign flag vessel by a port state, which were subsequently used in the context of developing various significant international

instruments relating to IUU3, it was unclear, at its initial session in 2000, whether the JWG would meet again. Due to the commitment of both FAO and IMO, and in particular to IMO's Sub-Committee on Flag State Implementation, to progressing the work, this second session of the JWG has now been convened.

III. OVERVIEW OF IUU FISHING

Action at the International Level within the UN System to Combat IUU Fishing

6. Action at the international level to combat IUU fishing gathered momentum throughout the 1990s, even before the term "IUU fishing" gained currency. There was a growing awareness of the increasingly rapid extent to which IUU fishing undermined fishery management goals and compromised both short-term and long-term social and economic opportunities. The situation was aggravated by the use of vessels flying "flags of convenience" or "flags of non-compliance", fishing overcapacity and lack of political will and/or resources. IUU fishing has been a worldwide phenomenon that occurs on the high seas and within national zones that could lead to the collapse of a fishery or seriously affect efforts to rebuild fish stocks that have already been depleted. Although it is difficult to quantify IUU fishing due to its intentionally obscured character, some estimates put annual economic losses attributable to IUU fishing at \$4 - 9 billion (US). In addition to being highly profitable, IUU fishing has attracted organized crime.

7. Also during the 1990s, various international instruments were developed which provided a general framework for addressing IUU activities. These instruments were based on basic principles in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), including flag State responsibility and the duty of non-nationals to comply with coastal State measures and laws. Key among the international fishery instruments were the 1993 FAO Compliance Agreement⁴, the 1995 UN Fish Stocks Agreement⁵ and the 1995 FAO Code of Conduct for Responsible Fisheries (Code of Conduct Doc dma.1).

8. Calls for urgent action at the international level to specifically address IUU fishing began to emerge within FAO near the end of the 1990s. The adoption and implementation of the voluntary International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) Doc dma.2 was supported by all Members states at the Twenty-fourth Session of COFI 2001, recognizing the significant problems caused by IUU fishing and the need to address IUU fishing in a comprehensive manner.

9. The scope of the IPOA-IUU is broad, and addresses IUU fishing in a holistic manner. The objectives of the IPOA-IUU are to prevent, deter and eliminate IUU fishing by providing all states and Regional Fisheries Management Organizations (RFMOs) with a "toolbox" of comprehensive, transparent and effective measures.

10. The IPOA-IUU clearly sets out the responsibilities of all states and of flag States. It describes measures to be taken by coastal States and port States, and elaborates internationally agreed market related measures. It refers also to responsibilities and measures of states acting through RFMOs, and of states that are not members of RFMOs. The measures are integrated, and are to be applied in accordance with international and other applicable law. The IPOA -IUU, without specifically mentioning the JWG provides that, "FAO should, in collaboration with other

³ See for example, the report of the Technical Consultation which elaborated the final draft of the IPOA -IUU had the report of the first session of the JWG as a made available document.

⁴ Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. Part of the Code of Conduct, the 1993 FAO Compliance Agreement entered into force on 24 April 2003.

⁵ Agreement for the Implementation of the Provisions of the United Nations Convention for the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

relevant international organizations, in particular IMO, further investigate the issue of IUU fishing.”⁶

11. The FAO Fisheries Department has prepared and published Technical Guidelines to support implementation of the IPOA–IUU.⁷ The Guidelines provide advice as to how the measures in the IPOA–IUU can be put into effect, and on the possible organization and content of national plans of action. The Guidelines also encourage RFMOs to find ways to integrate measures to control IUU fishing with their other basic missions, including, for example, conservation of resources, control of catches and effort, management of fishing capacity, by catch reduction, scientific research, and general data collection and dissemination.

12. Since the adoption of the IPOA–IUU, FAO has hosted two Expert Consultations to consider major issues in relation to IUU fishing: port State measures and flag State control. In November, 2002 FAO convened an Expert Consultation to Review Port State Measures to Combat IUU Fishing, which elaborated a draft memorandum of understanding on port State measures to combat IUU fishing and made specific recommendations for FAO action. It also served as a prelude to the Technical Consultation which followed and ultimately the FAO Model Scheme on Port State Measures.

13. IMO participated as a resource person in the Expert Consultation on port State measures and was able to share IMO’s experiences in port state control, and explained how some existing port state inspection schemes were carried out.⁸ IMO also stressed the need to develop incentives and to promote cooperation among States to enhance the efficiency of port State control regimes. In addition, the seminal document considered by the Expert Consultation drew on the Paris Memorandum of Understanding on Port State Control, 1982.

14. In September, 2003 FAO convened an Expert Consultation on Fishing Vessels Operating under Open Registries and their Impact on Illegal, Unreported and Unregulated Fishing. The Consultation adopted a range of recommendations in relation to all states, flag States, coastal States, port States and assistance to developing States. Inf.13

15. In November, 2003, FAO convened the first of a series of regional workshops on implementation of the IPOA–IUU. FAO sponsored nine regional and subregional workshops which were held in the Southeast Asia subregion, West Africa subregion, Caribbean subregion, Pacific Islands subregion, Near East region, South Asian subregion, East African subregion, and Mediterranean between 2003 and 2006.Doc Inf.11 A Technical Consultation was also convened to review progress and promote full implementation of the IPOA- IUU. Inf. 9.

16. By 2006, more that 75% of COFI’s responding Member States reported progress on implementation of the IPOA- IUU through national plans of action (NPOAs) and just under 2/3 of the respondents reported completed national plans.⁹ However, more than 80% of Member States that responded to the questionnaire also believed IUU fishing remained a problem.

17. Model NPOAs for coastal States and small island developing States to implement the IPOA-IUU were prepared and distributed by FAO to support this activity. The NPOAs of a number of states including Chile, New Zealand, Canada, the United States, and Australia were published by FAO to provide guidance.

⁶ IPOA – IUU para 90.

⁷ FAO Fisheries Department. Implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. FAO Technical Guidelines for Responsible Fisheries. No. 9. Rome, FAO. 2002. 122pDoc dma.3.

⁸ The Report of the Expert Consultation recognized that it represented, “further collaboration with IMO to address IUU fishing.” p. 1 FAO Fisheries Report R692, Rome, 2002.

⁹ Progress in Implementation of the 1995 Code of Conduct for Responsible Fisheries, Related International Plans of Action and Strategy. COFI/2007/2. Responses to questionnaire.

18. The UNGA continues to emphasize its serious concerns about the threat posed by IUU fishing and calls on all States to implement the IPOA-IUU and elaborated a long list of activities aimed at eliminating IUU fishing.¹⁰

Significant Activities Outside the UN System that have Addressed IUU Fishing

19. IUU fishing continues to be addressed by many international organizations and fora outside the UN system. Only a few highlights will be listed here but the issue continues to be of great concern within the UN system, within national governments, for intergovernmental organizations, among NGOs and in civil society.

20. An International Conference on Monitoring, Control and Surveillance (MCS) was held in Santiago, Chile in January 2000, which developed important efforts to combat IUU fishing. In this regard, Chile, Australia, Peru, the United States of America and the European Community worked together to create an international information network on monitoring, control and surveillance against IUU fishing. Their efforts resulted in the establishment of the International Network for the Cooperation and Coordination of Fisheries-Related Monitoring, Control and Surveillance Activities, with the goals of improving the efficiency and effectiveness of fisheries-related MCS activities through enhanced cooperation, coordination, information collection and exchange among national organizations/institutions responsible for fisheries-related MCS. The MCS Network now has more than 50 members, and in conjunction with FAO, Malaysia and other co-sponsors, held a global capacity building training for MCS fisheries professionals in 2005, with another global training workshop planned in conjunction with Norway for 2008.

21. The Organization for Economic Co-operation and Development (OECD) first considered IUU fishing in 2002 in the 89th Session of its Committee for Fisheries. It decided to undertake a study on the environmental, economic and social issues and effects of IUU/flag of convenience/non-compliance fishing activities. In December 2003, OECD announced that six maritime countries had launched a task force to tackle the problems posed by IUU fishing, with the direct involvement of their ministers, under the auspices of the OECD's Round Table on Sustainable Development. The High Seas Task Force¹¹ was led by Britain's Minister of State for the Environment, and other members were the Ministers of Fisheries of Australia, Chile, Canada, Namibia and New Zealand. The High Seas Task Force identified a number of initiatives¹², all designed to thwart IUU fishing, including the work currently being progressed by Chatham House through seminars and its website, <http://www.illegal-fishing.info> which attempts to serve as a clearinghouse for different types of IUU related information.

22. Attention remains focused on IUU fishing at the highest levels of national governments. A number of ministerial meetings have been convened to focus on IUU fishing and have resulted in calls for more action. The March 2005 Ministerial Meeting on Fisheries concentrated ministers' attention on two topics: IUU fishing and the tragedy of the December 2004 tsunami. The ministers expressed their "desire to move from words to action" in addressing IUU. However, they recognized that reliance on existing measures was not enough and additional tools were needed to fill gaps and address deficiencies. They elaborated a long list of significant new initiatives, see e.g., the call for FAO to develop a global record of fishing vessels, while reaffirming their commitment to existing measures. They agreed upon the need to regulate transshipment and to prevent laundering of IUU catches, exchange information about IUU

¹⁰ A/RES/61/38 Resolution on Sustainable Fisheries, para 33-46 on IUU fishing and 47-56 on monitoring, control and surveillance and compliance and enforcement.

¹¹ The reference made to the High Seas Task Force and its report does not imply in any way recognition or acceptance by the FAO Secretariat of any assertion or comment contained in that report related to territorial disputes.

¹² Closing the Net. Final Report of the Ministerially-led Task Force on IUU Fishing on the High Seas. 2006. 112 p.

activities, develop an agreed boarding and inspection regime, deal with flags of convenience/non compliance and genuine link as well as to strengthen RFMOs with regard to IUU and fully implement the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.¹³

23. In May 2007, ten fisheries ministers from SouthEast Asia gathered to discuss promoting responsible fishing and stated that illegal fishing was seriously depleting fisheries in the region¹⁴ and called regional cooperation “essential” for stemming illegal fishing practices. They further agreed upon a regional plan of action to include combating IUU fishing in the region.

24. Many recent activities of RFMOs have also addressed IUU issues. Reflecting the desires of their Member States and the guidance offered by the IPOA-IUU and other instruments, RFMOs have adopted a variety of conservation and management measures designed to address their unique role in the IUU struggle.

25. Worldwide use of lists of IUU vessels, lists identifying vessels which have been determined to have been fishing illegally in accordance with the RFMO’s procedure, is common. RFMOs have also extended the impact by linking their lists. This targets highly mobile vessels, those that re-flag and those that transship illegally at sea. In 2007, a reciprocity agreement between the North-East Atlantic Fisheries Commission (NEAFC) and the Northwest Atlantic Fisheries Organization (NAFO) gave effect to the other’s IUU list. The NEAFC list has been described as achieving “remarkable results” including the scraping of six pirate vessels, and the detainment of nine IUU listed vessels in NEAFC ports.¹⁵

26. NEAFC uses a two-tier list, an A (observation/suspect) and B (permanent) list for naming those involved in IUU activity. A review panel has judged that the use of the lists and the introduction of port States measures improved the control of IUU fishing. A refrigerated transport ship, blacklisted by NEAFC in 2006 after being observed receiving fish from non-party vessels fishing inside the Convention Area, was tracked from the North Atlantic to Asian ports as it tried repeatedly to offload its cargo of IUU caught fish. Through timely government to government cooperation, advance notification was provided to governments which turned the ship away and even ordered her to depart territorial waters, becoming costly for the vessel’s financial backers. Reactions from vessels denied landing have included aggressive legal action, threats and direct communication with the relevant RFMO or FAO.

27. In addition to vessel lists, authorized and unauthorized, some RFMOs have adopted additional measures directed at controlling IUU fishing. They have developed regional plans of action, catch documentation schemes, such as the one adopted for toothfish by the Commission on the Conservation of Antarctic Living Marine Resources, which has been credited with directly reducing IUU fishing in the Convention area, mandatory VMS, and port control measures, and also prohibited transshipments at sea, closed fisheries suspected of misreporting species, harmonized data transmissions, required observers, required reporting by licensed vessels of IUU sightings, constituted formal compliance committees, targeted specific ports of convenience for additional monitoring and information exchange, imposed trade sanctions and expanded their cooperation. This cooperation has extended beyond exchanging lists and information as, for example, all tuna RFMOs are working on harmonizing their catch documentation requirements for tuna species worldwide.

¹³ The 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing.

¹⁴ The Joint Ministerial Statement of the Regional Ministerial Meeting on Promoting Responsible Fishing Practices including Combating IUU Fishing in the Region, Bali, May 2007.

¹⁵ NEAFC Press Release of 30 April 2007.

IMO's Major IUU-Related Activities

Flag State-related Matters

28. The checklist for flag State control, as developed by the first session of the Ad Hoc Joint Working Group in 2000, recorded that the flag State should establish laws and regulations and exercise control of fishing vessels with regard to maritime safety, marine pollution prevention and crew conditions. The vessel and its equipment should be inspected to ensure that the minimum standards in relation to the safety, marine pollution prevention and crew conditions on board fishing vessels as addressed by IMO and ILO, as appropriate, are met. IMO developed, in collaboration with FAO and with ILO, a number of non-mandatory instruments, including the FAO/ILO/IMO Document for Guidance on Fishermen's Training and Certification; the revised Code of Safety for Fishermen and Fishing Vessels, 2005, and the revised Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005.

29. The revised Code and Voluntary Guidelines – originally developed and approved in the 1970s – have been prepared for use primarily by competent authorities, training institutions, fishing vessel owners, fishers' representative organizations and non-governmental organizations having a recognized role in fishers' safety, health and training. The Code provides guidance on the development of national codes and fishers' education and training manuals, and on their safety and health. Competent authorities are encouraged to make use of the contents of the Code and the Voluntary Guidelines in the production of safety, health and training materials in an appropriate format to suit the particular needs of the fisheries of the particular country or region.

30. Regarding the IMO mandatory instruments, i.e. the 1993 Torremolinos Protocol for the Safety of Fishing Vessels and the 1995 International Convention on Standards of Training, Certification and Watch-keeping for Fishing Vessel Personnel IMO, continues to promote the entry into force of these instruments (resolution A.925(22)) but, while recalling that Article 10 of the 1993 Torremolinos Protocol requires that, for it to enter into force, it must be accepted by at least 15 States with an aggregate number of fishing vessels flying their flags (of 24 metres in length and over) exceeding 14,000, one should note that to date, only thirteen States, corresponding to around 22% of the aggregate number of fishing vessels required, have ratified the instrument. Furthermore, while recalling that Article 12 of the 1995 STCW-F Convention requires that, for it to enter into force, it must be accepted by at least 15 states, one should note that to date; only eight states are parties to the instrument.

ISM Code

31. The origins of the International Safety Management (ISM) Code, which was adopted in 1993 by resolution A.741(18), go back to the late 1980s, when there was mounting concern about poor management standards in shipping. The principles and objectives of the ISM Code provide an international standard for the safe management and operation of ships and for pollution prevention, shifting the emphasis on to people. The success of its implementation depends to a great extent on the continued commitment, competence, attitudes and motivation of individuals, at all levels, in the company and on board ships to which the ISM Code applies. The implementation of the ISM Code for the passenger and cargo ships has been very successful and national efforts to introduce similar systems to fishing fleets are encouraging.

Self-assessment of Flag State Performance

32. In support of IMO's policy to enhance compliance with international standards, the Organization decided to introduce a means whereby flag States can assess their own performance, based on a number of agreed criteria, and then take steps to remedy any deficiencies that might be

revealed. Resolutions A.912(22) on Self-assessment of Flag State Performance established a uniform set of internal and external criteria that can be used by governments to obtain a clear picture of how well their maritime administrations are functioning. The form prepared for this purpose covers issues such as whether the administration has the necessary laws, infrastructure and human resources in place to implement and enforce international maritime safety and pollution prevention instruments. The self assessment forms (SAF) are currently stored in a database which is being further developed in the form of a module of the IMO Global Integrated Shipping Information System (GISIS) in order to allow direct entry by IMO Member States. The information contained in SAFs is used for the preparation of the Voluntary IMO Member States Audits, as well as for the identification of technical cooperation activities.

Voluntary IMO Member State Audit Scheme

33. The Voluntary IMO Member State Audit Scheme is intended to provide an audited Member State with a comprehensive and objective assessment of how effectively it administers and implements the key IMO technical treaties that are covered by the Scheme. Established by resolution A.946(23), the Audit Scheme is to be conducted on the basis of the Audit Standard as contained in the Code for the implementation of mandatory IMO instruments (resolution A.973(24)) and the Framework and Procedures described in resolution A.974(24). Audits of Member States commenced in September 2006 and, as of June 2007, 11 audits have been completed. From all indications the process has been successful, with the Member States involved having accepted the outcome of the audits. A total of 29 Member States have so far volunteered to be audited.

34. It is reasonably expected that the Audit Scheme will bring about many benefits, such as identifying where capacity building activities (for example, the provision of technical assistance by IMO to Member States) would have the greatest effect and targeting the appropriate action would be greatly improved; the Member States themselves would receive valuable feedback, intended to assist them in improving their own capacity to put the applicable instruments into practice; and generic lessons learnt from audits could be provided to all Member States so that the benefits could be widely shared. Moreover, the results of the learning experience could be systematically fed back into the regulatory process at IMO to help make measurable improvements in the effectiveness of the international regulatory framework of shipping.

Port State Control-Related Matters

35. On port State control-related issues, the first session of the Joint Ad Hoc Working Group noted that the issues of safety of navigation, fishing operations, fisheries management, fishing vessel safety, crew working conditions, pollution and environmental protection are addressed by a number of international instruments, many of which, however, have not entered into force, or do not apply to fishing vessels. The Joint Working Group noted that the vast majority of fishing vessels were not covered by IMO conventions either because fishing vessels were specifically excluded because they were outside the size limitations, or because the flag States were not party to the relevant instruments.

Joint Ministerial Conference on port State control

36. The FSI Sub-Committee is kept updated on the status of the follow-up actions being taken by the Paris MoU and Tokyo MoU on Port State Control following the second Joint Ministerial Conference on port State control held in Vancouver, Canada, in November 2004. The latest information was contained in document FSI 15/INF.8 with the following extract relevant to IUU fishing and related matters.

Ministerial Declaration Statement and accompanying action taken	To support the continuing efforts of relevant international organizations in the development of measures to combat IUU fishing.
	To consider the expansion of PSC to fishing vessels and further consider ratification of the Torremolinos Convention and STCW 95-F.

37. A significant outcome would be that all member countries of the Paris and Tokyo MoUs become Parties to the two instruments. If this were the case the instruments would be guaranteed to enter into force.

Workshop for PSC MoU (Agreement) Secretaries and Directors of Information Centres

38. With regard to the IMO Workshop for PSC MoU (Agreement) Secretaries and Directors of Information Centres organized within the framework of a global IMO technical assistance project for enhancement of maritime safety and financed by its Technical Cooperation Fund, IMO convened the third workshop from 9 to 11 June 2004. The Secretariat raised the question of IUU fishing and the Workshop was informed about the various activities involving FAO and IMO. Having noted the divergent views of representatives of MoUs/Agreement on the question of considering whether this issue was falling within the remit of existing PSC regimes activities, the Workshop recommended that due consultation be made at national and regional levels in order that the legal and technical context and consequences of the involvement of PSC Authorities and MoUs/Agreement be considered thoroughly before further progress is made on this issue.

39. The participation of United Nations Agencies at the annual Port State Control Committees of the PSC regimes, as is already the case for IMO and, less regularly, ILO, as observers, is a major opportunity to make submissions and raise issues. Furthermore, eight out of the nine regional PSC regimes have been granted IGO status at IMO and participate actively in the work of IMO bodies and, in particular, the FSI Sub-Committee.

Establishment of an International Legal Framework

40. The ensuing logic followed by IMO in the context of the fight against IUU fishing focused on the establishment of an international legal framework for fishing vessels. The main purpose is to ensure that these vessels do not remain outside the regulatory framework which allows regular inspections to be conducted by flag States and port States, on the ground of international standards in force on maritime safety, marine pollution prevention and crew conditions. The assumption is that fishing vessels would be regularly inspected and checked for compliance with international safety standards, and would have more difficulties due to their involvement in IUU fishing and illegal catch on board. Enhanced cooperation among national inspection services could also facilitate the control of the activities of the vessels vis-à-vis the management of fisheries.

41. In this context, the Assembly adopted on 29 November 2001 resolution A.925(22) on the entry into force and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention and the FSI recommended to the MSC to expand the item on IUU fishing to include consideration of the implementation of resolution A.925(22) and to modify the title of the work programme item to read "Illegal, Unregulated and Unreported (IUU) Fishing and Implementation of Resolution A.925(22)". In this regard, it was agreed that the work to be undertaken would include the investigation of the difficulties associated with the ratification and implementation of the relevant instruments and development of proposals for appropriate action to remedy the situation.

42. The strong involvement of IMO in the preparation of this second session of the Joint Working Group is clearly illustrated by the fact that the Secretary-General addressed COFI at its 27th session in Rome, on 5 March 2007 to stress that the fishing industry sector was still lacking the international mandatory safety regime which could, and would, be provided by the entry into force of the Torremolinos Protocol and the STCW-F Convention.

GMDSS – AIS – LRIT

43. The use of Global Maritime Distress and Safety System (GMDSS), Emergency Position Indicating Radio Beacons (EPIRBs), Long Range Identification and Tracking (LRIT) and Automatic Identification Systems (AIS) by fishing vessels are not mandatory under any IMO Convention. Nevertheless many administrations have implemented measures to make GMDSS and EPIRBs mandatory under national maritime legislation. Fisheries administrations have implemented VMS regulations for fisheries management that are similar in operation to LRIT or maritime VMS. Considering that the latter means are likely to be strengthened in the near future because of the threat of maritime terrorism, there is a need for close cooperation to ensure that the systems are mutually compatible. Search and rescue continues to be a matter for concern for fishing vessels, especially as the fatality rate for fishermen continues to be very high in spite of better safety equipment and the increased use of helicopters for rescue. Modern communications equipment has taken the “search” out of “search and rescue”. MSC 83 will consider further the issues related to LRIT, in particular, to which extent LRIT should address matters other than security ones, such as maritime safety (search and rescue) and the prevention of the pollution of the marine environment.

44. Modifications to Chapter V (Safety of Navigation) of SOLAS include a new timetable for the fitting of AIS. Ships, other than passenger ships and tankers, of 300 gross tonnage and upwards but less than 50000 gross tonnage, will be required to fit AIS not later than the first safety equipment survey after 1 July 2004 or by 31 December 2004, whichever occurs first. Ships fitted with AIS shall maintain AIS in operation at all times, except where international agreements, rules or standards provide for the protection of navigational information.

45. The new regulation on LRIT, based on the 2006 amendments to SOLAS and due to enter into force on 1 January 2008, is included in SOLAS chapter V on Safety of Navigation, through which LRIT will be introduced as a mandatory requirement for the following ships on international voyages: passenger ships, including high-speed craft; cargo ships, including high-speed craft, of 300 gross tonnage and upwards; and mobile offshore drilling units.

46. The SOLAS regulation on LRIT establishes a multilateral agreement for sharing LRIT information for security and search and rescue purposes, amongst SOLAS Contracting Governments, in order to meet the maritime security needs and other concerns of such Governments. It maintains the right of flag States to protect information about the ships entitled to fly their flag, where appropriate, while allowing coastal States access to information about ships navigating off their coasts. The SOLAS regulation on LRIT does not create or affirm any new rights of States over ships beyond those existing in international law, particularly, the United Nations Convention on the Law of the Sea (UNCLOS), nor does it alter or affect the rights, jurisdiction, duties and obligations of States in connection with UNCLOS.

47. The LRIT information ships will be required to transmit include the ship's identity, location and date and time of the position. There will be no interface between LRIT and AIS. One of the more important distinctions between LRIT and AIS, apart from the obvious one of range, is that, whereas AIS is a broadcast system, data derived through LRIT will be available only to the

recipients who are entitled to receive such information and safeguards concerning the confidentiality of those data have been built into the regulatory provisions. SOLAS contracting governments will be entitled to receive information about ships navigating within a distance not exceeding 1000 nautical miles off their coast.

Ships' Identification Numbers

48. SOLAS regulation XI-1/3 requires ships' identification numbers to be permanently marked in a visible place either on the ship's hull or superstructure. Passenger ships should carry the marking on a horizontal surface visible from the air. Ships should also be marked with their ID numbers internally.

Continuous Synopsis Record (CSR)

49. SOLAS regulation XI-1/5 requires ships to be issued with a Continuous Synopsis Record (CSR) which is intended to provide an on-board record of the history of the ship. The CSR shall be issued by the Administration and shall contain information such as the name of the ship and of the state whose flag the ship is entitled to fly, the date on which the ship was registered with that State, the ship's identification number, the port at which the ship is registered and the name of the registered owner(s) and their registered address. Any changes shall be recorded in the CSR so as to provide updated and current information, together with the history of the changes.

Conclusion

50. In spite of the many activities already undertaken to fight IUU fishing it remains a persistent and complex problem where some progress has been achieved but more needs to be done. The implementation by flag States of their responsibilities and obligations is recognized by both organizations as a key component of the strategy needed to eliminate IUU fishing but it is not the only one. Other tactics are needed to overcome the problems caused by those States which cannot or will not fulfill their responsibilities and obligations. Flag State measures remain important but operationalizing port State measures should also occur. Increased attention has been focused on the contribution of port States, whose intervention is seen as not only cost-effective in gaining compliance but as potentially resulting in a compelling collection of enforcement tools. Summaries of activities for all of the JWG's agenda items follow, starting with port State measures, one of the areas where constructive collaboration has occurred and which remains a fruitful area for the future.

Possible Collaborative Action to Consider:

- i. Continue IMO attendance at appropriate FAO meetings.
- ii. Find new opportunities to bring the work of the two Organizations closer, such as providing national authorities with opportunities to have a more holistic view of the fishing sector in their roles as the decision makers for the management of the fishing vessels, their crews and the fisheries, in their capacities as flag States, port States and coastal States. It could be expected that these authorities would be encouraged to take decisions in relation to fishing vessels safety certificates, certificates of competency for fishermen and the granting of fishing licences in full support to, and compliance with, international standards and initiatives developed by the two Organizations for enhanced maritime safety and protection of the marine environment, and more efficient fight against IUU fishing.

IV. PORT STATE MEASURES – PORT STATE CONTROL

51. Within the IUU subject area obvious parallels exist between the areas of port state control and port state measures. IMO has had significant experience with procedures for inspecting vessels: their physical structure and equipment requirements, operations, manning requirements and certifications and compliance with pollution prevention measures. FAO's interest centres on inspecting the fish but also the vessel's identity as determined by verifiable indicators, fishing authorization and documentation, trip information and gear. Much work is ahead in this area, especially for FAO, and the status of its work in this sphere as well as past collaboration by IMO to aid FAO are described below.

51. Within the framework of the IPOA-IUU, states are encouraged to establish and publicize a national strategy and procedures for port State control of vessels involved in fishing and related activities, including training, for port State control officers, and should consider capacity-building needs in the development and implementation of the strategy.

52. Cooperation to develop compatible measures is encouraged, and guidelines for the measures included. Prohibition of landings and transshipment on vessels presumed to be undertaking IUU fishing under RFMO procedures is also encouraged. RFMOs are encouraged to consider establishing comprehensive port State measures for fishing vessels and some have already adopted port state measures. The IPOA-IUU offers minimum requirements for the RFMO measures and procedures, including mandatory inspection in port of all non-member vessels and information dissemination.

53. A 2002 Expert Consultation and a 2004 Technical Consultation on development of a scheme of port state measures¹⁶ led to the 2005 FAO Model Scheme on Port State Measures to Combat IUU Fishing, endorsed by COFI in 2005.¹⁷ The Technical Consultation was attended by a representative of IMO, who participated as a resource person. He elaborated on the following points that could be of relevance to IUU fishing.

54. The IMO resource person also provided a history of the development of port State control databases at regional, interregional and global levels and referred to:

- Equasis, which was established by the European Commission and France;
- the information systems created by the port State control MOUs/Agreement; and
- the development of the Global Integrated Shipping Information System (GISIS) on, inter alia, security, port State control and casualties-related data.

55. ILO also participated in the Technical Consultation. The resource person from the ILO described the experiences of his organization concerning port state control of merchant ships for compliance with international standards for seafarers. Particular reference was given to the importance of coordination at the national level between the government agencies concerned with port state control. This involved ensuring that the legal provisions are sufficiently clear for port State control officers to take action and that the port State control officers receive sufficient guidance and training especially if they do not have a background in the area concerned. Specific to fishing, the resource person added that ILO was in the midst of developing a comprehensive standard (a convention and a recommendation) on work in the fishing sector.

¹⁶ Report of the Technical Consultation to Review Port State Measures to Combat Illegal, Unreported and Unregulated Fishing. Rome, FAO, 2004. FAO Fisheries Report R759

¹⁷ Doc dma.4

56. The Model Scheme provides voluntary minimum standards for port State measures, including the responsibilities of a port State, inspections, follow-up actions, information requirements for vessels, inspection, and information. The annexes contain operational guidelines on information to be provided in advance by foreign fishing vessels, port State inspection procedures of foreign fishing vessels, results of port State inspections, training of port State inspectors and an information system on port State inspections.

57. The Twenty-seventh session of COFI 2007 acknowledged the urgent need for a comprehensive suite of port State measures, and strong support was provided for the proposal to develop a new legally binding instrument based on the Model Scheme on Port State Measures to Combat IUU Fishing and the IPOA-IUU. To underscore this sense of urgency, COFI endorsed the following timetable: an Expert Consultation to be convened during the latter half of 2007 to prepare a draft agreement and a Technical Consultation to finalize the instrument's text during the first half of 2008 and present it to the Twenty-eighth COFI Session in 2009. Many Members stressed that the new instrument would represent minimum standards for port States, with flexibility to adopt more stringent measures.

58. The Expert Consultation to develop the draft text of the proposed new legally binding instrument will be held in September 2007 in Washington, D.C. in accordance with the decisions of COFI 27. An IMO representative has been invited to the Expert Consultation as a resource person. IMO's experience with port state controls and regional MOUs has been instructive in the FAO process thus far. As development of a binding global instrument moves forward and implementation issues are considered, IMO's experiences will continue to provide valuable guidance to the FAO process.

59. The RFMO, NEAFC, has recently implemented its own port state control scheme based on the FAO Model Scheme but which exceeds the requirements of the Model Scheme by placing verification and authentication responsibilities on the flag State of the vessel attempting to enter the port. As of 1 May 2007, the NEAFC Scheme requires the flag State of the fishing or transshipping vessel to verify the information provided to the port State on authorization to fish, quota availability, and accuracy of VMS data. The initial measure will effectively close European ports to landings of frozen fish which have not been verified to be legal by the flag State.

60. It should be noted that the limited application of IMO instruments to fishing vessels and the lack of ratification of specific IMO fisheries-related instruments mean that inspections of foreign fishing vessels when in port States are very limited compared to the very comprehensive inspection of certificates carried by cargo and passenger ships.

61. Although many of the IMO Conventions do not apply to fishing vessels, they do apply to fish carriers and to factory ships, subjecting them to the full range of IMO Conventions on the vessel's criteria and operations. Port State control may be an effective deterrent as it extends to fish carriers and factory ships that are not registered as fishing vessels and it is believed that some of these vessels are involved in IUU fishing.

62. However, currently there are few instruments under which to impose effective control of fishing vessels. Hence the softer term "Port State Measures". Port State measures are similar to the regime of port State control which enforces control over cargo and passenger ships with respect to IMO Conventions. The port State control of passenger and cargo ships is dependent on documentation supplied by the flag State or by recognized organizations as stipulated by international Conventions. IMO has developed seven standardized forms covering arrival and departure of persons and goods on international voyages and is promoting the global use of

electronic data interchange to relay these forms between ports and ships. Focusing on the facilitation of clearances of foreign fishing vessels by including fishing vessels more explicitly in the IMO Convention on Facilitation of International Maritime Traffic (FAL), 1965 might prove to be an effective mechanism.

63. Through the Model Scheme on Port State Measures inspections of the catch, logbooks and other documentation are stipulated. While training of inspectors is also provided for in the Model Scheme, based on its own experiences, IMO has identified the potential problem of the inspecting officer being unfamiliar with the documents that the flag State requires its vessels to carry and a converse lack of knowledge by the skipper as to which documents have to be carried to enter a foreign port. One possible solution could be for flag States and port States to post details regarding required documentation on a website that is available to any port State. Conversely a port State should provide details of the requirements that fishing vessels must meet in order to be accorded port access. This is the methodology that IMO is using to enable administrations to tackle the difficult problem of sharing information in the ISPS Code-. With regard to vessel registration and certificates of competency, many maritime administrations maintain databases which include all such certification, including fishing vessels. On the question of the electronic access to IMO certificates and documents, FAL 34 agreed to establish a Correspondence Group on online access to certificates and documents required to be carried on board ships under the coordination of Saint Kitts and Nevis and instructed it to consider the proposal in detail, as described in document FAL 34/19, and to:

- i. determines the methodology and facilities required for maintaining certificates and documents in electronic format on board ships;
- ii. determine the procedures to be adopted for submitting electronic copies of certificates and documents on a pre-arrival basis;
- iii. identify any legal implications which need to be addressed, particularly in relation to the related IMO instruments, when implementing such a system;
- iv. advise the strengths, weaknesses, opportunities and threats of such a system; and
- v. identify the required steps and associated time frames for implementing such a system.

FAL 34 reiterated its view that online access to certificates and documents required to be carried on board ships was still a long term project and objective.

64. Many of the controls over fishing on the high seas and with regard to straddling stocks are managed by Regional Fisheries Management Bodies (RFMBs), and controls could be exercised under these instruments, but again there is the problem of an inspecting officer knowing which countries are signatory to the large number of RFMBs so posting their affiliations to regional fisheries management bodies could be required.

Possible collaborative action to consider:

- i. IMO has been invited to participate in the upcoming FAO Expert Consultation on Port State Measures and should provide input to the Consultation with its experiences in the area of port State control and also provide ongoing assistance to FAO in this area.

V. THE COMPREHENSIVE GLOBAL RECORD OF FISHING VESSELS

65. The development of “a comprehensive record of fishing vessels within FAO” was called a “key tool”, in combination with VMS, to achieving an integrated and effective MCS system to combat IUU fishing by the 2005 Rome Ministerial Declaration on IUU fishing. Such a

comprehensive record for fishing vessels does not exist currently. In addition to fishing vessels, coverage was to include refrigerated transport vessels and supply vessels, as these vessels are often involved in transshipments from IUU vessels. Available information on beneficial ownership was also to be incorporated into a global record, subject to confidentiality requirements in accordance with national law.

66. A successful global record however, will depend on the existence of a unique vessel identifier. One of the major drawbacks to developing such a global scheme is that currently a system of unique vessel identifiers, such as exists in the commercial shipping industry, does not exist for fishing vessels unless they are in class and allocated a Lloyd's Register number. It is not uncommon for vessels from the same flag State but registered in different ports, to be given the same name. In addition, the name of a vessel could change with change of owner or through a demise charter and/or change of flag, thus the name, per se, is not a unique identifier.

67. IMO has a ship identification number scheme which was introduced in 1987 through adoption of resolution A.600 (15), as a measure to enhance ship safety and security. It aimed at assigning a permanent number to each ship for identification purposes. The IMO ship identification number is made up of the three letters "IMO" in front of the "Lloyd's Register (LR) number" (seven digits) and is inserted in the ship's certificates and displayed on the hull for certain categories of ships. The first session of the JWG agreed that consideration should be given to how the IMO number scheme might be applied to fishing vessels not currently subject to this requirement in order to enable vessels to be traced regardless of changes in registration or name over time. This area continues to represent a significant field of possible collaboration for FAO and IMO.

68. FAO prepared a feasibility study, (Study) as summarized in Doc. Inf.8, which examined legal and practical considerations involved in creating a global record. It also contrasted existing information systems, e.g. those at RFMOs; the High Seas Vessels Authorization Record (HSVAR) created under the FAO Compliance Agreement; Lloyds/Fairplay; and Equasis, a public Ad Hoc promoting quality shipping and safety, primarily in the merchant marine sector.

69. The Study also drew on the experience gained by FAO through its collaboration with the IMO in relation to initiatives to promote ratification of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels. In this regard, the Study noted that seminars were conducted in China and Ecuador where it was confirmed that both in Asia and South America, suitable records on fishing vessels of all sizes are maintained. In both cases, however, it was evident that there was a need to have a common approach to the register of fishing vessels since few actually record "length" as defined in the Torremolinos Protocol and the definitions of other key particulars, such as tonnage, varies within the regions.

70. After a thorough analysis of relevant factors, FAO's feasibility study concluded that:

- the development of such a record is technically feasible;
- flag States and economic entities would have to provide detailed information regarding vessels and their ownership in a complete and accurate manner as requested by FAO, to ensure a useful system and developing countries may require assistance in this regard, including the development and maintenance of a register of fishing vessels;

- a unique vessel identifier system would need to be introduced so any vessel could be identified permanently, irrespective of change of vessel name, ownership or flag;¹⁸
- an expert consultation would be needed;
- a phased approach for inclusion in the system would be desirable; and
- the costs of development, estimated at \$2.5 million (USD) over 3.5 years, and annual operational expenses of \$600,000, would be significant.

71. The conclusions of the Study were presented to the 2006 VMS Expert Consultation, see inf.12. The experts expressed views on how such a global record could directly benefit national MCS authorities and those who are responsible for registering fishing vessels and authorizing fishing. Vessels remain able to re-flag, obtain multiple identification documents and change appearance with shocking rapidity. Yet, conclusive identification of a vessel is key to a successful investigation and legal prosecution. The Expert Consultation agreed that a global record could dissuade the practice of re-flagging and utilizing flags of convenience. RFMOs, individually and collectively, were also identified as potential beneficiaries and specifically, with regard to the development of positive and negative vessel lists. In short, the Consultation agreed the global record could be of value but the experts did not underestimate the magnitude of creating and maintaining such a record and the costs involved.

72. Finally, in parallel, at least one other similar initiative has been undertaken. New Zealand and Australia have carried out their own feasibility studies for a high seas fishing vessel information system as part of their commitment to the High Seas Task Force on IUU Fishing. Those studies have looked at a comparable range of factors and likewise reached similar conclusions about feasibility, cost and the need for state cooperation to create a useful data information system.

73. COFI 27 supported the convening of an Expert Consultation to further develop the concept of a comprehensive global record of fishing vessels as described in FAO's Study, mindful of the need to clarify the project's objectives, sensitivity to costs, confidentiality requirements and the need to link it to other reliable information sources such as national registers and RFMO lists (COFI report para 70 Doc Inf.6).

74. FAO is currently planning for an Expert Consultation on the development of a comprehensive global record of fishing vessels, likely to be held late in 2007 or early 2008 to obtain policy advice about the progression of this project. IMO's participation would be beneficial and the organization will be invited. It is envisaged that close work with IMO and Lloyd's/Fairplay will be needed to progress the unique vessel identifier. A second expert consultation is also anticipated to provide advice on the technical aspects of a global record. IMO's participation would also be useful for this phase of the planning process.

GISIS

75. The IMO's Global Integrated Shipping Information System (GISIS) was launched mid-2005 and its objectives emanate from the former project for the establishment of the International Ship Information Database, which was to compile and make available on a worldwide basis appropriate and accurate information on individual ships and groups of ships. This information is relevant to maritime safety and pollution prevention and the safeguarding of adequate working and living conditions of seafarers by providing objective information on the condition of ships that would assist users in the identification of those vessels that may not meet applicable IMO

¹⁸ The need for a unique vessel identifier system was also called for by the 2002 FAO Expert Consultation to Review Port State Measures to Combat IUU Fishing. Report. Rome Nov. 2002

standards and also providing information on the working and living conditions on board (C/ES.18/16/Add.2 – 1995).

76. The data available through GISIS corresponds to the information requested through approved reporting procedures and formats. IMO reporting requirements form the basis of the development plan of GISIS. The policies for the release of data sets, including to the public, have been approved by Members. Data input by authorized external data providers (Member States) is subject to the Secretariat's validation (UN nomenclature, personal data protection, etc.) and/or agreement by relevant IMO bodies before upload into GISIS, subject to requirements specific to each module. GISIS is being developed to avoid potential duplication of reporting procedures. If data collection systems exist at a regional level, GISIS will use batch transfer to be developed with regional information systems (PSC regimes, MRCCs, EMSA). GISIS is also being developed to be and to remain compatible with national information systems in order to facilitate Member States' compliance with reporting requirements, making ample use of their own electronic data storage and exchange facilities.

77. GISIS allows Member State Administrations to become direct GISIS data providers and to manage their own set of users:

- new users created/removed at any time;
- specific permissions for each user;
- monitoring of the accounts created using the Administrator's password.

78. The system is mostly public and, where appropriate, specific access rights also apply to IGOs and NGOs. A table containing the status of the various GISIS modules is set out in Annex 2.

79. According to an analysis which was recently carried out by the Secretariat, 2,490 public user accounts have already been set up and an average of 3,132 pages of the website are viewed every day. The module containing ISPS Code-related data is, by far, the most visited. The modules on port reception facilities, casualties and recognized organizations are also visited on a regular basis and have already received a considerable amount of data, as entered by Member States and validated by the Secretariat.

Possible collaborative action to consider:

- i. FAO should work with IMO to progress the work of establishing a unique vessel identifier for fishing vessels.

VI. VESSEL MONITORING SYSTEMS

80. MCS authorities rely on many tools, as no single means can deliver all necessary information and analysis needed to successfully locate, identify, track, apprehend and prosecute IUU fishers. However, one tool may be unique for the exceptional speed and extent of its acceptance, the satellite-based Vessel Monitoring Systems¹⁹ (referred to herein as VMS)²⁰. VMS has been a valuable addition to the fisheries MCS toolkit, allowing authorities to learn about vessel positions in real time. VMS data has made patrol deployment much more cost-effective, with targets identified in advance and more easily intercepted. Violations, such as those involving closed areas, can be readily detected and successfully supported in a prosecution

¹⁹ A vessel monitoring system is the use of navigation and communications capabilities to provide data on a vessel's position and movements.

²⁰ VMS for fishing vessels was first introduced in 1988 and currently all major fishing nations have implemented VMS in at least some of their fisheries. Worldwide tens of thousands of fishing vessels have been fitted with VMS.

through VMS. FAO has held a series of regional VMS workshops to raise awareness about VMS and will continue to do so. Doc Inf.16.

81. Future expansion of VMS is assured. It will be powered by dual forces: a competitive marketplace and official regulatory requirements for increased VMS usage.²¹ The market, bolstered by technology advances, yields smaller and cheaper VMS units with reduced communication costs. It is also being driven by fisheries ministers who called for ensuring that all large-scale fishing vessels operating on the high seas be required by their flag State to be fitted with VMS no later than December 2008.²²

82. Maximum benefit of VMS is derived only when it is used in conjunction with other MCS tools to supplement and complement other systems. In October 2006 FAO convened an Expert Consultation on the Use of Monitoring Systems and Satellites for Fisheries Monitoring, Control and Surveillance, gathering legal, technical and operational experts to provide FAO with advice and guidance in these areas.²³ IMO participated in the Expert Consultation and offered information on other technologies which complement VMS. The full range of issues considered by the Consultation included data security and methods of independent verification of VMS data, data exchange and international cooperation, tampering, formatting, full integration of VMS in policy and legal frameworks as well as full utilization of VMS potential, considerations for use in small-scale fisheries and other issues is contained in the Report of Expert Consultation. Doc Inf.14.

83. COFI 27 supported the conclusions of the VMS Expert Consultation. FAO is in the process of having its technical publication on VMS updated and has also retained the services of a visiting expert on VMS who is preparing a global inventory of VMS, and a report of the experience of Iceland in developing an integrated system of data collection and analysis utilizing VMS and many other data streams for fisheries enforcement, safety at sea and other non-fisheries purposes.

84. With the rapid expansion of VMS and increases in VMS data exchange, concerns over harmonized formats led to the 2004 FAO Expert Consultation on Data Formats and Procedures for Monitoring, Control and Surveillance, See Inf 14. The results of the VMS inventory will assist in further analyzing how best to address this issue of harmonization of data formatting, recognizing that increased data sharing will continue to advance and may be resolved through user innovations.

85. During the 2006 FAO Expert Consultation on the Use of Monitoring Systems and Satellites for Fisheries Monitoring, Control and Surveillance, the presentations on technologies included one by IMO on the status of the Long-Range Identification and Tracking (LRIT) System, a global identification and tracking system for ships used for maritime safety and search and rescue purposes. The Automatic Identification System (AIS) was also described, which provided information about vessel identity and movements within Very High Frequency (VHF) range for vessel identification and collision avoidance. Concerns about possible AIS system overload due to a large number of small craft using AIS were highlighted, including the availability of real-time AIS data for the public. VMS could be an area of active collaboration between the organizations, given that IMO Members are now experienced with satellite-based

²¹ The IPOA-IUU and a number of successor documents which have reiterated its listing of suggested activities, called for flag states to know the location of its fishing vessels in waters beyond its jurisdiction and specifically identified VMS as a tool for tracking vessels. See e.g. the 2003 Expert Consultation on Fishing Vessels Operating under Open Registries and the previous session of COFI, in endorsing the report of the Expert Consultation, reiterated recommendations made in that report that were based on the IPOA-IUU.

²² 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing.

²³ Report of the Expert Consultation on the Use of Monitoring Systems and Satellites for Fisheries Monitoring, Control and Surveillance. FAO Fisheries Report. No. 815. Rome, FAO. 2006 68p.Doc Inf.13

Automatic Identification Systems (AIS). The compatibility of VMS with AIS could be addressed in greater depth. In discussion following the presentation, the Consultation noted that due to LRIT being primarily designed for the vessels covered by SOLAS, its value for fisheries purposes was considered limited.

86. The use of other vessel tracking or identification systems, including the Global Maritime Distress and Safety System (GMDSS), Emergency Position Indicating Radio Beacons (EPIRBs), LRIT and AIS by fishing vessels, is not mandatory under any IMO Convention, although it has been addressed by IMO resolutions. Nevertheless, many administrations have implemented measures to make GMDSS and EPIRBs mandatory under national maritime legislation. Fisheries administrations have implemented VMS regulations for fisheries management that are similar in operation to LRIT or maritime VMS. Considering that the latter means are likely to be strengthened in the near future because of the threat of maritime terrorism, there is a need for close cooperation to ensure that the systems are mutually compatible.

Possible collaborative action to consider:

- i. Continued collaboration on technical matters where appropriate.
- ii. Further consideration of the compatibility of VMS with AIS.
- iii. Cooperation between the organizations aimed at mutual compatibility of tracking systems.

VII. SAFETY AT SEA ISSUES

87. Search and rescue continues to be a matter of concern for fishing vessels, especially as the fatality rate for fishermen continues to be very high in spite of better safety equipment. Fishing vessels, which engage in IUU fishing often disregard not only fishery management requirements but also those which deal with vessel safety both for operations and equipment. Both organizations have pursued safety related initiatives.

88. A large number of COFI Members expressed concern about the safety at sea for fishing vessels, especially small-scale fishing vessels at COFI 27. FAO was urged to continue collaboration with IMO and it was suggested that FAO should develop guidelines on best practices for safety at sea and that COFI should consider developing an IPOA on the subject.

VIII. TORREMOLINOS PROTOCOL/STCW-F

89. During the meeting of the Second Joint Ad Hoc Working Group, the outcome of a technical cooperation activity which has been implemented within the framework of IMO's Integrated Technical Co-operation Programme will be introduced. A legal expert, Dr. T. Mensah, was recruited to carry out an assignment in two phases as follows:

90. PHASE 1: Undertake a home-based desk exercise to prepare a report describing the necessary legal and technical conditions for the acceptance of the 1993 Torremolinos Protocol. In doing so, the consultant should also make use of the outcome of the seminar in Beijing, of the study carried out by the Secretariat in 2003 and of the Regional Guidelines for the safety of fishing vessels of 24 metres in length and over, but less than 45 metres in length, operating in the east and south-east Asian region.

91. PHASE 2: Participate in the IMO/FAO meeting for the purpose of introducing the outcome of his study.

92. Following this meeting, the consultant should revise/update the home-based study taking into account comments and proposals made during the meeting and ensuring that they are reflected in the draft study.

IX. MARINE DEBRIS

93. In 2005, under the heading “Responsible fisheries in the marine ecosystem”, Resolution A/Res/60/31 of the United Nations General Assembly encouraged close cooperation and coordination, as appropriate, between FAO, IMO and UNEP to address the issue of lost, abandoned and otherwise discarded fishing gear and related marine debris. In this regard, FAO has entered into a Memorandum of Understanding with UNEP to strengthen the cooperation between the two organizations through developing a study and a document. The draft study concluded that derelict fishing gear remains a serious global problem causing significant ecological, biodiversity, economic and amenity impacts. It notes that, although scientific data and information in relation to the issue is available within some regions, there are other regions of the world that have little or no data whatsoever. The draft study recommends a concentrated global effort to address the problem that would require close cooperation between the relevant UN Agencies (FAO, IMO and UNEP), Regional Fisheries Management Bodies, Regional Seas Organizations, and Governments, the fishing industry, ports and landing places, as well as environmental NGOs. It stresses that a global response should focus on the implementation of Annex V of MARPOL and its guidelines rather than the development of new regimes.

94. Many FAO Members during COFI 2007 referred to the linked problems of marine debris and lost or abandoned fishing gear. It was agreed that the issue of derelict fishing gear is particularly relevant to FAO. There was widespread support for the proposal that FAO should convene an expert consultation on the marking of fishing gear, although some Members stated that it had not yet been fully discussed by COFI and suggested that the topic should be a full agenda item at the next COFI Session. FAO was requested to consult with IMO in its efforts to assess current international instruments or measures related to marine debris.

95. Although FAO was not a formal member of the IMO correspondence group regarding review of the regulations for the Prevention of Pollution by Garbage from Ships (MARPOL Annex V, it did make a contribution to the proceedings on the basis of the draft report of the coordinator of the correspondence group. This is an ongoing activity and should continue. However, while marine debris and lost and abandoned fishing gear have important ramifications for marine ecosystems, the strength of the links to IUU fishing is not viewed uniformly.

X. SUGGESTIONS FOR FUTURE MEANINGFUL COLLABORATIVE ACTIVITIES

96. A number of possible collaborative activities have been identified for the JWG’s consideration within the body of this paper. However, the JWG should not feel constrained by this list of suggestions or those made by the FAO Assistant Director- General in his opening address. Additional proposals or modifications to the listed proposals are encouraged. Conversely, if the suggested activities do not seem likely to result in meaningful work, after appropriate evaluation, then they should not be recommended.

97. The list of suggestions included in this paper is reproduced here for the JWG’s convenience:

Possible Collaborative Action to Consider:

- i. Continue IMO attendance at appropriate FAO meetings, consultations, etc.

- ii. Encourage participation of IMO at the upcoming FAO Expert Consultation on Port State Measures providing input and its experiences in the area of port State control and continue this assistance after the Consultation.
- iii. FAO should seek assistance from IMO on FAO's work of establishing a unique vessel identifier for fishing vessels.
- iv. Dissemination of the study on the conditions for the acceptance of the 1993 Torremolinos Protocol and development of follow up actions, in particular, through technical cooperation activities.
 - v. Continue collaboration on technical matters where appropriate.
 - vi. Further consideration of the compatibility of VMS with AIS
 - vii. Cooperation between the organizations aimed at mutual compatibility of tracking systems.
- viii. FAO to formally participate in the future work of the IMO correspondence group on the review of the regulations for the Prevention of Pollution by Garbage from Ships (MARPOL Annex V).
- ix. Regular meetings between the IMO and FAO secretariats should occur for sharing information about activities of mutual interest.
- x. Find new opportunities to bring the work of the two Organizations closer, such as providing national authorities with opportunities to have a more holistic view of the fishing sector in their roles as the decision makers for the management of the fishing vessels, their crews and the fisheries, in their capacities as flag States, port States and coastal States. It could be expected that these authorities would be encouraged to take decisions in relation to fishing vessels safety certificates, certificates of competency for fishermen and the granting of fishing licences in full support to, and compliance with, international standards and initiatives developed by the two Organizations for enhanced maritime safety and protection of the marine environment, and a more efficient fight against IUU fishing.

IMO's and FAO's Mandates and Areas of Interest²⁴

IMO's Mandates in Fisheries and Areas of FAO Interest

Subject	Active FAO Participation	Passive FAO Collaboration
Marine Safety		
Torremolinos Protocol	Yes	
Safety of Non-Convention ships	Yes	
STCW-F		Yes
Non-Convention Fishermen's Training and Certification	Yes	
GMDSS and Marine Communications		Yes
SAR		Yes
ISM Code		
IMO Number Schemes		Yes
Harmonization of length and tonnage criteria		Yes (F.Vs)
Analysis of casualty investigations		Yes (F.Vs)
Maritime Security		
ISPS Code		Yes
Monitoring of Vessels (Maritime Security)		Yes
Piracy, armed robbery against ships.		Yes
Marine Environment		
Marine Debris (General)		Yes
Marine Debris (Fishing Gear)	Yes	
Ballast Water	GESAMP	
Invasive Species	GESAMP	
Fishing Operations		
Fish Carriers and Factory Ships	Yes	
Port State Control (Fishing Vessels)		Yes
Technical cooperation	Yes	

FAO's Mandate in Fisheries and Areas of IMO Interest

Subject	Active IMO Collaboration	Passive IMO Collaboration
Fisheries Management		
Monitoring of Fishing Vessels (Fisheries management)		Yes
Unique Identifier for Fishing Vessels	Yes	
IUU Fishing	Yes	
Port State Measures (Fishing Vessels)	Yes	
Registration of Fishing Vessels	Yes	
Technical cooperation	Yes	

²⁴ These charts refer to all areas where collaboration has occurred between FAO and IMO and are not limited to those topics directly related to IUU fishing. Examples of active collaboration include attending meetings and actively participating, whereas passive participation might include reading relevant reports.

INTERNATIONAL MARITIME ORGANIZATION

**IMO**

SUB-COMMITTEE ON FLAG STATE
IMPLEMENTATION
15th session
Agenda item 17

FSI 15/17
30 March 2007
Original: ENGLISH

ANY OTHER BUSINESS**Global Integrated Shipping Information System (GISIS)****Note by the Secretariat****SUMMARY*****Executive summary:***

This document informs the Committee about the status of the Global Integrated Shipping Information System (GISIS) which allows direct recording of data by Member States and public access to sets of data collected by the Secretariat

Action to be taken: Paragraph 4

Related document: Circular letter No.2639

1 The Global Integrated Shipping Information System (GISIS) was launched in mid-2005 when the Secretariat issued circular letter No.2639 to circulate the Manual for Administration on the use of reporting facilities together with the disclaimer.

2 Concurrently, the Secretariat disseminated by electronic means to all Member States with a valid e-mail address their Administrator's password, using the list of National Focal Points developed in accordance with resolution A.449 (XI). Copy of the e-mail was also sent to the Member States Permanent Representation, where appropriate. The national GISIS Administrator, then, became responsible for creating and maintaining all user accounts for the Member States. Any queries addressed to the Secretariat regarding access to the system should be directed by e-mail to gisis@imo.org.

3 After the set-up of specific accounts per module, Member States have access to the direct recording of, and amendment to, new and existing records. The management of the rights to access and use the GISIS electronic reporting facilities is left to the discretion of the Member States by using the administrative interface via the URL: <http://gisis.imo.org/Members>.

Action requested of the Sub-Committee

4 The Sub-Committee is invited to note the information provided.

GISIS modules completed and publicly available	Data set	Reporting format	Data source
Maritime Security	Information communicated under the provisions of SOLAS regulation XI-2/13 (SOLAS chapter X1-2 and the ISPS Code)	Circ. Letter No. 2514	Member States
Casualties	Merchant ships casualties	MSC – MEPC.3/Circ.1 (annex 1) SITREPs	Member States (direct entry) Public and commercial media
	Fishing vessels casualties	MSC – MEPC.3/Circ.1(annex 1) SITREPs	Member States (direct entry) Public and commercial media
	Report of investigation	MSC – MEPC.3/Circ.1 (all annexes) + full reports	Member States (direct entry)
	Analyses of reports of investigations	FSI agreed reporting format for analysts	FSI Correspondence on Casualty Analysis (direct entry), as reviewed by the Sub-Committee
Port reception facilities (PFRD)	Data on the available port reception facilities for the reception of ship-generated waste	Circ letter No.2683	Member States
Recognized organizations	Authorizations, updates and full text of agreements	MSC/Circ.1010-MEPC/Circ.382 (SLS, PSLs, LL, PMP, TM circs.)	Flag States (direct entry)
Condition assessment scheme (CAS)	Statements of Compliance	MEPC/Circ.395	Flag States

Modules completed. Internal access only	Reporting format	Data source
Status of treaties*		Secretariat
Ship identification*	Circ letter No.1886/Rev.3	Member States/Lloyd's Register Fairplay/Equasis
Simulator database*	MSC.1/Circ.1209	Member States
Pollution prevention equipment (PPE)	MEPC.5/Circs.	Member States
Piracy and armed robbery	(MSC.4/Circs.) Circulars available on IMO website	Member States/NGOs
	MSC documents	Member States
Port State control*	Reports of inspection/detentions Resolution A.787(19)	PSC regimes (planned direct entry, data exchange protocols with PSC regimes)
	Flag State comments Resolution A.787(19)	Flag States (planned direct entry)
* Wider access under consideration		

Modules under development which may already exist in another format	Existing format and status	Data source
LRIT data distribution plan	Resolution MSC.210(81). Operational deadline 1/1/08	Member States (planned direct entry)
Self Assessment of flag State performance	Resolution A.912(22) ACCESS database. Pending question of public availability considered by the FSI Sub-Committee	Member States (planned direct entry)
Bulk Chemicals	MEPC.2/Circs. IBC Code, chapters 17, 18 and 19. GESAMP EHS Composite list	Member States
Contact points	MSC-MEPC.6/Circs. ACCESS database and records available on IMO website	Member States (planned direct entry)
Company/registered owner	Circ letter No.2554/Rev.1	Member States/Lloyd's Register Fairplay/Equasis
Stowaway incidents	FAL.2/Circs. ACCESS database and records available on IMO website	Member States
Illegal migrants incidents	MSC.3/Circs. ACCESS database and records available on IMO website	Member States
Safety-related requirements	MSC/Circ.815 ACCESS database and extracts in FSI documents	Secretariat

APPENDIX 5**Opening Statement by Ichiro Nomura, ASSISTANT DIRECTOR-GENERAL, FAO
FISHERIES AND AQUACULTURE DEPARTMENT**

Distinguished Delegates, friends and colleagues,

On behalf of the Director-General of FAO, Mr. Jacques Diouf, it gives me great pleasure to welcome you to FAO and to Rome for this second session of the Joint FAO-IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing (IUU) and Related Matters. While there is a very full agenda for the next three days, I hope you will find time outside of your work duties to enjoy some of the sights of this marvellous city.

As you may know, this Joint Working Group first met in 2000. You will hear a summary of the events leading to its establishment and the outcomes of the 2000 meeting in a few minutes. Many initiatives have been undertaken to combat IUU fishing during the intervening seven-year period. International attention remains focused on the issue because it has persisted as a serious impediment to achieving sustainable fisheries and conserving marine biodiversity, and has harmful effects on the economies and social structure of developing countries. You will view a DVD prepared for fisheries ministers at their meeting on IUU in 2005 as part of your orientation to the topic.

This second session of the Joint Working Group will consider a number of topics related to IUU fishing where meaningful collaboration currently occurs among the organizations or could take place in the future. While working through your agenda topics for this meeting including: port state controls and measures, a global record of fishing vessels, vessel monitoring systems, various legal instruments including the Torremolinos Protocol, and marine debris, the Joint Working Group is asked to identify effective areas for future organizational collaboration. The jointly prepared meeting paper makes a number of suggestions for possible cooperation but you are encouraged to develop your own list. Specific follow-up actions should also be identified.

Joint meetings of this type are unusual but they are an important way to achieve synergy among international organizations on issues of mutual concern. There are differences in mission and operation between FAO and IMO. The secretariat of each organization also operates in a different fashion in relation to their Member States. Those differences in approach and operation made necessary for the two secretariats to discuss actively for the preparation for this meeting. I am very happy that the two organizations agreed about how the meeting would progress.

The collaboration which has occurred in the past between the organizations has been largely issue driven rather than through a close and regularized organizational relationship. Within FAO's Fisheries and Aquaculture Department two components have linkages to IMO: the Fishing Technology Service of the Fish Products and Industry Division with regard to fishing and safety and the Fisheries Management and Conservation Service of the Fisheries and Aquaculture Management Division with regard to the effects of marine pollution. This has resulted in rather fragmented collaboration, and while it has minimized the resource commitment each organization has had to make to service the other's issues, it has not facilitated development of a thorough knowledge of the other organization. For example, FAO's Committee on Fisheries meets biennially to review issues of an international character and the programme of work of FAO in fisheries and aquaculture. Since most Member States, regional fisheries bodies, interested intergovernmental organizations and NGO representatives attend, I would like to welcome more participation of IMO in COFI meetings. This

year FAO was fortunate to have the Secretary General of IMO address the opening session of COFI 2007 on the subjects of the Torremolinos Protocol and safety. While it is not possible or desirable to have such detailed knowledge of the other's work as to become duplicative, a better and more reliable system of interaction could benefit both organizations and their members. This might be achieved through regular secretariat to secretariat meetings on some schedule, say an annual basis, and other possible mechanisms, including director to director meetings, regular exchange of relevant reports and other possibilities which may be identified as you progress in your work here this week.

Another point I would like to draw your attention to is that there are new developments on the horizon. Sustainability issues are no longer the sole realm of governments, nor of NGOs for that matter. They are becoming part of the sourcing requirements of large retailers. This was made very clear by high level representatives of large food retailers at a recent joint meeting of FAO and the OECD on "Opportunities and Challenges of Fisheries Globalization".

Various initiatives are under way in this regard. Retailers are looking for assurances that their products originate from fishing vessels fishing legally and responsibly. This requires a better understanding of what constitutes a responsible Flag State and/or Port State. This is in line with today's requirement in fish trade that the country of origin has a "Competent Authority" that ensures food safety.

Given the time available and the full agenda, you have a challenging task. However, you have been sent to participate in this meeting because of your expertise and proficiency on these issues and are familiar with short deadlines. I am confident that you can achieve the objectives set for this meeting.

To assist the work of the Joint Working Group, FAO staff is on call during the meeting to provide any assistance and clarification on technical issues, should that be needed.

Let me conclude by wishing you a productive and enjoyable meeting. If I or my colleagues can be of help to you, please do not hesitate to call on us.

Thank you very much.

SPEECH OF MR. K. SEKIMIZU, DIRECTOR OF THE MARITIME SAFETY DIVISION OF IMO, AT THE OPENING SESSION OF THE SECOND JOINT FAO/IMO WORKING GROUP ON ILLEGAL, UNREPORTED AND UNREGULATED FISHING (IUU FISHING) AND RELATED MATTERS, JULY 2007

Good morning distinguished participants, ladies and gentlemen,

I would like to say a few words on behalf of IMO at this opening session of the Second Joint FAO/IMO Working Group on Illegal, Unreported and Unregulated Fishing (IUU Fishing) and related matters. I extend our appreciation to FAO and its Fisheries and Aquaculture Department led by Assistant Director-General, Mr I. Nomura. I also welcome participants to this session.

We all know why we are here meeting this week.

Fisheries management is a key component of ocean governance and overfishing, excess fishing capacity and lack of enforcement were sources of concern in the debate at the UN Commission on Sustainable Development in the 1990s. As requested by the UN General Assembly, the Maritime Safety and the Marine Environment Protection Committees of IMO agreed to cooperate with FAO and the first session of the Joint FAO/IMO Working Group was held in October 2000.

The first session of the Joint Working Group was successful. The Working Group reached a number of agreements on what action should be taken in the fields of flag State control and port State control in the context of combating Illegal, Unreported and Unregulated Fishing.

It has been seven years since the last session of the Working Group and we have seen various developments in the fields of activities in the ocean and the maritime sector. We are here, meeting again, to review what we have achieved since the last session, to consider the way ahead to progress the matter and to make relevant recommendations to our parent bodies.

The United Nations' Secretary-General, Mr. Ban Ki-Moon, on various occasions, stressed the importance of UN agencies, programmes and funds acting in a coherent manner and delivering as one, and the Secretary-General of IMO, Mr. E.E. Mitropoulos wholeheartedly supports this and is taking his initiatives in various aspects of inter-agency cooperation. Between IMO and FAO, the Joint Working Group certainly has a good opportunity to progress the matters of common interest and I am looking forward to fruitful discussion over the three days this week.

I am time-conscious and do not want to take up much time with my speech, however I would like to provide my comments on some fields of discussion at this Joint Working Group as my contributions.

The first topic I would like to comment on is contribution from IMO. Over the last 50 years, we have seen a significant expansion of the world merchant fleet. The shipping industry has experienced significant changes. Fleets registered in the open registry countries have expanded and seafarers have been employed from developing countries. Concerns of the general public and politicians regarding the impacts, through accidents, of pollution on the marine environment have been significantly raised. All through the activities of IMO, our main focus has been "substandard ships". In this challenging time, IMO and maritime administrations of IMO Member Governments have established various measures to regulate international shipping. Technical requirements of SOLAS have been, continuously, reviewed and updated. New measures such as: the ISM Code, the revised STCW Convention, AIS and LRIT, the IMO number scheme for ships and companies unique ID, oil pollution preparedness, air pollution from ships, measures to prohibit harmful antifouling paints,

ballast water management and, most recently, the phasing out of single hull tankers and the ISPS Code, have been introduced.

These control measures have been applied by the flag States administrations as a main mechanism of implementation. The efforts of the flag States administrations have been supported by port State control measures. Furthermore, IMO is moving rapidly in the carrying out of a voluntary IMO Member States Audit Scheme in an effort to improve implementation of IMO measures by the maritime administrations of IMO Member Governments.

IMO's efforts have been, generally speaking, successful and the respective success of the maritime administration should be used as a good reference or model to be followed in efforts to combat IUU fishing. I am sure that Members of the Joint Working Group designated by MSC and MEPC would be able to provide useful contributions in this context.

The second issue is the slow pace of ratification of the Torremolinos Protocol. As Mr Nomura has already stated, the Secretary-General of IMO, Mr. Mitropoulos addressed the Committee on Fisheries (COFI) at the last session in March this year. Neither the Torremolinos Protocol nor the STCW-F Convention had received sufficient ratifications for their entry into force and this is a matter of genuine concern. I hope that this second session of the Joint Working Group will provide an excellent opportunity to discuss any obstacles or impediments which have prevented administrations or industry from accepting these most important Conventions for fishing vessel safety.

The third issue is the matter of marine debris. A correspondence group was established by MEPC 55, under the coordination of Canada, with the task of developing the framework for a comprehensive review of MARPOL Annex V. The group is dealing with, amongst other issues, sea-based sources of marine debris and the issue of abandoned fishing gear. MEPC recommended seeking advice from the Joint Working Group and, I am pleased to inform you that, Mr Paul Topping, the coordinator of the correspondence group, is attending this session.

I hope that the meeting can provide useful advice to the correspondence group and the MEPC.

Finally, Mr. Nomura referred to collaboration between IMO and FAO and I welcome his positive comments and his view that we should move from the "issue-driven approach" to a "close and regularized organizational relationship". I wholeheartedly support his view. He has indicated the possibility of "secretary to secretary" or "director to director" meetings between both organizations and I think we should also consider a more systematic approach between the main organs of both organizations involving maritime administrations and fishery authorities and agencies of Member Governments. I expect fruitful discussions on this matter during this session.

I am participating in this session with Mr. B. Martin-Castex, Head of the Implementation and Port State Control Co-ordination Section of the Maritime Safety Division. Our staff in London are also standing by for any request for relevant information. In addition, in an effort to bring the Torremolinos Protocol into effect, we have requested assistance, in dealing with the legal aspects involved in the difficulties encountered by Member Governments from a top legal expert in the maritime field, Dr. T. Mensah, former President of the International Tribunal for the Law of the Sea (ITLOS) and the Assistant Secretary-General and Director of the Legal and External Relations Division of IMO. He has kindly agreed to participate in this session.

Distinguished delegates,

With these remarks, I wish you successful deliberations over the coming three days.

Thank you.

This document contains the report of the Second Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG), held in Rome, Italy, on 16–18 July 2007. The UN Commission on Sustainable Development, which met in April 1999, highlighted the issue of flag and port State responsibilities and the need for FAO and the International Maritime Organization (IMO) to cooperate on solving problems relating to IUU Fishing. Accordingly, FAO presented a paper to the IMO Maritime Safety Committee suggesting draft terms of reference for an ad hoc working group. The first session of the JWG was held in Rome, Italy, on 9–11 October 2000.

ISBN 978-92-5-108925-5 ISSN 2070-6987



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I5070E/1/10.15