

## **RECOMMENDATIONS ADOPTED**

1. The JWG 5 recommends FAO, ILO and IMO Members that have not yet acceded to the Cape Town Agreement of 2012 to do so, with a view to achieving its timely entry into force. The JWG 5 also recommends FAO, ILO, IMO Members that have not yet acceded to the FAO Agreement on Port State Measures (PSMA), the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), the International Convention for the Prevention of Pollution from Ships (MARPOL) and the ILO Work in Fishing Convention, 2007 (C.188), to become a party to these instruments, with a view to achieving safe and sustainable fisheries and ensuring decent living and working conditions for fishers at global level.
2. The JWG 5 recommends FAO, ILO and IMO Secretariats to improve their coordination and further strengthen joint activities, such as capacity development activities and pilot-projects that address the five key treaties for their promotion and effective implementation, as appropriate.

### **5.1 Agreement on Port State Measures**

3. The JWG 5 recommends FAO, ILO and IMO to continue advancing the development of guidance documents to increase coordination and information exchange among fisheries, maritime and labour authorities of Parties for effective implementation of international instruments of the three Organizations.
4. The JWG 5 recommends FAO, ILO and IMO Members to consider ways to enhance integrating existing information systems at national level<sup>1</sup> for efficient coordination, cooperation and information exchange among fisheries, maritime, labour and other relevant authorities of Parties to the relevant agreements.

### **5.2 Voluntary Guidelines for Transshipment**

5. The JWG recommends FAO, ILO and IMO Secretariats to conduct a Study on the labour, environmental, and maritime safety related risks that may occur in the context of transshipment, and on the manner in which transfers of supplies, crew and other materials could be monitored to mitigate those risks.
6. The JWG 5 recommends ILO and IMO Member States, subject to the findings of the Study, to consider developing measures as appropriate, informed by the Voluntary Guidelines for Transshipment, that mitigate labour, environmental and maritime safety related risks that occur in transshipment context.

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<sup>1</sup> This includes also regional economic integration organizations.

### **5.3 Flag State Performance**

7. The JWG 5 recommends FAO, ILO and IMO Secretariats to develop a practical guidance document, in particular for use at the national level<sup>2</sup>, that details the requirements of the FAO, ILO and IMO instruments, especially the PSMA, the Cape Town Agreement of 2012, the STCW-F Convention, the MARPOL Convention and the C.188.
8. The JWG 5 recommends FAO and IMO, taking into account experience of IMO in implementing the IMO Member State Audit Scheme, to promote the exchange of information on best practice of mechanisms that monitor implementation of the international instruments and coordination of activities at national level<sup>3</sup>.
9. The JWG 5 recommends FAO, ILO, and IMO Members to ensure their relevant authorities contribute to the management of the IMO Number Schemes, by requesting for assignment of new numbers and updating data associated to existing numbers linked to national registers of fishing vessels.

### **5.4 WTO Agreement on Fisheries Subsidies**

10. The JWG 5 recommends FAO, ILO and IMO Members to ratify the WTO Agreement on Fisheries Subsidies to bring its entry into force.
11. The JWG 5 recommends FAO, IMO and other relevant organizations to coordinate in joining forces for capacity development of States in relation to implementing the WTO Agreement on Fisheries Subsidies.

### **5.5 Regional fisheries mechanisms**

12. The JWG 5 recommends FAO Members to include relevant agencies on maritime and labour issues in their delegations to regional fisheries management organizations/arrangements (RFMO/As) meetings.

### **6.1 Introduction**

13. The JWG 5 recommends FAO, ILO and IMO Members that have not yet acceded to the 2007 Nairobi Wreck Removal Convention to ratify the Convention, and contracting States to the Nairobi Wreck Removal Convention to ensure the issuing and maintaining of the compulsory financial insurance certificates, also in relation to fishing vessels.
14. The JWG 5 recommends FAO, ILO and IMO to review the scope and status of the voluntary instruments listed in paragraph 3.1.3 of document JWG 5/4/2, with a view to revising these instruments in the future and reporting the findings to JWG 6.

### **6. 2 IMO Cape Town Agreement, STCW-F Convention and safety-related instruments**

15. The JWG 5 recommends FAO, ILO and IMO Members that need legal/technical assistance for becoming a party to the Cape Town Agreement of 2012, to:

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<sup>2</sup> This includes also regional economic integration organizations.

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

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

16. The JWG 5 recommends FAO, ILO and IMO Members, when regulating fishing capacity, to ensure that measures taken do not have a detrimental effect on the working and living conditions of fishers (for example on accommodation) and their safety, and consider using net tonnage (NT), instead of gross tonnage (GT), as one of the factors determining the fishing capacity of a fishing vessel.
17. The JWG 5 recommends FAO, ILO and IMO Members, as well as PSC regimes, to send participants to existing FAO/ILO/IMO courses to strengthen their capacity in relation to inspection of fishing vessels under the PSMA, the C.188, the Cape Town Agreement of the 2012, the STCW-F Convention and the MARPOL Convention.
18. The JWG 5 recommends FAO to host an experts' workshop to develop guidance for national fisheries agencies to contribute to implementing relevant ILO and IMO instruments governing fishers and workers in the seafood industry throughout the supply chain. Such effort may be informed by ILO research and tools as well as the FAO *Scoping Study on Decent Work in Fisheries: Exploring Challenges and Evolving Legal and Policy Avenues for Strengthened Decent Work Standards*. This effort should be done in collaboration with ILO and IMO. ILO, IMO and national labour and maritime experts and constituencies should be invited to participate in the experts' workshop.

#### **Abandonment of seafarers and fishers cases**

19. The JWG 5 recommends FAO, ILO and IMO Members to increase their efforts to improve the reporting of cases of abandonment of fishers to the Joint IMO-ILO Database of reported cases of abandonment, and to facilitate their resolution. ILO should address the issue of abandonment of fishers in any future review of the C.188.
20. The JWG 5 recommends flag and port States to take further action to ensure the presence of financial security mechanisms to assist fishers in the event of their abandonment, as recommended by the *Guidelines on provision of financial security in case of abandonment of seafarers (resolution A.930(22))*, and to take appropriate action when financial security is not in place.

## **6.4 Addressing forced labour and child labour in fishing**

21. The JWG 5 recommends FAO, ILO and IMO to establish a mechanism for information sharing related to labour and fisheries, and to encourage JWG Members and observers to share information intersessionally on:
- mechanisms and tools for achieving decent work in the seafood sector, including those that support ethical recruitment, detect forced labour on fishing vessels, promote fundamental rights, and improve crew access to communication tools at sea;
  - best practices for enforcement mechanisms in fisheries, as well as seafood trade and importation;
  - best practices for enhanced coordination amongst relevant government agencies, including government entities responsible for enforcement as well as those responsible for inspections of vessels and working conditions of crew.
22. The JWG 5 recommends ILO, in collaboration with FAO and IMO, to promote and disseminate the new ILO Handbook for the Detection of Forced Labour in Commercial Fishing, and build the capacity of labour, maritime and fisheries enforcement authorities as well as social partners to effectively use this handbook. In addition, JWG 5 recommends FAO, ILO and IMO Members to redouble their efforts to eradicate forced labour in the fishing sector, including by ratifying and implementing the Forced Labour Protocol (P.29).
23. The JWG 5 recommends FAO, ILO and IMO to promote and disseminate the forthcoming update of the FAO-ILO Guidance on addressing child labour in fisheries and aquaculture.
24. The JWG 5 recommends FAO, ILO and IMO Members and other international organizations to make use of ILO's public data on countries' non observance to the C29 and C105 to address forced labour in fisheries.

## **6.5 Safety of observers at sea**

25. The JWG 5 recommends FAO, ILO and IMO Secretariats to organize, in the framework of JWG, an intersessional experts' meeting to identify and analyze the gaps in protections for, and authorities over, safety of fisheries observers, including with respect to insurance coverage, jurisdictional conflicts, and safe and decent working conditions, and explore ways to enhance the safety, working and living conditions of fisheries observers, including possibly through a review of relevant international instruments, such as the C.188. This experts' meeting may propose recommendations to address these gaps for consideration by FAO, ILO and IMO, which can be discussed in JWG 6.
26. The JWG 5 recommends FAO, ILO and IMO Members to consider the need for strengthening their national legislation on accountability of vessel owners to ensure safety of fisheries observers.

## **6.6 Environmental issues related to fisheries**

### **6.7 Marking of fishing gear**

27. The JWG 5 recommends FAO and IMO to develop a global Strategy to support effective implementation of existing, and any future, ALDFG-related instruments, including future amendments to the MARPOL Annex V, the FAO Voluntary Guidelines on the Marking of Fishing Gear (VGMFG) and any provisions on fishing and aquaculture gear under a future legally binding instrument on plastic pollution. The global Strategy could address, inter alia, fishing gear marking, reporting of lost fishing gear, recovery of ALDFG, port reception facilities, and end-of-life-measures for fishing gear. A draft of this Strategy and any progress shall be shared with IMO and FAO Members for their consideration and comment.
28. The JWG 5 recommends FAO and IMO Members to develop national action plans to address ALDFG.

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

29. The JWG 5 recommends IMO to continue developing and enhancing its core function of collection, collation, and analysis of casualty data, as part of its rule-making mandate for maritime safety and the prevention of marine pollution, and coordinate with other organizations accordingly.
30. The JWG 5 recommends FAO, ILO and IMO Secretariats to organize, in the framework of JWG, an intersessional experts' meeting to discuss ways to improve reporting of casualties' related data involving fishing vessels.
31. The JWG 5 recommends FAO, ILO and IMO to cooperate in developing capacity-building activities for the investigation of casualties in the fisheries sector and reporting thereon, making use of the available expertise.

### **7.1 PSMA Global Information Exchange System**

32. The JWG 5 recommends FAO, ILO and IMO Members that are Parties to the PSMA to further utilize GIES to improve their risk analysis particularly when processing advanced requests for port entry and making decisions on which vessels should be inspected.
33. The JWG 5 also recommends FAO, ILO and IMO to explore ways to facilitate information exchange from the GIES to inform risk analysis of maritime and labour matters, and from IMO and ILO information systems to further inform risk analysis in the fisheries sector.

### **7.2 Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels**

34. The JWG 5 recommends FAO, ILO and IMO to promote and further enhance use of the UN/FLUX standard for information exchange through the FAO Global Record, the GIES and complementary information systems.

35. The JWG 5 recommends FAO and IMO to re-establish the hyperlink between the FAO Global Record and IMO GISIS, as well as other relevant systems, as an efficient way of accessing additional relevant information about the vessel.
36. The JWG 5 recommend FAO, ILO and IMO Secretariats to organize an intersessional experts' meeting to discuss the concept of beneficial ownership. This should include discussions on the definitions of beneficial ownership, linkages with IUU Fishing, the data currently collected by States, and what information is required to have effective controls. The experts' meeting should identify joint next steps in addressing the gaps in understanding related to beneficial ownership and links to IUU fishing to develop best practices or guidelines. This effort should be done in collaboration with relevant organizations, who have done substantial groundwork on this, in order to avoid duplication of work so far.

### **7.3 IMO Number Schemes**

37. The JWG 5 recommends IMO Secretariat to maintain close cooperation with FAO, ILO and the managers of the schemes to address the needs of various users in the context of FAO's Global Record and IMO regulatory requirements for fishing vessels.

### **7.4 Data information systems**

38. The JWG 5 recommends IMO, in its review of relevant GISIS modules, to address the needs of fishing vessels in consultation with FAO and ILO, in particular in the context of IMO regulatory requirements for fishing vessels in connection with combating IUU fishing.
39. The JWG 5 recommends FAO, IMO and other relevant organizations to promote the implementation of relevant international standards and instruments, such as UN/LOCODE and UN/FLUX, to enhance communication and electronic exchange of data for sustainable fisheries management.

### **7.5 Vessel tracking systems**

40. The JWG 5, recognising that VMS is the established system for fisheries control and enforcement, notes the possible concern pertaining to the use of AIS for these purposes, which is intended for safety of navigation and search and rescue, whilst noting its potential use for assessing risks including for targeting labour inspections particularly those operating on the high seas where VMS information might not be accessible to relevant authorities. The JWG recommends FAO Secretariat, to include ILO and IMO, in the Study that FAO will conduct to review the state of implementation and effectiveness of various tools and related systems for tracking of fishing vessels, including information sharing mechanisms, to propose options to promote and enhance the use of tracking tools for fishing vessels at global scale. The JWG 5 recommends FAO in development of such a Study to also consider how vessel tracking systems can contribute to addressing forced labour and other labour violations in fisheries, in collaboration with ILO.
41. The JWG recommends FAO, ILO and IMO Secretariats to maintain close collaboration in the monitoring and optimization of data information and vessel tracking systems.

## **7.6 Compliance information and intelligence exchange**

42. The JWG 5 recommends FAO, IMO, ILO to strengthen international cooperation on compliance information exchange, including considering the potential use of the GIES, as appropriate, to develop indicators of compliance of fishing vessels.

## **7.7 Fraudulent Registration and Registry**

43. The JWG 5 recommends IMO, in close cooperation with FAO and ILO, to engage in the identification and development of remedial actions against deceptive activities associated with the fraudulent registration and registry of fishing vessels.

## **8.1 International organisations cooperation, including with WTO, UNODC and Interpol**

44. The JWG 5 recommends FAO, ILO and IMO to cooperate, including with social partners, for the coordination of the various different activities relating to the implementation of FAO, ILO and IMO instruments that contribute to the fight against IUU fishing and related matters. These activities include training activities, development of guidance documents and policy briefs.
45. The JWG 5 recommends FAO, ILO, IMO and other relevant international organizations such as UNODC and INTERPOL, to strengthen interagency cooperation at international, regional and national levels, in carrying out interagency trainings to increase awareness and responsiveness to IUU fishing and related matters, with a view to contributing to enhanced enforcement action.
46. In support of a recommendation to ensure consistent representation of the actors of the fishing sector in the context of interagency coordination, JWG 5 noted that the employers' ILO representative will further consider an option to be represented at IMO by the Nautical Institute which has been an NGO in consultative status with IMO since 2009.
47. The JWG 5 recommends FAO, ILO and IMO to look for options for mobilization of resources for the holding and work of the subsequent JWG sessions, and for strengthening the Secretariat of each Organization.

## **8.2 National interagency cooperation**

48. The JWG 5 recommends FAO, ILO and IMO Members to promote interagency cooperation for aligning their legal frameworks with different international instruments adopted by FAO, ILO and IMO and to consider ways for the establishment of a national mechanism for all stakeholders to share experiences and information in the fight against IUU fishing and related matters.
49. The JWG 5 recommends FAO, ILO and IMO Members to promote social dialogue within the fisheries sector.

50. The JWG urges FAO, ILO and IMO Member delegations attending the subsequent JWG sessions to include representatives from fisheries, maritime and labour authorities.

### **8.3 Integration and coordination of port state measures within the broader framework of port State control**

51. The JWG 5 recommends FAO, ILO and IMO to promote and facilitate the development of the initiatives within other regions similar to the pilot project involving the IOMoU and IOTC.

52. The JWG 5 recommends FAO, ILO and IMO to promote, facilitate and support the initiatives relating to PSC regimes' plans to initiate or strengthen inspection for fishing vessels and the adoption of a policy for the inspection of fishing vessels, in particular through relevant technical support and capacity-building projects.