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# COMMITTEE ON FISHERIES

## Thirty-first Session

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### SAFETY AT SEA IN THE FISHERIES SECTOR

#### Executive Summary

This document provides a summary of recent FAO activities that support the implementation of the Code of Conduct for Responsible Fisheries with regard to safety at sea in the fisheries sector.

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## INTRODUCTION

1. The FAO Code of Conduct is explicit in relation to the principle of “safety” in Article 6.17 where it is stressed that “States should ensure that fishing facilities and equipment as well as all fisheries activities allow for safe, healthy and fair working and living conditions and meet internationally agreed standards adopted by relevant international organizations”. Article 8.1.5 expands on the principle of safety, requesting States “to ensure that health and safety standards are adopted for everyone in fishing operations and that such standards should not be less than the minimum requirements of relevant international agreements on conditions of work and service”. This is followed by Article 8.4.1 that refers to fishing operations with the request that “States should ensure that fishing is conducted with due regard to the safety of human life”.

2. Fishing is considered to be the world’s most dangerous occupation, with more than 24 000 casualties per year<sup>1</sup> (which corresponds to approximately 80 fatalities per 100 000 fishers per year). The issue of safety at sea in the fisheries sector was raised at the 2012 session of COFI where the Committee: (a) welcomed the FAO/International Labour Organization (ILO)/ International Maritime Organization (IMO) collaboration relating to safety-at-sea in the fisheries sector, noting that it should be continued; (b) expressed satisfaction that a new safety standard for small fishing vessels had been completed and was being published and that new FAO/ILO/IMO guidelines to assist competent authorities in the implementation of voluntary instrument on the design, construction and equipment of all fishing vessels of all types and sizes had been completed;<sup>2</sup> and (c) underlined the importance of work in relation to safety-at-sea<sup>3</sup>. With regard to the cooperation with other UN agencies, the Committee agreed that FAO should focus on challenges relevant to its core mandate and must join efforts with partners, including better coordination with other intergovernmental bodies within the UN System.<sup>4</sup>

## BEST PRACTICES TO IMPROVE SAFETY AT SEA IN THE FISHERIES SECTOR

3. Following a recommendation by COFI, the Expert Consultation on Best Practices for Safety at Sea in the Fisheries Sector<sup>5</sup>, held in 2008, recommended that the FAO Secretariat should proceed with the development of guidelines on best practices for safety at sea and proposed an outline and general guidance for the guidelines.

4. In addition to fishing vessels, these guidelines<sup>6</sup>, which are in the process of being published, also refer to vessel operations in aquaculture. The guidelines are primarily intended for the use of maritime, labour and fisheries administrations; industry; fisher associations and representatives. They seek to raise awareness of the extensiveness of the problem of safety at sea, and to offer guidance on the broad range of issues that must be addressed if the safety issues are to be tackled in an effective and holistic manner.

## EFFECTS OF FISHERIES MANAGEMENT POLICIES ON FISHING SAFETY

5. In 2001, FAO published a paper, "Safety at sea as an integral part of fisheries management"<sup>7</sup>, that argued that safety at sea should be integrated into the general management of the fisheries. In 2008, as part of a global study, FAO sponsored 16 case studies from around the world to review the issue of the relationship between safety at sea and fisheries management practices for fisheries, or for

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<sup>1</sup> ILO. 1999. Tripartite Meeting on Safety and Health in the Fishing Industry, Geneva, 13-17 December 1999.

<sup>2</sup> Report of COFI 30, paragraph 26 (j) and (k).

<sup>3</sup> Report of COFI 30, paragraph 66 (g).

<sup>4</sup> Report of COFI 30, paragraph 63.

<sup>5</sup> FAO. 2008. Report of the Expert Consultation on Best Practices for Safety at Sea in the Fisheries Sector. Rome, 10-13 November 2008. FAO Fisheries and Aquaculture Report No 888. FAO. Rome.

<sup>6</sup> FAO. (forthcoming). Fishing operations. 1. Best practices to improve safety at sea in the fisheries sector. FAO Technical Guidelines for Responsible Fisheries No. 1, Suppl. 3. Rome.

<sup>7</sup> FAO Fisheries Circular No. 966

a specific fishery, in each country. A draft executive summary of the global study was presented at the 2008 FAO Expert Consultation on Best Practices for Safety at Sea in the Fisheries Sector, which agreed with the report's main finding that fisheries management has both indirect and direct effects on fishing safety. The purpose of a synthesis report<sup>8</sup> of the above-mentioned case studies, which is in the process of being published, is to document globally the relationship between safety at sea and fisheries management practices and to provide practical guidelines for fisheries managers on how they can help to make fishing safer.

### JOINT FAO/ILO/IMO PUBLICATIONS

6. There is a long-standing cooperation between IMO, ILO and FAO on the subject of fishers' safety that has resulted in the development of several guidelines and standards. The most recent instruments, jointly developed by the three organizations are the Safety Recommendations<sup>9</sup> and the Implementation Guidelines<sup>10</sup>. Both instruments have been endorsed by the governing bodies of IMO, ILO and FAO. During the development of these documents, which have been published in English, French and Spanish, FAO applied their draft versions in various countries through its field projects with the objective to confirm their relevance to diverse fishing vessel types and operations. The positive feedback was very useful in further developing the final content of these voluntary instruments.

### THE CAPE TOWN AGREEMENT

7. Neither the 1977 Torremolinos International Convention for the Safety of Fishing Vessels nor its Protocol from 1993 have entered into force. The 2nd Joint FAO/IMO Working Group on IUU Fishing and Related Matters, held at FAO headquarters in 2007, recommended that IMO, in consultation with FAO, should explore the possibility of preparing a draft Agreement relating to the implementation of the 1993 Protocol. In this regard, FAO has been providing substantial assistance to IMO in accelerating the entry into force of the Protocol, for example through the preparation and conduct of regional seminars<sup>11</sup> and through the development of a new legally binding instrument, which was adopted by an IMO diplomatic conference on 11 October 2012 in Cape Town, South Africa. It is titled the "Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977".

8. In responding to one of the Cape Town Conference resolutions, IMO adopted a procedure for calculating the number of fishing vessels of each Contracting State to the Cape Town Agreement. The procedure foresees, if necessary, the possibility of IMO contacting the FAO Secretariat to request the numbers of fishing vessels of 24 m in length and over provided to FAO by a Contracting State which is Party to the FAO Compliance Agreement, as well as obtaining information from databases of Regional Fisheries Bodies (RFBs).

9. In addition to improving safety at sea in the fisheries sector, it is expected that the Cape Town Agreement, which could enter into force within few years, would become a useful tool in combating Illegal, Unregulated and Unreported (IUU) fishing, since fishing vessels, which fall under the scope of

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<sup>8</sup> FAO (forthcoming) Fisheries and Aquaculture Circular No. 1073 – International Commercial Fishing Management Regime Safety Report: Synthesis of Case Studies.

<sup>9</sup> FAO/ILO/IMO Safety Recommendations for Decked Fishing Vessels of Less than 12 metres in Length and Undecked Fishing Vessels (<http://www.fao.org/docrep/017/i3108e/i3108e00.htm>). This document applies to approximately 90% of the global fishing fleet.

<sup>10</sup> FAO/ILO/IMO Implementation Guidelines of Part B of the Code, the Voluntary Guidelines and the Safety Recommendations (<http://www.fao.org/docrep/019/i3662e/i3662e.pdf>). This document applies to all fishing vessels, regardless of size and type.

<sup>11</sup> Regional seminars were held in Beijing, China, in 2004; in Guayaquil, Ecuador, in 2005; and in Bali, Indonesia, in 2009.

the Agreement, would be subject to Port State Control. Promoting amendments to fisheries acts could also be necessary and in this regard further assistance from FAO may be required.

10. Recently, IMO expressed its wish to work closely with other UN system organizations in promoting effective implementation of IMO conventions, and in this regard, FAO has agreed to IMO's request to provide assistance in developing and conducting regional seminars on the implementation of the Cape Town Agreement, the first ones of which are being planned for later in 2014.

### **THE 1995 STCW-F CONVENTION**

11. The 1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995, which entered into force on 29 September 2012, sets the certification and minimum training requirements for crews of seagoing fishing vessels of 24 metres in length and above, i.e. fishing vessels of the same size category, which fall under the scope of the 2012 Cape Town Agreement. In the same way as this Agreement, it is also expected that the STCW-F Convention would become a useful tool in combating IUU fishing due to its provisions on Port State Control. Two voluntary instruments, jointly developed by IMO, ILO and FAO, are closely related to this Convention, i.e. the Document for Guidance on Training and Certification of Fishing Vessel Personnel and Part A of the Code of Safety for Fishermen and Fishing Vessels, both of which have recently been revised.

### **THE 2007 WORK IN FISHING CONVENTION**

12. The Work in Fishing Convention, 2007 (No. 188), together with its accompanying Recommendation (No.199) was adopted at the 96th International Labour Conference (ILC) of ILO in 2007. The objectives of the Convention are to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security. The Convention applies to all fishers and all fishing vessels engaged in commercial fishing operations and it supersedes the old ILO Conventions relating to fishers. The ILC also adopted a resolution on Port State Control that invites ILO to seek technical expertise of FAO and others on this issue.

13. Convention No. 188 will come into effect when it has been ratified by ten of the ILO's member States (including eight coastal States)<sup>12</sup>. ILO, which is concerned about the slow progress in ratifying the Convention, organized a Global Dialogue Forum in Geneva on 15-17 May 2013 to discuss challenges in the Convention's implementation, to evaluate how it can be used as a tool to address major issues in the sector, to share good practices and experiences, to report and review promotional activities, and to provide an update on the status of national efforts to implement and ratify Convention No. 188. The Forum highlighted the importance of the sector for global food security and the problems of IUU fishing. It invited the Director-General of ILO to continue to expand strategic partnerships with other UN agencies and international organizations to foster policy and programme coherence in the fishing sector to promote the ratification and effective implementation of Convention No. 188.

### **THE SAFETY-FOR-FISHERMEN WEBSITE**

14. Through a project on global safety at sea project for small-scale fisheries in developing countries (GCP/GLO/200/MUL)<sup>13</sup> FAO developed the "Safety-for-fishermen" website, which is today a major gateway for quality sea safety material with a focus on fishers and fishing vessels. The

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<sup>12</sup> At present, the Convention has been ratified by only four countries, Argentina, Bosnia and Herzegovina, Morocco and South Africa.

<sup>13</sup> This project was supported by the Swedish International Development Cooperation Agency (Sida), the International Maritime Organization (IMO) and the Swedish Maritime Administration (SMA).

website, which is hosted by FAO and managed by a selected group of experts (including experts from ILO and IMO), can be consulted at <http://www.safety-for-fishermen.org>.