



Food and Agriculture
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Joining forces to shape the fishery sector of tomorrow

Promoting safety and decent work in fisheries
through the application of international standards



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1. Context

Capture fisheries is the backbone of many coastal communities and contributes to the local economies, employment and food security. It is estimated that globally over 39 million people work in capture fisheries. At the same time the trade in fishery products is one of the most dynamic sectors as 38 percent of the global fish production enters in international trade.

Fishing is however one of the most dangerous occupations in the world, which is shown also in high accident and fatality rates in most countries. Despite greater awareness and improved practices, the continuing increase of people employed in capture fisheries worldwide has contributed to a rise in the number of fishers' deaths. Exact figures are hard to come by since reporting is not always consistent, but conservative estimates place the annual fatality rate in the fishing sector to 80 lives lost per 100 000 fishers. Using the current fatality rate, this means that nearly four fishers lose their lives every hour while doing their job. The number of fishers injured or suffering from work-related illnesses are even higher. These fatalities and accidents have major impacts on fishers' families, fishing crews, fishing communities and maritime search and rescue activities.

Safety at sea and working conditions on board fishing vessels are interlinked with decisions on fisheries management and with the status and health of fisheries resources. With reducing fisheries resources and overfishing in coastal waters, fishers tend to go further out to sea and stay for longer periods at sea. This increases the exposure to hazards for fishers. Moreover, the small-scale coastal fishing vessels were not built for the sea conditions further offshore, causing additional safety issues. Similarly, on large-scale industrial fishing vessels, which generally stay at sea for weeks or months, the living and working conditions of the crew are often poor. Safety standards receive less attention when work is done under hazardous and stressful circumstances at night and in rough weather conditions. Living space for crew is minimal and hours of rest are frequently compromised. In addition, occupational health and

safety and accident protection are generally lacking for fishing crew. Evidence also exists that the working and living conditions of crew on board fishing vessels involved in illegal, unreported and unregulated (IUU) fishing are of particular concern. In situations of decreasing incomes due to overfished resources and IUU fishing, vessel owners tend to cut operational costs (for example labour, food, life-saving equipment, insurance) at the expenses of crew safety.

The International Maritime Organization (IMO), the International Labour Organization (ILO) and the Food and Agriculture Organization of the United Nations (FAO) have developed and adopted a range of international instruments that provide a strong legal framework for responsible fisheries, the safety of fishing vessels and fishers, and decent working and living conditions in fisheries.

This brochure gives a summary overview of four legally binding international fisheries instruments (conventions and agreements) that promote the safety of fishing vessels and fishers, training of fishers, decent working and living conditions, and responsible and safe fisheries operations.

This brochure has been prepared by IMO, ILO and FAO to provide guidance to policy and decision makers and other stakeholders in the fisheries, maritime and labour sectors with a view to promote ratification and implementation of the following fisheries instruments:

1. the IMO Cape Town Agreement (CTA), 2012
2. the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995
3. the ILO Work in Fishing Convention (C188), 2007
4. the FAO Agreement on Port States Measures to Prevent Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), 2009.

In addition, information is provided on voluntary instruments, such as the 1995 FAO Code of Conduct for Responsible Fisheries, various safety codes, safety recommendations, and technical and implementation guidelines.





2. The Cape Town Agreement on the Implementation of the Provisions of the 1993 Protocol relating to the 1977 International Convention for the Safety of Fishing Vessels, 2012 (CTA)

What is it?

The Cape Town Agreement (CTA) was adopted by the International Conference on the Safety of Fishing Vessels, held from 9 to 11 October 2012 in Cape Town, South Africa, under the auspices of the International Maritime Organization (IMO). The Agreement updates some of



the provisions of the Torremolinos Protocol of 1993 and of the International Convention for the Safety of Fishing Vessels, 1977, which never entered into force.

The overall objective of the CTA is to ensure the safety of fishing vessels and their crew (including fisheries observers) by

setting out minimum global standards for the design, construction, equipment and inspections of fishing vessels. The CTA closely mirrors the provisions of the International Convention for the Safety of Life at Sea (SOLAS), which covers uniquely the merchant shipping sector.

Why become Party to the IMO Cape Town Agreement?

The IMO Cape Town Agreement is crucial to enhance safety on board of fishing vessels. The CTA supports the application of approved safety standards for fishing vessels (foreign and national) operating in waters under the jurisdiction of the countries that ratify it, as well as their national fleets operating on the high seas or in waters under the jurisdiction of any other

State. It also reduces the risks of fisheries observers and national crew on board of foreign fishing vessels and allows for inspection of foreign fishing vessels. It is key that more countries become Parties to the CTA, to bring the instrument into force. Wide ratification and implementation of the CTA will help bridge the current gap in safety standards between seafarers and fishers.

As flag, port, coastal, labour supplier and market States, countries have an array of benefits in ratifying it.

Flag States can show their political commitment and responsibility in ensuring safety on board fishing vessels flying their flag. In addition, by establishing inspections in line with the provision of the CTA, flag States and port States can motivate vessel owners, officers, crew and recognized organizations (classification societies) to adopt and ensure compliance with approved safety standards.

For coastal and labour supplier States, ratifying and implementing the Agreement will improve the working and living conditions of their nationals on board. It will decrease the risks of accidents and collisions within their waters, reducing the possible costs of search and rescue operations, reducing also possible pollution risks and thus have overall positive budgetary effects.

At the same time, ratifying the CTA can have a positive impact on the fight against IUU fishing by increasing possibilities of vessels inspections and providing an opportunity to detect IUU fishing.

The 'no-more favourable treatment' provision included in the Agreement gives countries that are Parties to the agreement the authority to inspect foreign-flagged



fishing vessels, entering their ports. In this way, they can inspect also fishing vessels of a State that has not ratified the Agreement. This provision supports the creation of a level playing field in the fishing industry.

Scope and application

The CTA applies only to fishing vessels of 24 meters in length and over or equivalent to a gross tonnage of 300¹ and entitled to fly the flag of the Party.

While most of the provisions of the CTA apply only to newly constructed vessels, some provisions apply to new and existing vessels. Furthermore, for provisions on radiocommunication equipment that are part of life-saving appliances (not shown in Table 1), emergency procedures, radiocommunications and navigational equipment, the Agreement gives the possibility of progressive implementation. Parties may also decide to exempt vessels of 24 meters in length and over entitled to fly their flag, provided they operate within coastal waters, in a common fishing zone or in the States' Exclusive Economic Zone (EEZ). A summary of the progressive implementation and exemption options is provided in Table 1.

Table 1. Guidance on phased implementation of CTA provisions

Chapter	Content	Application		Time to implement	Exemption options
		New	Existing		
II	Construction	✓		Upon entry into force	✓
III	Stability	✓		Upon entry into force	✓
IV	Machinery	✓		Upon entry into force	✓
V	Fire safety	✓		Upon entry into force	✓
VI	Crew protection	✓		Upon entry into force	✓
VII	Lifesavings appliances	✓	✓	Up to five years after entry into force	✓
VIII	Emergency procedures	✓	✓	Up to five years after entry into force	✓
IX	Radio communications	✓	✓	Up to 10 years after entry into force	✓
X	Navigational equipment	✓	✓	Up to 5 years after entry into force	✓

Adapted from PEW, 2019

To check for vessel safety, the Agreement foresees surveying and inspecting vessels. The flag State Administration, a recognized surveyor or an organization nominated for such a purpose can carry out such inspections. After a successful inspection, an International Fishing Vessels Safety Certificate, accompanied by a Record of Equipment, will be issued. The validity of such certificate cannot be more than five years. In case the State Administration decides to exempt vessels from certain provisions, an International Fishing Vessel Exemption Certificate is issued.

The Agreement covers only approximately 2 percent of the world's fishing fleet and excludes fishing vessels below 24 meters in length. Details on voluntary instruments to promote safety for medium size vessels (between 12 and 24 metres in length) and small-scale vessels (below 12 metres in length) are provided in section 6 of this brochure.

Content

The CTA includes provisions for the design, construction and equipment standards of fishing vessels of 24 meters in length and over.

Chapter I is dedicated to General Provisions. Part A of this chapter contains specifications on the application of the Agreement and provides an overview of different definitions. Part B details the modalities for inspecting and surveying life-saving appliances and other equipment, radio installations and structure, machine and equipment. Moreover, part B gives an overview regarding the issuing or endorsement of the International Fishing Vessels Safety Certificate.

Chapter II through chapter X aim at providing specifications for the construction and operation of fishing vessels to ensure they are watertight and weathertight, they are stable and seaworthy.

In addition, provisions are included on machinery and electrical appliances to minimize the danger to the persons working on board. The CTA further provides details on construction methods to minimize the risk of fire and to ensure that appliances for fire detection, firefighting and fire extinction are available on board the vessels.

¹ Article 2 of regulation 1 provides Administrations the reference values between lengths and gross tonnage that can be applied.



The Agreement also foresees protection of crew, through provision of deck openings, installation of guard rails and underdeck passages, to ensure crew on board vessels can operate and move on board in a safe manner. The Agreement specifies in chapter VII the life-savings appliances that should be kept on board, including survival craft and lifejackets.

In case of emergency, the Agreement specifies the procedures to follow and the requirements of the emergency alarm, the muster list, including where it should be available on the vessel, and which information it shall include. The Agreement specifies also the need for abandon ship trainings and drills. In addition, it specifies the responsibility of the flag State Administration to take measures to ensure crews are duly trained on different emergency procedures before departure.

Chapter IX of the Agreement details the requirements in terms of radiocommunication to be on board, their maintenance, source of energy, as well as the presence on board of dedicated and qualified personnel responsible for radiocommunication.

The final chapter presents the shipborne navigational equipment and arrangements, including signalling equipment that vessels should have on board.

How to become Party to the IMO Cape Town Agreement?

Countries can deposit their instrument of ratification with the Secretary-General of IMO. Upon request, IMO can provide technical and legal assistance in the process towards ratification and implementation. When ratifying the Agreement, States have to communicate the number of fishing vessels of 24 meters length and over operating on the high seas.

Various resources on how to calculate the number of such vessels exist. An IMO Maritime Safety Committee resolution² specifies the procedures, or should a ratifying State be a Party to the FAO Compliance Agreement,³ then the FAO Secretariat can provide such number. The vessel numbers might also be available from databases of Regional Fisheries Bodies (RFBs), the Global record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record), the IMO Global Integrated Shipping Information System (GISIS) or other international maritime databases.

Status: The Agreement has not yet entered into force. The CTA will enter into force 12 months after a minimum of 22 states, with at least 3 600 fishing vessels operating on the high seas will have ratified the Agreement.

In October 2019, 48 countries signed the Torremolinos Declaration⁴ publicly indicating their determination to ratify the 2012 Cape Town Agreement by the 10th anniversary of its adoption (11 October 2022), in order to achieve the entry-into-force of the Agreement. As of now, 14 member countries have ratified the Agreement (IMO, 2020).

Other relevant materials

- Consolidated text of the IMO Cape Town Agreement
- The Cape Town Agreement explained

For more information, please contact: fvs@imo.org

² Resolution of the Maritime Safety Committee .364 (92), contained in the Attachment 5 of the Cape Town Agreement specifies the procedures and can be consulted here [www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Maritime-Safety-Committee-\(MSC\)/Documents/MSC.364\(92\).pdf](http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Maritime-Safety-Committee-(MSC)/Documents/MSC.364(92).pdf)

³ Such number can be calculated through the High Seas Vessels Authorization Record, available here: www.fao.org/figis/vrmf/hsvar/ - for those countries parties to the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas (FAO Compliance Agreement).

⁴ The text of the resolutions are available at the following link: www.imo.org/en/About/Events/Documents/Torremolinos%20fishing%20conf/Torremolinos%20Conference%20Resolutions.pdf





3. The IMO Convention on Training and Certification for Fishing Vessels Personnel, 1995 (STCW-F)

What is it?

The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), was adopted by IMO in 1995. The



1995 STCW-F Convention is a binding treaty that sets certification and minimum training requirements for crews of seagoing fishing vessels with the aim to promote the safety of life at sea and the protection of the marine environment, taking into account the unique nature of the fishing industry and the fishing-working environment.

This Convention generally applies to personnel of seagoing fishing vessels and, in particular, to skippers and officers in the deck department of fishing vessels of 24 metres in length and over, and officers in the engine department of fishing vessels of powered by main propulsion machinery of 750 kW propulsion power or more.

Why become Party to the IMO STCW-F?

The 1995 STCW-F Convention is a key building block in the promotion of safety of life at sea by setting the necessary framework to ensure the provision of duly skilled personnel in the fisheries sector. Better skilled and trained personnel will decrease the likelihood of fatal accidents and will therefore decrease the loss of lives at sea and improve general safety of fishing operations.

The STCW-F Convention supports harmonization of qualifications by introducing a minimum level of training for everyone working on fishing vessels to which the Convention applies. This, in turn, facilitates free mobility of workers between countries that have ratified and implemented the STCW-F Convention and creates a level playing field in the sector. In most high seas fishing fleets (e.g. pelagic trawlers, tuna long liners and purse seiners) the percentage of migrant workers has increased rapidly over the last decades. Recently, also in small-scale vessel segments the numbers of migrant workers are rising as, in some countries, it is challenging to find sufficient youth interested in a job in the fisheries sector. Language barriers and related communication challenges on board make it even more important that all crew have received proper training and are competent to carry out their work, as dependency on co-workers is high.

In addition, wide ratification and enforcement of the instrument will reduce the cost of search and rescue operations and connected administrative costs.

Scope and application

The STCW-F Convention generally applies to personnel serving on board seagoing fishing vessels entitled to fly the flag of a Party.

The STCW-F Convention not only contains mandatory provisions for certification of skippers, officers, engineer officers and radio operators of fishing vessels, but also contains important provisions on basic safety training, which are applicable to all fishing vessel personnel; and watchkeeping provisions. A Contracting Party may determine that certain provisions (regulations II/3, II/4 and II/5 and the requirement of the use of English



language) should not apply, wholly or in part, to personnel of fishing vessels of less than 45 meters in length operating solely from its ports and fishing within its limited waters.

Content

The STCW-F Convention consists of 15 articles, one annex containing technical regulations, three appendices and nine resolutions. The Convention sets certification and minimum training requirements for crews of seagoing fishing vessels, which countries are obliged to meet or exceed. Chapter I of the annex contains “General provisions”, and Chapter II deals with “Certification of skippers, officers, engineer officers and radio operators”. Chapter III outlines the basic safety training requirements for all fishing vessel personnel. In this context, fishing vessel personnel shall, before being assigned to any shipboard duties, receive basic training or instruction and shall meet the appropriate standard of competence in the following areas:

- personal survival techniques, including donning of lifejackets and, as appropriate, immersion suits;
- fire prevention and firefighting;
- emergency procedures;
- elementary first aid;
- prevention of marine pollution; and
- prevention of shipboard accidents.

It is the duty of the Contracting Party to determine whether and, if so, to what extent, the provisions shall apply to personnel of small fishing vessel or personnel already employed on fishing vessels.

Finally, Chapter IV details requirements to be observed on board in relation to keep a navigational watch on board the fishing vessel (watchkeeping).

The STCW-F Convention is being comprehensively reviewed (March 2020) by IMO’s SubCommittee on Human Element, Training and Watchkeeping, in order to align the standards of the Convention with the current state of the fishing industry, and to make available an effective instrument, which will contribute to addressing the significant challenges of this sector. It is expected that this revision might incorporate more information, including linkages to sustainability and to provisions of the ILO Work in Fishing Convention, and the FAO Code of Conduct for Responsible Fisheries (CCRF).

How to become a Party to the IMO STCW-F?

States may become Parties to the Convention by depositing an instrument to that effect with the IMO Secretary-General.

Status: Entered into force on 29 September in 2012.

Other relevant materials

- IMO webpage 1995 STCW-F convention
- FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel

For more information, please contact: AAmiti@imo.org





4. The ILO Work in Fishing Convention, 2007 (C188)⁵

What is it?

With the objective of promoting decent work for all and provide a global standard for workers in the fisheries sector, the International Labour Conference adopted in 2007 the Work in Fishing Convention (C188). The Convention is the key international legal instrument establishing minimum standards for working and living conditions on board fishing vessels. The Convention entered into force in 2017. It is supplemented by the Work in Fishing Recommendation (R199), which provides further guidance to countries on how to implement Convention No. 188.

Why become Party to the ILO Work in Fishing Convention?

For flag States, ratifying and implementing C188 would improve working and living conditions of their nationals and foreign workers on vessels that fly their flag. For coastal and port States, ratifying and implementing C188 would improve fishers living and working conditions on board commercial foreign-flagged fishing vessels visiting their ports or operating in their coastal waters. Market States ratifying the Work in Fishing Convention can show their consumers that the fish sold in their markets has been caught under safe and decent working conditions. Broad ratification and implementation of C188 creates a level playing field for the industry and can reduce the reputational risks connected with indecent working conditions (including slavery).

Improvement in health and safety of fishers can result in a decrease of associate costs for compensation in case of occupational accidents. At the same time, better working conditions will result in better retention and recruitment of workers in the industry.

Scope and application

The Convention applies to all commercial fishing operations. It excludes subsistence and recreational fishing.

The Convention applies to all types of ships or boats used for commercial fishing. Additional, higher requirements are provided for vessels of 24 metres in length and over and for those that remain out at sea for three days and more. Vessels solely used for the transportation and processing of fish would normally be covered by the Maritime Labour Convention, 2006, as amended.⁶

Ratifying states must designate a competent authority or authorities, establish mechanisms for coordination among relevant authorities at the national and local levels, as appropriate, and define their functions and responsibilities with respect to the Convention. They must establish a system for ensuring compliance with the requirements of the Convention including, as appropriate, inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures, in accordance with national laws

⁵ While this section summarizes the contents of the Convention, it is recommended to read its full text to obtain a complete understanding of its scope and contents. ILO has produced a number of publications on the Convention, which may be found at www.ilo.org/fishing

⁶ In the event of doubt as to whether a vessel is engaged in commercial fishing, the question shall be determined by the competent authority after consultation.



or regulations. For vessels at sea for more than three days, which are 24 metres in length and over or normally navigate at great distances for shore, they are to issue a valid document stating that the vessel has been inspected for compliance with the provisions of the Convention. Specific guidelines for flag States inspection have been produced to further guide ratifying States on the design of a working conditions inspection system and to guide on board inspections (ILO, 2017). The Convention applies to all commercial fishing vessels flying the flag of a ratifying State. It also applies a principle of 'no more favourable treatment' which ensures that fishing vessels of any flag State that has not ratified the Convention will not receive more favourable treatment than fishing vessels that fly the flag of any Member that has ratified it. Therefore, a port State that has ratified the Convention may inspect a visiting foreign vessel for compliance with the requirements of the Convention. The port State may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health.

The procedures of such inspection are addressed in Guidelines for port State control officers (ILO, 2010).

Content

The Convention consists of nine distinctive parts detailing definitions, general provisions and further specifying minimum requirement, conditions of service, accommodation and food, medical care health protection and social security, and finally a part on compliance and enforcement.

The Convention establishes that the minimum age for work on a fishing vessel is 16 years old, or 15 for persons who are no longer subject to compulsory schooling and who are engaged in vocational training in fishing or performing light work during school holidays. When the national authority decides that certain fishing operations are too dangerous then the minimum age for such operations can be raised to 18. The Convention specifies that no fisher shall work on board of a fishing vessel without a valid medical certificate. The competent authority shall establish the nature of the medical examination and the form and content of the medical certificates. Exemption of the requirement for medical examinations and medical certificates may be granted to fishers working on vessels below 24 metres in length not at sea more than three days.

The Convention requires that a vessel is sufficiently manned and that fishers have regular periods of rest of sufficient length to stay healthy and safe. Further requirements are set out for vessels over 24 metres in length and vessels at sea more than three days. Fishers should have a written signed work agreement that they understand. The vessel's owner has the responsibility to ensure that each fisher has a written work agreement, signed by both the fisher and the fishing vessel owner or an authorized representative of the latter. Each vessel is to carry a crew list with the details of the fishers on board. A copy of such list should be provided to a designated person ashore before, or immediately after, the vessels leaves port.

Fishers paid a wage are to receive a monthly or regular payment. They are to have a means to transmit all or part of their payments received, including advances, to their families at no cost. The Convention requires fishers to be repatriated when their work agreement expires, or for other reasons specified, and that the cost of repatriation is to be covered by the fishing vessel owner and, if the owner fails, the flag State.

Fishing vessels should carry medical equipment and supplies and have at least one fisher on board with the knowledge to use the medical equipment and supplies of the vessel. Fishing vessels should be equipped for radio or satellite communication with persons or services ashore that can provide medical advice. Fishers have the right to be taken ashore in a timely manner for medical treatment in the event of serious injury or illness. To prevent and reduce the risks of occupational accidents, fishers are to receive training, and risk assessment is to be carried out. In the event of a work-related sickness, accidents or injury, fishers shall have access to medical care, and compensation, which may be ensured by a system for fishing vessel owners' liability or compulsory insurance, workers' compensation or other schemes. If national legislation does not provide a system for protection of fishers, the responsibility remains with the fishing vessel owner until the fisher has been repatriated.

To allow for countries' broad ratification and taking into account the different stages of development, C188 contains various flexibility clauses, including for certain provisions the possibility of progressive implementation.



How to become Party to the ILO Work in Fishing Convention?

Countries may deposit an instrument of ratification with the ILO Director-General. Countries considering ratification may wish to consider:

1. undertaking an analysis of their national laws, regulations or other measures as compared to the provisions of the Convention, in order to identify gaps to be filled.
2. carrying out a national validation of the gap analysis, including identifying changes needed to national laws and regulations.
3. establishing a mechanism to coordinate between relevant ministries, agencies at the national level in support of implementation of the Convention.
4. building enforcement capacity.

Status: Entered into force on 16 November 2017.

Other relevant materials

- The 2007 ILO Work in Fishing Convention, 188 (No. 188)
- The 2007 Work in Fishing Recommendation, 199 (No.199)
- ILO Guidelines on flag State inspection of working and living conditions on board fishing vessels
- ILO Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No.188)
- The flexibility clauses of the Work in Fishing Convention, 2007 (No. 188)
- Guideline to undertake a comparative analysis of the Work in Fishing Convention, 2007 (No. 188) and national laws, regulations or other measures

For more information, please contact: wagner@ilo.org





5. The 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)

What is it?

The Agreement on Port State Measures (PSMA) is the first international binding instrument that aims specifically to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing. Its main objective is to prevent vessels engaged in IUU fishing from using ports and landing their catches. The Agreement complements



other instruments and tools, and is part of an international framework of legally binding and voluntary international fisheries instruments that aim to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.

Why become Party to the PSMA?

The global loss of revenue caused by IUU fishing is estimated to be between USD 10 billion and USD 23 billion annually. This destructive activity poses a serious threat to the long-term conservation of marine living resources, and has serious impacts on food security, employment and local economies.

Application of the PSMA is a cost-effective, cheap and safe means of discouraging IUU fishing, by preventing vessels suspected of IUU fishing from using port services and landing their catch. This, in turn, stops fisheries

products derived from IUU fishing to reach markets and therefore, reduces the incentive for IUU fishing vessels to operate. Application of the PSMA also reduces costs of surveillance at sea and globally harmonizes port State control measures for foreign fishing vessels. The potency of the PSMA increases as more and more countries adhere to, and effectively implement, the Agreement, because IUU fishing labelled vessels will have less and less choice of ports for landing and selling their catches.

Scope and application

The PSMA lays down a minimum set of standard measures for Parties to apply when foreign vessels seek entry into their ports, or while they are in their ports.

Application of the PSMA may result in denying entry into port, denying the use of port services and detection of IUU fishing activities in situations where clear evidence of IUU fishing or related activities exist.

The application of the PSMA may lead to the seizure or forfeiture of catch, criminal, civil or administrative proceedings and cooperation with flag States and regional fisheries management organizations (RFMOs) on enforcement action and deterrence. Furthermore, the application of PSMA may lead to better-coordinated port inspections by the integration of fisheries related inspection with the broader system of port State control (FAO, 2009). This may provide an opportunity for a coordinated and integrated system of controls on health, security, pollution, safety and transnational criminal subjects that fishing vessels may be involved in.

The application of the Agreement excludes vessels from neighbouring countries engaged in small-scale fishing, provided the flag State cooperates and such vessels are not believed to have engaged in IUU fishing.



Content

The PSMA contains minimum requirements for Parties to apply before allowing vessels to enter into port, procedures to follow for entry into port and use of port facilities, as well as procedures for conducting inspections and communicating inspection results. The Agreement also contains provisions on the role of the flag State, on the specific requirements of developing countries and on settlement of disputes.

Where entry into port has been granted based on information submitted by a vessel, and prior to inspection, the use of port can be denied under certain circumstances. These include, for example, finding the vessel not to have valid and applicable authorization by the flag State or the coastal State. A Party may also deny use of the port, when there is clear evidence that fish on board of the vessel was taken in contravention of requirements by the coastal State. Further, use of the port can be denied when the flag State does not confirm to the port State in a reasonable time that the fish on board was taken in respect of requirements of a regional fisheries management organization.

Where inspections take place, they must follow agreed procedures and the inspection report form provided must be completed. Guidelines for the training of inspectors are also provided under the Agreement.

Where a vessel is denied the use of port, it is to be prohibited from using port services, such as refuelling and resupplying, maintenance and drydocking, nor land, transship packaged or process fish that have not been previously landed.

The Agreement calls for communication and cooperation at national and regional levels. At national level, the PSMA requires integration and coordination of port State measures into a broader system of port controls and other measures to prevent IUU fishing, as well as the exchange of information among national agencies and coordination of implementation activities. Protocols are provided for cooperation and exchange of information among Parties and with relevant international and regional organizations, such as RFMOs.

Parties are to determine a sufficient level of annual vessel inspections and set priorities for which vessels to inspect. Many Parties have done so through RFMOs. Inspectors must carry out their functions in accordance with agreed standards and should be allowed to access

and inspect all relevant evidence. Inspection reports are to include standard information and be transmitted to relevant Parties including concerned States, RFMOs and FAO.

The PSMA obliges flag States to ensure that:

- their vessels cooperate with a port State during inspection,
- encourage their vessels to use ports of States that comply with the Agreement,
- investigate and take enforcement action where evidence of IUU fishing or related activities is established and
- report on actions taken towards their flagged vessels suspected of IUU fishing activity.

The requirements of developing States are acknowledged and provisions for technical and financial assistance are made, including establishment of a fund in support of developing and enhancing capacity and relevant monitoring, control, surveillance and compliance activities.

How to become a Party to the PSMA?

Countries and economic integration organizations are encouraged to become Parties to the PSMA. If a country is a signatory to the PSMA, they can deposit the instrument of ratification, acceptance or approval with the FAO Director-General. If they are not signatory to the PSMA, they may deposit the original instrument of accession with the FAO Director-General.

Status: Entered into force on 5 June 2016.

Other relevant materials

- Text of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)
- The Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels
- Status of Parties to the PSMA
- Legal frameworks relevant and complementary to the PSMA

For more information, please contact: PSMA-support@fao.org





6. FAO-ILO-IMO voluntary instruments on safety at sea

The FAO, ILO and IMO developed several instruments, voluntary in nature, to promote safety of fishing vessels and fishers. Some of these instruments are summarized here.



Code of Conduct for Responsible Fisheries (CCRF), 1995.

The CCRF sets the principles and international standards of behaviour for responsible fishing practices and aquaculture development. It serves as a reference for national and international efforts, including for policies and institutional frameworks and instruments, to ensure sustainable exploitation of aquatic living resources in harmony with the environment. It includes provisions on the duties of all States, flag States, port States and market States, and the role of RFMOs.

Article 8 (fishing operations) of the Code of Conduct for Responsible Fisheries provides the principles for responsible fishing practices. The article covers the duties of states to ensure that fishing operations are done in a responsible manner, including aspects related to safety at sea, social security and decent employment in fisheries, fishing technologies and fisheries finance and insurance.



Code of Safety for Fishermen and Fishing Vessels, 2005.

The Code of Safety is a two-part guidebook recommending “safety and health practices for fishermen (Part A)” and “safety and health requirements for the construction and equipment of fishing vessels (Part B)”.

Part A provides details on the duties and responsibilities of competent authorities, skippers and crew, information on fishers’ education, training and safety awareness, and on health and medical care in the fishing industry. It applies to fishing vessels of all sizes and includes a dedicated section for undecked vessels and decked vessels of less than 12 m in length. Part B provides information to shipbuilders and owners on the design, construction and equipment of fishing vessels, with a view to promoting the safety of fishing vessels as well as the safety and health of the crew. Part B applies only to fishing vessels of 24 metres in length and over.

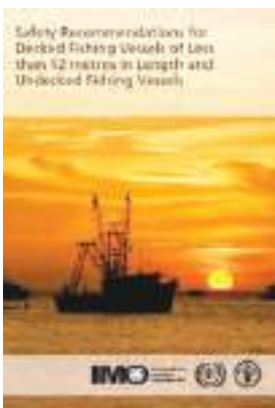
The Code of Safety can serve as a useful guide to those concerned with developing national laws and regulations on the safety of fishing vessels and fishers.





Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005.

The purpose of these Guidelines is to provide general guidance on safe practices for the design, construction, and equipment of decked fishing vessels between 12 and 24 m in length. The Guidelines include sections on construction, stability, machinery, fire protection, protection of crew, lifesaving appliances, emergency procedures, radiocommunications, navigational equipment and crew accommodation.



Safety Recommendations for Decked Fishing Vessels of Less than 12 metres in Length and Undecked Fishing Vessels, 2012.

The recommendations provide information on the design, construction, equipment, training and protection of the crews of small fishing vessels with a view to promoting the safety of the vessel and the safety and health of the crews.

The provisions apply to decked vessels of less than 12 m in length and undecked vessels intended to operate at sea, as well as on oceans, rivers, lakes and dams, or on any body of water. Aspects covered in these practical recommendations are: vessel construction, stability and seaworthiness, machinery and electrical installations, fire protection and firefighting, protection of crew, life-saving appliances, emergency procedures and safety training, radio communications, navigational equipment, crew accommodation, and manning, training and competence development.



Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations, 2014.

These Guidelines aim to assist maritime, labour and fisheries ministries (and any other relevant government ministry) in the implementation of the three FAO/ILO/IMO instruments on the design, construction and equipment of fishing vessels of all types and sizes.

The Guidelines cover legal, administrative, strategic and operational requirements of safety, capacity-building, training of crew members, and enforcement of regulations. The Guidelines provide basic information to increase understanding of the technical provisions and terminology of the instruments. These Implementation Guidelines show where to find information in the IMO/ILO/FAO instruments and provide useful examples.





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Technical Guidelines for Responsible Fisheries: Fishing operations: Best Practices to improve safety at sea in the fisheries sector, 2015.

These Technical Guidelines support authorities to develop and implement strategies to improve safety, health and working conditions in fisheries operations. The Guidelines cover the following subjects: Data and information collection and analysis to improve safety, national fisheries sector inventories (baseline surveys —with a focus on human resources— to understand causes of accidents at sea), problems, solutions a safety strategy development, and gives advice on how to manage change.





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7. Conclusions

Fishing is widely considered as one of the world's most dangerous occupations, which is reflected in the tens of thousands of accidents and fatalities of fishers annually. Over the last decades the Membership of IMO, ILO and FAO developed a framework of international fisheries instruments to improve safety and working and living conditions in fisheries and reduce the number of accidents and fatalities in the sector.

The voluntary instruments have been developed and are being used actively by many States and stakeholders in the fisheries sector. In recent years the international legally binding framework on fisheries safety and decent working conditions was completed with the ILO Work in Fishing Convention (No. 188), FAO Port State Measures Agreement (PSMA) and the IMO Cape Town Agreement, which is expected to enter into force shortly.

The number of States ratifying and implementing these internationally binding instruments is increasing. However, in order to become truly effective tools to improve fisheries safety and working conditions, it is important that the minimum standards and requirements from these international

instruments are adopted as widely as possible. IMO, ILO and FAO therefore continue to promote, together with their Member States, this framework of international instruments, and encourage all States to ratify and implement these internationally negotiated instruments.

IMO, ILO and FAO jointly support the ratification and implementation of these international instruments, through for example, exchange of information on port State control for improving safety, working and living conditions and reducing IUU fishing, capacity building through regional and regional technical seminars on safety, IUU fishing and decent work in Asia, South West Indian Ocean and West Africa, and the Joint *ad Hoc* FAO/ILO/IMO Working Group on IUU fishing and related matters (JWG). Assistance funds, technical and legal support and capacity building is available for States that ratify the international instruments promoted in this brochure, to support implementation and enforcement.

Let's join forces to shape the fishery sector of tomorrow and promote safety and decent work in fisheries, through the application of international standards.





8. Appendix

Lists of countries in alphabetical order that have ratified the CTA, STCW-F, C188 and PSMA

CTA	Belgium, Congo, Cook Islands, Denmark, Finland, France, Germany, Iceland, Netherlands, Norway, Saint Kitts and Nevis, Sao Tome and Principe, Spain and South Africa.
STCW-F	Belgium, Canada, Congo, Denmark, France, Gambia, Iceland, Indonesia, Kiribati, Latvia, Lithuania, Mauritania, Morocco, Namibia, Nauru, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Sierra Leone, South Africa, Spain, Syrian Arab Republic, Tunisia, Uganda, Uruguay, Ukraine.
C188	Angola, Argentina, Bosnia and Herzegovina, Congo, Denmark, Estonia, France, Lithuania, Morocco, Namibia, Netherlands, Norway, Poland, Portugal, Senegal, South Africa, Thailand, United Kingdom of Great Britain and Northern Ireland.
PSMA	Albania, Australia, Bahamas, Bangladesh, Barbados, Cabo Verde, Cambodia, Canada, Chile, Costa Rica, Cuba, Côte d'Ivoire, Denmark (in respect of Greenland and the Faroe Islands - Associate Member), Djibouti, Dominica, Ecuador, European Union (Member Organization), Fiji, France, Gabon, Gambia, Ghana, Grenada, Guinea, Guyana, Iceland, Indonesia, Japan, Kenya, Liberia, Libya, Madagascar, Maldives, Mauritania, Mauritius, Montenegro, Mozambique, Myanmar, Namibia, New Zealand, Norway, Oman, Palau, Panama, Peru, Philippines, Republic of Korea, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Thailand, Togo, Tonga, Trinidad and Tobago, Turkey, United States of America, Uruguay, Vanuatu, Viet Nam.

* Status as of 1 July 2020





9. References

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This brochure, prepared by IMO, ILO and FAO aims to provide guidance to policy and decision makers and other stakeholders in the fisheries, maritime and labour sectors and promote ratification and implementation of the following legally binding international instruments:

- IMO Cape Town Agreement (CTA), 2012
- IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995
- ILO Work in Fishing Convention (No. 188), 2007
- FAO Agreement on Port States Measures to Prevent Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA), 2009.

Contacts:

Fisheries – Natural Resources and Sustainable Production

E-mail: fi-inquires@fao.org

Web address: www.fao.org/fishery/safety-for-fishermen/en/

Food and Agriculture Organization of the United Nations

Viale delle Terme di Caracalla

00153 Rome, Italy



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