RELATIONS WITH OTHER ORGANIZATIONS

Preparations for the third Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG)

Note by the IMO and FAO Secretariats

SUMMARY

Executive summary: This document provides information on the terms of reference of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG), the agenda of its first and second meetings and the draft provisional agenda for the third JWG meeting as requested by MSC 94

Strategic direction: 1.1

High-level action: 1.1.1

Planned output: 1.1.1.1

Action to be taken: Paragraph 6

Related documents: MSC 94/10/1, MSC 94/10/2, MSC 94/21, paragraphs 10.23 to 10.28; MSC 72/23, paragraphs 7.22 to 7.26; FSI 9/15 and MSC 83/INF.12

General

1 The Marine Environment Protection Committee (MEPC), at its forty-fourth session, and MSC 72, agreed that IMO should, as requested by the United Nations General Assembly and the Commission on Sustainable Development (CSD), provide assistance to FAO in dealing with illegal, unreported and unregulated (IUU) fishing in respect of safety of, and prevention of marine pollution from, fishing vessels and other related issues. Recalling that there was an agreement of cooperation between IMO and FAO on matters of mutual interest (resolution A.103(IV)), the Committees agreed to the establishment of a Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG).

2 The first and second JWG meetings took place at the FAO Headquarters in Rome, Italy, from 9 to 11 October 2000 and from 16 to 18 July 2007, respectively. Their reports (FSI 9/15 and MSC 83/INF.12) containing recommendations were considered by MSC, MEPC and the Sub-Committee on Flag State Implementation (FSI).
At MSC 94, following consideration of reports on preparation for the holding of the third meeting of the JWG (MSC 94/10/1) and comments on the proposal for a third meeting of the JWG by WWF (MSC 94/10/2), and having noted the interventions made, in particular by the FAO and ILO, as set out in annex 29 to document MSC 94/21, the Committee concurred with the decision of MEPC 67 and:

.1 approved the holding of the third meeting of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG);

.2 agreed that the Organization should be represented at the meeting by the following nine Member States: Argentina, Canada, China, Cook Islands, Denmark, Liberia, Norway, Republic of Korea and Turkey; and

.3 agreed that the third meeting of the JWG should be held at IMO Headquarters during 2015.

Regarding the provisional agenda of the third meeting of the JWG, the Committee instructed the Secretariat to provide information on the terms of reference of the JWG and the agendas for its previous meetings, for information to this session when it will consider the matter further.

The terms of reference of the JWG and the agenda of its first and second meetings are provided in annexes 1, 2 and 3, respectively and the draft provisional agenda for the third JWG is provided in annex 4.

**Action requested of the Committee**

The Committee is invited to note the information provided (annexes 1, 2 and 3) and decide, as appropriate, in particular regarding the draft provisional agenda for the third JWG (annex 4).

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ANNEX 1

TERMS OF REFERENCE FOR THE JWG

Following discussion, MSC 72 agreed to the establishment of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters, with the following terms of reference:

Taking into account the documentation prepared for, and the results of, Expert Consultation meeting on IUU fishing organized by FAO and the Government of Australia in Sydney from 15 to 19 May 2000, and further taking into account the respective competence, mandate and experience of FAO and IMO, the Ad Hoc Joint Working Group should:

.1 prepare a checklist of the necessary elements for effective flag State control over fishing vessels. This checklist should provide further guidance on how the issues involved in IUU fishing could be incorporated into the FSI Sub-Committee's work programme as well as the work programme of FAO. The checklist should relate to:

.1 maritime safety;
.2 prevention of marine pollution;
.3 minimum agreed standards in relation to the safety of the crew, health and work on board fishing vessels, as addressed by ILO; and
.4 determining the position of fishing vessels at sea and for the reporting of catch data and how these may be incorporated in mechanisms for flag State control;

.2 drawing on the relevant experience of IMO and FAO, review measures that may be taken by a port State in relation to the technical and administrative procedures for the inspection of foreign flag fishing vessels, including their fishing gear and catch and:

.1 establish a list of criteria for such inspections and make proposals on how the inspections may be carried out in relation to the respective competence of fisheries and maritime Administrations;
.2 provide a draft of the qualifications and experience required of inspectors/surveyors for the various inspections envisaged; and
.3 make recommendations on how best a harmonized system for the inspection of foreign flag fishing vessels might be applied on a regional and/or subregional basis by port States;

.3 pay particular attention to the requirements for vessels entitled to fly the flag of a State operating in waters under the jurisdiction of that State, on the high seas and in waters of a State other than those of the flag State and the need to combat IUU fishing. Reference should be made to the provisions of the FAO Compliance Agreement, the UN Fish Stocks Agreement and measures taken by regional fishery management organizations and arrangements that addressed port State and flag State control; and
in relation to conditions of work and service in the fishing industry, call, if necessary, upon the advice of ILO. The cooperation of other relevant agencies may also be sought on particular aspects, within their competence, which might affect efforts to combat IUU fishing.

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ANNEX 2

AGENDA OF THE FIRST JWG

The first JWG meeting took place at the FAO Headquarters in Rome, Italy, from 9 to 11 October 2000 with the following agenda:

1 Opening of the joint working group
2 Election of the Chairperson and Vice-Chairperson
3 Adoption of agenda and timetable arrangements for the joint working group
4 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/2000/Inf.4)
5 Report on the outcome of the Expert Consultation on Illegal, Unreported and Unregulated Fishing (Sydney) and the Technical Consultation on Illegal Unreported and Unregulated Fishing (Rome) (FI:JWG/FAO/IMO/IUU/2000/Inf. 5)
6 Considerations relating to FAO and IMO work on joint action in relation to IUU fishing and related matters
   6.1 Considerations for the Control of a Fishing Vessel by Flag States and Measures to be taken by Port States (FI:JWG/FAO/IMO/IUU/2000/2) (FAO)
   6.2 Port State Control of Fishing Vessels (FI:JWG/FAO/IMO/IUU/2000/3) (IMO)
7 Discussion on joint action required in accordance with terms of reference of the joint working group
8 Recommendations for possible follow-up action by FAO and IMO
9 Adoption of the report of the joint working group

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ANNEX 3

AGENDA OF THE SECOND JWG

The second JWG meeting took place at the FAO Headquarters in Rome, Italy, from 16 to 18 July 2007, with the following agenda:

1. Opening of the 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
11. Marine debris
12. Future collaboration between FAO and IMO
13. Any other business
14. Adoption of the report

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ANNEX 4

DRAFT PROVISIONAL AGENDA FOR THE THIRD JWG

1 Opening
2 Arrangements for the third session of the joint working group
3 Election of the Chairperson and Vice-Chairperson
4 Adoption of the agenda
5 Progress on the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing
6 Use of the IMO ship identification number scheme (resolution A.1078(28)) in the context of the FAO's Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels
7 Vessel identification, monitoring and tracking
8 Assessment of the performance of flag States
9 Security measures applicable to fishing vessels
10 ILO Work in Fishing Convention 2007, including flag State and port State Guidelines
11 Marine debris
12 IMO legal framework related to safety of fishing vessels and fishing vessel personnel (e.g. Cape Town Agreement; STCW-F Convention; Code of Safety for Fishermen and Fishing Vessels, 2005; Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005; Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels; Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations; and MARPOL Annex V)
13 Future collaboration between FAO and IMO
14 Any other business
15 Adoption of the report