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Circular Letter No.3932/Add.1  
22 July 2019

To: All IMO Member States and Associate Members  
United Nations and specialized agencies  
Intergovernmental organizations  
Non-governmental organizations in consultative status with IMO

Subject: **Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing, to be held in Torremolinos, Málaga, Spain, from 21 to 23 October 2019**

**Draft resolutions for consideration by the Ministerial Conference**

1 Further to Circular Letter No.3932 of 27 March 2019, by which the Secretary-General invited representation at the Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing, attached are two draft resolutions for consideration by the Ministerial Conference on Wednesday, 23 October 2019.

2 The Conference will consist of a Ministerial Segment, which will be followed by a series of presentations and discussions during which the participants will have an opportunity to share related knowledge and expertise and exchange views on salient issues. The two draft Ministerial Conference resolutions, set out in the annex, address a concluding Statement and an expression of appreciation to the host Government.

3 Commenting documents on the draft resolutions and any other documents Member States and international organizations may wish to submit for consideration by the Ministerial Conference should be received by the Secretariat by **Monday, 2 September 2019**. Documents submitted for consideration should consist of not more than six pages and should be prepared in accordance with section 6 of the annex to the document on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1), using the symbol FVS-IUU/CONF.1.

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**ANNEX**

**DRAFT MINISTERIAL CONFERENCE RESOLUTIONS**

**MINISTERIAL CONFERENCE RESOLUTION 1**

**Torremolinos Statement on the Cape Town Agreement of 2012**

THE MINISTERIAL CONFERENCE,

RECALLING that the International Conference on the Safety of Fishing Vessels ("the International Conference") held in Cape Town, South Africa, on 11 October 2012, adopted 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 ("the Agreement"),

RECALLING ALSO that the International Conference, through conference resolution 2 on *Avoidance of a situation in which two conflicting treaty regimes are operational*, inter alia declared that:

- States should not ratify or otherwise express their consent to be bound by the 1993 Torremolinos Protocol and should instead become a Party to the Agreement; and
- States which have already expressed their consent to be bound by the 1993 Torremolinos Protocol should take appropriate steps to signify their consent to be bound by the Agreement using one of the options available under article 3 of the Agreement,

RECALLING FURTHER that the Assembly of the International Maritime Organization ("the Organization") adopted resolution A.998(25) on *Need for capacity-building for the development and implementation of new, and amendments to existing, instruments*,

RECALLING that the Assembly of the Organization, through resolution A.1107(29) on *Entry into force and implementation of the 2012 Cape Town Agreement*, inter alia urged States to consider accepting the Agreement at the earliest possible opportunity,

REMAINING CONVINCED that the continuing and alarmingly high number of fishing vessel personnel fatalities and of fishing vessels reported lost every year could be substantially reduced by global, uniform and effective implementation of the Agreement,

BEING CONCERNED about the hazardous working conditions fishing vessel personnel encounter working at sea, and the fact that unsafe working conditions are exacerbated when fishing vessels are poorly designed, constructed and maintained,

RECOGNIZING the important role of:

- radiocommunication services, in particular the promulgation of maritime safety information, including navigational and meteorological warnings, meteorological forecasts and other urgent safety-related messages broadcast to ships, in preventing marine casualties and incidents; and

- the search and rescue and emergency response services in mitigating the consequences of marine casualties,

RECOGNIZING ALSO the importance of reporting all marine casualties and incidents involving fishing vessels to marine safety investigation authorities in order to identify root causes in marine casualty investigation reports; and of promptly taking appropriate actions in response to the identified causal factors,

RECALLING the United Nations 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal (SDG) 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development,

UNDERSTANDING that the catching and processing of seafood from the high seas provides a vital protein supply to the world, and that fishing vessel personnel play an indispensable role in delivering seafood to the people worldwide,

NOTING WITH CONCERN:

- the proliferation of illegal, unreported and unregulated (IUU) fishing practices and the necessity to eliminate such activities from the world's oceans in order to guarantee biologically sustainable levels of fish stocks for future generations; and
- the frequent instances of fraudulent registration of vessels engaged in IUU fishing or fishing-related activities in support of IUU fishing,

MINDFUL that operators who do not report or who under-report their catch, fish illegally or engage in unregulated fishing operations are less likely to provide fishing vessel personnel with adequate working conditions, training or safety equipment,

NOTING that the General Assembly of the United Nations, through resolution 71/123, inter alia emphasized once again its serious concern that IUU fishing remained one of the greatest threats to fish stocks and marine ecosystems and continued to have serious and major implications for the conservation and management of ocean resources, as well as the food security and the economies of many States, particularly developing States, and renewed its call upon States to comply fully with all existing obligations and to combat such fishing activities and urgently take all steps necessary to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing,

NOTING the coming into force on 5 June 2016 of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) ) of the Food and Agriculture Organization of the United Nations (FAO), and the subsequent rapid rate of adherence to the PSMA reaching 61 Parties, including the European Union on behalf of its Member States,

NOTING the minimum requirements to be followed by flag States in registration procedures of vessels engaged in fishing and fishing-related activities as defined in the FAO Voluntary Guidelines for Flag State Performance,

BEING CONVINCED that the Agreement will equip port States with an additional tool to combat the proliferation of IUU fishing activities by increasing the safety standards of fishing vessels and empowering port States to carry out harmonized safety inspections, thereby increasing the transparency of fishing activities and providing State Parties to the Agreement greater control over fishing vessels operating in their waters,

RECALLING that the Assembly of the Organization, at its thirtieth session, recognized, inter alia that the ongoing problem of marine plastic pollution required further consideration as part of a global solution within the framework of ocean governance, in pursuance of SDG 14's target to prevent and significantly reduce marine pollution of all kinds by 2025,

ACKNOWLEDGING the relevant work of other international organizations in relation to marine plastic litter and the importance of existing cooperation mechanisms, including the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters and the Global Partnership on Marine Litter,

CONSIDERING that the entry into force of the Agreement, together with the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention), would provide a comprehensive regulatory framework for the safety of fishing vessel personnel and fishing vessels,

RECALLING that the Work in Fishing Convention, 2007 (No. 188) of the International Labour Organization (ILO), which entered into force on 16 November 2007, has the objective of ensuring that fishing vessel personnel have decent conditions on 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,

BEING AWARE that more than 40 years after the first international treaty to address fishing vessel safety was adopted there is still no binding regulatory framework in force providing minimum safety measures for fishing vessels,

NOTING that the Agreement, in accordance with its article 4(1), shall enter into force 12 months after the date on which not less than 22 States the aggregate number of whose fishing vessels of 24 m in length and over operating on the high seas is not less than 3,600 have expressed their consent to be bound by it,

NOTING WITH CONCERN that the number of States that have so far deposited instruments of ratification, acceptance, approval or accession in respect of the Agreement is insufficient to enable it to enter into force,

RECOGNIZING the importance of global cooperation and partnerships to promote the ratification and effective implementation of the Agreement by as many States as possible, particularly developing countries,

BELIEVING that the promotion of technical cooperation and the provision of technical assistance will aid States lacking adequate expertise to implement the provisions of the Agreement,

APPRECIATING the efforts made by the Organization, FAO, ILO, other United Nations agencies and international organizations to improve the safety of fishing vessels, including the conditions under which fishing vessel personnel work, and combat IUU fishing practices,

APPRECIATING ALSO the contributions made by the Organization, FAO and The Pew Charitable Trusts for their diligent efforts in preparing for the Conference and ensuring its successful conclusion,

GREATLY APPRECIATING the efforts of the officers of the Ministerial Conference, the panel moderators and the information provided by the expert presenters,

DEEPLY APPRECIATING the messages from the United Nations Secretary-General's Special Envoy for the Ocean, ministers, ambassadors and other dignitaries conveyed during the Ministerial Conference,

1 CALLS UPON States that have not yet become parties to the Agreement to do so [at the earliest possible opportunity] [by the tenth anniversary of its adoption (11 October 2022)];

2 URGES States to implement and apply the Agreement, recognizing that the ultimate effectiveness of the instrument depends upon the widespread support of States, in their capacities as flag, port and coastal States;

3 STRONGLY URGES States to take actions to prevent, deter and eliminate the proliferation of IUU fishing activities, recognizing that increased safety standards of fishing vessels will empower port States to carry out harmonized safety inspections of fishing vessels operating in their waters, thereby increasing the transparency of fishing activities;

4 ENCOURAGES States to ratify, promote and implement the 1995 STCW-F Convention, which sets the standards of training, certification and watchkeeping of personnel employed onboard fishing vessels, the goals of which run parallel to those of the Agreement, and which forms a significant component of the Organization's regulatory framework for the safety of fishing vessel personnel and fishing vessels;

5 CALLS UPON FAO, ILO and IMO, to continue to work together to achieve rapid worldwide implementation of international agreements relating to work in the fishing sector, protection of fishing vessel personnel, improvement of fishing vessel safety and elimination of IUU fishing, and for States, through ministries, agencies and departments at the national level to coordinate their actions to address these issues;

6 ENCOURAGES States that need technical assistance on matters relating to fishing vessel safety to seek such assistance from the Organization, other international organizations, or other States;

7 INVITES States that experience difficulties in the process of becoming parties to the Agreement to inform the Organization of the circumstances thereof, so that consideration can be given to taking appropriate action in this respect, including providing necessary technical assistance;

8 REQUESTS the Organization to consider:

- .1 continuing to provide States with the assistance they may need in acceding to and implementing the Agreement and to make adequate provision for that purpose within its Integrated Technical Co-operation Programme;
- .2 developing further related technical assistance tools, for example on matters concerning the protection of the environment, combatting IUU fishing, fisheries-related crimes and crimes associated with fisheries, and measures against the fraudulent registration of vessels engaged in IUU fishing or fishing related activities in support of such fishing;

9 ALSO REQUESTS the Organization to monitor the progress made regarding the entry into force of the Agreement and to take action as it deems appropriate.

## **MINISTERIAL CONFERENCE RESOLUTION 2**

### **Expression of appreciation to the host Government**

THE MINISTERIAL CONFERENCE,

GREATLY APPRECIATING the kind invitation of the Kingdom of Spain to hold a Ministerial Conference to promote 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, in Torremolinos,

RECOGNIZING with appreciation the generous financial and in-kind contribution and excellent arrangements made by the Government of Spain for the Conference, as well as the hospitality, courtesies and other amenities bestowed on the participants by the Government and people of Spain,

1 EXPRESSES its profound gratitude and thanks to the Government and people of Spain for their valuable contribution to the success of the Conference;

2 DECIDES, in grateful recognition of this contribution, to designate the Statement adopted by the Ministerial Conference as the:

"TORREMOLINOS STATEMENT ON THE CAPE TOWN AGREEMENT OF 2012".

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