



Parliamentarians for Global Action  
Parlamentarios para la Acción Global  
Action Mondiale des Parlementaires  
برلمانيون من أجل التحرك العالمي



# Parliamentary Toolkit on Ending IUU Fishing



**Campaign on the Protection of the Oceans &  
Implementation of SDG 14**

---

New York / The Hague  
Updated: December 2021



---

The Sheng Chi Huei 12, a Taiwanese fishing vessel. Photo: Benjamin Lowy/Reportage; The Outlaw Ocean, Ian Urbina, The New York Times

**HEADQUARTERS:**

132 Nassau Street, Suite 1419, New York, NY 10038, USA  
T +1.212.687.7755  
F +1.212.6878409

**STICHTING PGA:**

70 Laan van Meerdervoort, The Hague, 2517AN, The Netherlands  
T +31.70.360.4433  
F +31.70.364.22.55

[www.pgaction.org](http://www.pgaction.org)

# TABLE OF CONTENTS

---

**04 EXECUTIVE SUMMARY**

**05 PGA'S ROLE**

**06 EXPLOITATION OF FISHERIES AND HUMANS**

06 What is IUU Fishing?

06 How does it relate to Human Rights, Human Security and Sustainable Development?

**09 THE LEGAL FRAMEWORK**

09 How Can We Address Illegal Fishing?

09 Why Do We Need 3 Treaties?

09 How Do the 3 Treaties Address Illegal Fishing?

10 What is the Status of Each of the 3 Treaties?

**11 THE ROLE OF PARLIAMENTARIANS**

**14 RATIFICATION & IMPLEMENTATION CHART**

**16 WHAT COMES NEXT?**

**18 RESOURCES**

**20 ANNEX 1 - SAMPLE PARLIAMENTARY QUESTION**

**21 ANNEX 2 - MODELS FOR IMPLEMENTATION**

21 Port State Measures Agreement

28 Work in Fishing Convention No. 188

29 Cape Town Agreement

**30 ANNEX 3 - IMO INSTRUMENT OF RATIFICATION – CAPE TOWN AGREEMENT**

**33 ANNEX 4 - TORREMOLINOS DECLARATION**

# EXECUTIVE SUMMARY



Regardless of where we live, the food we eat, and the language we speak, we all rely on the Oceans to keep us alive. Illegal, Unreported, and Unregulated (IUU) fishing threatens this vital resource. It threatens our marine ecosystems, undermines governments' efforts to manage their marine resources, endangers food security, exacerbates poverty, serves as a security threat, and encourages many human rights violations and social costs that are detrimental to livelihoods. Parliamentarians have a vital role in addressing IUU fishing and protecting the Oceans.

This Parliamentary Toolkit provides insight into IUU fishing, how it relates to human security, and highlights the role parliamentarians can play in protecting the Oceans and supporting the implementation of United Nations Sustainable Development Goal (SDG) 14: Life Below Water.

It further offers practical guidance, tools, and resources designed to support lawmakers to undertake legislative and outreach activities that thwart illegal fishing.

The toolkit introduces international treaties critical to addressing IUU fishing; examples of effective strategies used by parliamentarians; and technical assistance to support ratification and implementation.

The Oceans span the globe. Parliamentarians are crucially positioned as representatives of their constituencies to take action at the national level that will have true global impact.

## Common Heritage of Humankind

“The sea was the common heritage of mankind. It was therefore in the common interest that the law of the sea should be certain, that it should regulate justly the various interests involved and that it should ensure the preservation of that heritage for the benefit of all.”

- *Prince Wan Waithayakon (Thailand), Acting President of the 1st Plenary Meeting of the United Nations Conference on the Law of the Sea, 1958*



# PGA'S ROLE

In 2016, a number of engaged parliamentarians on the Board of Parliamentarians for Global Action (PGA) came together and decided to take action to protect the Oceans. PGA's [Campaign on the Protection of the Oceans and Implementation of SDG 14](#) (Oceans Campaign) aims to ensure the sustainability of the world's oceans and to end human rights violations associated with illegal, unreported and unregulated (IUU) fishing, through increased transparency in the fisheries sector and seafood industry.

The [PGA Oceans Campaign: \(#MPsforOceans\)](#)

Supports peer-to-peer dialogue among lawmakers globally working together towards implementation of SDG 14, and provides technical support, upon request, to those MPs working towards the ratification and implementation of international agreements, such as:

- The International Maritime Organization (IMO) Cape Town Agreement (CTA).
- The Food & Agriculture Organization (FAO) Port State Measures Agreement (PSMA).
- The International Labour Organization (ILO) Work in Fishing Convention No. 188 (C188)



PGA Delegation - Board Members (l-r): Hon. Beatrice Epaye of Central African Republic, Hon. Levy Nazare of São Tomé & Príncipe, PGA President Hon. Margareta Cederfelt of Sweden) supporting the signing of the Torremolinos Declaration at the IMO Ministerial Conference on Fishing Vessel Safety and IUU Fishing; Torremolinos, Spain; 21 October, 2019

# EXPLOITATION OF FISHERIES AND HUMANS

## What is IUU Fishing?

IUU fishing – Illegal, Unreported, and Unregulated fishing – is a broad term that covers a range of illicit fishing activity<sup>1</sup>. This includes all fishing that breaches fisheries laws, that occurs outside the reach of fisheries laws and regulations<sup>2</sup>, that occurs on the high seas, and that occurs in areas within a country's national jurisdiction. The UN's Food and Agriculture Administration (FAO) reports that IUU fishing activities account for the loss of 11-26 tons of fish each year, or an estimated economic value of up to \$23 billion USD<sup>3</sup>.

**Illegal fishing** is a significant aspect of IUU fishing. This typically refers to fishing without a license, fishing in a restricted area, fishing with prohibited gear or of a prohibited species, or fishing over an allowed quota. The majority of the world's fish are caught in the national waters of coastal countries. In practice, illegal fishing can be a licensed fishing vessel that is fishing over its allowed quota, or an unlicensed fishing vessel entering a fishing zone<sup>4</sup>.

**Unreported fishing** takes place when a fishing vessel that may or may not be licensed to catch a certain species either fails to report or underreports their catch.

**Unregulated fishing** often occurs on the high seas – international waters that are beyond the national jurisdiction of any State. The high seas constitute approximately 45 percent of the earth. This vast expanse, coupled with little enforcement or patchy regulation, allows for the proliferation of illegal and unregulated fishing; leaving significant harmful impact on marine life<sup>5</sup>.

## How does it relate to Human Rights, Human Security and Sustainable Development?

**Trafficking in human beings and forced labor** can happen at every step of the fishery supply chain, which is currently opaque and difficult to trace.

*“Human trafficking in fisheries entails the transfer and containment of persons onboard vessels, where they are forced to work as crew by means of violence, threat or debt. Victims of forced labor in fisheries are often migrant workers without a support network. Victims of forced labor are often isolated in inhumane conditions onboard fishing vessels, trapped at sea for extended periods of time. Crew members can be subjected to a range of forced labor abuses including physical, psychological and sexual abuse; unsanitary and unsafe working conditions; 20-hour*

1 [www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/](http://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/)

2 [www.pewtrusts.org/en/research-and-analysis/fact-sheets/2013/08/27/faq-illegal-unreported-and-unregulated-fishing](http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2013/08/27/faq-illegal-unreported-and-unregulated-fishing)

3 [www.un.org/en/events/illegalfishingday/](http://www.un.org/en/events/illegalfishingday/)

4 [www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/](http://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/)

5 [www.pewtrusts.org/-/media/legacy/uploadedfiles/peg/publications/fact\\_sheet/iuufaqwebpdf.pdf](http://www.pewtrusts.org/-/media/legacy/uploadedfiles/peg/publications/fact_sheet/iuufaqwebpdf.pdf)

*workdays; lack of pay; and even murder. IUU fishing vessels have been known to subsidize costs using forced labor exploitation, as they are already evading laws, regulations and oversight to drive profits and may be more willing to exploit workers.”*<sup>6</sup>

The **food shortages and human migration** caused by failing fisheries subsequently may fuel **wars, crime, and terrorist recruiting**<sup>7</sup>. Resulting tensions between countries can be seen, for example, from the coast of Patagonia to the South China Sea to the Bay of Bengal<sup>8</sup>.

**Arms smuggling** may flourish alongside IUU fishing, as evidenced by the Iranian fishing boats that have been caught attempting to smuggle arms to Houthi rebels in Yemen<sup>9</sup>.

**Legitimate commercial fishers**, who are acting responsibly and lawfully, in accordance with the terms of their fishing authorizations, are greatly disadvantaged and discriminated against through IUU fishing<sup>10</sup>. Illegal fishers avoid licensing fees and other overhead costs, often falsify documentation, and effectively launder their catch – effectively creating unfair competition<sup>11</sup>.

**National and regional efforts towards marine conservation and the management of fish stocks** are directly undermined by IUU fishing. Consequently, this inhibits progress towards the achievement of long-term sustainability goals.

**Accuracy of official fish catch and stock estimates** are also affected by unreported catch by illegal fishers. This thwarts fishery management by regulatory bodies who use reported catches and stock estimates to set limits and regulations<sup>12</sup>.

In turn, this means **rebuilding or maintaining fish stocks at healthy levels** cannot be achieved. This threatens marine biodiversity, and **food security** for the 3 billion individuals who rely on fisheries for protein, and the livelihoods of local fishermen<sup>13</sup>.

IUU fishing has **wide-ranging economic and social costs**: Revenue is diverted from legitimate, and often developing, economies; decreases a vital food source for dependent coastal communities; and heightens security challenges for coastal communities<sup>14</sup>. For instance, IUU security hazards enabled the perpetrators of the horrific 2008 attack on Mumbai to enter India from Pakistan on a hijacked fishing boat<sup>15</sup>.

To acknowledge the immense impact of IUU fishing, Target 4 of the United Nation’s SDG 14 specifically urges the international community to “effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices.”<sup>16</sup>

---

6 [https://usa.oceana.org/sites/default/files/illegal\\_fishing\\_and\\_human\\_rights\\_abuses\\_at\\_sea\\_final.pdf#page=9](https://usa.oceana.org/sites/default/files/illegal_fishing_and_human_rights_abuses_at_sea_final.pdf#page=9)

7 [www.bloomberg.com/opinion/articles/2018-12-28/illegal-fishing-is-a-global-security-threat](http://www.bloomberg.com/opinion/articles/2018-12-28/illegal-fishing-is-a-global-security-threat)

8 <https://fas.org/irp/nic/fishing.pdf>

9 [www.nbcnews.com/news/world/australia-navy-finds-2-000-weapons-somalia-bound-fishing-dhow-n533196](http://www.nbcnews.com/news/world/australia-navy-finds-2-000-weapons-somalia-bound-fishing-dhow-n533196)

10 [www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/](http://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/)

11 [www.pewtrusts.org/-/media/legacy/uploadedfiles/peg/publications/fact\\_sheet/iuufaquestionnaire.pdf#page=2](http://www.pewtrusts.org/-/media/legacy/uploadedfiles/peg/publications/fact_sheet/iuufaquestionnaire.pdf#page=2)

12 [www.pewtrusts.org/-/media/legacy/uploadedfiles/peg/publications/fact\\_sheet/iuufaquestionnaire.pdf](http://www.pewtrusts.org/-/media/legacy/uploadedfiles/peg/publications/fact_sheet/iuufaquestionnaire.pdf)

13 [www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/](http://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/)

14 [www.pewtrusts.org/-/media/legacy/uploadedfiles/peg/publications/fact\\_sheet/iuufaquestionnaire.pdf#page=3](http://www.pewtrusts.org/-/media/legacy/uploadedfiles/peg/publications/fact_sheet/iuufaquestionnaire.pdf#page=3)

15 [www.bloomberg.com/opinion/articles/2018-12-28/illegal-fishing-is-a-global-security-threat](http://www.bloomberg.com/opinion/articles/2018-12-28/illegal-fishing-is-a-global-security-threat)

16 [www.un.org/en/events/illegalifishingday/index.shtml](http://www.un.org/en/events/illegalifishingday/index.shtml)



## Sustainable Development Goal 14: Life Below Water

14.4 By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics”<sup>17</sup>



17 [www.un.org/sustainabledevelopment/oceans/](http://www.un.org/sustainabledevelopment/oceans/)



# THE LEGAL FRAMEWORK

## How Can We Address Illegal Fishing?

Several United Nations Agencies have together created a solid framework to end IUU fishing and its related human rights abuses. The U.N. Food and Agriculture Organization's (FAO) **Port State Measures Agreement (PSMA)** strengthens port controls to prevent illegally caught fish from entering the global market. The International Labour Organization's (ILO) **Work in Fishing Convention No. 188 (C188)**, sets basic standards for decent work conditions in the commercial fishing industry. Finally, the International Maritime Organization's (IMO) **Cape Town Agreement (CTA)**, outlines safety standards for commercial fishing vessels and details regulations that countries party to the agreement must adopt to protect fishing crews and their observers.

All three U.N. agencies have recognized the combined benefits of the aforementioned instruments in tackling illegal, unreported, and unregulated fishing and associated social issues<sup>18,19</sup>

When applied together effectively, these three treaties provide for a solid legal framework to protect countries and their citizens from threats to food security and environmental sustainability, human trafficking and forced labor.

## Why Do We Need 3 Treaties?

The FAO, ILO, and IMO have collectively recognized the link between safety, labor and IUU issues, and the need for these issues to be addressed together in order to be effective. Together, these treaties help guard against overexploitation of fish stocks, protect the people catching them, and help ensure that all captains and crews on the ocean and in port are operating under the same set of rules.

Accomplishing that simple goal has always been tricky because of the numerous nations that have regulatory authority over any given fishing voyage, and the varying degrees to which those authorities enforce the rules.

- FAO's Port State Measures Agreement addresses *legality of catch*.
- ILO's Work in Fishing Convention addresses *decent working conditions*.
- IMO's Cape Town Agreement addresses *fundamental safety standards*.

## How Do the 3 Treaties Address Illegal Fishing?

The CTA sets standards on construction, design, and equipment of vessels 24 meters and up. It is

---

18 The Pew Charitable Trusts, The Cape Town Agreement: 7 Reasons to Improve Safety on Fishing Vessels, [www.pewtrusts.org/en/research-and-analysis/fact-sheets/2017/10/the-cape-town-agreement](http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2017/10/the-cape-town-agreement)

19 See PGA involvement in events recognizing the need for combined efforts: [PGA Board Member Addresses Regional IMO Seminar on The Ratification and Implementation of the 2012 Cape Town Agreement in Asia](#) and [Renewed Global Parliamentary Support for the Protection of the Ocean](#)

designed to improve safety globally and set a level playing field for industry. Through the CTA, States that already have fishing vessel safety regulations can demonstrate leadership on an important issue and encourage those that lag behind to create them. Those without such regulations can raise their standards and provide protection for vulnerable workers.

The PSMA requires parties to strengthen and harmonize port controls for foreign-flagged vessels, and as a result aims to keep IUU fish out of the world's markets. Ports known for lax law enforcement or limited inspection capacity are a prime pathway for unethical fishermen to get their catch from ship to shelf. Port States enforcing the treaty will refuse port entry or access to port services, including landing and transshipment of fish, to foreign-flagged vessels known to have engaged in IUU fishing<sup>20</sup>.

C188 sets out binding requirements to address the main issues concerning work on-board fishing vessels, including occupational safety and health and medical care at sea and ashore, rest periods, written work agreements, and social security protection at the same level as other workers. Until C188, there was no instrument setting international labor standards for workers employed in the sector. And nearly all global safety regulations pertaining to safety still fail to address worker standards, meaning that exploitative practices can easily go undetected<sup>21</sup>.

## What is the Status of Each of the 3 Treaties?

Of these treaties, the CTA has yet to enter into force. Currently, 16 States with 1,907 vessels have ratified this treaty that was adopted in 2012<sup>22</sup>. The Agreement will enter into force once 22 States with a combined 3,600 eligible fishing vessels ratify or accede. **Until the CTA enters into force, there are no mandatory global safety regulations for fishing vessels<sup>23</sup>.**

The FAO adopted the PSMA in 2009, and the Agreement entered into force in 2016. Currently, 70 States have ratified the PSMA<sup>24</sup>. Consistent international momentum has made it increasingly difficult for illegitimate catch to make its way to national and international markets and reduces the incentive for dishonest fishing operators to continue their IUU activities<sup>25</sup>.

The ILO's 2007 C188 Work in Fishing Convention entered into force in 2017. Currently, 19 States have ratified the Convention<sup>26</sup>.

---

20 The Pew Charitable Trusts, The Port State Measures Agreement: From Intention to Implementation, [www.pewtrusts.org/-/media/assets/2018/04/psma\\_from-intention-to-implementation.pdf](http://www.pewtrusts.org/-/media/assets/2018/04/psma_from-intention-to-implementation.pdf)

21 International Labour Organization, International expert meeting on labour exploitation in the fishing sector in the Atlantic region Background Paper, [www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_429048.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_429048.pdf)

22 International Maritime Organization, Status of Conventions, <https://www.imo.org/en/About/Conventions/Pages/StatusOfConventions.aspx>. Retrieved 26 November 2021

23 International Maritime Organization, Enhancing Fishing Vessel Safety to Save Lives, [www.imo.org/en/MediaCentre/HotTopics/Pages/Fishing.aspx](http://www.imo.org/en/MediaCentre/HotTopics/Pages/Fishing.aspx)

24 Food and Agriculture Organization, Parties to the PSMA, <https://www.fao.org/port-state-measures/background/parties-psma/en/>. Retrieved 26 November 2021

25 The Pew Charitable Trusts, Implementing the Port State Measures Agreement, [www.pewtrusts.org/-/media/assets/2017/04/capacity\\_needs\\_assessment.pdf](http://www.pewtrusts.org/-/media/assets/2017/04/capacity_needs_assessment.pdf)

26 International Labor Organization, Ratifications of C188 Work in Fishing Convention, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:312333](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312333). Retrieved 26 November 2021

# THE ROLE OF PARLIAMENTARIANS

The UN Resolution that establishes the Sustainable Development Goals (SDGs) emphasizes the “essential role of national parliaments through their enactment of legislation and adoption of budgets and their role in ensuring accountability for the effective implementation of our commitments.”<sup>27</sup>

**As elected officials and representatives of constituents, parliamentarians are uniquely and positioned to lead the fight against IUU Fishing and its related human rights abuses.**

The following are suggested actions Parliamentarians can take:

## Awareness Raising and Education:

- Reach out to Government Ministries (in this case, typically the Ministries of Environment or Agriculture, of Maritime Affairs or Fisheries, of Labour, and of International Affairs), and ask about their position on the Three Treaties
- Talk to parliamentary colleagues and organize group meetings to raise awareness about the importance of these matters
- Share knowledge by circulating research and data that demonstrate the impact of illegal fishing on local communities and national revenue. There are many resources available<sup>28</sup> – in addition to the results of any independent Parliamentary commissions – that may be shared with constituents, the media and parliamentary colleagues.
- Maintain an open line of communication with parliamentary peers and local communities that allows citizens to be heard, and provides a vehicle for parliamentarians to convey concrete steps to improve standards of living.<sup>29</sup>
- Explain the urgent importance of the Three Treaties as a tool to address illegal fishing. The Three Treaties address safety, labour, and IUU fishing together in order to effectively end illegal fishing and its related human rights abuses.

## Policy:

Lawmakers have the authority to ratify the Three Treaties once their importance is recognized by Government.

<sup>27</sup> <https://sustainabledevelopment.un.org/post2015/transformingourworld>, para 45

<sup>28</sup> Refer to “Resources” section of this Handbook

<sup>29</sup> Refer to “How does it relate to Human Security and the SDGs?” section of this Handbook for information on how illegal fishing affects various aspects of life and national interest



Parliamentarians can:

- Table parliamentary questions to encourage urgency in the ratification or implementation process.
- Draft legislation for the ratification or implementation of the Three Treaties. The following section, “Models for Implementation” outlines steps and model legislation that can be used to facilitate this.
- Request briefings on a regular basis from relevant Ministries on the current status of ratification or implementation, and on the role parliamentarians can play in the success of this process.
- Urge governments to prioritize the implementation of SDG 14, recognize the importance of thwarting IUU fishing for sustainable livelihoods, and utilize the Three Treaties as an effective tool.

## Oversight & Accountability

As the authority with the mandate to provide oversight of the Executive, parliamentarians can ensure that accountability and transparency strengthen country-level institutions of good governance<sup>30</sup> through demanding:

- Accountability through monitoring the development of legislation and resource allocation.
- Transparent reporting of the process of addressing IUU fishing, including ratification and implementation of the Three Treaties.
- Budgetary oversight to ensure resources are adequately allocated to departments, policies, and programs that support the issue of addressing IUU fishing and its related human rights abuses.

*The PGA Secretariat stands ready to provide no-cost technical assistance upon request.*

---

30 <https://myworld2015.files.wordpress.com/2017/04/parliamentary-manual-updated.pdf>



# RATIFICATION & IMPLEMENTATION CHART<sup>31</sup>

	PSMA	C188	CTA		PSMA	C188	CTA
Albania	X			France (EU)	X	X	X
Angola		X		Gabon	X		
Antigua & Barbuda		X		Gambia	X		
Argentina		X		Germany (EU)			X
Australia	X			Ghana	X		
Bahamas	X			Grenada	X		
Bangladesh	X			Guinea	X		
Barbados	X			Guyana	X		
Belgium (EU)			X	Iceland	X		X
Benin	X			Indonesia	X		
Bosnia & Herzegovina		X		Japan	X		
Cabo Verde	X			Kenya	X		
Cambodia	X			Liberia	X		
Canada	X			Libya	X		
Chile	X			Lithuania (EU)		X	
Congo		X	X	Madagascar	X		
Cook Islands			X	Maldives	X		
Costa Rica	X			Mauritania	X		
Côte d'Ivoire	X			Mauritius	X		
Croatia			X	Montenegro	X		
Cuba	X			Morocco		X	
Denmark (EU)	X	X	X	Mozambique	X		
Djibouti	X			Myanmar	X		
Dominica	X			Namibia	X	X	
Ecuador	X			Netherlands (EU)		X	X
Estonia (EU)		X		New Zealand	X		
European Union	X			Nicaragua	X		
Fiji	X			Norway	X	X	X
Finland (EU)			X	Oman	X		



	PSMA	C188	CTA		PSMA	C188	CTA
Palau	X			Vanuatu	X		
Panama	X			Vietnam	X		
Peru	X		X				
Philippines	X						
Poland (EU)		X					
Portugal (EU)		X					
Republic of Korea	X						
Russia	X						
St. Kitts & Nevis	X		X				
St. Vincent & Grenadines	X						
Sao Tome & Principe	X		X				
Senegal	X	X					
Seychelles	X						
Sierra Leone	X						
Somalia	X						
South Africa	X	X	X				
Spain (EU)			X				
Sri Lanka	X						
Sudan	X						
Thailand	X	X					
Togo	X						
Tonga	X						
Trinidad and Tobago	X						
Turkey	X						
United Kingdom	X	X					
United States	X						
Uruguay	X						



# WHAT COMES NEXT?

The next steps parliamentarians may take to address IUU fishing depend on their country's specific position in the journey towards ratification and implementation of the Three Treaties. Below, please find guidance for various situations: (PGA can provide technical assistance with any of these steps)

## CONTEXT

What to do if the ratification or implementation status of the country is unknown?

OR

What to do if the government intends to ratify?

## ACTION

Pose a parliamentary question to the relevant Minister on:<sup>32</sup>

- Existing timeline and obstacles towards ratification and implementation of the three treaties.

## CONTEXT

What to do if the country has ratified the Three Treaties?

## ACTION

Pose a parliamentary question to the relevant Minister on:<sup>33</sup>

- timeline and obstacles on the path to national implementation.

## CONTEXT

How to create a dialogue about the three treaties?

## ACTION

Raise the issue in conversation with those who have a portfolio on this topic – such as Ministers in charge of fisheries and labor, or fellow parliamentarians on relevant committees.

Ask your Committee Chair to dedicate time on the agenda for discussion.

Pose a question in parliament.

Talk to the media, write an op-ed or post on social media

<sup>32</sup> See Sample Parliamentary Question in Annex 1.

<sup>33</sup> See Sample Parliamentary Question in Annex 1.

## CONTEXT

How to raise awareness about IUU fishing and related human rights abuses?

## ACTION

- Share resources on the effects of IUU fishing, and on the importance of the three treaties in tackling this issue with other parliamentarians and government officials; as well as with members of the press.
- Raise the issue with parliamentary committee chairs of Fisheries, Agriculture, Human Resources and/or Transportation Committees.
- Engage with local nonprofits working on the issue of illegal fishing. (PGA's Secretariat will be happy to facilitate contacts to its network of grassroots organizations)
- Host press conferences or write op-eds.
- Utilize social media as a platform to emphasize voices of #MPsforOceans
- Organize National Group meetings on the issue. PGA's Secretariat can facilitate this with an agenda, documents, and any other necessary resources.



São Tomé & Príncipe signing the Torremolinos Declaration during the IMO Ministerial Conference on Fishing Vessel Safety and IUU Fishing; Torremolinos, Spain; 21 October, 2019



# RESOURCES

THE FOLLOWING PGA RESOURCES ARE AVAILABLE:



PGA Oceans Campaign Brief ([en](#))<sup>34</sup> ([es](#))<sup>35</sup> ([fr](#))<sup>36</sup>



Three Treaties to End Illegal Fishing Brochure ([en](#))<sup>37</sup> ([es](#))<sup>38</sup> ([fr](#))<sup>39</sup> ([pt](#))<sup>40</sup>

34 [www.pgaction.org/pdf/campaigns/oceans/summary\\_en.pdf](http://www.pgaction.org/pdf/campaigns/oceans/summary_en.pdf)

35 [www.pgaction.org/pdf/campaigns/oceans/summary\\_es.pdf](http://www.pgaction.org/pdf/campaigns/oceans/summary_es.pdf)

36 [www.pgaction.org/pdf/campaigns/oceans/summary\\_fr.pdf](http://www.pgaction.org/pdf/campaigns/oceans/summary_fr.pdf)

37 [www.pgaction.org/pdf/campaigns/oceans/brochure-three-treaties\\_en.pdf](http://www.pgaction.org/pdf/campaigns/oceans/brochure-three-treaties_en.pdf)

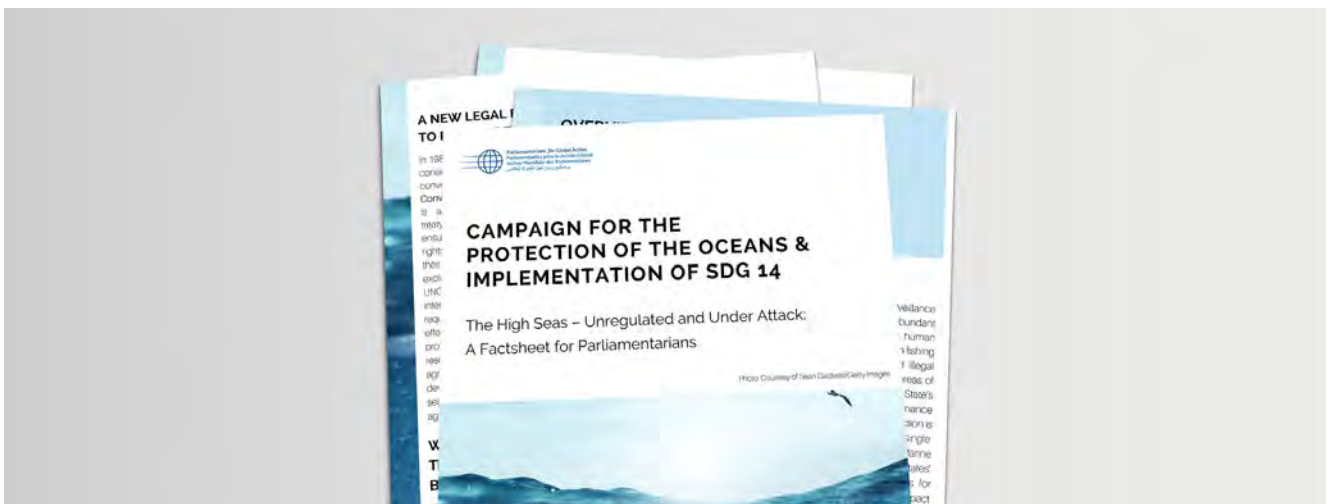
38 [www.pgaction.org/pdf/campaigns/oceans/brochure-three-treaties\\_es.pdf](http://www.pgaction.org/pdf/campaigns/oceans/brochure-three-treaties_es.pdf)

39 [www.pgaction.org/pdf/campaigns/oceans/brochure-three-treaties\\_fr.pdf](http://www.pgaction.org/pdf/campaigns/oceans/brochure-three-treaties_fr.pdf)

40 [www.pgaction.org/pdf/campaigns/oceans/brochure-three-treaties\\_pt.pdf](http://www.pgaction.org/pdf/campaigns/oceans/brochure-three-treaties_pt.pdf)



Small-Scale Fisheries Factsheet ([en](#))<sup>41</sup> ([es](#))<sup>42</sup>



High Seas Treaty Factsheet ([en](#))<sup>43</sup> ([es](#))<sup>44</sup>

41 [www.pgaction.org/pdf/campaigns/oceans/factsheet-small-scale-fisheries\\_en.pdf](http://www.pgaction.org/pdf/campaigns/oceans/factsheet-small-scale-fisheries_en.pdf)

42 [www.pgaction.org/pdf/campaigns/oceans/factsheet-small-scale-fisheries\\_es.pdf](http://www.pgaction.org/pdf/campaigns/oceans/factsheet-small-scale-fisheries_es.pdf)

43 [www.pgaction.org/pdf/campaigns/oceans/factsheet-high-seas-unregulated\\_en.pdf](http://www.pgaction.org/pdf/campaigns/oceans/factsheet-high-seas-unregulated_en.pdf)

44 [www.pgaction.org/pdf/campaigns/oceans/factsheet-high-seas-unregulated\\_es.pdf](http://www.pgaction.org/pdf/campaigns/oceans/factsheet-high-seas-unregulated_es.pdf)

# ANNEX 1 - SAMPLE PARLIAMENTARY QUESTION

The below text serves as a sample parliamentary question, similar to those posed by many PGA members in 2019. Individualized questions in English, French, German, Italian, Portuguese and Spanish can be prepared upon request.

Honorable Minister:

On 21-23 October 2019, the International Maritime Organization (IMO) hosted the Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported, and Unregulated (IUU) Fishing in Torremolinos, Spain. The goal of the conference was to promote the entry into force of the Cape Town Agreement (CTA), which will help deter the proliferation of IUU fishing by establishing currently non-existent mandatory global safety standards for fishing vessels.

The FAO, ILO, and IMO have collectively recognized the link between safety, labour, and IUU issues, and the need to be addressed together in order to be effective. These UN Agencies have together created a solid framework to end IUU fishing and its related human rights abuses.

The ILO's Work in Fishing Convention No. 188 (C188) sets basic standards for decent work conditions in the commercial fishing industry. Until C188, there was no instrument setting international labor standards for workers employed in the fishing sector. Nearly all global safety regulations pertaining to safety still fail to address worker standards, meaning that exploitative practices can easily go undetected.

The U.N. Food and Agriculture Organization's (FAO) Port State Measures Agreement (PSMA) strengthens port controls to prevent illegally caught fish from entering the global market. The PSMA requires parties to strengthen and harmonize port controls for foreign-flagged vessels, and as a result aims to keep IUU fish out of the world's markets.

In view of the above, I would like to ask Minister:

[My country] has not yet ratified the [CTA, PSMA, nor C188].

1. Did [my country's] delegation attend the IMO Ministerial Conference in Torremolinos?
  - a. If so, is [my country] planning to ratify the Cape Town Agreement, contributing to the Agreement entering into force?
  - b. If not, what are the existing obstacles to ratification?
2. Is [my country] planning to ratify the Port State Measures Agreement or the Work in Fishing Convention C188?
  - a. If so, will [my country] be announcing either ratification before 2020?
  - b. If not, what are the existing obstacles to both ratifications?



# ANNEX 2 - MODELS FOR IMPLEMENTATION

## Port State Measures Agreement<sup>45</sup>

### 1. Objective

The objective of this [legislation] is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.

### 2. Application

This [legislation] applies to:

- a) foreign vessels that are seeking entry to a port or are in a port of [country], except for:
  - i. vessels of a neighbouring State that are engaged in artisanal fishing for subsistence, provided that there is cooperation between [country] and such neighbouring State to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing;
  - ii. container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing; and
  - iii. where so decided by the [Minister], vessels chartered by nationals of [country] exclusively for fishing within areas under national jurisdiction and operating under the authority of [country], provided that such vessels shall be subject to measures that are as effective as those applied to [country] vessels;
- b) persons, vessels, vehicles, aircraft, export facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of this legislation;
- c) All fishing and fishing related activities in support of such fishing:
  - i. in areas over which [country] exercises jurisdiction or sovereign rights;
  - ii. in areas beyond national jurisdiction:
    1. by [country] nationals, including vessels and persons and all persons on board such vessels or dealing with them or having any relevant relationship to them or to persons on them, to the extent that it does not conflict with the jurisdiction of another State;

---

<sup>45</sup> Legislative Template for the Implementation of Port State Measures – Core Provisions, Implementation of Port State Measures, Food and Agriculture Organization of the United Nations <http://www.fao.org/3/a-i5801e.pdf>

2. as required pursuant to this [legislation], international agreement or conservation and management measures;
3. otherwise in relation to illegal, unreported and unregulated fishing and fishing related activities in support of such fishing consistent with international law.

### **3. Designation of ports**

- 1) The [Minister] shall designate and publicize the port or ports to which vessels may request entry.
- 2) The [Minister] shall provide a list of each port designated pursuant to paragraph (1) to FAO and to any RFMO pursuant to an applicable conservation and management measure.

### **4. Prerequisites for entry or use of port**

The operator of a vessel shall not enter or use a port in [country] unless:

- a. where ports have been designated and publicised in accordance with section 4, such port has been so designated and publicised;
- b. the operator has requested entry into port and provided the information in [Annex of this [legislation] or in a separate legal instrument] to [official];
  - i. at least [24 hours] before entering into port; or
  - ii. immediately after the end of the fishing operations, if the time distance to the port is less than [24 hours] [and the time of submission is provided to the [official] [at least [ \*\* ] hours before entering into port];
- c. the [official] has authorized entry of such vessel into port and communicated such authorization to the master of the vessel and any lawful representative of the vessel in [country]; and
- d. upon arrival at port, the master of the vessel or the vessel's representative has presented the authorization for entry into the port to [official].

### **5. Denial of entry into port and use of port**

- 1) The [official], where there is sufficient proof that a vessel seeking entry into a port of [country] has engaged in IUU fishing or fishing related activities in support of such fishing, in particular where it is an IUU listed vessel:
  - a. shall deny entry to such vessel; or
  - b. notwithstanding subparagraph (a), may allow such vessel to enter a port exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing; and

c. shall communicate any decision taken pursuant to paragraphs (a) or (b) to the vessel or its representative.

2) Where a vessel has been allowed entry pursuant to subsection (1)(b), it shall not be authorized to use the port.

3) The [official] may deny entry into and use of a port to any vessel that the [official] has reasonable grounds to believe has violated this [legislation].

4) Where entry is denied under subsection (1)(a), (2) or (3), the [official] shall notify the decision to the flag State of the vessel and, as appropriate, to each relevant coastal State, RFMO and other international organization.

## **6. Force majeure or distress**

1) Nothing in this [legislation] affects the entry of a vessel to port in accordance with the laws of [country] for reasons of force majeure or distress, providing:

a. a claim of force majeure or distress shall not apply where:

i. it is contrived, untrue or otherwise intentionally created; or

ii. its objective is to avoid liability, and any person who makes an inapplicable claim commits an offence;

b. the burden of proof that a claim of force majeure or distress is valid and does not fall within prohibitions in paragraph (a) shall be on the vessel operator;

c. an [official – e.g. authorized officer] may board and inspect the vessel at any time for the purpose of verifying the claim of force majeure or distress;

d. a vessel that claims force majeure or distress shall be subject to the direction of [official].

2) The [official, and if not a fisheries official then in consultation with a designated fisheries official] may grant a vessel that falls within the scope of this [legislation] entry into port for reasons of force majeure or distress, provided that:

a. the vessel may enter port under its claim of force majeure or distress for such period of time necessary to remedy such claim; and

b. the vessel is permitted entry exclusively for the purpose of rendering assistance to persons or vessels in danger or distress.

## **7. Denial of use of port after entry**

1) Where a vessel that has been granted authorization to enter a port pursuant to section \*\*4c has entered a port, the [official] shall deny such vessel the use of port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including refueling and resupplying, maintenance and drydocking, if:



a. the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by:

i. its flag State; or

ii. a coastal State in respect of areas under its national jurisdiction;

b. there is clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;

c. the flag State does not confirm within a reasonable period of time, on the request of [official], that the fish on board was taken in accordance with applicable requirements of a relevant RFMO; or

d. the [official] has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of IUU fishing unless the operator or charterer of the vessel can establish:

i. that it was acting in a manner consistent with relevant conservation and management measures; or

ii. in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel that had engaged in IUU fishing or an IUU listed vessel.

2) Notwithstanding subsection (1), the [official] may allow a vessel the use of port services:

a. where such services are essential to the safety and health of the crew or the safety of the vessel, provided these needs are duly proven; or

b. as appropriate, for the scrapping of the vessel.

3) Where the use of port is denied under subsection (1), the [official] shall notify the decision to the flag State of the vessel and, as appropriate, to each relevant coastal State, RFMO and other international organization.

## **8. Withdrawal of denial of use of port**

Where the use of port has been denied pursuant to section 8, [country may identify an official or a transparent consultative process as appropriate, e.g. [official] on the advice of the [Attorney General]] shall:

a) withdraw such denial in respect of a vessel only if there is sufficient proof that the grounds on which use of port was denied were inadequate or erroneous or that such grounds no longer apply; and

b) promptly notify the withdrawal promptly to each person that was notified pursuant to section 8(3).

## 9. Conduct of inspections of vessels in port

- 1) The [official(s) responsible for the lead agency/agencies that will be conducting inspections] shall conduct vessel inspections as necessary for the purposes of this [legislation].
- 2) The [official] shall prioritize vessel inspections based on:
  - a. vessels that have been denied entry or use of a port in accordance with the Agreement and/or an applicable conservation and management measure;
  - b. a request from another State or RFMO to inspect a certain vessel, particularly where the request is supported by evidence of IUU fishing or fishing related activities in support of IUU fishing by the vessel in question; and
  - c. whether there are clear grounds for suspecting that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing.
- 3) The [official] shall, to the extent possible, ensure inspection of a level of vessels as may be required by an applicable conservation and management measure.
- 4) During inspections of a vessel in port, inspectors shall carry out inspection in conformity with such procedures as may be determined, and complete a written report of the inspection in the form provided in [Annex \*\* of the legislation, or otherwise refer to the requirements of the Annexes of the instruments] and submit it to [official].
- 5) The master of the vessel shall, in relation to inspection of the vessel, give inspectors all necessary assistance and information, and present relevant material and documents as may be required, or certified copies thereof.
- 6) The [official] shall transmit the results of an inspection under this [legislation] to the flag State of the inspected vessel, and as appropriate to:
  - a. those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities within waters under their national jurisdiction;
  - b. the State of which the vessel master is a national;
  - c. other relevant States and Parties to a relevant international or regional agreement concerning port State measures;
  - d. relevant RFMO(s); and
  - e. FAO and other relevant international organizations.

## 10. Denial of use of port after inspection

- 1) Where, following an inspection, the [official] has reasonable grounds to believe that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the [official] shall:
  - a. promptly notify the flag State and, as appropriate, relevant coastal States, RFMOs and other international organizations, and the State of which the vessel's master is a national of the findings;

and

b. deny the vessel the use of its port for landing, transhipping, packaging and processing of fish that have not been previously landed and for other port services, including refueling and resupplying, maintenance and drydocking, if these actions have not already been taken in respect of the vessel.

2) Notwithstanding paragraph (1)(b), the [official] shall not deny a vessel the use of port services, where such services are essential to the safety and health of the crew or the safety of the vessel, provided these needs are duly proven.

## **11. Prohibited to use or assist, etc. in the use of port in absence of authorization or after denial**

1) Where a vessel:

a. is in port in contravention of:

i. the requirements in section 5;

ii. an applicable denial of authorization to enter port pursuant to section 6(1)(a) or 6(2);

b. has been permitted to enter port exclusively for the purpose of:

i. inspection pursuant to section 6(1)(b);

ii. rendering assistance to persons or vessels in danger or distress pursuant to section 7(2)(b); or

c. has been denied the use of port pursuant to section 8 or section 11,

d. no person, including the operator or crew member of such vessel or any person that is acting directly or indirectly in relation to the vessel, shall:

e. engage in the use of such port or cause such port to be used otherwise than as permitted under subsection (2); or

f. allow, assist or cause, directly or indirectly, the use of port by such vessel.

g. Notwithstanding subsection (1), the port may be used by such vessel where the [official as appropriate in consultation with, e.g. port authority, transport, health officials] permits in writing services to be used exclusively for the safety or health of the crew or the safety of the vessel in accordance with this [legislation] and gives public notice of such permission, and the port is used exclusively for such purposes.

## **12. Requirements in relation to [country] vessels in other port States**

1) The operator of each [country] vessel shall:

a. cooperate fully with inspections carried out in the ports of other States in accordance with their laws and procedures; and



b. not land, tranship, package and process fish, and use other port services, in a port State identified by a relevant RFMO as not acting in accordance with, or in a manner consistent with, applicable international or regional instruments relating to port State measures.

2) Where there are clear grounds to believe that a [country] vessel has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, [official] shall, as appropriate request such State to inspect the vessel or take other measures consistent with applicable international or regional instruments, including those relating to port State measures.

3) Where, following port State inspection, there are clear grounds to believe that a [country] vessel has engaged in IUU fishing or fishing related activities in support of such fishing, [official] shall cause the matter to be immediately and fully investigated and, upon sufficient evidence enforcement action to be taken without delay in accordance with [legislation].

### **13. Fines, penalties, sanctions**

Where a [country] vessel, upon the completion of applicable judicial or administrative processes, has been found to have engaged in IUU fishing or fishing related activities in support of such fishing, the operator shall be liable to: [state measures at least as effective as denial of port use – e.g., suspension/ revocation of license, fine, penalty or other].

### **14. Duties of the [e.g., Minister/Secretary]**

The [Minister/officials] shall:

a. in consultation with the [e.g. port authority, coast guard/navy, etc], develop procedures for making such determinations and notifications as may be necessary to carry out the purposes of this [legislation];

b. designate a point of contact for purposes of electronic exchange of information and notify this information to FAO and to any relevant regional fisheries management organization pursuant to an applicable conservation and management measure;

c. maintain information regarding any legal remedy available to a person who is affected by an action under this [legislation]. The information shall be made publicly accessible and provided upon written request, to the owner, operator, master or representative of a vessel.

## Work in Fishing Convention No. 188

Implementing legislation, linked to full text:

South Africa – Merchant Shipping Amendment Bill (so as to give effect to the Maritime Labour Convention, 2006 and the Work in Fishing Convention, 2007)<sup>46</sup>

---

<sup>46</sup> [http://pmg-assets.s3-website-eu-west-1.amazonaws.com/150327\\_merchant\\_shipping.pdf](http://pmg-assets.s3-website-eu-west-1.amazonaws.com/150327_merchant_shipping.pdf)

## Cape Town Agreement

Implementing legislation, linked to full text:

Iceland – Regulation No. 122/2004 on the Safety of Fishing Vessels of 15 Meters in Length Overall and Over, as Amended<sup>47</sup>

Additional samples of implementing legislation for the IMO Cape Town Agreement are available upon request.

---

<sup>47</sup> [www.pgaction.org/pdf/campaigns/oceans/implementing-legislation-cta-iceland.pdf](http://www.pgaction.org/pdf/campaigns/oceans/implementing-legislation-cta-iceland.pdf)



# ANNEX 3 - IMO INSTRUMENT OF RATIFICATION – CAPE TOWN AGREEMENT



[English]

To be deposited with the Secretary-General of IMO, London

## GENERAL MODEL INSTRUMENT OF ACCESSION

WHEREAS the Convention/Protocol....., was adopted at (place).....on (date) .....by the (name of Conference) .....

AND WHEREAS (name of State) ....., being a State entitled to become a party to the said (Convention/Protocol) by virtue of Article ..... thereof,

NOW THEREFORE the Government of (name of State).....having considered and approved the said (Convention/Protocol), hereby formally declares its accession to the (name of Convention/Protocol) [,as amended].

IN WITNESS WHEREOF I, ..... [President] [Prime Minister] Minister for Foreign Affairs] of ..... have signed this Instrument of Accession and affixed [my] [the] official seal.

DONE at ....., this..... day of ....., two thousand and.....

(Seal) (Signature)

[President] [Prime Minister]

[Minister for Foreign Affairs]

## [français]

A déposer auprès du Secrétaire général de l'OMI (Londres)

### MODÈLE D'INSTRUMENT D'ADHÉSION

ATTENDU QUE la Convention/le Protocole ..... a été adopté(e)  
à (lieu) ....., le (date)....., par (nom de la Conférence)  
.....,

ET ATTENDU QUE (nom de l'État) ..... est un État ayant qualité pour  
devenir Partie à ladite convention/audit protocole en vertu de l'article ..... de celle-ci/celui-ci,

EN CONSÉQUENCE, le Gouvernement de (nom de l'État)....., ayant examiné et  
approuvé ladite convention/ledit protocole, déclare solennellement par le présent instrument qu'il  
adhère à (intitulé de la Convention/du Protocole), [tel(le) que modifié(e)].

EN FOI DE QUOI, je, soussigné(e) ..... [Président] [Premier  
Ministre] [Ministre des affaires étrangères] de ....., ai signé le présent  
instrument d'adhésion et y ai apposé [mon] [le] sceau officiel.

FAIT à ....., ce ..... deux mille..... (Lieu) (Jour, mois) (Année)

(Sceau) [Le/La Président(e)] [Le Premier Ministre]

[Le Ministre des affaires étrangères]

(Signature)

## [español]

Para depositar ante el Secretario General de la OMI, Londres

### MODELO DE INSTRUMENTO DE ADHESIÓN

POR CUANTO el (Convenio/Protocolo) ....., fue adoptado en (lugar) ..... el (fecha) ..... por (nombre de la conferencia) .....  
.....

Y POR CUANTO (nombre del Estado) ..... es un Estado que tiene derecho a constituirse en parte en dicho (Convenio/Protocolo) en virtud del artículo .... del mismo,

POR TANTO el Gobierno de (nombre del Estado) ....., tras haber examinado y aprobado dicho (Convenio/Protocolo), declara ahora solemnemente su adhesión al (Convenio/Protocolo) [, en su forma enmendada].

EN FE DE LO CUAL yo, .....

[Presidente] [Primer Ministro] [Ministro de Relaciones Exteriores] de ....., he firmado el presente instrumento de adhesión y estampado [mi] [el] sello oficial.

HECHO en ....., a .....de ..... de dos mil .....

(Sello) (Firma) [Presidente] [Primer Ministro] [Ministro de Relaciones Exteriores]

# ANNEX 4 - TORREMOLINOS DECLARATION

[English]

## THE TORREMOLINOS DECLARATION ON THE CAPE TOWN AGREEMENT OF 2012 [still open for signature as of Nov. 2019]

We, the representatives of the Member States of the International Maritime Organization (IMO),

NOTING WITH DEEP CONCERN the continuing and alarmingly high number of fisher's lives and of fishing vessels reported lost every year,

NOTING ALSO WITH DEEP CONCERN that 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) has not yet entered into force,

TAKING INTO ACCOUNT the benefits that Sustainable Development Goals 14 (Life below water) and 17 (Partnerships) will provide to fishing activities and the development of Member States' national maritime strategies related thereto,

RECOGNIZING that a joint approach by UN bodies and other stakeholders is necessary to increase the safety of vessels and to prevent illegal, unreported and unregulated (IUU) fishing,

BEING AWARE that more than forty years after the first international treaty to address the safety of fishing vessels was adopted (the 1977 Torremolinos Convention), there is still no effective internationally binding regulatory regime concerning the safety of such vessels in force,

ACKNOWLEDGING that the entry into force of the Agreement would fill a critical gap in the global regulatory framework, mandating minimum safety measures for new fishing vessels,

ACKNOWLEDGING ALSO 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 create a more robust IMO regulatory framework for the safety of fishing vessel personnel and fishing vessels,

RECOGNIZING ALSO that the entry into force of the Agreement would strengthen the implementation of other mandatory instruments already applicable to fishing vessels, and monitoring thereof,

EXPRESS their determination to:

1 Take action so that the entry into force criteria of the Agreement are met by the target date of 11 October 2022, the tenth anniversary of its adoption.

2 Promote the Agreement, recognizing that the ultimate effectiveness of the instrument depends upon the widespread support of Member States, in their capacities as flag States, port States and coastal States.

3 Denounce the proliferation of IUU fishing, recognizing that increased safety standards of fishing vessels will empower port States to carry out safety inspections of fishing vessels operating in their waters, thereby increasing the transparency of fishing activities.

IN WITNESS WHEREOF the undersigned have affixed their signature

DONE AT TORREMOLINOS, SPAIN, ON [21 OCTOBER 2019]

[SIGNATURE OF MEMBER STATE REPRESENTATIVES]



## [español]

### LA DECLARACIÓN DE TORREMOLINOS SOBRE EL ACUERDO DE CIUDAD DEL CABO DE 2012

Nosotros, los representantes de los Estados Miembros de la Organización Marítima Internacional (OMI),

TOMANDO NOTA CON GRAN PREOCUPACIÓN del alarmante elevado número de casos de pérdida de vidas de pescadores y de buques pesqueros que sigue notificándose cada año,

TOMANDO NOTA TAMBIÉN CON GRAN PREOCUPACIÓN de que el Acuerdo de Ciudad del Cabo de 2012 sobre la implantación de las disposiciones del Protocolo de Torremolinos de 1993 relativo al Convenio internacional de Torremolinos para la seguridad de los buques pesqueros, 1977 (el Acuerdo) aún no ha entrado en vigor,

TENIENDO EN CUENTA las ventajas que los Objetivos de Desarrollo Sostenible 14 (Vida submarina) y 17 (Alianza) proporción a las actividades pesqueras y a la elaboración de las correspondientes estrategias marítimas nacionales de los Estados Miembros,

RECONOCIENDO que un enfoque conjunto de los órganos de las Naciones Unidas y otras partes interesadas es necesario para aumentar la seguridad de los buques y prevenir la pesca ilegal, no declarada y no reglamentada (pesca INDNR),

CONSCIENTES de que, después de la adopción del primer tratado internacional sobre la seguridad de los buques pesqueros (el Convenio de Torremolinos de 1977) hace más de 40 años, aún no existe ningún régimen normativo vinculante, eficaz en el ámbito internacional, relativo a la seguridad de dichos buques,

RECONOCIENDO que la entrada en vigor del Acuerdo colmaría una importante laguna en el marco normativo mundial al exigir medidas mínimas de seguridad para los buques pesqueros nuevos,

RECONOCIENDO ASIMISMO que la entrada en vigor del Acuerdo, junto con el Convenio internacional sobre normas de formación, titulación y guardia para el personal de los buques pesqueros, 1995 (Convenio de formación para pescadores de 1995), crearía un marco normativo de la OMI más sólido para la seguridad del personal de los buques pesqueros y de los propios buques pesqueros,

RECONOCIENDO TAMBIÉN que la entrada en vigor del Acuerdo fortalecería la implantación de otros instrumentos obligatorios que ya son aplicables a los buques pesqueros y su supervisión,

MANIFIESTAN su determinación de:

1 ADOPTAR las correspondientes medidas para que se cumplan los criterios de entrada en vigor del Acuerdo antes de la fecha límite del 11 de octubre de 2022, es decir, el décimo aniversario de su adopción;

2 PROMOVER el Acuerdo, reconociendo que la eficacia del instrumento depende en última instancia del apoyo generalizado de los Estados Miembros, en su capacidad como Estados de abanderamiento, Estados rectores de puertos y Estados ribereños;

3 DENUNCIAR la proliferación de la pesca INDNR, reconociendo que unas normas de seguridad de los buques pesqueros más rigurosas facultarán a los Estados rectores de puertos a realizar inspecciones de seguridad de los buques pesqueros que operen en sus aguas, lo cual aumentaría la transparencia de las actividades pesqueras.

EN FE DE LO CUAL los infrascritos firman la presente declaración

HECHA EN TORREMOLINOS (ESPAÑA) EL DÍA [21 DE OCTUBRE DE 2019]

[FIRMAS DE LOS REPRESENTANTES DE LOS ESTADOS MIEMBROS]

## [français]

### DÉCLARATION DE TORREMOLINOS SUR L'ACCORD DU CAP DE 2012

Les représentants des États Membres de l'Organisation maritime internationale (OMI),

NOTANT AVEC UNE VIVE INQUIÉTUDE le nombre toujours élevé et alarmant de pêcheurs et de navires de pêche dont la perte est signalée chaque année,

NOTANT ÉGALEMENT AVEC UNE VIVE INQUIÉTUDE que l'Accord du Cap de 2012 sur la mise en œuvre des dispositions du Protocole de Torremolinos de 1993 relatif à la Convention internationale de Torremolinos sur la sécurité des navires de pêche, 1977 (l'Accord) n'est pas encore entré en vigueur,

PRENANT EN CONSIDÉRATION les avantages que présentent les Objectifs de développement durable 14 (Vie aquatique) et 17 (Partenariats) pour les activités de pêche et l'élaboration des stratégies maritimes nationales des États Membres y afférentes,

RECONNAISSANT que les organismes des Nations Unies et les autres parties prenantes doivent adopter une approche conjointe afin de renforcer la sécurité des navires et de prévenir la pêche illicite, non déclarée et non réglementée,

SACHANT que, plus de 40 ans après l'adoption du premier traité international relatif à la sécurité des navires de pêche (la Convention de Torremolinos de 1977), il n'existe toujours aucun régime réglementaire en vigueur, qui soit efficace et contraignant sur le plan international, pour régir la sécurité de ce type de navires,

CONSCIENTS que l'entrée en vigueur de l'Accord permettrait de combler une grave lacune dans le cadre réglementaire mondial, étant donné que des mesures de sécurité minimales seraient imposées aux navires de pêche neufs,

CONSCIENTS ÉGALEMENT que l'entrée en vigueur de l'Accord permettrait, avec la Convention internationale de 1995 sur les normes de formation du personnel des navires de pêche, de délivrance des brevets et de veille (Convention STCW-F de 1995), de consolider le cadre réglementaire de l'OMI régissant la sécurité du personnel des navires de pêche et la sécurité des navires de pêche,

RECONNAISSANT ÉGALEMENT que l'entrée en vigueur de l'Accord permettrait de renforcer la mise en œuvre d'autres instruments obligatoires qui s'appliquent déjà aux navires de pêche et d'en contrôler l'application,

SE DÉCLARENT déterminés à :

1 PRENDRE DES MESURES pour qu'il soit satisfait aux critères applicables à l'entrée en vigueur de l'Accord avant la date limite du 11 octobre 2022, soit la date du dixième anniversaire de l'adoption de l'Accord;

2 PROMOUVOIR l'Accord, sachant que l'efficacité ultime de cet instrument sera fonction de l'appui général apporté par les États Membres, en leur capacité d'États du pavillon, d'États du port et d'États côtiers;

3 DÉNONCER la prolifération de la pêche illicite, non déclarée et non réglementée, sachant que le relèvement des normes de sécurité applicables aux navires de pêche donnera aux États du port les moyens d'effectuer des inspections de sécurité à bord des navires de pêche exploités dans leurs eaux, et permettra ainsi d'améliorer la transparence des activités de pêche.

EN FOI DE QUOI, les soussignés ont apposé leur signature.

FAIT À TORREMOLINOS (ESPAGNE), LE [21 OCTOBRE 2019]

[SIGNATURE DES REPRÉSENTANTS DES ÉTATS MEMBRES]







Parliamentarians *for Global Action*  
Parlamentarios para la Acción Global  
Action Mondiale des Parlementaires  
برلمانيون من أجل التحرك العالمي

Parliamentarians for Global Action (PGA) is a network of approximately 1300 parliamentarians from more than 140 parliaments across the world, who in their personal capacity and in the framework of their mandate, support international justice, the rule of law, democracy and human rights.

Parliamentarians are a key missing piece towards sustainable success in saving our oceans. As the democratically-elected representatives of the people, parliamentarians have the voice, visibility and legislative power to bring about change.

## RELEVANT CONTACTS

**Ms. Faatimah Saarah Monawvil**  
Programme Officer, Oceans Campaign  
International Law & Human Rights Programme

Email: [saarah.monawvil@pgaction.org](mailto:saarah.monawvil@pgaction.org)  
Tel: +1-212-687-7755 Ext. 104

**Leyla Nikjou (LL.M.)**  
Senior Advisor/Consultant, Oceans Campaign  
International Law & Human Rights Programme

Email: [leyla.nikjou@pgaction.org](mailto:leyla.nikjou@pgaction.org)  
Tel: +1 917 853 2505