

International Instruments on the Safety of Fishing Vessels and Fishermen*

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The question of safety of fishing vessels has engaged the FAO since its inception in 1945. The FAO has cooperated with the ILO and the IMO in developing safety standards.

FAO estimates that the global fishing fleet currently consists of some 1.3 million decked vessels and 2.8 million undecked vessels. Of the latter, 65 percent are not fitted with mechanical propulsion systems. Figures 1 and 2 show the distribution of powered decked- and undecked fishing vessels by continent. As for undecked/non-motorised vessels, Asia accounts for about 83 percent of them.

According to FAO records, some 36 million people are employed in primary capture fisheries and aquaculture. This figure includes full-time, part-time and occasional workers. Some 15 million people work full-time in marine fisheries.

Figure 3 shows the distribution of fishermen by continent. About two-thirds of these fishermen work on board fishing vessels of less than 12 metres in length, both decked and undecked.

Commercial fishing is the most dangerous occupation in the world,

* This article is based on the keynote presentation made by Mr Ari Gudmundsson at the Third International Conference on Fishing Industry Safety and Health, Mahabalipuram, Chennai, 1-4 February 2006. It outlines the history of international safety standards, describes their current status and how they are being implemented. The article draws extensively on the websites of the FAO, the ILO and the IMO.

with more than 24 000 fatalities every year. Enhancing the health and safety of fishermen is one of the main challenges for international organisations dealing with the issue. One way of addressing the challenge is to establish principles for international safety agreements and other legal instruments and to provide guidance for their formulation and implementation.

International standards for fishing vessels and fishermen.

International safety standards for fishing vessels already in place are:

- **The 1993 Torremolinos Protocol** relates to the Torremolinos International Convention for the Safety of Fishing Vessels (1977). The Protocol applies to decked fishing vessels of 24 metres in length and over, but certain chapters do not apply to vessels of less than 45 m in length. To apply uniform standards to all vessels, the following regional standards have been developed and communicated to IMO:
- **The FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, 2005.** The Code is divided into two parts. Part A deals with safety and health

Fig. 1 Distribution of decked fishing vessels by continent in 1998

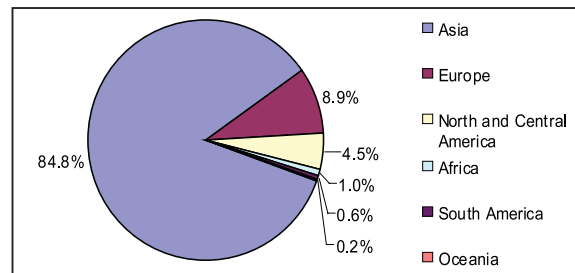


Fig. 2 Distribution of undecked fishing vessels by continent in 1998

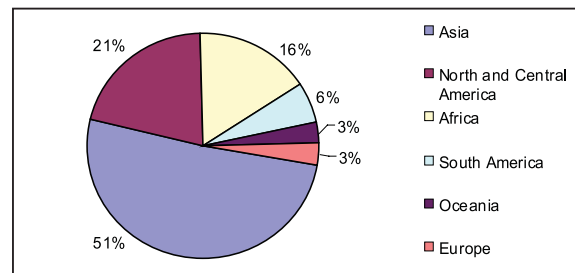
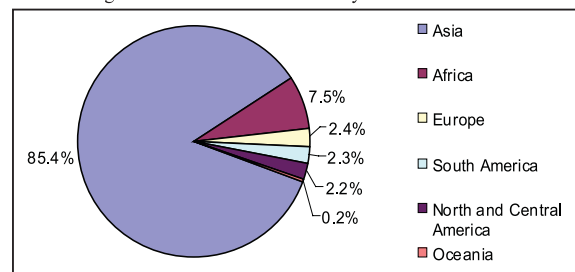


Fig. 3 Distribution of fishermen by continent in 1998



practices and applies to all fishing vessels. Part B addresses safety and health requirements for the construction and equipment of fishing vessels and applies to decked fishing vessels of 24 m in length and over.

- **The FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005.** The Guidelines apply to decked fishing vessels of 12 m in length and over but less than 24 m in length.

International standards relating to the safety of fishermen are:



Wooden boats under construction in India

- **International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995.** This Convention applies to crews of seagoing fishing vessels generally of 24 m in length and above.
- **FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel**, published on behalf of the three organisations by IMO in 2001.

ILO conventions and recommendations that relate specifically to the fishing sector include:

- Hours of Work (Fishing) Recommendation, 1920 (No. 7).
- Minimum Age (Fishermen) Convention, 1959 (No. 112).
- Medical Examination (Fishermen) Convention, 1959 (No. 113).
- Fishermen's Articles of Agreement Convention, 1959 (No. 114).
- Fishermen's Competency Certificates Convention, 1966 (No. 125).
- Accommodation of Crews (Fishermen) Convention, 1966 (No. 126).
- Vocational Training (Fishermen) Recommendation, 1966 (No. 126).

None of the above-mentioned conventions, *i.e.* – the 1993 Torremolinos Protocol, the 1995 STCW-F Convention and the ILO Conventions – have yet entered into force.

The 1960s – the first steps.

The first attempt to address the safety of fishing vessels and fishermen at an international level was made in the early 1960s. International instruments on the issue did not exist and the principal maritime convention in place needed to be updated.

In 1960, shortly after the creation of the IMO, a conference was held in order to adopt a new International Convention for the Safety of Life at Sea, known as SOLAS. This Convention is generally regarded as the most important of all international treaties concerning maritime safety.

At the 1960 SOLAS Conference, it was proposed that the SOLAS 60 Convention should apply to fishing vessels in addition to merchant ships; however this proposal was eventually dropped. The reason cited was insufficient information on fishing vessels. But the need for international guidance and standards on the safety of fishermen and fishing vessels was recognised, and the Conference asked governments to give the IMO their opinion on extending the provisions of the

SOLAS Convention to fishing vessels.

In 1963, the first IMO resolution concerning safety of fishing vessels was adopted by the IMO Assembly. It dealt with “Intact stability of fishing vessels.” The Assembly decided that IMO should continue its studies on the stability of fishing vessels “with all possible speed.”

Establishment of the Sub-Committee on Safety of Fishing Vessels.

After this resolution, it was decided to form a Panel of Experts on Stability of Fishing Vessels within the Sub-Committee on Stability. In 1964, this panel became a separate Sub-Committee on Safety of Fishing Vessels. The Sub-Committee prepared multiple recommendations concerning the safety of fishing vessels and fishermen, as well as the draft text of the 1977 Torremolinos Convention.

IMO Assembly resolutions concerning the safety of fishing vessels and fishermen during the 1960s and the 1970s.

During the 1960s and 1970s, the IMO Assembly adopted several resolutions prepared by the Sub-Committee on Safety of Fishing Vessels. Most of their content became the basis of the FAO/ILO/IMO Code of Safety for Fishermen

and Fishing Vessels as well as the Torremolinos Convention. These resolutions included:

September 1965: “Intact stability of fishing vessels”.

October 1967: “Recommendation on pilot ladders on fishing vessels and vessels of less than 500 Tons Gross”.

November 1968: “Recommendation on Intact Stability of Fishing Vessels”.

October 1971: “Recommendation for an Interim Simplified Stability Criterion for Decked Fishing Vessels under 30 m in Length”.

October 1971: “Recommendation on Construction of Fishing Vessels Affecting the Vessel’s Stability and Crew Safety”.

November 1973: “Code of Practice concerning the Accuracy of Stability Information for Fishing Vessels”.

Cooperation between FAO, ILO and IMO.

The October 1963 resolution marked the beginning of IMO’s work on safety of fishing vessels and fishermen. Less than a year earlier, the Committee on Conditions of Work in the Fishing Industry convened by the ILO had recommended a practical international code dealing with navigational, operational and

occupational aspects of safety of fishing vessels and fishermen. The ILO was urged to examine the possibility of establishing a suitable body to prepare such a code, in collaboration with FAO and the IMO.

The three organisations subsequently entered into an agreement relating to fishing vessels and fishermen. FAO would deal with fisheries in general; ILO with labour in fishing industries; and IMO with safety of life, vessels and equipment at sea.

Following this agreement, draft contributions to the Code of Safety for Fishermen and Fishing Vessels were prepared by FAO, ILO and IMO. It was agreed that the Code should be divided into two parts – Part A, to be addressed to skippers and crews, and Part B, to be addressed to shipbuilders and owners.

Code of Safety of Fishermen and Fishing Vessels (Part A, 1968; Part B, 1974).

The contributions of the three organisations to Part A of the Code were consolidated into a single draft at a 1968 meeting at IMO Headquarters in London. The final text of Part A of the Code of Safety for Fishermen and Fishing Vessels was adopted by a joint FAO/ILO/IMO Meeting of Consultants on

Safety on Board Fishing Vessels held later the same year.

After Part A was adopted, Part B was prepared by the IMO Sub-Committee on Safety of Fishing Vessels in co-operation with FAO and the ILO. The final text was agreed upon at the second joint FAO/ILO/IMO Meeting of Consultants on Safety on Board Fishing Vessels in 1974.

The purpose of Part B of the Code was to provide information on design, construction and equipment of new decked fishing vessels of 24 m in length and above. It dealt with stability requirements for fishing vessels as well as hull and equipment; machinery and electrical installations; fire protection; protection of the crew; life-saving appliances; radiotelegraphy and radiotelephony etc.

The Torremolinos International Convention for the Safety of Fishing Vessels, 1977.

The 1977 Torremolinos Convention was adopted at a conference held in Torremolinos, Spain from 7 March to 2 April 1977.

In the 1980s, it became clear, mainly because of technical difficulties, that the Torremolinos Convention was unlikely to enter into force. The IMO decided to prepare a replacement in the form of a Protocol.

FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels.

The International Conference on Safety of Fishing Vessels (1977), conscious that the vast majority of fishing vessels throughout the world were less than 24 m in length, urged the IMO to develop safety standards for the design, construction and equipment of such fishing vessels.

The FAO/ILO/IMO Voluntary Guidelines were approved by the Maritime Safety Committee in October 1979 and by FAO in November 1979 for circulation to governments.

FRP boatyard in Kakinada, Andhra Pradesh



Some observers pointed out, however, that parts of the Guidelines were in need of further development. These mainly concerned stability criteria. The International Conference on Safety of Fishing Vessels (1977) adopted a resolution recommending that the IMO continue studies with the aim of formulating detailed stability standards for fishing vessels.



A new generation tuna fishing vessel in the Maldives

October 1989 – Resolution on Safety of Fishermen at Sea – setting the tone for the 1990s.

In 1989 (12 years after the adoption of the Torremolinos Convention) the IMO Assembly adopted a resolution on the safety of fishermen at sea. Through the resolution, the Assembly urged the Maritime Safety Committee to consider and approve a protocol to the Torremolinos Convention. The resolution also dealt with casualty statistics for fishing vessels and fishermen and the training and certification of crews on fishing vessels, two issues that the Assembly had requested the IMO to address.

A working group finalised the draft text of the Protocol in June 1992 for consideration by the Conference the following year.

The 1993 Torremolinos Protocol.

The 1993 Torremolinos Protocol was adopted at a conference held in Torremolinos, Spain, from 22 March to 2 April 1993, exactly 16 years after the adoption of the Torremolinos Convention.

The Protocol applies to fishing vessels of 24 m in length and over, including vessels that process their catch. Safety provisions addressed by the Protocol (contained in a 10-chapter annex) include improved life-saving appliances, satellite communication systems and other components of the global maritime distress and safety system (GMDSS). The Protocol updates the 1977 Convention, taking into

account technological evolutions of the intervening years.

Regional standards.

To ensure uniform standards, the Protocol encourages governments to establish uniform standards for fishing vessels operating in the same region. Such regional agreements currently in operation include:

- Guidelines for the safety of fishing vessels of 24 m and over but less than 45 m in length operating in the East and South-East Asia region, adopted at a conference in Tokyo in February 1997.
- European regional agreement applicable from 1 January 1999. It introduced a harmonised safety regime for fishing vessels of 24 m in length. Adopted in December 1997, it is based entirely upon the 1993 Torremolinos Protocol.

Entry-into-force criteria of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention.

The Torremolinos Protocol will enter into force one year after 15 States with at an aggregate fleet of at least 14 000 vessels (in 1993 deemed to be approximately 50 percent of the world’s fishing fleet of vessels of 24 m in length and over) ratify the Protocol. Currently only 12 States, with approximately 10 percent of the world’s tonnage, have ratified it.

The STCW-F Convention will enter into force one year after 15 States have ratified the Convention. Currently only six States,

representing approximately 3 percent of the world’s tonnage, have ratified it.

Resolution on the entry-into-force and implementation of instruments.

Concern has been expressed by some States that since the adoption of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention only a few States have ratified these instruments. At the 22nd IMO Assembly, held in November 2001, the opinion was expressed that IMO should become more proactive about the safety of fishing vessels and fishermen given that 24 000 fishermen’s lives are lost at sea every year.

On 29 November 2001, the Assembly adopted Resolution A.925(22), “Entry into force and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention”.

This resolution urges Governments to consider accepting the 1993 Torremolinos Protocol and the 1995 STCW-F Convention at the earliest possible opportunity.

Regional seminars on the implementation of the 1993 Torremolinos Protocol and the STCW-F Convention.

Implementation of the Torremolinos Protocol: the first seminar was held in Beijing, China in September 2004.

Implementation of the STCW-F Convention: the first seminar was held in Busan, Republic of Korea, December 2002.

A new initiative to bring the 1993 Torremolinos Protocol into force.

In 2004, the IMO took a new initiative to bring the 1993 Torremolinos Protocol into force. The Secretary-General of IMO invited member governments to provide the IMO with information on the number of fishing vessels of 24 m in length and over flying their flags and to enumerate their reasons for not ratifying the Protocol. Forty-two IMO member states responded to the request. Among the reasons for their reluctance to ratify the Protocol provided by the IMO Member States as well as FAO were the following:

- exposure of fishing vessels to port State control is a major factor;
- the entry-into-force of the Protocol entails a large administrative and financial burden;
- a significant change in fishermen's attitudes is needed for a change in fishing vessel safety;
- ratification and subsequent implementation of the Protocol would place a financial burden on the industry, which some States believe they could not shoulder; this problem cannot be solved by the IMO alone, so it should consider contacting other relevant UN organisations;
- some States believe that the safety of their fishing vessel fleets is already adequately covered by national regulations; and
- some States do not have the legislative authority to inspect and certify fishing vessels flying their flags.

Other international instruments on the safety of fishing vessels and fishermen.

The other international instruments on the safety of fishing vessels and fishermen that are already in place are:

- SOLAS 74. Chapter V of the Convention applies to fishing vessels. It is, however, up to flag

state governments to determine to what extent the provisions of certain regulations of that chapter shall not apply. These regulations contain, *inter alia*, requirements on ship-borne navigational equipment.

- The Convention on the International Regulations for Preventing Collisions at Sea (1972, COLREGs). This Convention applies to all vessels, including fishing vessels, operating on the high seas and all waters connected to the high seas and navigable by seagoing vessels.
- FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel is the first international maritime training guide for fishermen. This document was prepared by a joint FAO/ILO/IMO working group and published by IMO in 1985. It covered training and certification of small-scale and industrial fishermen. A revised document, entitled Document for Guidance on Training and Certification of Fishing Vessel Personnel, was approved by FAO, ILO and IMO in 2000.

The Code of Conduct for Responsible Fisheries and the role of FAO.

The 1995 FAO Code of Conduct for Responsible Fisheries provides a framework for national and international efforts to ensure sustainable exploitation of aquatic living resources in harmony with the environment. A part of the Code addresses safety and health in the fishing sector, in particular the following three articles:

6.17: States should ensure that fishing facilities and equipment as well as all fisheries activities allow for safe, healthy and fair working and living conditions and meet internationally agreed standards adopted by relevant international organisations.

8.1.5: States should ensure that health and safety standards are

adopted for everyone employed in fishing operations. Such standards should be not less than the minimum requirements of relevant international agreements on conditions of work and service.

8.2.5: Flag States should ensure compliance with appropriate safety requirements for fishing vessels and fishers in accordance with international conventions, internationally agreed codes of practice and voluntary guidelines. States should adopt appropriate safety requirements for all small vessels not covered by such international conventions, codes of practice or voluntary guidelines.

The 2000s - Development of new international safety standards for small fishing vessels.

Currently, there are no international safety standards in place for decked fishing vessels of less than 12 m in length and undecked fishing vessels of any size. Standards need to be developed, as the large majority of fishing fatalities occur aboard precisely such vessels. In December 2004, the IMO Maritime Safety Committee (MSC) agreed to include in the work programme of its Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety a new high priority item dealing with 'Safety of small fishing vessels,' with a target completion date of 2009. FAO intends to participate actively in the development of these new standards.

Needed: Political Will.

Commercial fishing is one of the most dangerous occupations in the world. Enhancing health and safety in the fishing industry is a major challenge for international organisations dealing with the issue. One way of addressing the matter is to establish principles and to provide guidance which may be used to formulate and implement international agreements and other legal instruments. But ultimately the instruments need to be implemented and enforced, and this is mainly the responsibility of governments. It is a task that calls for political will and commitment.