



Michael Kingston, IMO Consultant, addresses the Torremolinos Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing, in Torremolinos, Spain, 22 October 2019.



Michael Kingston with IMO and PEW Charitable Trust representatives, Torremolinos Ministerial Conference.

Pressure builds on Ireland to ratify international fishing vessel safety agreement

Michael Kingston

In the Winter 2018 edition of *Inshore Ireland*, I outlined that the fortieth anniversary of the Whiddy Island disaster was approaching in less than a few weeks (January 8, 2019) and that the most important thing to remember was to learn from the lessons of history and to honour those who died by saving other lives.

Major progress was made in 2019, leaving us on the cusp, finally, of a mandatory international regulatory regime for fishing vessel safety - one that has been outstanding for decades and is a dereliction of duty to the world's fishers, their families, and our rescue services.

LEARNING FROM THE LESSONS OF HISTORY

I explained in that edition: 'The Whiddy Island disaster is the leading example of why doing

nothing is never a good idea regarding safety. While international regulation agreed by world experts including Ireland at the International Maritime Organisation (IMO) fails to be ratified, putting innocent lives at risk, is not good enough. So, the 40th Anniversary is a stark reminder of why it is so important to act, not just in Ireland, but internationally, as the world's maritime community leaders descend on Bantry.

'Simple inert gas systems for oil tankers, to prevent explosion were agreed by world delegations and industry experts in 1974 when the IMO adopted SOLAS 1974. Systems were not carried on board MV *Betelgeuse* however because the Convention had not then been ratified by enough national legislatures. In the absence of regulation, best practice in industry was not applied. Following the Whiddy Island disaster, Ireland ratified SOLAS 1974 and consequently the world brought it into

force, but it was too late for the 50 people who lost their lives in Bantry Bay'.

POLAR REGULATION

Ten days later, I gave a keynote speech at an Arctic event in the Reform Club, London, in relation to my role with the Arctic Council in the 2018 launch of (www.arcticshippingforum.is) which explains best practice information on implementing Polar regulation:

'We must have respect for the hard work of the Secretariat and delegations of the IMO and we must help them to, first, get it right, and then ensure their regulations are implemented. There is a lot more work to be done, with significant regulation outstanding such as the Cape Town Agreement for Fishing Boat Safety.'

Dr Heike Deggim, the International Maritime Organisation's Director of the Maritime Safety Division asked me to help with the ratification of the 'Cape Town Agreement for Fishing Boat Safety'.

Ensuring the safety of fishers and fishing vessels forms an integral part of the IMO's mandate; however, the global fishing industry does not have an acceptable safety record.

Dr Deggim's family fishing history is not too dissimilar to my own in West Cork. She is someone whose brother, father, grandfather and many other family members

still are or have been fishers, and this is an issue that means a great deal to her, personally.

Dr Deggim impressed upon me her determination to rectify the situation before she retires.

Readers will be aware that I highlighted the importance of the Cape Town Agreement for Irish society (*Inshore Ireland* (Summer 2019): 'Ireland must ratify the Cape Town Agreement and other international regulation to protect its citizens' when I urged Ireland to act, and support the conference.

24,000 ANNUAL DEATHS

Global fatality rates clearly show that fishing remains one of the most hazardous occupations. One of the main reasons fishing is so dangerous is the lack of an internationally-binding safety regime for fishing vessels.

Approximately 1.6 million merchant seafarers enjoy the protection provided by enforceable international treaties, but fishers are not among them. According to the United Nations Food and Agriculture Organisation (FAO) statistics, about 36 million fishers and people are involved in freshwater fisheries and aquaculture of which, roughly 24,000 are killed annually, according to the United Nations International

Labour Organisation (ILO) statistics.

International treaties regulating the commercial shipping industry, such as the International Convention for the Safety of Life at Sea (SOLAS), have been in force for decades, addressing mainly cargo and passenger ships.

The key treaty applicable to fishing vessels, the 2012 Cape Town Agreement, however, is still not in force. This means there are no mandatory international requirements for the construction, stability and associated seaworthiness of fishing vessels, and consequently neither for the life-saving, communications or fire protection equipment to be carried on board.

RATIFICATION SHORTFALL

Many attempts have been made to introduce an international safety regime for fishing vessels. It all started in 1977 with the adoption of the 'Torremolinos International Convention for the Safety of Fishing Vessels'.

The Convention never managed to attract the necessary number of ratifications for it to enter into force. This is why a second attempt was made in 1993 with the adoption of the 'Torremolinos' protocol relating to the Convention. Again, as before, enforcement conditions were never met.

The latest regulatory attempt, the 2012 Cape Town Agreement, concluded after five years of intensive discussions during which the glaring gap in the international regulatory framework for shipping was addressed.

To enter into force, the Agreement will need to be ratified by 22 States

with an aggregate number of 3,600 fishing vessels operating on the high seas. The current number of ratifications stands at 13.

My task was to canvass nations to either start the ratification process or to sign the 'Torremolinos Declaration' at the ministerial conference and to commit to ratifying within 3 years by October 2022.

I also moderated two important panels. I invited the Irish Government to get involved and bring prestige to the world stage but was disappointed to be ignored. In the event Iceland, Norway, New Zealand and Spain joined my panels.

The conference was a huge success - the largest fishing vessel conference held in the history of IMO - involving 125 IMO Member States, 70 ministerial-level representatives, 30 international organisations and over 500 delegates.

The Torremolinos Declaration was signed by nearly 50 States, including Ireland, publicly indicating their determination to ensure that the Cape Town Agreement will enter into force by the tenth anniversary of its adoption, on October 11, 2022.

The conference highlighted the need to protect all fishermen, and I recalled the tragic death of Kodie Healy who had died in my locality in Dunmanus Bay, Co Cork, in October.

I also urged Ireland to immediately ratify the Agreement. Failure to ratify has had fatal consequences, and this delay is simply not acceptable.

As Dr Deggim stated: 'The life of a fisher has the same value as that of any other seafarer and we need to make sure that this simple truth is protected by law.'



Michael Kingston, IMO Consultant, with Dr Heike Deggim, Director Maritime Safety Division International Maritime Organisation, in discussion at Reform Club, London, UK, 18th January 2019.



GLOBAL FATALITY RATES CLEARLY SHOW THAT FISHING REMAINS ONE OF THE MOST HAZARDOUS OCCUPATIONS. ONE OF THE MAIN REASONS FISHING IS SO DANGEROUS IS THE LACK OF AN INTERNATIONALLY-BINDING SAFETY REGIME FOR FISHING VESSELS.