

FREQUENTLY ASKED QUESTIONS



CAPE TOWN AGREEMENT

*"SAVING LIVES THROUGH
ENHANCEMENT OF
FISHING VESSEL SAFETY"*

What is Cape Town Agreement?

The **Cape Town Agreement (CTA) of 2012** is a Convention that seeks to **enhance safety onboard fishing vessels**. It is an internationally binding agreement which will facilitate **better control of fishing vessel safety** by flag, port and coastal states. It will also contribute to the **fight against illegal, unreported, and unregulated (IUU) fishing**.

Its complete title is the **Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1997**. Moreover, CTA sets internationally agreed standards on the design, construction, and equipment of seagoing fishing vessels which are **24 meters or 300 gross tonnage (GT) and above**. Further, this Convention likewise allows **progressive implementation of regulations on life saving equipment, emergency procedures, radio communications and shipborne navigational equipment** to existing large fishing vessels for five (5) to ten (10) years.



What are the technical provisions of the CTA?

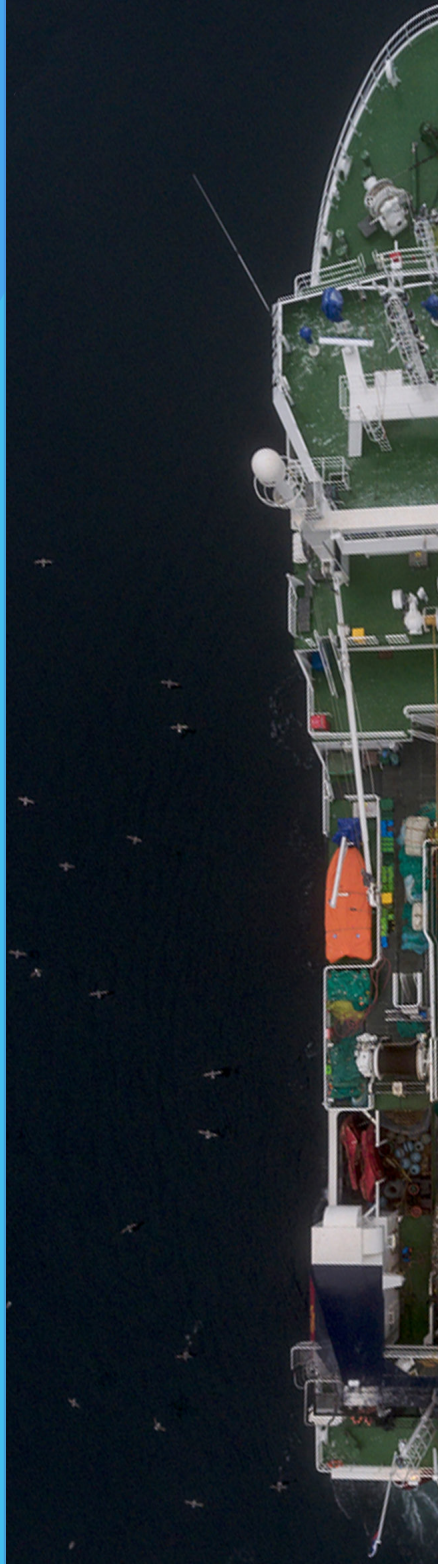
Chapter II through X of the CTA give **detailed design, construction, and equipment requirements for fishing vessels**. They are listed under three categories based on a vessel's size: **24-45 meters, 45-60 meters, and more than 60 meters**. The requirements are aimed at ensuring that vessels remain **watertight, weathertight, strong, and stable**, even under adverse conditions such as ice and extreme weather. Guidance is given to ensure that spaces are not dangerous to crew, that lifesaving appliances are available and sufficient, and that adequate emergency procedures are in place. It stipulates that vessels should have regular drills that include all crew and observers. In addition, vessels must be fitted with radiocommunications equipment capable of transmitting and receiving search and rescue information, distress signals, and all other relevant communications. Vessels also must be able to safely navigate and signal.



What are the advantages of ratifying the CTA?

The advantages of ratifying the CTA are:

- A Decline on the casualty rate of fishermen every year;
- B Reduction of accidents;
- C Harmonization of regulations among regulators and implementers;
- D Smooth vessel transfers;
- E Leveling of playing field;
- F Proper control and surveillance;
- G Improvement of safety culture;
- H Protection of the marine environment;
- I Conservation and management of oceans and fisheries; and
- J Transparency in fisheries.





What are the impacts of CTA to the Flag, Port and Market States?

Flag State: Provisions on vessel design and construction would apply to many vessels, most would apply exclusively to new vessels.

Port State: States that typically have smaller fleets, technical amendments to existing legislation would be limited. However, there is an administrative burden associated with any treaty ratification. For this reason, the IMO is able to provide legal and technical support upon request.

Market State: Most vessels are already in line with the standards outlined by the CTA, so there will be no technical burden.

What are the key areas to be considered in implementing the CTA?

The key areas to be considered in implementing the CTA are the following:

- A** Safety strategy;
- B** Legal implications;
- C** Administrative requirements;
- D** Capacity development;
- E** Training of crews, inspectors safety, etc.;
- F** Enforcement of regulations; and
- G** Operational safety.



How the CTA will be implemented?

The CTA allows States to implement provisions in phases so there is no need to immediately enforce changes in **vessel design, constructor equipment for all flagged vessels**.

States that are party to the Agreement have up to **ten (10) years** to put **radiocommunications provisions** in place (Chapter IX of the CTA) and up to **five (5) years** to implement provisions regarding **lifesaving appliances** (Chapter VII), **emergency procedures** (Chapter VIII), and **navigational equipment** (Chapter X). This gives States a significant period of time to prepare before regulations must be met. In addition, a party to the Agreement may exempt a vessel if it considers the requirement unreasonable, or if the vessel is only operating within its exclusive economic zone.



What are the vessels not covered by the CTA?

Provisions of the CTA apply to the fishing vessels **24 meters and longer** because this is the typical profile of vessels that carry out commercial fishing operations on the high seas, or outside their national waters. Millions of fishing vessels are smaller than 24 meters, but these generally operate within the countries' exclusive economic zones and are subject to any national safety regulations. The **IMO**, in collaboration with the **Food and Agriculture Organization (FAO)** and **International Labour Organization (ILO)**, has developed several non-mandatory instruments related to the safety of these smaller vessels, which governments and other relevant stakeholders may refer to for guidance.



When will the CTA enter into force?

It is still a long way before the CTA can enter into force. **Twenty-two (22) Member States** with a combined **3,600 or more** eligible fishing vessels are needed in order for this Convention to enter into force. As of December 2018, **ten (10) Member States** representing over 1,000 fishing vessels already ratified CTA.

What countries ratified the CTA?

As of December 2018, ten (10) Member States ratified CTA, namely:



Belgium



Republic of Congo



Denmark



France



Germany



Iceland



Netherlands



Norway



Saint Kitts and Nevis



South Africa





Why should the Philippines ratify the Convention?

As a supplier of fishermen to the global fishing sector, the Philippines shall give importance to the safety of its fishermen and demonstrate its desire to improve the safety standards of its fishing vessels.

Through the said Convention, the following concerns regarding safety on fishing vessels in the country will be addressed:

- A** Commercial fishing is one of the most dangerous professions in the world;
- B** The casualty rate on fishing vessels is estimated to be more than 10 times than that of merchant ships;
- C** No binding instruments regulates commercial fishing vessels' design, construction, and equipment, on which the safety of fishers and observers greatly depends;
- D** Marginalized people are most at risk;
- E** Exploitation of resources and crews increases with a lack of governance by Flag States;
- F** States can act to improve safety by becoming parties to the Cape Town Agreement; and
- G** States' accession would help raise safety standards.



What will be the impact of non-ratification to the Philippines?

If the Convention will not be ratified, it will mean no action will be taken by the Philippines. However, the mandatory international requirements for stability and seaworthiness, life-saving appliances, communications equipment, or fire protection, as well as fishing vessel construction would have to be imposed on the Philippine-registered ships under the principle of **“no favorable treatment”**.

The Philippines will likewise rely on existing prohibitions and current industry practices on regulation and safety standards regarding fishing vessels. Also, It will not be able to impose the provisions of the Convention to foreign-flag fishing vessels coming to the Philippine territory while the Philippine-registered fishing vessels entering ports of a Party to the Convention will be required to meet the requirements of the Convention to pass Port State Control inspection.

What are the obligations that the Philippine government need to comply with upon ratification and becoming a party to the Convention?

-
- A Enact a legislation/national law prescribing mechanisms and designating agencies of government with functions for the purpose of enhancing safety on board fishing vessels.
 - B The designated agency of government or its recognized organizations shall perform survey and certification relative to compliance with the Convention on Philippine-registered fishing vessels.
 - C The designated agency of government shall conduct inspection of foreign fishing vessels and impose detention in cases of violations, calling on Philippine ports.
 - D The designated agency/ies of government shall participate in the review of proposed amendments to the Convention, in scientific and technical research on safety regarding fishing vessels, and provide for communications and exchange of information between parties to the Convention and the International Maritime Organization (IMO).

What is the current status of the Cape Town Agreement Convention in the Philippines?

With its commitment to ratify the **Cape Town Agreement (CTA) Convention** to further enhance the fishing vessel safety in the Philippines, the country's maritime administration has already drafted a **National Interest Analysis** on the said Convention. Moreover, it also conducted a **Technical Seminar on the International Maritime Organization (IMO) Cape Town Agreement** last 25-26 October 2018 which was participated by the representatives from the Office of the Executive Secretary, Senate of the Philippines, House of Representatives, Department of Foreign Affairs (DFA), Philippine Coast Guard (PCG), Bureau of Fisheries and Aquatic Resources (BFAR), Philippine Fisheries Development Authority (PFDA), Philippine Association of Maritime Training Centers, Inc., Alliance of Philippine Fishing Federation, Inc., SoCCSK SarGen Federation of Fishing and Allied Services, Inc., Apostleship of the Sea, Oceana Philippines and different service units of MARINA.

Currently, the consultation process for the ratification of the Cape Town Agreement Convention is still on going with the assistance of different international organizations, such as the **Pew Charitable Trusts (PCT)**, **Food and Agriculture Organization (FAO)**, etc.

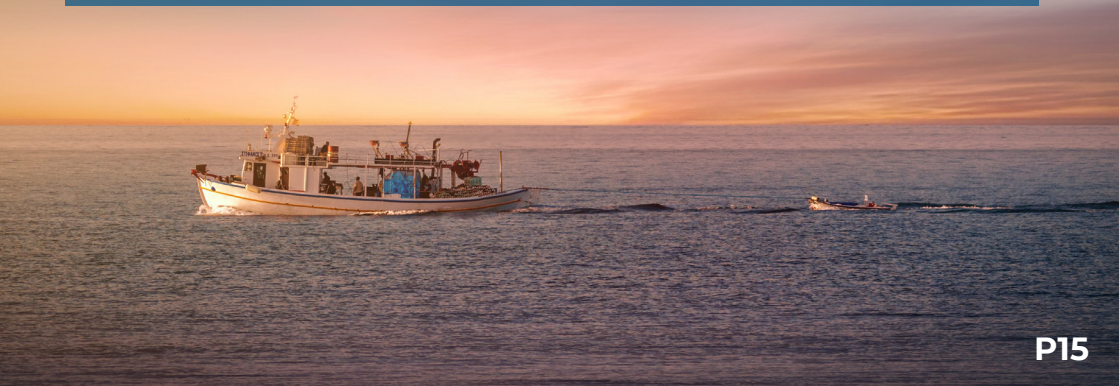
REFERENCES

Websites:

- **Pew Charitable Trusts (PCT)**
<https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/10/the-cape-town-agreement-explained>
- **International Maritime Organization (IMO)**
<http://www.imo.org/en/mediacentre/pressbriefings/pages/27-cape-town-agreement.aspx>

Documents:

- Highlights of the Technical Seminar on the International Maritime Organization (IMO) Cape Town Agreement
- Draft National Interest Analysis on the IMO Cape Town Agreement





Maritime Industry Authority

A. Bonifacio Avenue corner 20th Street
South Harbor, Port Area, Manila
Website: marina.gov.ph