

Approved for tabling in the House.



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

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22/9/2021


TWELFTH PARLIAMENT – FIFTH SESSION

THE DEPARTMENTAL COMMITTEE ON
TRANSPORT, PUBLIC WORKS AND HOUSING

REPORT ON-

RATIFICATION OF:

1. THE 2014 AND 2018 AMENDMENTS TO THE MARITIME LABOUR CONVENTION, 2006;
2. THE INTERNATIONAL LABOUR ORGANIZATION CONVENTION C185 (AMENDED CONVENTION ON SEAFARERS IDENTITY DOCUMENTS, 2003);
3. THE INTERNATIONAL LABOUR ORGANIZATION CONVENTION C188 (WORK IN FISHING CONVENTION, 2007);
4. THE INTERNATIONAL CONVENTION ON THE STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL, 1995; AND
5. THE CAPE TOWN AGREEMENT OF 2012 ON SAFETY OF FISHING VESSELS

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 SEP 2021	
DAY: THURSDAY	
TABLED BY:	CHAIR, DC - TRANSPORT, PUBLIC WORKS & HOUSING HON. DAVID PKOSING MP
CLERK-AT THE-TABLE:	Miriam Wanjiku

DIRECTORATE OF DEPARTMENTAL COMMITTEES
CLERK'S CHAMBERS - NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

SEPTEMBER 2021

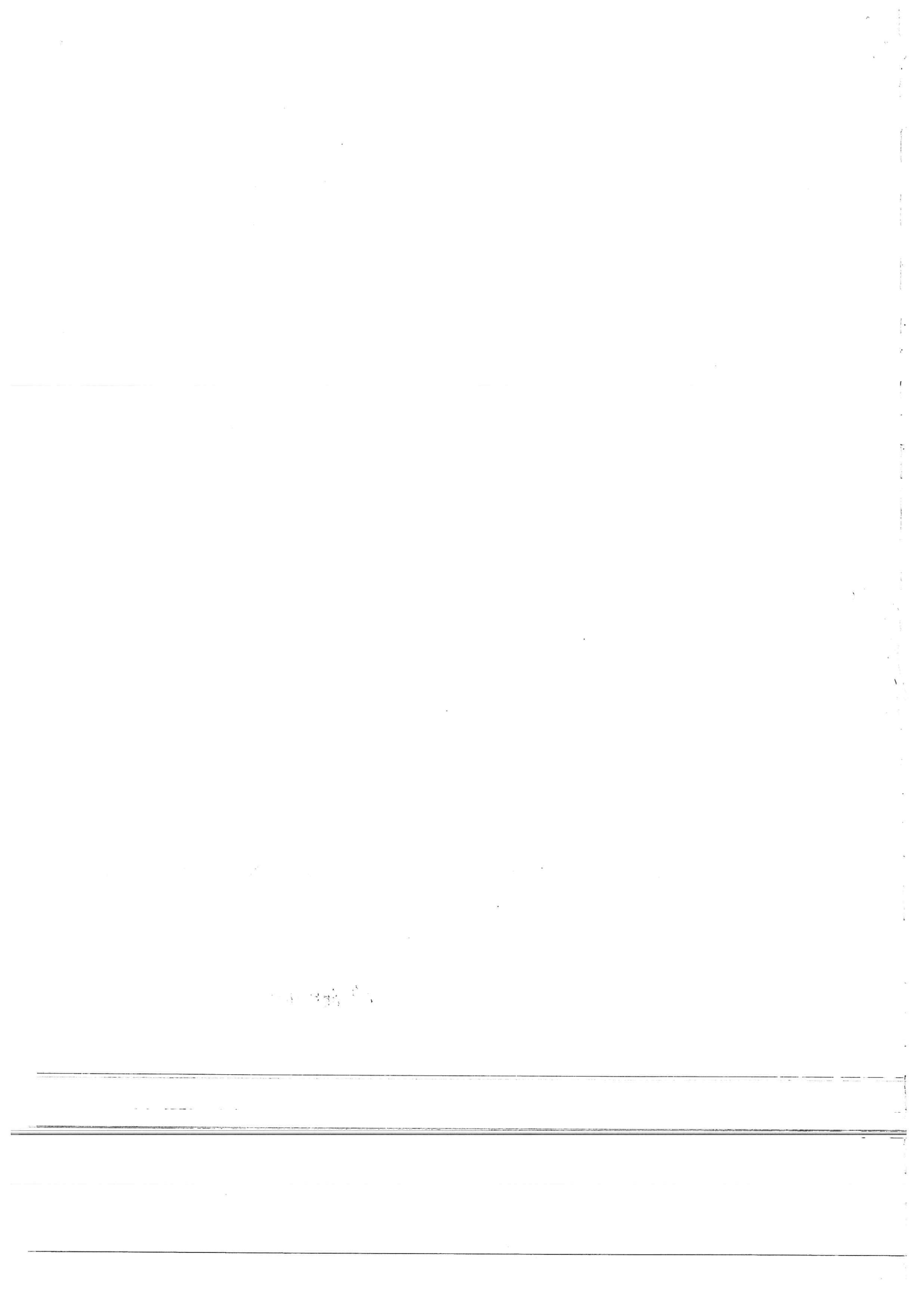



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 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 SEP 2021	
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- (i) Minutes of sittings of the Committee
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EXECUTIVE SUMMARY

On 23rd February 2021 five Conventions from the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works were laid before the National Assembly for consideration by the House. These are:

1. The 2014 And 2018 Amendments to The Maritime Labour Convention, 2006;
2. The International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
3. The International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
4. The International Convention on The Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and
5. The Cape Town Agreement of 2012 on Safety of Fishing Vessels.

Pursuant to section 8 of the Treaty Making and Ratification Act, 2012, they were committed to the Departmental Committee on Transport Public Works and Housing for consideration and report to the House. Once ratified, the Conventions shall become part of our Kenyan laws as provided for in Article 2(6) of the Constitution which provides that *“any treaty or convention ratified by Kenya shall form part of the Law of Kenya under this Constitution”*.

In line with Article 118 (1) (b) of the Constitution on public participation in law making process and section 8(3) of the Treaty Making and Ratification Act of 2012, the Committee placed advertisements in two local daily newspapers of 1st of April 2021, requesting for submission of memoranda by the public on the subject matter. There was no response.

On 1st July 2021, the Committee met the Principal Secretary, State Department for Shipping and Maritime, Secretary, Internal Security, Director General, Kenya Coast Guard Services, Director General for Immigration among other government officials. They unanimously recommended the ratification of the Conventions while outlining various benefits especially on protection of seafarers and employment.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the guidance and technical support accorded to it during consideration of these Conventions.

On behalf of the Committee, it is therefore my pleasant duty and privilege, to lay this report on The Ratification of the 2014 and 2018 amendments to the Maritime Labour Convention, 2006; the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003); the International Labour Organization Convention C188 (Work in Fishing Convention, 2007); the International Convention on The Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and the Cape Town Agreement of 2012 on Safety of Fishing Vessels; for consideration and approval by the House Pursuant to Section 8(4) of the Treaty Making and Ratification Act, 2012 and Standing Order 199.

HON. DAVID L. PKOSING, C.B.S., M.P.

Chairperson -Departmental Committee on Transport Public Works and Housing

1.0 PREFACE

Mandate of the Committee

1. The Departmental Committee on Transport, Public Works and Housing is mandated, pursuant to the Standing Order 216 (5), to;
 - a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - b) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - c) *study and review all legislation referred to it;*
 - d) *study, access and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - e) *investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - f) *to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - g) *examine treaties, agreements and conventions;*
 - h) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - i) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - j) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - k) *Examine any questions raised by Members on a matter within its mandate.*
2. Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects: -
 - a) Transport;
 - b) Roads;
 - c) Public works;
 - d) Construction and maintenance of roads, rails and buildings;
 - e) Air and seaports; and
 - f) Housing.
3. In executing this mandate, the Committee oversights various State Departments, namely:
 - a) The State Department of Transport;
 - b) The State Department of Infrastructure;
 - c) The State Department of Housing and Urban Development;
 - d) The State Department of Public Works; and
 - e) The State Department of Shipping and Maritime Affairs.

Membership of the Committee

4. The Departmental Committee on Transport, Public Works & Housing was constituted by the House on Thursday 14th December 2017. It was further re-constituted by the House on 15th July 2020 and currently comprises of the following Members: -

Chairperson

Hon. David Pkosing, C.B.S., M.P.
Pokot South Constituency
Jubilee Party

Vice-Chairperson

Hon. Gathoni Wamuchomba, H.S.C., M.P.
Kiambu County
Jubilee Party

Hon. Abdul Rahim Dawood, M.P.
North Imenti Constituency
Jubilee Party

Hon. David Njuguna Kiaraho, M.P.
Ol Kalou Constituency
Jubilee Party

Hon. Johnson Manya Naicca, M.P.
Mumias West Constituency
Orange Democratic Movement Party

Hon. Omar Mwinyi Shimbwa, M.P.
Changamwe Constituency
Orange Democratic Movement Party

Hon. Peris Tobiko, C.B.S., M.P.
Kajiado East Constituency
Jubilee Party

Hon. Samuel Arama, M.P.
Nakuru Town West
Jubilee Party

Hon. Ahmed Abdisalan Ibrahim, M.P.
Wajir North Constituency
Orange Democratic Movement Party

Hon. Ahmed Bashane Gaal, M.P.
Tarbaj Constituency
Peoples Democratic Party

Hon. Ali Wario Guyo, M.P.
Garsen Constituency
Orange Democratic Movement Party

Hon. Dominic Kipkoech Koskei, M.P.
Soitik Constituency
Jubilee Party

Hon. George Aladwa Omwere, M.P.
Makadara Constituency
Orange Democratic Movement Party

Hon. Gideon Mutemi Mulyungi, M.P.
Mwingi Central Constituency
Wiper Democratic Party

Hon. Kulow Maalim Hassan, M.P.
Banisa Constituency
Economic Freedom Party (EFP)

Hon. Mercy Wanjiku Gakuya, M.P.
Kasarani Constituency
Jubilee Party

Hon. Janet Wanyama Nangabo, M.P.
Trans-Nzoia County
Jubilee Party

Hon. Shadrack John Mose, M.P.
KitutuMasaba Constituency
Jubilee Party

Hon. Tom Mboya Odege, M.P.
Nyatike Constituency
Orange Democratic Movement Party

Committee Secretariat

5. The Committee is serviced by the following secretariat staff:-

Ms. ChelagatTungo Aaron
First Clerk Assistant
Head of Secretariat

Mr. Ahmed Salim Abdalla
Second Clerk Assistant

Mr. Ronald Walala
Legal Counsel I

Mr. AbdinasirMoge Yusuf
Fiscal Analyst I

Mr. Eric Kariuki
Research Officer III

Ms. ZainabuWario
Serjeant-at-Arms

Mr. Yeziel Jilo
Serjeant-at-Arms

Mr. Yaqub Ahmed
Media Relations Officer

Mr. Collins Mahamba
Audio Recording Officer

2.0 INTRODUCTION

6. The International Maritime Organization (IMO), the International Labour Organization (ILO) and the Food and Agriculture Organization (FAO) are specialized agencies of the United Nations. Kenya is a member State of all the three UN organizations.
7. Seafarers and fishers work on-board vessels which are socio-technical and complex systems existing inside a hostile environment. They are captive to the work environment as they live and work on-board, are exposed to ever practical risky situations, cultural diversity, as well as hostile internal and external work environments which are incomparable to land. All these factors affect their occupational safety and health (OHS). The State therefore has a duty to secure OHS as either a flag or state, port state or labour supplying state.
8. Pursuant to a Cabinet Memorandum of October 2020, the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works submitted five Conventions for consideration by the House. These are:
 - a) The 2014 And 2018 Amendments to The Maritime Labour Convention, 2006;
 - b) The International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
 - c) The International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
 - d) The International Convention on The Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and
 - e) The Cape Town Agreement of 2012 on Safety of Fishing Vessels
9. The Outline of the Conventions is provided for as hereunder.

Outline of the Conventions

- a. **The 2014 and 2018 Amendments to The Maritime Labour Convention, 2006;**
10. The Maritime Labour Convention (MLC) sets out seafarers' rights to decent working and living conditions for the world's seafarers and to establish a system of fair competition among ship owners. The MLC has a total of 96 ratifications. Kenya ratified the MLC on 31st July, 2014.
11. The 2014 amendments to the MLC relate to the financial security of seafarers in case of abandonment, and contractual claims for compensation in the event of seafarer's death or long-term disability due to an operational injury, illness or hazard. These amendments enter into force on 18 January 2017. They have been adopted by 105 states, 18 being African.
12. The 2018 amendments to MLC 2006 aim to improve protection of seafarers. The amendments:
 - a) guarantee full payment of seafarers' wages and entitlement during the entire period of captivity and until the seafarers are released and duly repatriated. If the seafarers die while in captivity, wages and entitlement should be paid until the date of death as determined in accordance with applicable national laws; and
 - b) give guidance on eliminating shipboard harassment and bullying.

b. Convention on seafarers Identity Documents, 2003, as amended (C185)

13. This convention facilitates the entry of seafarers and fishers into the territory of member states, for the purpose of shore leave, transit, transfer or repatriation.
14. After the 9/11 attacks in USA, there was a global change on the general attitude towards border security. This led to the revision of the Seafarers' Identity Convention of 1958 to the Seafarers' Identity Documents Convention No 185 in 2003, which led to the introduction of biometrics aimed at facilitating shore leave, transfers and transit at maritime borders while respecting the security requirements of port states.
15. The convention prescribes the Content, Form and Systems requirements of the Seafarers' Identity Document (SID). Thus, the SID serves as an alternative to the passport and a stand-alone document to facilitate access to shore and transit of seafarers (exempts seafarers from holding a visa).
16. This Convention:
 - a) provides seafarers and fishers an opportunity to go ashore provide a mental and physical break from routine and contributes to good health and better attitudes towards their job;
 - b) enable seafarers and fishers to travel without visa requirement; and
 - c) enables seafarers and fishers to access employment opportunities.

c. Work in Fishing Convention, 2007(C188);

17. The Convention 188 was designed to ensure the fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board, conditions of service, fishers' work agreement, repatriation, recruitment and placement, accommodation and food, occupational safety and health protection, medical care and social security, protection in case of work-related sickness injury or death. It entered into force on 16 November 2017. It has a total of 18 ratification,6 being African.
18. The Convention establishes minimum labour standards to improve the safety, health and medical care for workers on board fishing vessels, ensuring a minimum age for fishers, payment of minimum wages, and enforcing limits on working hours as well as ensuring they have the protection of a written work agreement and the same social security protections as workers on land. These provisions are vital in preventing workers from being exploited by unscrupulous employers who pay less than the recommended minimum wages, refuse to ensure overtime is voluntary and compensated, and engage in debt bondage and forced labour. Further, ensuring fishers are included fully in the social security system in critical especially if they suffer and occupational accident or illness.

d. International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel, 1995 (1995 STCW-F Convention)

19. The STCW-F Convention applies to personnel serving on board seagoing fishing vessels entitled to fly the flag of the party. It sets the regulatory framework for the training and certification of personnel employed in fishing vessels with view to improving the safety of life and property at sea in the fishing industry. It entered into force on 29th September 2012.
20. The STCW-F Convention contributes to the reduction of casualties and brings considerable benefits and advantages to the fishing industry i.e., improving the quality

of education and training provided to personnel employed in fishing vessels; and enhancing the standards of training and safety in the fishing industry and fishing vessel fleets.

21. The Convention is currently under review. The amended version will be adopted in 2022, and will establish two levels of skippers' dependent on tonnage and length of the fishing vessel.

e. Cape Town Agreement of 2012 on Safety of Fishing Vessels

22. This is an international binding agreement which will control the rogue fishing industry, an area which has largely been unregulated over the years, through the control of fishing vessel safety by flag, port coast and states. It will also contribute to the fight against illegal, unprotected and unregulated (IUU) fishing.
23. It sets internationally agreed standards on the design, construction, and equipment of seagoing fishing vessel which are 24 meters or 300 gross tonnage (GT) and above. The requirements are aimed at ensuring that vessels safety by flag, port and coastal states. It will also contribute to the fight against illegal, unreported and unregulated (IUU) fishing.
24. The agreement currently has 14 contracting states. It requires 15 states to enter into force. 2 African states are party to the agreement. It is expected to enter into force on 20th October 2022.

3.0 SUMMARY OF THE PROCESS LEADING TO THE ADOPTION OF THE CONVENTIONS

a. The number of States that are party to the Treaty

25. Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006 has a total of 96 ratifications. Kenya ratified the MLC on 31st July, 2014. These amendments entered into force on 18th January 2017. They have been adopted by 105 States, 18 being African. The amendments entered into force in Kenya tacitly on 26th December 2020. The Convention on Seafarers Identity Documents, 2003, as amended (C185) was entered into force on 8th June 2017. It has a total of 35 ratifications, 5 being African countries. Work in Fishing Convention, 2007 (C188) was entered into force on 16th November 2017. It has a total of 18 ratifications, 6 being African. The International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 was entered into force on 29th September 2012. It has a total ratification of 32 States, 9 being African. It is currently under review. The amended version will be adopted in 2022. The amendments will enter into force under the tacit amendment procedure. The Cape Town Agreement of 2012 on Safety of Fishing Vessels currently has 14 Contracting States. It requires 15 States to enter into force. 2 African States are party to the Agreement. It is expected to enter into force on 20th October 2022.

b. The views of the public on the ratification of the Conventions

26. In view of the restrictions in place due to the COVID-19 pandemic, the Ministry undertook public participation via various fora including newspaper notice, letters to stakeholders and virtual meetings. The Ministry submitted that the following entities presented their views:

- i. State Department for Shipping and Maritime
- ii. Ministry of Foreign Affairs
- iii. The National Treasury and Planning
- iv. The Office of the Attorney General and Department Justice
- v. State Department for Transport
- vi. State Department for Transport
- vii. State Department for Interior and Citizen Services
- viii. State Department for Fisheries, Aquaculture and Blue Economy
- ix. State Department for Vocational and Technical Training.
- x. State Department for University Education and Research
- xi. Kenya Maritime Authority
- xii. Kenya National Qualification Authority
- xiii. Kenya Ships Agents Association
- xiv. International Transport Workers Federation
- xv. Seafarers Union of Kenya

27. The Ministry explained that all the entities showed strong support for the ratification and the acceptance of the above-mentioned Conventions, noting their importance in advancing the protection of safety and labour interests of the country's seafarers and fishers.

c. Whether the Agreements sought to be ratified permit reservations and any recommendations on reservations and declarations

28. The Conventions do not permit reservations. However, they permit denunciation as provided for under each Convention.

d. Implications on matters relating to Counties

29. The obligation imposed on Kenya upon ratification relate to its status as a flag state, port state, labour-supplying state. A flag state is a state of a ship's nationality. A port state verifies whether foreign ships comply with international rule and standards. A labour-supplying state is a state that plays a major role in the global maritime labour market, as a significant source of seafarers/fishers. Those form part of the National Government Maritime Administration obligations as under part 1 (3.13, 15,16,18) of the Fourth Schedule of the Constitution, and do not occasion County obligations.

e. Whether expenditure of public funds will be incurred in implementing the Treaties and an estimate, where possible, of the expenditure

30. The implementation and enforcement of the Conventions is anticipated to have financial implications over and above Ministry's current budgetary allocations, partially in the areas of:
- i. Cost of ratification and amending the law
 - ii. establishment of adequate training facilities;
 - iii. training of trainers;
 - iv. training of the Maritime Administration personnel to facilitate proper implementation and enforcement;
 - v. adequate equipment for issuance of SID;
 - vi. linkage of the Immigration and Kenya Maritime Authority Databases;
 - vii. establishment of quality control and evaluation procedures
 - viii. modification of certification process in line with the Standards;
 - ix. technical assistance and cooperation on implementation and enforcement; and
 - x. expounding the scope of Recognized Organizations inspections and certifications.

4.0 CONSIDERATION OF THE CONVENTIONS

31. On 1st July 2021, the Departmental Committee held a meeting with the Principal Secretary in the State Department for Maritime, the Secretary for Internal Security and other officials from the Ministry. The meeting was interactive with the Committee members having a better understanding of the Conventions and the benefits expected for the country.
32. In her submissions, the Principal Secretary for Shipping and Maritime explained that one of the key mandates of the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works is the development of skills and competencies necessary for the development of Kenya's maritime sector as a necessary prerequisite to the growth of the Blue Economy. Towards fulfilment of various aspects of this mandate, the Ministry therefore commenced the process towards the ratification of the five key Conventions that support capacity building as well as ensure the safety of the seafarers while employed on board the ship.
33. The PS explained that the Conventions protect the rights, occupational safety, health and welfare of persons while in their work environment on board foreign going ships. She submitted that the Conventions have all been universally adopted through the joint action of two specialised agencies of the United Nations, namely: -
 - a) the International Maritime Organization (IMO), charged with setting global standards for safety, security of shipping and marine environmental protection; and
 - b) the International Labour Organization (ILO), charged with improving labour conditions and standards throughout the world.
34. The Principal Secretary observed that Kenya is a member of both the IMO and ILO, but while we have ratified the MLC 2006, we are yet to ratify its later amendments. This therefore exposes Kenyan seafarers and fisher-folk to risk arising from the fact that they live and work on-board sea-going ships that are mostly foreign-owned or registered. Being captive to the work environment also exposes them to risky situations, cultural diversity, as well as potentially hostile internal and external work environments, all of which are incomparable with what their compatriots working on land, face.
 - a) Ratification of the Conventions will help therefore make it possible for Kenya to achieve the following specific benefits:
 - a) Protection of Seafarers;
 - b) Facilitate the access to shore facilities as well as transit to Seafarers and Fishers;
 - c) Protection of Fishers;
 - d) Training and Certification of Fishing Vessel Personnel; and
 - e) Safety of Fishing Vessels.
35. The Committee however sought further clarifications, from the Ministry of Interior, regarding the Seafarers' Identification Document (SID) as provided for in the Convention on seafarers Identity Documents, 2003, as amended (C185). The Committee wanted to know whether the SID was replacing visa and if not, which other documents will be used together with the SID. The Committee also wanted to know which other documents protect seafarers, as well as the features of the SID. The Committee further wanted clarification on whether there was an interlinkage between

the SID database and immigration data base; especially for security purposes. The Committee therefore directed the Ministry of Interior to submit a written report responding to the issues raised by the Committee.

36. On 10th August 2021 the Committee confirmed the receipt of the Report from the Principal Secretary for Interior on the Seafarers' Identification Document (SID). The Committee considered the same and noted that the report by the Ministry of Interior was comprehensive and addressed all issues that the Committee had raised when considering the Maritime Conventions and in particular, the International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003).
37. The Committee, being satisfied with the submissions by the Ministry of Interior and Co-ordination of National Government on the Seafarers' Identity Documents (SID), resolved to recommend to the House, the ratification of the following Conventions:
 - 1) Amendments to the Maritime Labour Convention, 2006 (2014 and 2018 Amendments);
 - 2) International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
 - 3) International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
 - 4) International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and
 - 5) Cape Town Agreement of 2012 on Safety of Fishing Vessels.
38. In its meeting held on 14th August 2021, the Committee therefore adopted this Report, recommending the ratification of all the five Conventions.

5.0 COMMITTEE'S OBSERVATIONS

39. The Constitution in Article 2 (6) provides for the entrenchment of these Conventions into the laws of Kenya.
40. The Conventions are in line with the spirit of the Constitution of Kenya, as they address protection and the well-being of Kenyans in recognition of the essential values of human dignity, human rights and equality. The Conventions also promote access to quality education, the well-being of maritime labour; and the employment of Kenyans.
41. The 2018 amendments to MLC 2006 aim to provide protection to seafarers. The amendments will guarantee full payment of seafarers' wages and entitlements during the entire period of captivity and until the seafarer is released and duly repatriated. If the seafarer dies while in captivity, wages and entitlements should be paid until the date of death as determined in accordance with applicable national laws. These amendments will also give guidance on eliminating shipboard harassment and bullying.
42. The Convention on Seafarers Identity Documents, 2003, as amended (C185) facilitates the entry of seafarers and fishers into the territory of Member States, for the purposes of shore leave, transit, transfer or repatriation. This Convention provides seafarers and fishers an opportunity to go ashore and provides a mental and physical break from routine and contributes to good health and better attitudes towards their job. The Convention also enables seafarers and fishers to travel without the visa requirement; and therefore, enables seafarers and fishers to access numerous employment opportunities.
43. Work in Fishing Convention, 2007 (C188) establishes minimum labour standards to improve the safety, health and medical care for workers on board fishing vessels and provides for the minimum age for fishers. The Convention also provides for the payment of minimum wages, limits on working hours and a written work agreement and social security protections for fishers.
44. The International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 contributes to the reduction of casualties and brings considerable benefits and advantages to the fishing industry, i.e., improving the quality of education and training provided to personnel employed in fishing vessels; and enhancing the standard of training and safety in the fishing industry and fishing vessel fleets.
45. The Cape Town Agreement of 2012 on Safety of Fishing Vessels aims to guarantee the safety of fishing vessels through flag and port State controls. The agreement will also contribute to the fight against illegal, unreported and unregulated fishing.
46. Ratification of the five Conventions will assist Kenya in realizing her Blue Economy aspirations, the Big Four Agenda, as well as the United Nations Sustainable Development Goals.
47. The Conventions as presented satisfy the requirements of the Treaty Making and Ratification Act, 2012 as provided for in section 7 and section 8 of the Act.

6.0 COMMITTEE'S RECOMMENDATION

48. The Committee recommends that the House **approves** the ratification of the following Conventions as the approvals are in Kenya's national interest:

- 1) Amendments to the Maritime Labour Convention, 2006 (2014 and 2018 Amendments);
- 2) International Labour Organization Convention C185 (Amended Convention on Seafarers Identity Documents, 2003);
- 3) International Labour Organization Convention C188 (Work in Fishing Convention, 2007);
- 4) International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; and
- 5) Cape Town Agreement of 2012 on Safety of Fishing Vessels.

Signed


Hon. David L. Pkosing, C.B.S., M.P.

Chairperson

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS &
HOUSING

Date

22/9/2021

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 SEP 2021	
DAY.	
TABLED BY:	
CLERK-AT THE-TABLE	

Minutes


of sittings of the Committee


Explanatory Memorandum

on the Conventions

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		REPUBLIC OF KENYA	
THE NATIONAL ASSEMBLY		PAPERS LAID	
DATE: 23 FEB 2021		DAY: TUESDAY	
TABLED BY:	LOM		
CLERK-AT THE TABLE:	Mamah Nantika		



**CABINET MEMORANDUM ON THE
ACCEPTANCE OF AMENDMENTS TO MARITIME LABOUR
CONVENTION, 2006;
ACCEPTANCE OF ILO CONVENTION C185;
ACCEPTANCE OF ILO CONVENTION C188;
ACCEDING TO THE STCW- F CONVENTION; AND
RATIFICATION OF THE CAPE TOWN AGREEMENT**

BY

**THE MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING,
URBAN DEVELOPMENT AND PUBLIC WORKS**

OCTOBER 2020

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1.0 OBJECTIVE

1.1 The purpose of this Cabinet Memorandum is to:

- (i) Apprise the Cabinet and seek its approval for the ratification and acceptance of the following International Labour Organization (ILO) and International Maritime Organization (IMO) Conventions:

- Amendments of 2014 and 2018 to the Maritime Labour Convention (MLC), 2006;
- Convention on Seafarers Identity Documents, 2003, as amended (C185);
- Work in Fishing Convention, 2007 (C188);
- International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention); and
- Cape Town Agreement of 2012 on Safety of Fishing Vessels.

2.0 BACKGROUND

2.1 The IMO is a specialized agency of the United Nations (UN). It is the global standard-setting authority for safety, security and environmental performance of international shipping. Owing to the global nature of shipping, its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and implemented.

2.2 The ILO is a specialized agency of the UN dedicated to improving labour conditions and living standards throughout the world. One of the functions of the ILO is the development and promotion of standards for national legislation to protect and improve working conditions and standards of living. The ILO is devoted to promoting social justice and internationally recognized human and labour rights, through a decent work agenda.

2.3 The Food and Agriculture Organization (FAO) is a specialized agency of the UN that leads international efforts aimed at defeating hunger. With respect to the fishing sector, FAO plays a foremost role in development and improvement of international fisheries policies to benefit State's food security and nutrition, economic growth, alleviation of poverty and employment opportunities.

2.4 Kenya is a member State of the IMO since 1973; a member State of the ILO since 1965; and a member State of FAO since 1964.

2.5 The IMO and ILO, with inter-agency cooperation with FAO, jointly adopted the above listed Conventions aimed at improving the work and living conditions of maritime labour, which comprises of both seafarers and fishers. A Seafarer is any person who is employed,

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engaged or works in any capacity on-board a ship. Conversely, a Fisher is any person employed, engaged or carrying out an occupation on-board a fishing vessel, including persons working on-board who are paid on the basis of a share of the catch.

- 2.6 Seafarers and fishers work on-board vessels which are socio-technical and complex systems existing inside a hostile environment. They are captive to the work environment as they live and work on-board, are exposed to ever practical risky situations, cultural diversity, as well as hostile internal and external work environments which are incomparable to land. All these factors affect their occupational safety and health (OSH). A State has a duty to secure OSH as either a flag State, port State or labour supplying State.

3.0 THE OBJECTS AND SUBJECT MATTER OF THE CONVENTIONS

3.1 Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006

The Maritime Labour Convention (MLC) sets out seafarers' rights to decent working and living conditions. Its primary purpose is to ensure decent working and living conditions for the world's seafarers and to establish a system of fair competition among ship owners. The MLC has a total of 96 ratifications. Kenya ratified the MLC on 31st July, 2014.

The 2014 amendments to the MLC relate to financial security of seafarers in cases of abandonment, and contractual claims for compensation in the event of a seafarer's death or long term disability due to an operational injury, illness or hazard. These amendments entered into force on 18 January 2017. They have been adopted by 105 States, 18 being African.

The 2018 amendments to MLC 2006 aim to provide protection to seafarers. The amendments:

- i) guarantee full payment of seafarers wages and entitlements during the entire period of captivity and until the seafarer is released and duly repatriated. If the seafarer dies while in captivity, wages and entitlements should be paid until the date of death as determined in accordance with applicable national laws; and
- ii) give guidance on eliminating shipboard harassment and bullying.

The end of their formal disagreement period is 26 June 2020. The amendments will enter into force on 26 December 2020. Three (3) African States have accepted the amendments.

3.2 Convention on Seafarers Identity Documents, 2003, as amended (C185)

This Convention facilitates the entry of seafarers and fishers into the territory of Member States, for the purposes of shore leave, transit, transfer or repatriation.

After the 9/11 attacks in USA, there was a global change on the general attitude towards border security. This led to the revision of the Seafarers' Identity Convention of 1958 to the Seafarers' Identity Document Convention No 185 in 2003, which led to the



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introduction of biometrics aimed at facilitating shore leave, transfers and transit at maritime borders while respecting the security requirements of port States.

The Convention prescribes the Content, Form and System requirements of the Seafarers' Identity Document (SID). Thus, the SID serves as an alternative to the passport and a stand-alone document to facilitate access to shore and transit of seafarers (exempts seafarers from holding visa).

The Convention entered into force on 8 June 2017. It has a total of 35 ratifications, 5 being African.

This Convention:

- i) provides seafarers and fishers an opportunity to go ashore provides a mental and physical break from routine and contributes to good health and better attitudes towards their job;
- ii) enables seafarers and fishers to travel without the visa requirement; and
- iii) enables seafarers and fishers to access employment opportunities.

3.3 Work in Fishing Convention, 2007 (C188);

Fishing is one of the most dangerous professions in the world, accounting for over 32,000 deaths yearly. This is because most fishers operate dangerous equipment and are exposed to long working hours without adequate rest times. Furthermore, most fishing vessels that have limited space, space being allocated to accommodation facilities and equipment and machinery used in fishing operations. The rates of injury are therefore high.

Convention 188 was designed to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board, conditions of service, fishers' work agreement, repatriation, recruitment and placement, accommodation and food, occupational safety and health protection, medical care and social security, protection in case of work related sickness injury or death. It entered into force on 16 November 2017. It has a total of 18 ratifications, 6 being African.

The Convention establishes minimum labour standards to improve the safety, health and medical care for workers on board fishing vessels, ensuring a minimum age for fishers, payment of minimum wages, and enforcing limits on working hours as well as ensuring they have the protection of a written work agreement and the same social security protections as workers on land. These provisions are vital in preventing workers from being exploited by unscrupulous employers who pay less than the recommended minimum wages, refuse to ensure overtime is voluntary and compensated, and engage in debt bondage and forced labour. Further, ensuring fishers are included fully in the social security system is critical especially if they suffer an occupational accident or illness.



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3.4 International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention)

Just like workers aboard other vessels whose training certification and watchkeeping provisions are hinged on the already ratified STCW Convention, workers in fishing equally need similar provisions and protections hinged on law.

The STCW-F Convention applies to personnel serving on board seagoing fishing vessels entitled to fly the flag of a Party. It sets the regulatory framework for the training and certification of personnel employed on board fishing vessels with a view to improving the safety of life and property at sea in the fishing industry. It entered into force on 29th September 2012. Has a total ratification of 32 States, 9 being African.

The STCW-F Convention contributes to the reduction of casualties and brings considerable benefits and advantages to the fishing industry i.e. improving the quality of education and training provided to personnel employed in fishing vessels; and enhancing the standard of training and safety in the fishing industry and fishing vessel fleets.

The Convention is currently under review. The amended version will be adopted in 2022, and will establish two levels of skippers' dependent on tonnage and length of the fishing vessel.

3.5 Cape Town Agreement of 2012 on Safety of Fishing Vessels

This is an internationally binding agreement which will control the rogue fishing industry, an area which has largely been unregulated over the years, through the 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.

It 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. The requirements are aimed at ensuring that vessels remain watertight, weather-tight, strong, and stable, even under adverse conditions such as ice and extreme weather.

The Agreement currently has 14 Contracting States. It requires 15 States to enter into force. 2 African States are Party to the Agreement. It is expected to enter into force on 20 October 2022.

4.0 ANALYSIS OF THE PROBLEM

4.1 Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006

In as much as Kenya has employment laws in place that serve to generally protect the rights of workers, work aboard vessels is of a peculiar kind and the existing employment laws do not sufficiently cater for the interests of workers aboard vessels

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Kenyan seafarers face untold difficulties in the event that there is need for their repatriation or need for compensation in case of injury on board for lack of funds to facilitate such, occupational accidents, harassment and bullying and capture by pirates.

4.2 Convention on Seafarers Identity Documents, 2003, as amended (C185)

The current document that Kenyan seafarers and fishers are issued for identification and recording sea service does not meet the requirements of Convention C185 and therefore Kenyan seafarers are often denied the right of shore leave or passage unless they have a valid visa for the countries the ship is passing through.

4.3 Work in Fishing Convention, 2007 (C188);

Kenya has ratified MLC 2006 that generally provides for the protection of seafarers' rights. The MLC 2006 however excludes fishing vessels from the application of the MLC Convention. A gap therefore does exist for Kenyan seafarers have the protection of law but fishers remain exposed in spite of working under hazardous conditions. The Work in Fishing Convention, 2007 (C188) fills this gap.

Fifty per cent of Kenyan citizens working at sea work in the fishing sector, but Kenya has not ratified the ILO Convention 188 which means that there is a gap in regulation to protect the fishers.

4.4 International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention);

Kenya has ratified the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended that generally provides the requisite training, safe manning and health fitness standards for seafarers but does not provide for workers on fishing vessels. The STCW-F sets the regulatory framework for the training and certification of personnel employed on board fishing vessels with a view to improving the safety of life and property at sea in the fishing industry.

To successfully drive the Blue Economy Agenda, Kenya requires qualified employees to work on-board fishing vessels. The country currently has not developed a standard education programme for fishers. In order to attract employment of Kenyan fishers onboard Kenyan as well as international fishing vessels, Kenyans should be trained in accordance to the international standards and therefore ratification of STCW-F will enable Kenya churn out fishers from fishing institutions with internationally recognized qualifications.

4.5 Cape Town Agreement of 2012 on Safety of Fishing Vessels

Although Kenya has ratified the Safety of Life at Sea Convention (SOLAS), the Convention does not adequately provide for safety of fishing vessels. CTA covers areas of fishing vessel safety compliance not covered by SOLAS.

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Furthermore, Kenya faces food insecurity and also loses billions as a result of IUU fishing.

5.0 CONSTITUTIONAL IMPLICATION

5.1 The Conventions are in line with the spirit of the Constitution of Kenya, 2010. They neither propose any amendment to the Constitution, nor are they contrary to the Constitutional values and objectives.

5.2 The Conventions are committed to protecting the well-being of Kenyans and recognises the essential values of human dignity, human rights and equality.

6.0 NATIONAL INTERESTS THAT MAY BE AFFECTED BY RATIFICATION

6.1 The Conventions intend to promote the well-being of maritime labour; the employment of Kenyans; and the access to quality education, thus promote sustainable development; and food security and economic growth of Kenya. In essence, the Conventions will aid Kenya realize her 8th economic pillar of the Third Medium Term Plan of the Kenya Vision 2030 that is the Blue Economy, the Big Four Agenda, as well as the United Nations Sustainable Development Goals.

7.0 OBLIGATIONS IMPOSED ON KENYA BY THE TREATIES

7.1 Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006

As a Labour-Supplying State, Kenya will have an obligation to review the legislation and regulations in place to require shipping companies to provide financial security in P&I Clubs; ensure dispute resolution procedures are present onboard and onshore and to require seafarers to undertake the Life Skills Training.

Kenya will also have to ensure effective implementation and enforcement of the Regulations.

7.2 Convention on Seafarers Identity Documents, 2003, as amended (C185)

To implement this Convention, the Government will need to:

- i) provide adequate equipment for issuance of SID;
- ii) define the implementation and enforcement procedures;
- iii) link the Immigration and Kenya Maritime Authority Databases;
- iv) establish a focal point for issue of SIDs and for enquiries;
- v) increase capacity for issuing SIDs; and
- vi) establish quality control and evaluation procedures.

7.3 Work in Fishing Convention, 2007 (C188)

There will be need for legislation to implement the provisions of this convention. There will also be need to establish mechanisms for coordination between relevant stakeholders as well as establishment a robust licensing regime for private recruitment agencies.

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The Government will also need to increase its capacity for implementation and enforcement as flag, port and labour supplying State.

7.4 International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention)

To implement this Convention, the Government will need to:

- i) establishing adequate training facilities;
- ii) train the trainers;
- iii) modify certification processes in line with the Standards;
- iv) monitor and inspect the training institutions;
- v) enact legislation to domesticate requirements 'left to the satisfaction of the Administration';
- vi) seek technical cooperation on implementation and enforcement;
- vii) negotiate Memoranda of Understanding for endorsement and recognition of certificates for fishers;
- viii) establish a Cabotage regime for fishers; and
- ix) monitor future amendments due to tacit amendment procedures.

7.5 Cape Town Agreement of 2012 on Safety of Fishing Vessels

Implementing the CTA requires:

- i) expounding the scope of Recognized Organizations inspections and certifications.
- ii) formulation of national legislation, regulations and guidelines for standards left to the 'satisfaction of the Administration'.
- iii) development of a progressive implementation plan.
- iv) training of the Maritime Administration personnel to facilitate proper implementation and enforcement; and
- v) training of crew on safety issues.

8.0 POLICY AND LEGISLATIVE CONSIDERATIONS

8.1 These Conventions are not self-executing in nature and they require transposition into national laws.

8.2 The Government will therefore have to review and/or enact legislation to implement and enforce the:

- i) Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006;
- ii) Convention on Seafarers Identity Documents, 2003, as amended (C185);
- iii) Work in Fishing Convention, 2007 (C188);
- iv) International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention); and
- v) Cape Town Agreement of 2012 on Safety of Fishing Vessels.

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8.3 This will be done taking into consideration the objectives of the Integrated National Transport Policy, 2009 which requires the Government to:

- a) develop the maritime transport sector in support of the economy in general and Kenya's international trade in particular;
- b) enhance the legal framework within which to ensure safety and security of life and property, the prevention and control of pollution of the sea and of the inland waters;
- c) ensure provision of globally competitive, quality maritime education and training for seafarers and other workers in the maritime industry.

9.0 WHETHER THE CONVENTIONS PERMIT RESERVATIONS

The Conventions do not permit reservations. However, they permit denunciation as discussed hereunder.

9.1 Maritime Labour Convention, 2006

The MLC permits a Member to denounce the Convention after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

A Member who does exercise the right of denunciation shall be bound for another period of ten years and, thereafter, may denounce the Convention at the expiration of each new period of ten years.

9.2 Convention on Seafarers Identity Documents, 2003, as amended (C185)

The C185 permits a Member to denounce the Convention after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

A Member who does exercise the right of denunciation shall be bound for another period of ten years and, thereafter, may denounce the Convention at the expiration of each new period of ten years.

9.3 Work in Fishing Convention, 2007 (C188)

The C188 permits a Member to denounce the Convention after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

A Member who does exercise the right of denunciation shall be bound for another period of ten years and, thereafter, may denounce the Convention at the expiration of each new period of ten years.

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9.4 International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention)

The STCW-F Convention may be denounced by a Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party. The denunciation is effected by notification in writing to the Secretary-General of the International Maritime Organization.

The denunciation takes effect 12 months after receipt of the denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

9.5 Cape Town Agreement of 2012 on Safety of Fishing Vessels

The Cape Town Agreement may be denounced by a Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party. The denunciation is effected by notification in writing to the Secretary-General of the International Maritime Organization.

The denunciation takes effect 12 months after receipt of the denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

10.0 VIEWS OF THE PUBLIC ON RATIFICATION OF THE TREATIES

10.1. In view of the restrictions in place due to the COVID-19 pandemic, the Ministry undertook public participation via various fora including newspaper notice, letters to stakeholders and virtual meetings.

10.2. The following entities presented their views:

- i. State Department for Shipping and Maritime
- ii. Ministry of Foreign Affairs
- iii. The National Treasury and Planning
- iv. The Office of the Attorney General and Department of Justice
- v. State Department for Transport
- vi. State Department for Labour
- vii. State Department for Interior and Citizen Services
- viii. State Department for Fisheries, Aquaculture and the Blue Economy
- ix. State Department for Vocational and Technical Training
- x. State Department for University Education and Research
- xi. Kenya Maritime Authority
- xii. Kenya National Qualification Authority
- xiii. Kenya Ships Agents Association
- xiv. International Transport Workers Federation
- xv. Seafarers Union of Kenya



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- 10.3. All the entities showed strong support for the ratification and acceptance of the above-mentioned conventions, noting their importance in advancing the protection of safety and labour interests of the country's seafarers and fishers.

11.0 MINISTERIAL RESPONSIBILITY

- 11.1 The Ministry of Foreign Affairs being the custodian of all International Treaties where Kenya is a Party will be responsible for the ratification and depositary of the Conventions to the relevant international organization.
- 11.2 The Ministry of Transport which oversees the country's shipping and maritime affairs will be responsible for overseeing effective implementation and enforcement of the Conventions.
- 11.3 The Ministry Agriculture which oversees the country's Fisheries, Aquaculture and the Blue Economy State Department will oversee the capacity building of fishers in close collaboration with the Ministry of Transport.
- 11.4 The National Treasury and Planning being charged with the responsibility of mobilizing domestic and external resources for financing national and county government budgetary requirements, will tailor adequate resources to enable the realization of the additional obligations that will be imposed on Kenya.

12.0 IMPLICATIONS ON MATTERS RELATING TO COUNTIES

The obligations imposed on Kenya upon ratification relate to its status as a flag State, port State, labour-supplying State. A flag State is the State of a ship's nationality. A port State verifies whether foreign ships comply with international rules and standards. A labour-supplying State is a State that plays a major role in the global maritime labour market, as a significant source of seafarers/fishers. These form part of the National Government maritime administration obligations as under Part 1(3,13,15,16,18) of the Fourth Schedule of the Constitution, and do not occasion County obligations.

13.0 FINANCIAL IMPLICATIONS AND EXPENDITURE OF PUBLIC FUNDS TO BE INCURRED IN THE IMPLEMENTATION OF THE PROJECT

- 13.1 The implementation and enforcement of the above-mentioned conventions is anticipated to have financial implications over and above Ministry's current budgetary allocations, particularly in the areas of:
- (i) Cost for ratification and amending the law
 - (ii) establishment of adequate training facilities;
 - (iii) training of trainers;
 - (iv) training of the Maritime Administration personnel to facilitate proper implementation and enforcement;



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- (v) adequate equipment for issuance of SID;
- (vi) linkage of the Immigration and Kenya Maritime Authority Databases;
- (vii) establishment of quality control and evaluation procedures;
- (viii) modification of certification processes in line with the Standards;
- (ix) technical assistance and cooperation on implementation and enforcement; and
- (x) expounding the scope of Recognized Organizations inspections and certifications.

13.2 Initial estimates indicate that approximately Kshs 146 Million will be required in the first financial year to finance start-up activities. This is explained hereunder.

ACTIVITIES	ESTIMATE FOR FIRST FINANCIAL YEAR KSHS 000'
Cost for Ratification of the IMO & ILO Conventions	5,000
2014 AND 2018 AMENDMENTS TO THE MARITIME LABOUR CONVENTION	
➤ Review of the legislation and regulations in place in light of international standards	500
ILO C185 CONVENTION ON SEAFARERS IDENTITY DOCUMENTS	
➤ Acquiring state-of-the-art equipment for the issuance of SID;	20,000
➤ Linking the KMA and Immigration databases;	4,000
➤ Establishment of quality, control and evaluation procedures	500
C188 WORK IN FISHING CONVENTION	
➤ Develop legal framework to domesticate requirements of the Convention 'left to the satisfaction of the Administration'	500
STCW - F CONVENTION	
➤ Develop legal framework to domesticate requirements of the Convention 'left to the satisfaction of the Administration'	500
➤ Acquisition of state-of-the-art training equipment and facilities;	50,000
➤ Conduct audits of approved Fishers' Training Institutions	300



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➤ Training of Trainers (TOT) programmes for instructors	3,000
CAPE TOWN AGREEMENT	
➤ Develop legal framework for requirements of the Convention 'left to the satisfaction of the Administration'	500
➤ Development of a progressive implementation plan	300
Grand Total	85,100

14.0 REQUEST TO THE CABINET

14.1 The Cabinet is invited to:

- (i) Take note of the contents of this Memorandum;
- (ii) Approve the ratification, accession or acceptance of:
 - Amendments of 2014 and 2018 to the Maritime Labour Convention, 2006;
 - Convention on Seafarers Identity Documents, 2003, as amended (C185);
 - Work in Fishing Convention, 2007 (C188);
 - International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (1995 STCW-F Convention); and
 - Cape Town Agreement of 2012 on Safety of Fishing Vessels.
- (iii) Direct the Ministry of Foreign Affairs to ratify and deposit the Conventions to the Secretary General of the International Maritime Organization and the Director General of the International Labour Organization.
- (iv) Direct the National Treasury and Planning to allocate resources for the realization of the obligations arising from the ratification, accession and acceptance of the five (5) Conventions.
- (v) Direct the Ministry of Transport to oversee the implementation and enforcement of the Conventions.
- (vi) Direct the Ministry of Agriculture, Livestock and Fisheries to oversee the capacity building of fishers in close collaboration with the Ministry of Transport.
- (vii) Direct the Office of the Attorney General and Department of Justice to Review and/or enact legislation to implement and enforce the Conventions.

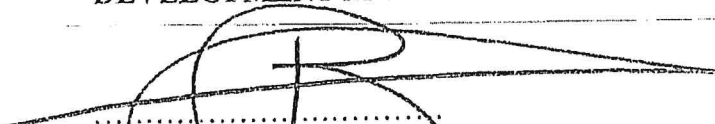
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SIGNED BY:


James W. Macharia, EGH
CABINET SECRETARY


MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING, URBAN
DEVELOPMENT AND PUBLIC WORKS

14/10/2020
DATE



Hon. Peter Munya, MGH
CABINET SECRETARY

MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES

21/10/2020
DATE

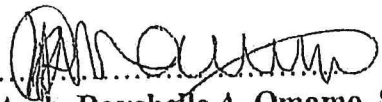

Hon. (Amb.) Ukur Yatani Kanacho, EGH
CABINET SECRETARY
NATIONAL TREASURY & PLANNING

12/11/2020
DATE


Hon. P. Kihara Kariuki, EGH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE


2nd November
DATE 2020


Amb. Raychelle A. Omamo, SC, EGH
CABINET SECRETARY
MINISTRY OF FOREIGN AFFAIRS

29/10/2020
DATE

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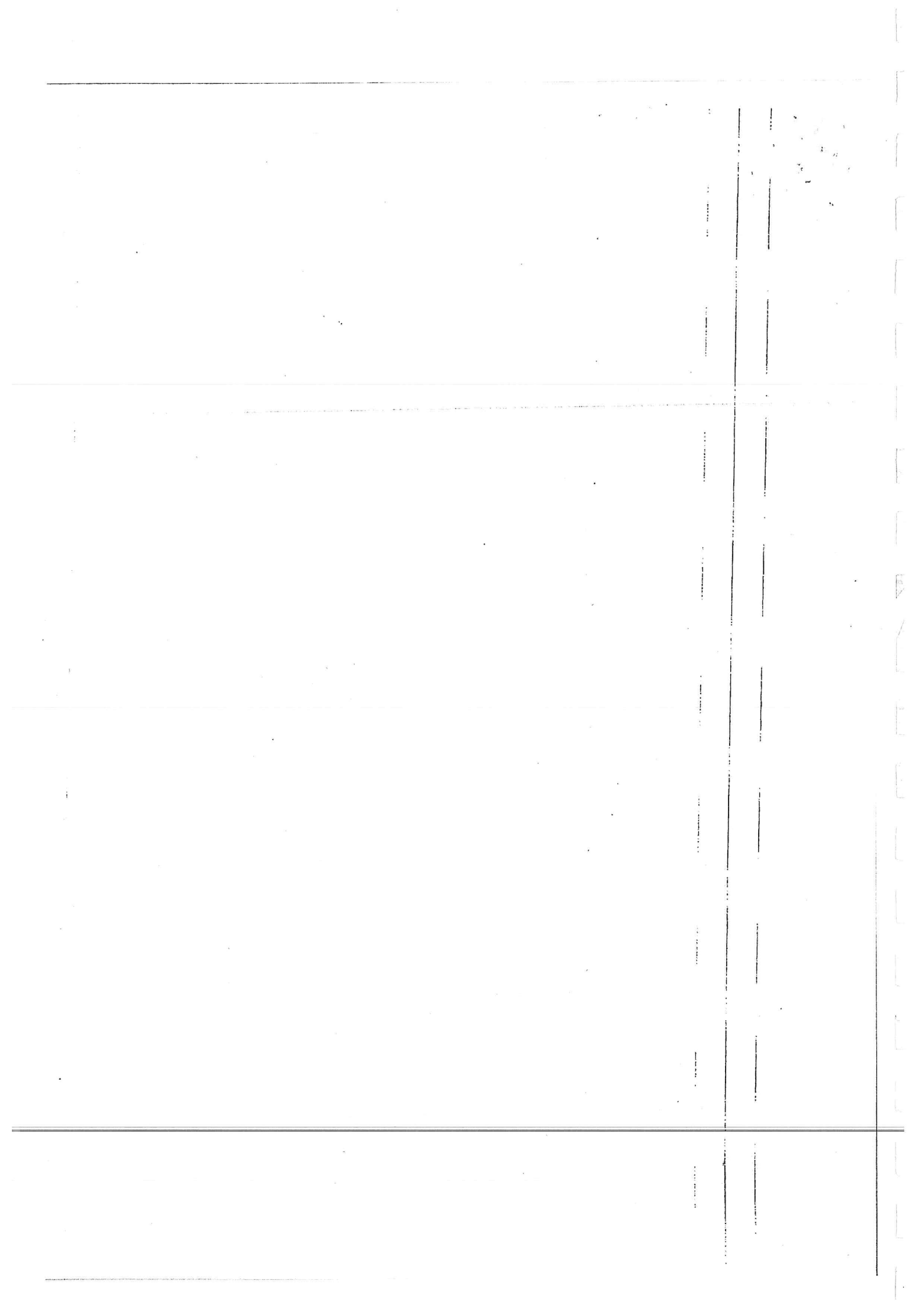
**International Convention on the Standards of
Training, Certification and Watchkeeping for Fishing
Vessel Personnel, 1995**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 SEP 2021	
DAY:	
TABLED BY:	
CLERK-AT THE-TABLE:	

SECRET

INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING
CERTIFICATION AND WATCHKEEPING FOR
FISHING VESSEL PERSONNEL, 1995

SECRET



**INTERNATIONAL CONVENTION ON STANDARDS OF
TRAINING, CERTIFICATION AND WATCHKEEPING
FOR FISHING VESSEL PERSONNEL, 1995**

THE PARTIES TO THIS CONVENTION,

NOTING the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (hereinafter referred to as the "1978 STCW Convention"),

DESIRING to further promote safety of life and property at sea and the protection of the marine environment by establishing in common agreement international standards of training, certification and watchkeeping for personnel employed on board fishing vessels,

CONSIDERING that this end may be best achieved by the conclusion of an International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, hereinafter referred to as "the Convention",

HAVE AGREED as follows:

ARTICLE 1

General obligations

1 The Parties undertake to give effect to the provisions of the Convention and the Annex thereto, which shall constitute an integral part of the Convention. Every reference to the Convention constitutes at the same time a reference to the Annex hereto.

2 The Parties undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the Convention full and complete effect, so as to ensure that, from the point of view of safety of life and property at sea and the protection of the marine environment, seagoing fishing vessel personnel are qualified and fit for their duties.

ARTICLE 2

Definitions

For the purpose of the Convention, unless expressly provided otherwise:

- .1 "Party" means a State for which the Convention has entered into force.
- .2 "Administration" means the Government of the Party whose flag the vessel is entitled to fly.

- .3 "Certificate" means a valid document, by whatever name it may be known, issued or recognized in accordance with the provisions of the Convention, authorizing the holder to serve as stated in this document or as authorized by national regulations.
- .4 "Certificated" means properly holding a certificate.
- .5 "Organization" means the International Maritime Organization.
- .6 "Secretary-General" means the Secretary-General of the Organization.
- .7 "Fishing vessel" or "vessel" means any vessel used commercially for catching fish or other living resources of the sea.
- .8 "Seagoing fishing vessel" means a fishing vessel other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.

ARTICLE 3

Application

The Convention shall apply to personnel serving on board seagoing fishing vessels entitled to fly the flag of a Party.

ARTICLE 4

Communication of information

Each Party shall communicate to the Secretary-General the following information:

- .1 a report on the measures it has taken to give full and complete effect to the provisions of the Convention, including a specimen of certificates issued in compliance with the Convention; and
- .2 other information which may be specified or provided for in regulation I/5.

ARTICLE 5

Other treaties and interpretation

1 All prior treaties, conventions and arrangements relating to standards of training, certification and watchkeeping for fishing vessel personnel in force between the Parties, shall continue to have full and complete effect during the terms thereof as regards:

- .1 fishing vessel personnel to whom this Convention does not apply; and
- .2 fishing vessel personnel to whom this Convention applies, in respect of matters for which it has not expressly provided.

2 To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the Convention, the Parties shall review their commitments under such treaties, conventions and arrangements with a view to ensuring that there is no conflict between these commitments and their obligations under the Convention.

3 All matters which are not expressly provided for in the Convention remain subject to the legislation of Parties.

ARTICLE 6

Certification

Fishing vessel personnel shall be certificated in accordance with the provisions of the Annex to this Convention.

ARTICLE 7

National provisions

1 Each Party shall establish processes and procedures for the impartial investigation of any reported incompetency, act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by that Party in connection with their performance of duties related to their certificates and for the withdrawal, suspension and cancellation of such certificates for such cause and for the prevention of fraud.

2 Each Party shall prescribe penalties or disciplinary measures for cases in which the provisions of its national legislation giving effect to this Convention are not complied with in respect of vessels entitled to fly its flag or of fishing vessel personnel duly certificated by that Party.

3 In particular, such penalties or disciplinary measures shall be prescribed and enforced in cases in which:

- .1 an owner, owner's agent or skipper has engaged a person not holding a certificate as required by this Convention;
- .2 a skipper has allowed any function or service in any capacity required by these regulations to be performed by a person holding an appropriate certificate to be performed by a person not holding an appropriate certificate or dispensation; or
- .3 a person has obtained by fraud or forged documents an engagement to perform any function or serve in any capacity required by these regulations to be performed or filled by a person holding a certificate or dispensation.

4 A Party within whose jurisdiction there is based an owner or owner's agent or any person who is believed on clear grounds to have been responsible for, or to have knowledge of, any apparent non-compliance with the Convention specified in paragraph 3, shall extend all co-operation possible to any Party which advises it of its intention to initiate proceedings under its jurisdiction.

ARTICLE 8

Control

1 Fishing vessels, while in the port of another Party, are subject to control by officers duly authorized by that Party to verify that all persons serving on board who are required to be certificated by this Convention are so certificated or hold an appropriate dispensation.

2 In the event of failure to correct any deficiency referred to in paragraph 3 of regulation I/4 in so far as it poses a danger to persons, property or the environment, the Party carrying out the control shall take steps to ensure that the vessel will not sail unless and until these requirements are met to the extent that the danger has been removed. The facts concerning the action taken shall be reported promptly to the Secretary-General and to the Administration.

3 When exercising control:

- .1 all possible efforts shall be made to avoid a vessel being unduly detained or delayed. If a vessel is unduly detained or delayed, it shall be entitled to compensation for any loss or damage resulting therefrom; and
- .2 the discretion allowed in the case of the personnel of foreign fishing vessels shall not be less than that afforded to the personnel of vessels flying the flag of the port State.

4 This article shall be applied as may be necessary to ensure that no more favourable treatment is given to a vessel entitled to fly the flag of a non-Party than is given to a vessel entitled to fly the flag of a Party.

ARTICLE 9

Promotion of technical co-operation

1 Parties to the Convention shall promote, in consultation with and with the assistance of the Organization, support for those States which request technical assistance for the:

- .1 training of administrative and technical personnel;
- .2 establishment of institutions for training of fishing vessel personnel;
- .3 supply of equipment and facilities for training institutions;
- .4 development of adequate training programmes, including practical training on seagoing fishing vessels; and
- .5 facilitation of other measures and arrangements to enhance the qualifications of fishing vessel personnel,

preferably on a national, sub-regional or regional basis, to further the aims and purposes of the Convention, taking into account the special needs of developing countries in this regard

2 On its part, the Organization shall pursue the aforesaid efforts, as appropriate, in consultation or association with other international organizations, particularly the International Labour Organization and the Food and Agriculture Organization of the United Nations.

ARTICLE 10

Amendments

- 1 The Convention may be amended by either of the procedures specified in this article.
- 2 Amendments after consideration within the Organization:
 - .1 Any amendment proposed by a Party shall be submitted to the Secretary-General, who shall then circulate it to all Members of the Organization, to all the Parties and to the Director-General of the International Labour Office and of the Food and Agriculture Organization of the United Nations respectively, at least six months prior to its consideration.
 - .2 Any amendment proposed and circulated as above shall be referred to the Maritime Safety Committee of the Organization for consideration.
 - .3 Parties whether or not Members of the Organization shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.
 - .4 Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee, expanded as provided for in paragraph 2.3 (hereinafter referred to as "the expanded Maritime Safety Committee"), on condition that at least one-third of the Parties shall be present at the time of voting.
 - .5 Amendments adopted in accordance with paragraph 2.4 shall be communicated by the Secretary-General to all the Parties.
 - .6 An amendment to an article shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties.
 - .7 An amendment to the Annex or to an appendix to the Annex shall be deemed to have been accepted:
 - .7.1 at the end of two years from the date of adoption; or
 - .7.2 at the end of a different period, which shall not be less than one year, if so determined at the time of its adoption by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee.

If, within the specified period, more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.

- .8 An amendment to an article shall enter into force, with respect to those Parties which have accepted it, six months after the date on which it is deemed to have been accepted, and with respect to each Party which accepts it after that date, six months after the date of that Party's acceptance.

- .9 An amendment to the Annex and to an appendix to the Annex shall enter into force with respect to all Parties, except those which have objected to the amendment under paragraph 2.7 and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force any Party may give notice to the Secretary-General that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the expanded Maritime Safety Committee at the time of the adoption of the amendment.

3 Amendment by a Conference

- .1 Upon the request of a Party concurred with by at least one-third of the Parties, the Organization shall convene, in association or consultation with the Director-General of the International Labour Office and of the Food and Agriculture Organization of the United Nations respectively, a Conference of the Parties to consider amendments to the present Convention.
- .2 Every amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all the Parties for acceptance.
- .3 Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs 2.6 and 2.8 or 2.7 and 2.9 respectively, provided that references in those paragraphs to the expanded Maritime Safety Committee shall be taken to mean references to the Conference.

4 Any declaration of acceptance of, or objection to, an amendment or any notice given under paragraph 2.9 shall be submitted in writing to the Secretary-General, who shall inform all Parties of any such submission and the date of its receipt.

5 The Secretary-General shall inform all the Parties of any amendments which enter into force, together with the date on which each such amendment enters into force.

ARTICLE 11

Signature, ratification, acceptance, approval
and accession

1 The Convention shall remain open for signature at the Headquarters of the Organization from 1 January 1996 until 30 September 1996 and shall thereafter remain open for accession. States may become Parties to the Convention by:

- .1 signature without reservation as to ratification, acceptance or approval; or
- .2 signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- .3 accession.

- 2 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

ARTICLE 12

Entry into force

- 1 The Convention shall enter into force 12 months after the date on which not less than 15 States have either signed it without reservation as to ratification, acceptance, or approval, or have deposited the requisite instruments of ratification, acceptance, approval or accession in accordance with article 11.
- 2 For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the Convention after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or three months after the date of deposit of the instrument, whichever is the later date.
- 3 For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention entered into force, the Convention shall become effective three months after the date of deposit of the instrument.
- 4 After the date on which an amendment to the Convention is deemed to have been accepted under article 10, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention as amended.

ARTICLE 13

Denunciation

- 1 The Convention may be denounced by any Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party.
- 2 Denunciation shall be effected by notification in writing to the Secretary-General.
- 3 A denunciation shall take effect 12 months after receipt of the denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

ARTICLE 14

Depositary

- 1 The Convention shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the depositary").
- 2 The depositary shall:
 - .1 inform the Governments of all States which have signed the Convention or acceded thereto of:
 - .1.1 each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

- .1.2 the date of entry into force of the Convention;
 - .1.3 the deposit of any instrument of denunciation of the Convention, together with the date on which it was received and the date on which the denunciation takes effect; and
 - .2 transmit certified true copies of the Convention to the Governments of all States which have signed the present Convention or acceded thereto.
- 3 As soon as the Convention enters into force a certified true copy thereof shall be transmitted by the depositary to the Secretary-General of the United Nations, for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 15

Languages

The Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed the Convention.

DONE AT LONDON, this seventh day of July, one thousand nine hundred and ninety five.

ANNEX
CHAPTER I
GENERAL PROVISIONS

Regulation 1

Definitions

For the purpose of this Annex the following definitions apply.

- 1 "Regulations" means regulations contained in the Annex to the Convention.
- 2 "Approved" means approved by the Party in accordance with the regulations.
- 3 "Skipper" means the person having command of a fishing vessel.
- 4 "Officer" means a member of the crew, other than the skipper, designated as such by national law or regulations or, in the absence of such designation, by collective agreement or custom.
- 5 "Officer in charge of a navigational watch" means an officer qualified in accordance with regulation II/2 or II/4 of this Convention.
- 6 "Engineer officer" means an officer qualified in accordance with regulation II/5 of this Convention.
- 7 "Chief engineer officer" means the senior engineer officer responsible for the mechanical propulsion and operation and maintenance of mechanical and electrical installations of the vessel.
- 8 "Second engineer officer" means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the vessel will fall in the event of the incapacity of the chief engineer officer.
- 9 "Radio operator" means a person holding an appropriate certificate issued or recognized by an Administration under the provisions of the Radio Regulations.
- 10 "Radio Regulations" means the Radio Regulations annexed to, or regarded as being annexed to, the most recent International Telecommunication Convention which may be in force at any time.
- 11 "1978 STCW Convention" means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.
- 12 "1993 Torremolinos Protocol" means the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977.
- 13 "Propulsion power" means the total maximum continuous rated output power in kilowatts of all the vessel's main propulsion machinery which appears on the vessel's certificate of registry or other official document.

- 14 "Limited waters" means those waters in the vicinity of a Party as defined by its Administration within which a degree of safety is considered to exist which enables the standards of qualification and certification for skippers and officers of fishing vessels to be set at a lower level than for service outside the defined limits. In determining the extent of limited waters the Administration shall take into consideration the guidelines developed by the Organization.
- 15 "Unlimited waters" means waters beyond limited waters.
- 16 "Length" (L) shall be taken as 96 per cent of the total length on a waterline at 85 per cent of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.
- 17 "Moulded depth" is the vertical distance measured from the keel line to the top of the working deck beam at side.

Regulation 2

Application

The Administration of a Party, if it considers it unreasonable or impracticable to apply the full requirements of regulations II/3, II/4 and II/5 and the requirement of the use of English language to personnel serving on board a fishing vessel of less than 45 metres in length operating exclusively from its ports and fishing within its limited waters, may determine which of these regulations should not apply, wholly or in part, to such personnel, without derogation from the principles of safety in the Convention. In such a case, the Administration concerned shall report to the Secretary-General on the details of the measures it has taken with respect to the training and certification of such personnel.

Regulation 3

Certificates and endorsements

- 1 Certificates for fishing vessel personnel shall only be issued if the requirements for service, age, medical fitness, training, qualification and examinations are met in accordance with these regulations.
- 2 A certificate issued by a Party in compliance with paragraph 1 shall be endorsed by that Party attesting the issue of that certificate in the form as prescribed in appendix 1 or appendix 2.
- 3 Certificates and endorsements shall be issued in the official language or languages of the issuing country. If the language used is not English, the text shall include a translation into that language.
- 4 In respect of radio operators, Parties may:
 - 1 include the additional knowledge required by regulation II/6 in the examination for the issue of a certificate complying with the Radio Regulations; or
 - 2 issue a separate certificate indicating that the holder has the additional knowledge required by regulation II/6.
- 5 The Administration which has recognized a certificate issued by or under the authority of another Party in compliance with regulation 7 shall issue an endorsement attesting the recognition of that certificate in the form prescribed in appendix 3.

6 The endorsement shall expire as soon as the certificate endorsed expires or is withdrawn, suspended or cancelled by the Party which issued it and, in any case, not more than five years after the date of issue.

7 Any appropriate certificate issued under the provisions of the 1978 STCW Convention, for the holder to serve as a Chief Engineer Officer, an Engineer Officer or Radio Operator shall be deemed to be a corresponding certificate for the purposes of paragraph 1 with regard to fishing vessels.

8 Subject to the variations permitted under appendices 1, 2 and 3, Administrations may use a format different from the format given in those appendices provided that such format contains, as a minimum, the required information and that the particulars are inserted in Roman characters and Arabic figures.

Regulation 4

Control procedures

1 Control exercised by a duly authorized officer under article 8 shall be limited to the following:

- .1 verification that all fishing vessel personnel serving on board who are required to be certificated by this Convention are so certificated or hold the required dispensation. Such certificates shall be accepted unless there are clear grounds for believing that a certificate has been fraudulently obtained or that the holder of a certificate is not the person to whom that certificate was originally issued; and
- .2 assessment of the ability of the fishing vessel personnel to maintain watchkeeping standards as required by the Convention if there are clear grounds for believing that such standards are not being maintained, because the following have occurred:
 - .2.1 the vessel has been involved in a collision, grounding or stranding; or
 - .2.2 there has been a discharge of substances from the vessel when underway, at anchor or at berth which is illegal under international conventions; or
 - .2.3 the vessel has been manoeuvred in an erratic or unsafe manner, whereby routing measures adopted by the Organization, or safe navigation practices and procedures, have not been followed; or
 - .2.4 the vessel is otherwise being operated in such a manner as to pose a danger to persons, property or the environment.

2 In the event that deficiencies are found under paragraph 1, the officer carrying out the control shall forthwith inform, in writing, the skipper of the vessel and the Administration, so that appropriate action may be taken. Such notification shall specify the details of the deficiencies found and the grounds on which the Party determines that these deficiencies pose a danger to persons, property or the environment.

3 Deficiencies which may be deemed to pose a danger to persons, property or the environment include the following:

- .1 failure of persons, required to hold a certificate, to have an appropriate certificate or dispensation;

- .2 failure of navigational or engineering watch arrangements to conform to the requirements specified for the vessel by the Administration;
- .3 absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of pollution; or
- .4 inability to provide rested persons for the first watch at the commencement of a voyage, and for subsequent relieving watches.

Regulation 5

Communication of information

1 The Secretary-General shall, on request, provide Parties with any information communicated to him under article 4.

2 A Party which fails to communicate information required by article 4 within twenty-four months after the date of entry into force of the Convention for a Party shall not be entitled to claim the privileges of this Convention until such time as the information has been received by the Secretary-General.

Regulation 6

Administration of certification arrangements

1 Each Party undertakes to establish and maintain a means of ensuring that programmes incorporating such instruction and practical training as is necessary to achieve the competency standards are regularly monitored to ensure their effectiveness.

2 Each Party undertakes, to the extent practicable, to maintain a register or registers of all certificates and endorsements specified in regulations 3 and II/1 to II/6 which are issued, have expired, or have been revalidated, reported lost, suspended or cancelled, and of dispensations issued, and provide information on the status of such certificates, endorsements and dispensations when so requested by another Party.

Regulation 7

Recognition of certificates

1 Each Administration shall ensure, in order to recognize, by endorsement in accordance with regulation 3, a certificate issued by or under the authority of another Party, that the requirements for standards of competence, as well as the issue and endorsement of certificates by that Party, are fully complied with.

2 Certificates issued by or under the authority of a non-Party shall not be recognized.

3 Notwithstanding the requirement of paragraph 1 of this regulation and paragraph 5 of regulation 3, an Administration may, if circumstances require, allow a person to serve for a period not exceeding three months on board a vessel entitled to fly its flag while holding an appropriate and valid certificate issued by another Party without it being endorsed as required by paragraph 5 of regulation 3 provided that documented proof is made available that application for an endorsement has been submitted to the Administration.

Regulation 8

Transitional provisions

1 A certificate of competency or of service in a capacity for which this Convention requires a certificate and which before entry into force of the Convention for a Party is issued in accordance with the laws of that Party or the Radio Regulations, shall be recognized as valid for service after entry into force of the Convention for that Party.

2 After the entry into force of the Convention for a Party, it may continue to issue certificates of competency in accordance with its previous practices for a period not exceeding five years. Such certificates shall be recognized as valid for the purpose of the Convention. During this transitional period such certificates shall be issued only to persons who had commenced their sea service before entry into force of the Convention for that Party within the specific ship department to which those certificates relate. The Party shall ensure that all other candidates for certification shall be examined and certificated in accordance with the Convention.

3 A Party may, within two years after entry into force of the Convention for that Party, issue a certificate of service to fishing vessel personnel who hold neither an appropriate certificate under the Convention nor a certificate of competency issued under its laws before entry into force of the Convention for that Party but who have:

- .1 served in the capacity for which they seek a certificate of service for not less than three years at sea within the last seven years preceding entry into force of the Convention for that Party;
- .2 produced evidence that they have performed that service satisfactorily; and
- .3 satisfied the Party as to medical fitness, including eyesight and hearing, taking into account their age at the time of application

For the purpose of the Convention, a certificate of service issued under this paragraph shall be regarded as the equivalent of a certificate issued under the Convention.

Regulation 9

Dispensation

1 In circumstances of exceptional necessity, an Administration, if in its opinion this will not cause danger to persons, property or the environment, may issue a dispensation permitting a person to serve in a specified fishing vessel for a specified period not exceeding six months in a capacity, other than that of the radio operator, except as provided by the relevant Radio Regulations, for which the person does not hold the appropriate certificate, provided that the person to whom the dispensation is issued shall be adequately qualified to fill the vacant post in a safe manner, to the satisfaction of the Administration.

2 Any dispensation granted for a post shall be granted only to a person properly certificated to fill the post immediately below it. Where certification of the post below is not required by the Convention, a dispensation may be issued to a person whose competence and experience are, in the opinion of the Administration, clearly equivalent to the requirements for the post to be filled, provided that, if such a person holds no appropriate certificate, the person shall be required to pass a test accepted by the

Administration as demonstrating that such a dispensation may safely be issued. In addition, the Administration shall ensure that the post in question is filled by the holder of an appropriate certificate as soon as possible.

3 Each Party shall as soon as possible after 1 January each year send a report to the Secretary-General giving information of the total number of dispensations in respect of each capacity for which a certificate is required, including nil returns.

Regulation 10

Equivalents

1 The Convention shall not prevent a Party from retaining or adopting other educational and training arrangements, including those involving seagoing service and shipboard organization especially adapted to technical developments and to special types of vessels, provided that the level of seagoing service, knowledge and efficiency as regards navigational and technical handling of vessels ensures a degree of safety at sea and has a preventive effect as regards pollution at least equivalent to the requirements of the Convention.

2 Details of such arrangements shall be included in the report under article 4.

CHAPTER II

CERTIFICATION OF SKIPPERS, OFFICERS, ENGINEER OFFICERS AND RADIO OPERATORS

Regulation 1

Mandatory minimum requirements for certification of skippers on fishing vessels of 24 metres in length and over operating in unlimited waters

- 1 Every skipper on a fishing vessel of 24 metres in length and over operating in unlimited waters shall hold an appropriate certificate.
- 2 Every candidate for certification shall:
 - .1 satisfy the Party as to medical fitness, particularly regarding eyesight and hearing;
 - .2 meet the requirements for certification as an officer in charge of a navigational watch on fishing vessels of 24 metres in length and over operating in unlimited waters, and have approved seagoing service of not less than 12 months as an officer in charge of a navigational watch or skipper on fishing vessels of not less than 12 metres in length. However, the Party may allow the substitution of a period not exceeding six months of approved seagoing service as an officer in charge of a navigational watch on seagoing ships covered by the 1978 STCW Convention; and
 - .3 have passed an appropriate examination or examinations for assessment of competence to the satisfaction of the Party. Such examination or examinations shall include the material set out in the appendix to this regulation. A candidate for examination who holds a valid certificate of competency issued in accordance with the provisions of the 1978 STCW Convention need not be re-examined in those subjects listed in the appendix which were passed at a higher or equivalent level for issue of the Convention certificate.

Appendix to Regulation 1

Minimum knowledge required for certification of skippers on fishing vessels of 24 metres in length and over operating in unlimited waters

- 1 The syllabus given below is compiled for examination of candidates for certification as skippers on fishing vessels of 24 metres in length and over operating in unlimited waters. Bearing in mind that the skipper has ultimate responsibility for the safety of the vessel and its crew at all times including during fishing operations, examination in these subjects shall be designed to test that the candidate has assimilated properly all available information that affects the safety of the vessel and its crew in accordance with the syllabus.

2 Navigation and position determination

2.1 Voyage planning and navigation for all conditions:

- .1 by acceptable methods of determining ocean tracks;
- .2 within restricted waters;
- .3 where applicable, in ice;
- .4 in restricted visibility;
- .5 where applicable, in traffic separation schemes; and
- .6 in areas affected by tides or currents.

2.2 Position determination:

- .1 by celestial observations;
- .2 by terrestrial observations, including the ability to use bearings from landmarks and aids to navigation such as lighthouses, beacons and buoys in conjunction with appropriate charts, notices to mariners and other publications to assess the accuracy of the resulting position fix; and
- .3 by using, to the satisfaction of the Party, modern ship electronic navigational aids as provided in fishing vessels, with specific reference to knowledge of their operating principles, limitations, sources of error, detection of misrepresentation of information and methods of correction to obtain accurate position fixing.

3 Watchkeeping

3.1 Demonstrate thorough knowledge of the content, application and intent of the International Regulations for Preventing Collisions at Sea, 1972, specially Annexes II and IV concerned with safe navigation.

3.2 Demonstrate knowledge of Basic Principles to be Observed in Keeping a Navigational Watch as prescribed in chapter IV.

4 Radar navigation

4.1 Demonstrate using a radar simulator or, when not available, manoeuvring board knowledge of the fundamentals of radar and ability in the operation and use of radar, and in the interpretation and analysis of information obtained from the equipment including the following:

- .1 factors affecting performance and accuracy;
- .2 setting up and maintaining displays;
- .3 detection of misrepresentation of information, false echoes, sea return;
- .4 range and bearing;
- .5 identification of critical echoes;
- .6 course and speed of other ships;

- .7 time and distance of closest approach of crossing, meeting or overtaking ships;
- .8 detecting course and speed changes of other ships;
- .9 effect of changes in own vessel's course or speed or both; and
- .10 application of the International Regulations for Preventing Collisions at Sea, 1972.

5 Magnetic and gyro-compasses

5.1 Ability, using terrestrial and celestial means, to determine and apply the errors of the magnetic and gyro-compasses.

6 Meteorology and oceanography

- 6.1 Knowledge of meteorological instruments and their application.
- 6.2 Ability to apply meteorological information available.
- 6.3 Knowledge of characteristics of various weather systems, including, at the discretion of the Party, tropical revolving storms and avoidance of storm centres and the dangerous quadrants.
- 6.4 Knowledge of weather conditions, such as fog, liable to endanger the vessel.
- 6.5 Ability to use appropriate navigational publications on tides and currents.
- 6.6 Ability to calculate times and heights of high and low water and estimate the direction and rate of tidal streams.

7 Fishing vessel manoeuvring and handling

7.1 Manoeuvring and handling of a fishing vessel in all conditions including the following:

- .1 berthing, unberthing and anchor work under various conditions of wind and tide;
- .2 manoeuvring in shallow water;
- .3 management and handling of fishing vessels in heavy weather, including appropriate speed, particularly in following and quartering seas, assisting a ship or aircraft in distress, means of keeping an unmanageable vessel out of a sea trough and lessening drift;
- .4 manoeuvring the vessel during fishing operations, with special regard to factors which could adversely affect the vessel's safety during such operations;
- .5 precautions in manoeuvring for launching rescue boats or survival craft in bad weather;
- .6 methods of taking on board survivors from rescue boats or survival craft;
- .7 where applicable, practical measures to be taken when navigating in ice, icebergs or conditions of ice accretion on board the vessel;
- .8 the use of, and manoeuvring in, traffic separation schemes:

- .9 the importance of navigating at reduced speed to avoid damage caused by own vessel's bow or stern wave;
- .10 transferring fish at sea to factory ships or other vessels; and
- .11 refuelling at sea.

8 Fishing vessel construction and stability

- 8.1 General knowledge of the principal structural members of a vessel and the proper names of the various parts.
- 8.2 Knowledge of the theories and factors affecting trim and stability and measures necessary to preserve safe trim and stability.
- 8.3 Demonstrate ability to use stability data, stability and trim tables and pre-calculated operating conditions.
- 8.4 Knowledge of effects of free surfaces and ice accretion, where applicable.
- 8.5 Knowledge of effects of water on deck.
- 8.6 Knowledge of the significance of weathertight and watertight integrity.

9 Catch handling and stowage

- 9.1 The stowage and securing of the catch on board vessels, including fishing gear.
- 9.2 Loading and discharging operations, with special regard to heeling moments from gear and catch.

10 Fishing vessel power plants

- 10.1 Operating principles of marine power plants in fishing vessels.
- 10.2 Vessel's auxiliary machinery.
- 10.3 General knowledge of marine engineering terms.

11 Fire prevention and fire-fighting appliances

- 11.1 Organization of fire drills.
 - 11.2 Classes and chemistry of fire.
 - 11.3 Fire-fighting systems.
 - 11.4 Participation in an approved fire-fighting course.
 - 11.5 Knowledge of provisions concerning fire-fighting equipment.
-

12 Emergency procedures

- 12.1 Precautions when beaching a vessel.
- 12.2 Action to be taken prior to, and after, grounding.
- 12.3 Action to be taken when the gear becomes fast to the ground or other obstruction.
- 12.4 Floating a grounded vessel, with and without assistance.
- 12.5 Action to be taken following a collision.
- 12.6 Temporary plugging of leaks.
- 12.7 Measures for the protection and safety of crew in emergencies.
- 12.8 Limiting damage and salvaging the vessel following a fire or explosion.
- 12.9 Abandoning ship.
- 12.10 Emergency steering, rigging, and use of jury steering and the means of rigging a jury rudder, where practicable.
- 12.11 Rescuing persons from a ship in distress or from a wreck.
- 12.12 Man-overboard procedures.
- 12.13 Towing and being towed.

13 Medical care

- 13.1 Knowledge of first aid procedures.
- 13.2 Knowledge of procedures for obtaining medical advice by radio.
- 13.3 A thorough knowledge of the use of the following publications:
 - .1 International Medical Guide for Ships or equivalent national publications; and
 - .2 Medical section of the International Code of Signals.

14 Maritime law

14.1 A knowledge of international maritime law as embodied in the international agreements and conventions as they affect the specific obligations and responsibilities of the skipper, particularly those concerning safety and the protection of the marine environment. Particular regard shall be paid to the following subjects:

- .1 certificates and other documents required to be carried on board fishing vessels by international conventions, how they may be obtained and the period of their legal validity;

- .2 responsibilities under the relevant requirements of the 1993 Torremolinos Protocol;
- .3 responsibilities under the relevant requirements of chapter V of the International Convention for the Safety of Life at Sea, 1974;
- .4 responsibilities under Annex I and Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 thereto;
- .5 maritime declarations of health and the requirements of the international health regulations;
- .6 responsibilities under the Convention on International Regulations for Preventing Collisions at Sea, 1972; and
- .7 responsibilities under other international instruments affecting the safety of the ship and crew.

14.2 The extent of knowledge of national maritime legislation is left to the discretion of the Party, but shall include national arrangements for implementing applicable international agreements and conventions.

15 English language

Adequate knowledge of the English language enabling the skipper to use charts and other nautical publications, to understand meteorological information and measures concerning the vessel's safety and operation, and to communicate with other ships or coast stations. Ability to understand and use the IMO Standard Marine Communication Phrases.

16 Communications

16.1 General knowledge of the principles and basic factors necessary for the safe and efficient use of all sub-systems and equipment required by the Global Maritime Distress and Safety System (GMDSS).

16.2 Knowledge of navigational and meteorological warning systems and the selection of the appropriate communication services.

16.3 Knowledge of the adverse effect of misuse of such communication equipment.

16.4 Where the Party has examined candidates in these subjects at lower levels of certification, they may have the option of not re-examining in these subjects.

16.5 Ability to transmit and receive signals by Morse light and to use the International Code of Signals.

17 Life-saving

17.1 A thorough knowledge of life-saving appliances and arrangements.

17.2 A thorough knowledge of emergency procedures, musters and drills.

18 Search and rescue

18.1 A thorough knowledge of the Merchant Ship Search and Rescue Manual (MERSAR).

19 The FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels

19.1 Knowledge of part A of the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels

20 Methods for demonstration of proficiency

20.1 Navigation

20.1.1 Demonstrate the use of sextant, pelorus, azimuth mirror and ability to plot position course and bearings.

20.2 Demonstrate thorough knowledge of the content, application and intent of the Convention on the International Regulations for Preventing Collisions at Sea, 1972

20.2.1 By the use of small models displaying proper signals or lights or by the use of a navigation light simulator.

20.3 Radar

20.3.1 By observation of radar simulators or manoeuvring boards.

20.4 Fire fighting

20.4.1 By participation in an approved fire-fighting course.

20.5 Communications

20.5.1 By practical test.

20.6 Life-saving

20.6.1 By handling of life-saving appliances, including the donning of lifejackets and, as appropriate immersion suit.

Regulation 2

Mandatory minimum requirements for certification of officers
in charge of a navigational watch on fishing vessels of
24 metres in length and over operating in unlimited waters

1 Every officer in charge of a navigational watch on a fishing vessel of 24 metres in length and over operating in unlimited waters shall hold an appropriate certificate.

2 Every candidate for certification shall:

- .1 be not less than 18 years of age;
- .2 satisfy the Party as to medical fitness, particularly regarding eyesight and hearing;

- .3 have approved seagoing service of not less than two years in the deck department on fishing vessels of not less than 12 metres in length. However, the Administration may allow the substitution of the seagoing service by a period of special training not exceeding one year, provided that the period of the special training programme shall be at least equivalent in value to the period of the required seagoing service it substitutes or by a period of approved seagoing service evidenced by an approved record book covered by the 1978 STCW Convention.
- .4 have passed an appropriate examination or examinations for the assessment of competency to the satisfaction of the Party. Such examination or examinations shall include the material set out in the appendix to this regulation. A candidate for examination who holds a valid certificate of competency issued in accordance with the provisions of the 1978 STCW Convention need not be re-examined in those subjects listed in the appendix which were passed at a higher or equivalent level for issue of the Convention certificate;
- .5 meet the applicable requirements of regulation 6, as appropriate for performing designated radio duties in accordance with the Radio Regulations.

Appendix to Regulation 2

Minimum knowledge required for certification of officers in charge of a navigational watch on fishing vessels of 24 metres in length and over operating in unlimited waters

- 1 The syllabus given below is compiled for examination of candidates for certification as officers in charge of a navigational watch on fishing vessels of 24 metres in length and over operating in unlimited waters.
- 2 **Celestial navigation**
Ability to use a celestial body to determine compass errors.
- 3 **Terrestrial and coastal navigation**
 - 3.1 Ability to determine the vessel's position by the use of:
 - .1 landmarks;
 - .2 aids to navigation, including lighthouses, beacons and buoys; and
 - .3 dead reckoning, taking into account winds, tides, currents, speed by propeller revolutions per minute and by log.
 - 3.2 Thorough knowledge of and ability to use navigational charts and publications such as sailing directions, tide tables, notices to mariners and radio navigational warnings.

4 Radar navigation

4.1 Demonstrate using a radar simulator or, when not available, manoeuvring board knowledge of the fundamentals of radar and ability in the operation and use of radar, and in the interpretation and analysis of information obtained from the equipment including the following:

- .1 factors affecting performance and accuracy;
- .2 setting up and maintaining displays;
- .3 detection of misrepresentation of information, false echoes, sea return;
- .4 range and bearing;
- .5 identification of critical echoes;
- .6 course and speed of other ships;
- .7 time and distance of closest approach of crossing, meeting or overtaking ships;
- .8 detecting course and speed changes of other ships;
- .9 effect of changes in own vessel's course or speed or both; and
- .10 application of the International Regulations for Preventing Collisions at Sea, 1972.

5 Watchkeeping

5.1 Demonstrate thorough knowledge of the content, application and intent of the International Regulations for Preventing Collisions at Sea, 1972, especially Annexes II and IV concerned with safe navigation.

5.2 Demonstrate knowledge of the content of the Basic Principles to be Observed in Keeping a Navigational Watch as prescribed in chapter IV.

6 Electronic systems of position-fixing and navigation

Ability to determine the ship's position by the use of electronic navigational aids to the satisfaction of the Party.

7 Meteorology

- 7.1 Knowledge of shipborne meteorological instruments and their application.
- 7.2 Knowledge of the characteristics of the various weather systems.

8 Magnetic and gyro-compasses

Care and use of compasses and associated equipment.

9 Communications

- .1 General knowledge of the principles and basic factors necessary for the safe and efficient use of all sub-systems and equipment required by the Global Maritime Distress and Safety System (GMDSS).
- .2 Knowledge of navigational and meteorological warning systems and the selection of the appropriate communication circuits.
- .3 Knowledge of the adverse effect of misuse of such communication equipment.

10 Fire prevention and fire-fighting appliances

- .1 Knowledge of classes and chemistry of fire.
- .2 Knowledge of fire-fighting systems and procedures.
- .3 Participation in an approved fire-fighting course.

11 Life-saving

Ability to direct abandon ship drills and knowledge of the operations of life-saving appliances and their equipment, including the two-way radio-telephone apparatus. Survival at-sea techniques including participation in an approved survival at-sea course.

12 Emergency procedures and safe working practices for fishing vessel personnel

Knowledge of the items listed in the appropriate sections of the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, part A, and in chapter VIII of the Annex to the 1993 Torremolinos Protocol.

13 Fishing vessel manoeuvring and handling

Basic knowledge of manoeuvring and handling a fishing vessel, including the following:

- .1 berthing, unberthing, anchoring and manoeuvring alongside other vessels at sea;
- .2 manoeuvring during fishing operations with special regard to factors which could adversely affect the vessel's safety during such operations;
- .3 effects of wind, tide and current on ship handling;
- .4 manoeuvring in shallow water;
- .5 management of fishing vessels in heavy weather;
- .6 rescuing persons and assisting a ship or aircraft in distress;
- .7 towing and being towed;
- .8 man-overboard procedure; and

- 9 where applicable, practical measures to be taken when navigating in ice or in conditions of ice accretion on board the vessel.

14 **Fishing vessel construction**

General knowledge of the principal structural members of a vessel.

15 **Vessel stability**

Demonstrate ability to use stability data, stability and trim tables and pre-calculated operating conditions.

16 **Catch handling and stowage**

Knowledge of safe handling and stowage of catch and the effect of these factors on the safety of the vessel.

17 **English language**

Adequate knowledge of the English language enabling the officer to use charts and other nautical publications, to understand meteorological information and messages concerning ship's safety and operation. Ability to understand and use the IMO Standard Marine Communication Phrases.

18 **Medical aid**

Knowledge of first aid procedures. Practical application of medical guides and advice by radio.

19 **Search and rescue**

Adequate knowledge of search and rescue procedures based on the Merchant Ship Search and Rescue Manual (MERSAR).

20 **Prevention of pollution of the marine environment**

Knowledge of the precautions to be observed to prevent pollution of the marine environment.

21 **Methods to demonstrate proficiency**

The Party shall prescribe methods for the demonstration of proficiency in relevant requirements of this appendix.

Regulation 3

**Mandatory minimum requirements for certification of skippers
on fishing vessels of 24 metres in length and
over operating in limited waters**

- 1 Every skipper on a fishing vessel of 24 metres in length and over operating in limited waters shall, unless they hold certificates issued in compliance with regulation 1, hold an appropriate certificate issued in compliance with at least the provisions of this regulation.

- 2 Every candidate for certification shall:
 - .1 satisfy the Party as to medical fitness, particularly regarding eyesight and hearing;
 - .2 meet the requirements for certification as an officer in charge of a navigational watch on fishing vessels of 24 metres in length and over operating in limited or unlimited waters, and have approved seagoing service of not less than 12 months as an officer in charge of a navigational watch or skipper on fishing vessels of not less than 12 metres in length. However, a Party may allow the substitution of a period not exceeding six months of approved seagoing service as officer in charge of a navigational watch on merchant ships;
 - .3 have passed an appropriate examination or examinations for the assessment of competency to the satisfaction of the Party. Such examination or examinations shall include the material set out in the appendix to this regulation.
- 3 The Party, bearing in mind the effect on the safety of all ships and structures which may be operating in the same limited waters, should consider the limited waters it has defined in accordance with the definition given in regulation I/1 and determine any additional material that should be included in the examination or examinations.
- 4 A candidate for examination who holds a valid certificate of competency issued in accordance with the provision of the 1978 STCW Convention need not be re-examined in those subjects listed in the appendix which were passed at a higher or equivalent level for issue of the Convention certificate.

Appendix to Regulation 3

Minimum knowledge required for certification of skippers on fishing vessels of 24 metres in length and over operating in limited waters

- 1 The syllabus given below is compiled for examination of candidates for certification as skippers on fishing vessels of 24 metres in length and over operating in limited waters. Bearing in mind that the skipper has ultimate responsibility for the safety of the vessel and its crew at all times including during fishing operations, examination in these subjects shall be designed to test that the candidate has assimilated properly all available information that affects the safety of the vessel and its crew in accordance with the syllabus.
- 2 **Navigation and position determination**
 - 2.1 **Voyage planning and navigation for all conditions:**
 - .1 by acceptable methods of determining tracks;
 - .2 within restricted waters;
 - .3 where applicable, in ice;
 - .4 in restricted visibility;

- .5 where applicable, in traffic separation schemes; and
- .6 in areas affected by tides or currents.

2.2 Position determination:

- .1 by terrestrial observations, including the ability to use bearings from landmarks and aids to navigation such as lighthouses, beacons and buoys in conjunction with appropriate charts, notices to mariners and other publications, and assessment of the accuracy of the resulting position fix; and
- .2 by using, to the satisfaction of the Party, modern ship electronic navigational aids as provided in the fishing vessels concerned.

3 Watchkeeping

3.1 Demonstrate thorough knowledge of the content, application and intent of the International Regulations for Preventing Collisions at Sea, 1972, especially Annexes II and IV concerned with safe navigation.

3.2 Demonstrate knowledge of Basic Principles to be Observed in Keeping a Navigational Watch as prescribed in chapter IV.

4 Radar navigation

4.1 The Party shall decide whether or not to incorporate the radar syllabus below in the general requirements for certification of skippers. If the Party decides not to include the syllabus in the general requirements, it shall ensure that the syllabus is taken into account for purposes of certification of skippers serving on vessels fitted with radar equipment and plying within limited waters.

4.2 Demonstrate using a radar simulator or, when not available, manoeuvring board, knowledge of the fundamentals of radar and ability in the operation and use of radar, and in the interpretation and analysis of information obtained from the equipment including the following:

- .1 factors affecting performance and accuracy;
- .2 setting up and maintaining displays;
- .3 detection of misrepresentation of information, false echoes, sea return;
- .4 range and bearing;
- .5 identification of critical echoes;
- .6 course and speed of other ships;
- .7 time and distance of closest approach of crossing, meeting or overtaking ships;
- .8 detecting course and speed changes of other ships;
- .9 effect of changes in own vessel's course or speed or both; and
- .10 application of the International Regulations for Preventing Collisions at Sea, 1972.

5 Compasses

- 5.1 Ability to determine and apply compass errors.

6 Meteorology and oceanography

- 6.1 Knowledge of meteorological instruments and their application.
- 6.2 Ability to apply meteorological information available.
- 6.3 Knowledge of characteristics of various weather systems affecting the limited waters concerned, at the discretion of the Party.
- 6.4 Knowledge of weather conditions affecting the limited waters concerned liable to endanger the vessel, at the discretion of the Party.
- 6.5 Where applicable, ability to use appropriate navigational publications on tides and currents.

7 Fishing vessel manoeuvring and handling

- 7.1 Manoeuvring and handling of a fishing vessel in all conditions including the following:
- .1 berthing, unberthing and anchor work under various conditions of wind and tide;
 - .2 manoeuvring in shallow water;
 - .3 management and handling of fishing vessels in heavy weather, including appropriate speed, particularly in following and quartering seas, assisting a ship or aircraft in distress, means of keeping an unmanageable vessel out of a sea trough and lessening drift;
 - .4 manoeuvring the vessel during fishing operations with special regard to factors which could adversely affect the vessel's safety during such operations;
 - .5 precautions in manoeuvring for launching rescue boats or survival craft in bad weather;
 - .6 methods of taking on board survivors from rescue boats or survival craft;
 - .7 where applicable, practical measures to be taken when navigating in ice or conditions of ice accretion on board the vessel;
 - .8 where applicable, the use of, and manoeuvring in, traffic separation schemes;
 - .9 the importance of navigating at reduced speed to avoid damage caused by own vessel's bow or stern wave; and
 - .10 transferring fish at sea to factory ships or other vessels.

8 Fishing vessel construction and stability

8.1 General knowledge of the principal structural members of a vessel and the proper names of the various parts.

8.2 Knowledge of the theories and factors affecting trim and stability and measures necessary to preserve safe trim and stability.

8.3 Demonstrate ability to use stability data, stability and trim tables and pre-calculated operating conditions.

8.4 Where applicable, knowledge of effects of free surfaces and ice accretion.

8.5 Knowledge of effects of water on deck.

8.6 Knowledge of the significance of weathertight and watertight integrity.

9 Catch handling and stowage

9.1 The stowage and securing of catch on board vessels, including fishing gear.

9.2 Loading and discharging operations, with special regard to heeling moments from gear and catch.

10 Fishing vessel power plants

10.1 Operating principles of marine power plants in fishing vessels.

10.2 Vessel's auxiliary machinery.

10.3 General knowledge of marine engineering terms.

11 Fire prevention and fire-fighting appliances

11.1 Organization of fire drills.

11.2 Classes and chemistry of fire.

11.3 Fire-fighting systems.

11.4 Participation in an approved fire-fighting course.

11.5 Knowledge of provisions concerning fire-fighting equipment.

12 Emergency procedures

12.1 Precautions when beaching a vessel.

12.2 Action to be taken prior to, and after, grounding.

12.3 Action to be taken when the gear becomes fast to the ground or other obstruction.

12.4 Floating a grounded vessel, with and without assistance.

12.5 Action to be taken following a collision.

12.6 Temporary plugging of leaks.

12.7 Measures for the protection and safety of crew in emergencies.

12.8 Limiting damage and salving the vessel following a fire or explosion.

12.9 Abandoning ship.

12.10 Emergency steering, rigging and use of jury steering and the means of rigging a jury rudder, where practicable.

12.11 Rescuing persons from a ship in distress or from a wreck.

12.12 Man-overboard procedures.

12.13 Towing and being towed.

13 Medical care

13.1 Knowledge of first aid procedures. Practical application of medical guides and advice by radio.

13.2 Practical application of medical guides and advice by radio, including the ability to take effective action based on such knowledge in the case of accidents or illnesses that are likely to occur on board the vessel.

14 Maritime law

14.1 Taking into account the limited waters as defined by the Party, a knowledge of international maritime law as embodied in the international agreements and conventions as they affect the specific obligations and responsibilities of the skipper in the waters concerned, particularly those related to safety and the protection of the marine environment.

14.2 The extent of knowledge of national maritime legislation is left to the discretion of the Party, but should include national arrangements for implementing applicable international agreements and conventions.

15 Life-saving

Knowledge of life-saving appliances provided on fishing vessels. Organization of abandon ship drills and the use of the equipment.

16 Search and rescue

Knowledge of search and rescue procedures.

17 The FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, Part A

Knowledge of such sections of the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels as may be required by the Party.

18 Methods for demonstration of proficiency

The Party shall prescribe appropriate methods for the demonstration of proficiency in relevant requirements of this appendix.

Regulation 4

**Mandatory minimum requirements for certification of officers
in charge of a navigational watch on fishing vessels of
24 metres in length and over operating in limited waters**

1 Every officer in charge of a navigational watch on a fishing vessel of 24 metres in length and over operating in limited waters shall either hold a certificate issued in compliance with regulation 2 or hold an appropriate certificate issued in compliance with at least the provisions of this regulation.

2 Every candidate for certification shall:

- .1 be not less than 18 years of age;
- .2 satisfy the Party as to medical fitness, particularly regarding eyesight and hearing;
- .3 have approved seagoing service of not less than two years in the deck department on fishing vessels of not less than 12 metres in length. However, the Administration may allow the substitution of the seagoing service by a period of special training not exceeding one year, provided that the period of the special training programme shall be at least equivalent in value to the period of the required seagoing service it substitutes or by a period of approved seagoing service evidenced by an approved record book covered by the 1978 STCW Convention;
- .4 have passed an appropriate examination or examinations for assessment of competency to the satisfaction of the Party. Such examination or examinations shall include the material set out in the appendix to this regulation. A candidate for examination who holds a valid certificate of competency issued in accordance with the provisions of the 1978 STCW Convention need not be re-examined in those subjects listed in the appendix which were passed at a higher or equivalent level for issue of the Convention certificate; and
- .5 meet the applicable requirements of regulation 6, as appropriate for performing designated radio duties in accordance with the Radio Regulations.

Appendix to Regulation 4

Minimum knowledge required for certification of officers in charge of a navigational watch on fishing vessels of 24 metres in length and over operating in limited waters

1 The syllabus given below is compiled for examination of candidates for certification as officers in charge of a navigational watch on fishing vessels of 24 metres in length and over operating in limited waters.

2 Terrestrial and coastal navigation

2.1 Ability to determine the vessel's position by the use of:

- .1 landmarks;
- .2 aids to navigation, including lighthouses, beacons and buoys; and
- .3 dead reckoning, taking into account winds, tides, currents and speed by propeller revolutions per minute and by log.

2.2 Thorough knowledge of and ability to use navigational charts and publications such as sailing directions, tide tables, notices to mariners and radio navigational warnings.

3 Radar navigation

3.1 The Party shall decide whether or not to incorporate the radar syllabus below in the general requirements for certification of officers in charge of a navigational watch. If the Party decided not to include the syllabus in the general requirements, it shall ensure that the syllabus is taken into account for purposes of certification of officers in charge of a navigational watch serving on vessels fitted with radar equipment and plying within limited waters.

3.2 Demonstrate using a radar simulator or, when not available, manoeuvring board, knowledge of the fundamentals of radar and ability in the operation and use of radar, and in the interpretation and analysis of information obtained from the equipment including the following:

- .1 factors affecting performance and accuracy;
- .2 setting up and maintaining displays;
- .3 detection of misrepresentation of information, false echoes, sea returns;
- .4 range and bearing;
- .5 identification of critical echoes;
- .6 course and speed of other ships;
- .7 time and distance of closest approach of crossing, meeting or overtaking ships;

- .8 detecting course and speed changes of other ships;
- .9 effect of changes in own vessel's course or speed or both; and
- .10 application of the International Regulations for Preventing Collisions at Sea, 1972.

4 Watchkeeping

4.1 Demonstrate thorough knowledge of the content, application and intent of the International Regulations for Preventing Collisions at Sea, 1972, specially Annexes II and IV concerned with safe navigation.

4.2 Demonstrate knowledge of the content of Basic Principles to be Observed in Keeping a Navigational Watch as prescribed in chapter IV.

5 Electronic systems of position fixing and navigation

5.1 Ability to determine the ship's position by the use of electronic navigational aids, where applicable, to the satisfaction of the Party.

6 Meteorology

6.1 Knowledge of shipborne meteorological instruments and their application.

6.2 Knowledge of the characteristics of the various weather systems affecting the limited waters concerned.

7 Compasses

7.1 Ability to determine and apply compass errors.

8 Fire fighting

8.1 Knowledge of fire prevention and use of fire-fighting appliances.

8.2 Participation in an approved fire-fighting course.

9 Life-saving

9.1 Knowledge of life-saving appliances provided on fishing vessels. Organization of abandon ship drills and the use of the equipment.

9.2 Participation in an approved survival at-sea course.

10 Emergency procedures and safe working practices for fishing vessel personnel

10.1 Knowledge of the items listed in the appropriate sections of the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels, part A, and in chapter III of the Annex to the 1993 Torremolinos Protocol.

11 Fishing vessel manoeuvring and handling

11.1 Basic knowledge of manoeuvring and handling a fishing vessel, including the following:

- .1 berthing, unberthing, anchoring and manoeuvring alongside other vessels at sea;
- .2 manoeuvring during fishing operations with special regard to factors which could adversely affect the vessels during such operations;
- .3 effects of wind and tide/current on ship handling;
- .4 manoeuvring in shallow water;
- .5 management of fishing vessels in heavy weather;
- .6 rescuing persons and assisting a ship or aircraft in distress;
- .7 towing and being towed;
- .8 man-overboard procedure; and
- .9 where applicable, practical measures to be taken when navigating in ice or in conditions of ice accretion on board the vessel.

12 Vessel stability

12.1 Demonstrate ability to use stability data, stability and trim tables and pre-calculated operating conditions.

13 Catch handling

13.1 Knowledge of safe handling and stowage of catch and the effect of these factors on the safety of the vessel.

14 Fishing vessel construction

14.1 General knowledge of the principal structural members of a vessel.

15 Medical aid

15.1 Knowledge of first aid procedures. Practical application of medical guides and advice by radio.

16 Search and rescue

16.1 Knowledge of search and rescue procedures.

17 Prevention of pollution of the marine environment

17.1 Knowledge of the precautions to be observed to prevent pollution of the marine environment.

18 Methods to demonstrate proficiency

18.1 The Party shall prescribe methods for the demonstration of proficiency in relevant requirements of this appendix.

Regulation 5

**Mandatory minimum requirements for certification of
chief engineer officers and second engineer officers of
fishing vessels powered by main propulsion machinery
of 750 kW propulsion power or more**

1 Every chief engineer officer and second engineer officer serving on a seagoing fishing vessel powered by main propulsion machinery of 750 kW propulsion power or more shall hold an appropriate certificate.

2 Every candidate for certification shall:

- .1 be not less than 18 years of age;
- .2 satisfy the Party as to medical fitness, including eyesight and hearing;
- .3 for certification as second engineer officer, have not less than 12 months approved seagoing service in the engine-room; however, this period may be reduced to not less than 6 months if the Party requires special training which it considers to be equivalent to the approved seagoing service it replaces;
- .4 for certification as chief engineer officer, have not less than 24 months approved seagoing service, of which not less than 12 months shall be served while qualified to serve as second engineer officer;
- .5 have participated in an approved practical fire-fighting course; and
- .6 have passed an appropriate examination for the assessment of competency to the satisfaction of the Party. Such examination shall include the material set out in the appendix to this regulation, except that the Party may vary the requirements for examination and seagoing service for officers of fishing vessels engaged in voyages in limited waters bearing in mind the power of the propulsion machinery and the effect on the safety of all fishing vessels which may be operating in the same waters.

3 Training to achieve the necessary theoretical knowledge and practical experience shall take into account relevant international regulations and recommendations.

4 The level of knowledge required under the different paragraphs of the appendix may be varied according to whether the certificate is being issued at chief engineer officer or second engineer officer level.

Appendix to Regulation 5

**Minimum knowledge required for certification of chief engineer
officers and second engineer officers of fishing vessels
powered by main propulsion machinery of
750 kW propulsion power or more**

1 The syllabus given below is compiled for examination of candidates for certification as chief engineer officer or second engineer officer of fishing vessels powered by main propulsion machinery of 750 kW propulsion power or more. Bearing in mind that a second engineer officer will be in a position to assume the responsibilities of the chief engineer officer at any time, examination in these subjects shall be designed to test that the candidate has assimilated properly all available information that affects the safe operation of the fishing vessel's machinery.

2 With respect to paragraphs 3.4 and 4.1 below, the Party may omit knowledge requirements for types of propulsion machinery other than machinery installations for which the certificate to be awarded is to be valid. A certificate awarded on such a basis shall not be valid for any category of machinery installation which has been omitted until the engineer officer proves to be competent in these items to the satisfaction of the Party. Any such limitation shall be stated in the certificate.

3 Every candidate shall possess sufficient elementary theoretical knowledge to understand the basic principles involved in the following subjects:

- .1 combustion processes;
- .2 heat transmission;
- .3 mechanics and hydromechanics;
- .4 as appropriate:
 - .4.1 marine diesel engines;
 - .4.2 marine steam propulsion plant;
 - .4.3 marine gas turbines;
- .5 steering gear systems;
- .6 properties of fuels and lubricants;
- .7 properties of materials;
- .8 fire-extinguishing agents;
- .9 marine electrical equipment;
- .10 automation, instrumentation and control systems;
- .11 fishing vessel construction, including stability and damage control;

- .12 auxiliary systems; and
 - .13 refrigeration systems
- 4 Every candidate shall possess adequate practical knowledge in at least the following subjects:
- .1 operation and maintenance of, as appropriate:
 - .1.1 marine diesel engines;
 - .1.2 marine steam propulsion plant;
 - .1.3 marine gas turbines;
 - .2 operation and maintenance of auxiliary machinery systems, including steering gear systems;
 - .3 operation, testing and maintenance of electrical and control equipment;
 - .4 maintenance of catch handling equipment and deck machinery;
 - .5 detection of machinery malfunction, location of faults and action to prevent damage;
 - .6 organization of safe maintenance and repair procedures;
 - .7 methods of, and aids for, fire prevention, detection and extinction;
 - .8 regulations to be observed regarding operational or accidental pollution of the marine environment and methods and aids to prevent such pollution;
 - .9 first aid related to injuries which might be expected in machinery spaces and use of first aid equipment;
 - .10 functions and use of life-saving appliances;
 - .11 methods of damage control with specific reference to action to be taken in the event of flooding of seawater into the engine-room; and
 - .12 safe working practices.
- 5 Every candidate shall possess a knowledge of international law as embodied in international agreements and conventions as they affect the specific obligations and responsibilities of the engine department, particularly those concerning safety and the protection of the marine environment. The extent of knowledge of national maritime legislation is left to the discretion of the Party, but shall include arrangements for implementing international agreements and conventions.
- 6 Every candidate shall possess a knowledge of personnel management, organization and training aboard fishing vessels.

Regulation 6

Mandatory minimum requirements for certification of personnel in charge of or performing radiocommunication duties on board fishing vessels

Explanatory note

Mandatory provisions relating to radio watchkeeping are set forth in the Radio Regulations and the 1993 Torremolinos Protocol. Provisions for radio maintenance are set forth in the 1993 Torremolinos Protocol and the guidelines adopted by the Organization.

Application

1 Except as provided in paragraph 2, the provisions of this regulation shall apply to personnel in charge of, or performing, radiocommunication duties on a vessel required by international agreement or national law to carry radio equipment using the frequencies and techniques of the Global Maritime Distress and Safety System (GMDSS).

2 Personnel on vessels for which carriage of radio equipment is not compulsory under international agreements or national law are not required to meet the provisions of this regulation, but are nevertheless required to comply with the Radio Regulations. The Administration shall ensure that the appropriate certificates meeting the requirements of the Radio Regulations are issued or recognised in respect of such personnel.

Minimum requirements for certification of GMDSS radio personnel

1 Every person in charge of, or performing, radiocommunication duties on a vessel shall hold an appropriate certificate or certificates issued or recognised by the Administration under the provisions of the Radio Regulations.

2 The minimum knowledge, understanding and proficiency required for certification under this regulation shall be sufficient for radio personnel to carry out their radio duties safely and efficiently.

3 Every candidate for certification shall:

- .1 be not less than 18 years of age;
- .2 satisfy the Party as to medical fitness, particularly regarding eyesight and hearing; and
- .3 meet the requirements of the appendix to this regulation.

4 Every candidate for certification shall be required to pass an examination or examinations to the satisfaction of the Party.

5 For endorsement of all types of certificates issued under the provisions of the Radio Regulations as meeting the requirements of the Convention, the required knowledge, understanding and proficiency is given in the appendix to this regulation. In determining the appropriate level of knowledge and training the Party shall also take into account the relevant recommendations of the Organization.

Appendix to Regulation 6

Minimum additional knowledge and training requirements for GMDSS radio personnel

1 In addition to satisfying the requirements for the issue of a certificate in compliance with the Radio Regulations, every candidate for certification shall have knowledge of:

- .1 provision of radio services in emergencies;
- .2 search and rescue radiocommunications, including procedures in the Merchant Ship Search and Rescue Manual (MERSAR);
- .3 the means to prevent the transmission of false distress alerts and the procedures to mitigate the effects of false distress alerts;
- .4 ship reporting systems;
- .5 radio medical services;
- .6 use of the International Code of Signals and the Standard Marine Communication Phrases; and
- .7 preventive measures for the safety of the vessel and personnel in connection with hazards related to radio equipment, including electrical and non-ionising radiation hazards.

Regulation 7

Mandatory minimum requirements to ensure the continued proficiency and updating of knowledge for skippers, officers and engineer officers

1 Every skipper or officer holding a certificate who is serving at sea or intends to return to sea after a period ashore shall, in order to continue to qualify for seagoing service, be required at regular intervals not exceeding five years, to satisfy the Administration as to:

- .1 medical fitness, particularly regarding eyesight and hearing; and
- .2 seagoing service as skipper or officer of at least one year during the preceding five years; or
- .3 ability to perform fishing vessel operational duties relating to the duties appropriate to the grade of certificate held which are considered to be at least equivalent to the seagoing service required in paragraph 1.2, or by:
 - .3.1 passing an approved test; or
 - .3.2 successfully completing an approved course or course appropriate, for skippers and officers who are serving on fishing vessels, especially for re-entrants to seagoing service on these vessels; or

- .3.3 having completed approved seagoing service as an officer for a period of not less than three months on a fishing vessel in a supernumerary capacity, immediately prior to taking up the position for which the certificate is valid.
- 2 The refresher and updating courses required by this regulation shall be approved by the Administration and include the text of recent changes in international regulations concerning the safety of life at sea and the protection of the marine environment.
- 3 The Administration shall ensure that the texts of recent changes in international regulations concerning the safety of life at sea and the protection of the marine environment are made available to ships under its jurisdiction.

Regulation 8

Mandatory minimum requirements to ensure the continued proficiency and updating of knowledge for GMDSS radio personnel

- 1 Every GMDSS radio personnel holding a certificate or certificates issued or recognized by the Party shall, in order to continue to qualify for seagoing service, be required to satisfy the Party as to the following:
- .1 medical fitness, particularly regarding eyesight and hearing, at regular intervals not exceeding five years; and
 - .2 professional competence:
 - .2.1 by approved seagoing service involving radiocommunication duties of at least one year in total during the preceding five years; or
 - .2.2 by virtue of having performed functions relating to the duties appropriate to the grade of certificate held which are considered to be at least equivalent to the seagoing service required in paragraph 1.2.1; or
 - .2.3 by passing an approved test or successfully completing an approved training course or courses at sea or ashore which shall include those elements which are of direct relevance to the safety of life at sea, and which are applicable for the certificate that the person is holding, in accordance with the requirements of the 1993 Torremolinos Protocol.
- 2 When new modes, equipment or practices are to become mandatory aboard vessels entitled to fly the flag of a Party, the Party may require GMDSS radio personnel to pass an approved test or successfully complete an appropriate training course or courses, at sea or ashore, with particular reference to safety duties.
- 3 The Administration shall ensure that the texts of recent changes in international regulations relating to radiocommunications and relevant to the safety of life at sea are available to ships entitled to fly its flag.

CHAPTER III
BASIC SAFETY TRAINING FOR ALL FISHING VESSEL PERSONNEL

Regulation 1

Basic safety training for all fishing vessel personnel

1. Fishing vessel personnel shall, before being assigned to any shipboard duties, receive basic training approved by the Administration in the following areas:

- .1 personal survival techniques including donning of lifejackets and, as appropriate, immersion suits;
- .2 fire prevention and fire fighting;
- .3 emergency procedures;
- .4 elementary first-aid;
- .5 prevention of marine pollution; and
- .6 prevention of shipboard accidents.

2. In implementing the provisions of paragraph 1, the Administration shall determine whether and, if so to what extent, these provisions shall apply to personnel of small fishing vessels or personnel already employed on fishing vessels.

CHAPTER IV WATCHKEEPING

Regulation 1

Basic principles to be observed in keeping a navigational watch on board fishing vessels

- 1 Administrations shall direct the attention of owners and operators of fishing vessels, skippers and watchkeeping personnel to the following principles, which shall be observed to ensure that a safe navigational watch is maintained at all times.
- 2 The skipper of every fishing vessel shall ensure that watchkeeping arrangements are adequate for maintaining a safe navigational watch. Under the skipper's general direction, the officers of the watch are responsible for navigating the fishing vessel safely during their periods of duty, when they will be particularly concerned with avoiding collision and stranding.
- 3 The basic principles, including but not limited to the following, shall be taken into account on all fishing vessels. However, a Party may exclude very small fishing vessels operating in limited waters from fully observing the basic principles.
- 4 **En route to or from fishing grounds**
 - 4.1 *Arrangements of the navigational watch*
 - 4.1.1 The composition of the watch shall at all times be adequate and appropriate to the prevailing circumstances and conditions, and shall take into account the need for maintaining a proper look-out.
 - 4.1.2 When deciding the composition of the watch the following factors, *inter alia*, shall be taken into account:
 - .1 at no time shall the wheelhouse be left unattended;
 - .2 weather conditions, visibility and whether there is daylight or darkness;
 - .3 proximity of navigational hazards which may make it necessary for the officer in charge of the watch to carry out additional navigational duties;
 - .4 use and operational condition of navigational aids such as radar or electronic position-indicating devices and of any other equipment affecting the safe navigation of the vessel;
 - .5 whether the vessel is fitted with automatic steering; and
 - .6 any unusual demands on the navigational watch that may arise as a result of special operational circumstances.

4.2 *Fitness for duty*

The watch system shall be such that the efficiency of watchkeeping personnel is not impaired by fatigue. Duties shall be so organized that the first watch at the commencement of a voyage and the subsequent relieving watches are sufficiently rested and otherwise fit for duty.

4.3 *Navigation*

4.3.1 The intended voyage shall, as far as practicable, be planned in advance taking into consideration all pertinent information, and any course laid down shall be checked before the voyage commences.

4.3.2 During the watch the course steered, position and speed shall be checked at sufficiently frequent intervals, using any available navigational aids necessary, to ensure that the vessel follows the planned course.

4.3.3 The officer in charge of the watch shall have full knowledge of the location and operation of all safety and navigational equipment on board the vessel, and shall be aware and take account of the operating limitations of such equipment.

4.3.4 The officer in charge of a navigational watch shall not be assigned or undertake any duties which would interfere with the safe navigation of the vessel.

4.4 *Navigational equipment*

4.4.1 The officers in charge of the watch shall make the most effective use of all navigational equipment at their disposal.

4.4.2 When using radar the officer in charge of the watch shall bear in mind the necessity to comply at all times with the provisions on the use of radar contained in the applicable regulations for preventing collisions at sea.

4.4.3 In cases of need the officer of the watch shall not hesitate to use the helm, engines, sound and light signalling apparatus.

4.5 *Navigational duties and responsibilities*

4.5.1 The officer in charge of the watch shall:

- .1 keep watch in the wheelhouse;
- .2 in no circumstances leave the wheelhouse until properly relieved;
- .3 continue to be responsible for the safe navigation of the vessel despite the presence of the skipper in the wheelhouse until informed specifically that the skipper has assumed that responsibility and this is mutually understood;
- .4 notify the skipper when in any doubt as to what action to take in the interest of safety; and

- .5 not hand over the watch to a relieving officer if there is reason to believe that the latter is not capable of carrying out the watchkeeping duties effectively, in which case the skipper shall be notified.

4.5.2 On taking over the watch the relieving officer shall confirm and be satisfied as to the vessel's estimated or true position and confirm its intended track, course and speed, and shall note any dangers to navigation expected to be encountered during the watch.

4.5.3 Whenever practicable a proper record shall be kept of the movements and activities during the watch relating to the navigation of the vessel.

4.6 Look-out

4.6.1 A proper look-out shall be maintained in compliance with Rule 5 of the International Regulations for Preventing Collisions at Sea, 1972. It shall serve the purpose of:

- .1 maintaining a continuous state of vigilance by sight and hearing as well as by all other available means, with regard to any significant changes in the operating environment;
- .2 fully appraising the situation and the risk of collision, stranding and other dangers to navigation; and
- .3 detecting ships or aircraft in distress, shipwrecked persons, wrecks and debris.

4.6.2 In determining that the composition of the navigational watch is adequate to ensure that a proper look-out can continuously be maintained, the skipper shall take into account all relevant factors, including those described under paragraph 4.1 of this regulation, as well as the following factors:

- .1 visibility, state of weather and sea;
- .2 traffic density, and other activities occurring in the area in which the vessel is navigating;
- .3 the attention necessary when navigating in or near traffic separation schemes and other routing measures;
- .4 the additional workload caused by the nature of the vessel's functions, immediate operating requirements and anticipated manoeuvres;
- .5 rudder and propeller control and vessel manoeuvring characteristics;
- .6 the fitness for duty of any crew members on call who may be assigned as members of the watch;
- .7 knowledge of and confidence in the professional competence of the vessel's officers and crew;
- .8 the experience of the officer of the navigational watch and the familiarity of that officer with the vessel's equipment, procedures, and manoeuvring capability;

- .9 activities taking place on board the vessel at any particular time, and the availability of assistance to be summoned immediately to the wheelhouse when necessary;
- .10 the operational status of instrumentation in the wheelhouse and controls, including alarm systems;
- .11 the size of the vessel and the field of vision available from the conning position;
- .12 the configuration of the wheelhouse, to the extent such configuration might inhibit a member of the watch from detecting by sight or hearing any external developments; and
- .13 any relevant standards, procedures and guidelines relating to watchkeeping arrangements and fitness for duty which have been adopted by the Organization.

4.7 *Protection of the marine environment*

The skipper and the officer in charge of the watch shall be aware of the serious effects of operational or accidental pollution of the marine environment, and shall take all possible precautions to prevent such pollution, particularly within the framework of relevant international and port regulations.

4.8 *Weather conditions*

The officer in charge of the watch shall take relevant measures and notify the skipper when adverse changes in weather could affect the safety of the vessel, including conditions leading to ice accretion.

5 *Navigation with pilot embarked*

The presence of a pilot on board does not relieve the skipper or officer in charge of the watch from their duties and obligations for the safety of the vessel. The skipper and the pilot shall exchange information regarding navigation procedures, local conditions and the vessel's characteristics. The skipper and the officer in charge of the watch shall co-operate closely with the pilot and maintain an accurate check of the vessel's position and movement.

6 *Vessels engaged in fishing or searching for fish*

6.1 In addition to the principles enumerated in paragraph 4, the following factors shall be considered and properly acted upon by the officer in charge of the watch:

- .1 other vessels engaged in fishing and their gear, own vessel's manoeuvring characteristics, particularly its stopping distance and the diameter of turning circle at sailing speed and with the fishing gear overboard;
- .2 safety of the crew on deck;
- .3 adverse effects on the safety of the vessel and its crew through reduction of stability and freeboard caused by exceptional forces resulting from fishing operations, catch handling and stowage, and unusual sea and weather conditions;

- .4 the proximity of offshore structures, with special regard to the safety zones; and
- .5 wrecks and other underwater obstacles which could be hazardous for fishing gear.

6.2 When stowing the catch, attention shall be given to the essential requirements for adequate freeboard, adequate stability and watertight integrity at all times during the voyage to the landing port, taking into consideration consumption of fuel and stores, risk of adverse weather conditions and, especially in winter, risk of ice accretion on or above exposed decks in areas where ice accretion is likely to occur.

7 Anchor watch

The skipper shall ensure, with a view to the safety of the vessel and the crew, that a proper watch is maintained at all times from the wheelhouse or deck on fishing vessels at anchor.

8 Radio watchkeeping

The skipper shall ensure that an adequate radio watch is maintained while the vessel is at sea, on appropriate frequencies, taking into account the requirements of the Radio Regulations.

Appendix 1

The form used to attest the issue of a certificate shall be as shown hereunder, provided that the words "or until the date of expiry of any extension of the validity of this certificate as may be shown overleaf" appearing on the front of the form and the provisions for recording extension of the validity appearing on the back of the form shall be omitted where the certificate is required to be replaced upon its expiry.

(Official Seal)

(COUNTRY)

CERTIFICATE ISSUED UNDER THE PROVISIONS OF THE INTERNATIONAL
CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND
WATCHKEEPING FOR FISHING VESSEL PERSONNEL, 1995

The Government of certifies that the holder of this certificate has been found duly qualified in accordance with the provisions of regulation ... of the above Convention and has been found competent to serve as specified below, subject to any limitations indicated until or until the date of expiry of any extension of the validity of this certificate as may be shown overleaf:

The lawful holder of this certificate may serve in the following capacity or capacities.

CAPACITY	LIMITATIONS APPLYING (IF ANY)

Certificate No. issued on

(Official Seal)

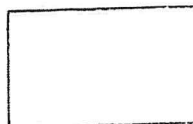
.....
Signature of duly authorized official

.....
Name of duly authorized official

Date of birth of the holder of the certificate

Signature of the holder of the certificate

Photograph of the holder of the certificate



The validity of this certificate is hereby extended until

(Official seal)

.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

The validity of this certificate is hereby extended until

(Official seal)

.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

Appendix 2

The form used to attest the issue of a certificate shall be as shown hereunder, provided that the words "or until the date of expiry of any extension of the validity of this endorsement as may be shown overleaf" appearing on the front of the form and the provisions for recording extension of the validity appearing on the back of the form shall be omitted where the endorsement is required to be replaced upon its expiry.

(Official Seal)

(COUNTRY)

ENDORSEMENT ATTESTING THE ISSUE OF A CERTIFICATE UNDER THE PROVISIONS OF
THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION
AND WATCHKEEPING FOR FISHING VESSEL PERSONNEL 1995

The Government of certifies that certificate No. has been issued to
..... who has been found duly qualified in accordance
with the provisions of regulation of the above Convention and has been found competent to serve as
specified below, subject to any limitations indicated until or until the date of expiry of any
extension of the validity of this endorsement as may be shown overleaf:

The lawful holder of this endorsement may serve in the following capacity or capacities specified in the applicable
safe manning requirements of the Administration:

CAPACITY	LIMITATIONS APPLYING (IF ANY)

Endorsement No. issued on

(Official Seal)

.....
Signature of duly authorized official

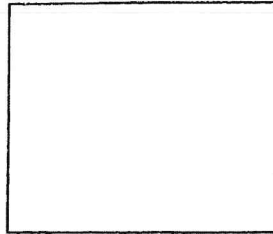
.....
Name of duly authorized official

- 50 -

Date of birth of the holder of the certificate

Signature of the holder of the certificate

Photograph of the holder of the certificate



The validity of this endorsement is hereby extended until

(Official seal)

.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

The validity of this endorsement is hereby extended until

(Official seal)

.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

Appendix 3

The form used to attest the recognition of a certificate shall be as shown hereunder, except that the words "or until the date of expiry of any extension of the validity of this endorsement as may be shown overleaf" appearing on the front of the form and the provisions for recording extension of the validity appearing on the back of the form shall be omitted where the endorsement is required to be replaced upon its expiry.

(Official Seal)

(COUNTRY)

ENDORSEMENT ATTESTING THE RECOGNITION OF A CERTIFICATE
UNDER THE PROVISIONS OF
THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND
WATCHKEEPING FOR FISHING VESSEL PERSONNEL, [1995]

The Government of certifies that Certificate No. issued to by or
on behalf of the Government of is duly recognized in accordance with the provisions of
regulation I/7 of the above Convention, and the lawful holder is authorized to serve as specified below,
subject to any limitations indicated until or until the date of expiry of any extension of the validity
of this endorsement as may be shown overleaf:

The lawful holder of this endorsement may serve in the following capacity or capacities specified in the safe
manning requirements of the Administration:

CAPACITY	LIMITATIONS APPLYING (IF ANY)

Endorsement No. issued on

(Official Seal)

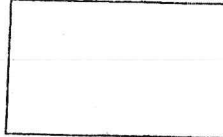
.....
Signature of duly authorized official

.....
Name of duly authorized official

Date of birth of the holder of the certificate

Signature of the holder of the certificate

Photograph of the holder of the certificate



The validity of this endorsement is hereby extended until

(Official seal)

.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

The validity of this endorsement is hereby extended until

(Official seal)

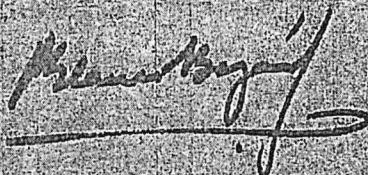
.....
Signature of duly authorized official

Date of revalidation

.....
Name of duly authorized official

CERTIFIED TRUE COPY of the English text of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, done at London on 7 July 1995, the original of which is deposited with the Secretary-General of the International Maritime Organization.

For the Secretary-General of the International Maritime Organization:



London

14. IX. 1995

