

Truly Sustainable

Addressing the issues of IUU fishing and unacceptable working conditions for fishers can lead to fisheries that are economically, environmentally and socially sustainable

The Work in Fishing Convention, 2007 (No. 188) will enter into force in November 2017 for the first ten States which have ratified it and will enter into force for other States one year after they submit their instruments of ratification to the International Labour Organization (ILO).

The objective of the Convention is 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; accommodation

Convention No. 188 and IUU fishing

Convention No. 188 enters into force at a time when the relationship between unacceptable forms of work at sea and other concerns, such as illegal, unreported and unregulated (IUU) fishing and fisheries crime is coming under increasing recognition and attention.

The Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development, adopted in September 2015, include, among other things, *SDG 8: Promote inclusive and sustainable economic growth, employment and decent work for all* and *SDG 14: Conserve and sustainably use the oceans, seas and marine resources*. During the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for Sustainable Development, in the discussion of Partnership Dialogue 4: Making Fisheries Sustainable, the ILO representative, among other things, called for ministries responsible for labour, fisheries, maritime safety and other issues to work together with representatives of both fishing vessel owners and fishers, as this would stimulate innovative thinking, and build links between SDG 14, SDG 8 and other SDGs, and thus truly lead to sustainable fisheries.

Social costs

IUU fishing poses a threat to that sustainability, and addressing it is well-reflected in the targets and indicators for achieving SDG 14. Often understated, however, are the social costs and the decent-work deficits that can also arise from IUU fishing operations. IUU fishing may impact

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and food; occupational safety and health protection; and medical care and social security.

As provided in the Constitution of the ILO, States that have ratified the Convention are to report to the ILO on the measures they have taken to give effect to the provisions of Conventions to which they are parties, and the first ten are to submit these reports by November 2018.

Through its supervisory system, the ILO will then examine the application by States of Convention No. 188 and point out areas where it could be better applied. Those States for which the Convention is in force will also be in a position to enforce the requirements of the Convention on foreign fishing vessels visiting their ports (port State control), which will increase its impact.

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adversely upon local and small-scale fishing communities, and can threaten food security, generate poverty and harm livelihoods. Studies and articles (see *SAMUDRA Report*, Issue No. 66, December 2013) have linked IUU fishing operations to substandard working and living conditions on board, exploitation of migrant fishers, unacceptable forms of work such as forced labour and human trafficking. IUU fishing vessels tend to evade legal authorities, and this means that such matters as lack of safety equipment, poor hygiene standards and inadequate food and accommodation provisions on board may also go unchecked. It has also been argued by some that fishing vessel activities which violate workers' legal rights should be considered illegal fishing. Government resources to inspect fishing vessels are often limited, and co-ordination among ministries, agencies and administrations with responsibilities for fisheries management, maritime safety and social (labour) conditions, and other matters, is important to ensure efficient and effective control by States of fishing vessels, a duty set out for States in the United Nations Convention on the Law of the Sea (UNCLOS). On a positive note, the Third Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters called for the Food and Agriculture Organization of the United Nations (FAO), the International Maritime Organization (IMO) and the ILO, together with States, intergovernmental and non-governmental organizations (IGOs and NGOs) to explore strategies and consider the organization of joint capacity-development programmes, for enhanced implementation of international instruments to combat IUU fishing, in particular, the 2009 FAO Port State Measures Agreement (PSMA), considering the roles of all international and regional organizations concerned. ILO Convention No. 188 calls for a system of flag-State inspection and also provides for port-State control of foreign vessels visiting the ports

of States for which the Convention is in force. In order to help States implement the Convention, the ILO adopted *Guidelines for port-State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)* in 2010, and *Guidelines on flag-State inspection of working and living conditions on board fishing vessels* in 2015. These provide information on how to establish or improve the national system for inspection of fishing vessels, with specific guidance on how to conduct inspections on board. They encourage co-ordinated efforts among all authorities and clear communication with those concerned, in particular, fishing vessel owners and fishers.

Inspections must be undertaken in accordance with appropriate and clear laws and regulations. The ILO has, therefore, been assisting States to establish or improve national laws to ensure they cover the issues addressed in ILO Conventions, in particular, Convention No. 188. As reported in an earlier *SAMUDRA Report* article, this includes assisting States to undertake comparative analyses of their national legislation and the Convention. Such a 'gap analysis' can identify holes in the protection of fishers and lead to the filling of those holes. It can also help promote social dialogue between government authorities and representative

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Fishing craft maintenance work at Argentina. A 'gap analysis' can identify holes in the protection of fishers and lead to the filling of those holes

organizations of fishers and fishing vessel owners, who, in accordance with the Convention, must be consulted on many provisions of the Convention during the development of implementing laws, regulations or other measures. A gap analysis, and the resulting national discussion, hopefully, leads to ratification and implementation of Convention No. 188, but even if this does not happen immediately, it usually leads to a better understanding of what protection exists for fishers, and provides a basis for action and at least some important changes to laws.

The ILO also has several projects underway to promote decent work for fishers in Southeast Asia. At the national level, in Thailand, the Ship to Shore Rights Project, supported by the European Union, aims to prevent and reduce unacceptable forms of work in the Thai fishing and seafood industries. This project works with the Thai government to strengthen the legal framework for work in fishing to meet international standards, build capacity for government officers to enforce legal protection for fishers, and revise workplace standards for processing plants, aquaculture and vessels. The project works in co-operation with several partners in Thailand, including the Command Centre to Combat Illegal Fishing (CCCIF). At a regional level, the SEA Fisheries Project (Strengthened Co-ordination to Combat Trafficking in Fisheries in Southeast Asia), supported by the United States, aims to reduce trafficking in Southeast Asia by improving co-ordination and effectiveness of actions at the national and regional levels. The links between IUU fishing and labour issues appear to be relevant to the discussion of the problems faced by fishers flying the flag of States in which the fishers are neither national nor permanent residents, often referred to as ‘migrant fishers’. Migrant fishers are generally more vulnerable than other fishers to being coerced, or forced, into illegal activities, or even being, in some cases, unknowingly involved in illegal fishing. The ILO recently held a Tripartite Meeting on Issues relating

to Migrant Fishers (September 2017) to discuss issues relating to such fishers. The tripartite meeting (with representatives of governments, and fishing vessel owner organizations and fishers’ representative organizations, and others) explored issues central to the discussion of decent work for all fishers. Such matters as vessel safety, fisheries crime and, IUU fishing were raised in the discussion paper prepared by the ILO secretariat. The conclusions of the meeting, which will shortly be posted on the ILO website along with a resolution that was also adopted, make recommendations for future action to prevent serious abuses of migrant fishers, which include forced labour and trafficking. These conclusions advised the ILO to consider participation as a full member of the FAO/IMO Ad Hoc Joint Working Group on Illegal, Unreported, and Unregulated (IUU) fishing, and highlighted the link between the protection of fishers, sustainable livelihoods, food security and the achievement of the SDGs.

Though not all IUU fishing may involve labour abuses, and there may be serious abuses, or at least poor living and working conditions, on vessels not involved in IUU, there does appear to be a growing understanding that IUU fishing and unacceptable working conditions for fishers feed on each other, and that addressing both these issues, preferably through co-ordinated action, can, and will, lead to sustainable fisheries in the widest sense, that is, fisheries that are economically, environmentally and socially sustainable. 3

For more

www.ilo.org/fishing

Fisheries

http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_552792/lang-en/index.htm

Tripartite Meeting on issues relating to Migrant Fishers

<https://www.icsf.net/en/samudra/article/EN/66-3936-Decent-Work,-De.html>

Decent Work, Decent Fishing