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Reference: MA 10-0

F A C S I M I L E

To: Mr. Thomas Kocherry,  
World Forum of Fisher Peoples (WFFP)  
Velankanny Junction, Valiathura  
Thruvananthapuram-695 008  
KERALA, INDIA

Fax No.: +91 (0) 471 2501376

From: Cleopatra Doumbia-Henry, Director, International Labour Standards Department,  
International Labour Office, Geneva, Switzerland  
Telephone direct + 41 (22) 799 6503

23 November 2004

Dear Mr. Kocherry,

Third General Assembly of the World Forum of Fisher Peoples  
Labour College, Kisumu, Kenya  
(21-27 November 2004)

Thank you for your gracious invitation to attend the Third General Assembly of the World Forum of Fisher Peoples. Unfortunately, it will not be possible for an ILO official to attend this important event.

However, to assist your Assembly in its discussion of the proposed new ILO Convention and Recommendation concerning work in the fishing sector, we have prepared, for distribution at your Assembly, the attached paper entitled "ILO submission to the Third General Assembly of the World Forum of Fisher Peoples". This paper describes the ILO's aim with respect to the proposed new instruments. It also provides substantial information on the process underway to develop these standards and on how to obtain copies of relevant ILO publications and other documents.

Please do not hesitate to contact me, or my colleague Brandt Wagner, Maritime Specialist ([wagner@ilo.org](mailto:wagner@ilo.org)), should you require additional information on our work.

I would like to take this opportunity to wish you and the Third General Assembly of the WFF the greatest success in your efforts to improve the situation of the world's fishers.

With kind regards.

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4 route des Morillons  
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MA 10-6

FACSIMILE

To: Mr. Thomas Kochery  
World Forum of Fisher Peoples (WFFP)  
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Fax No: +91 (0) 471 2501376

From: Director, International Labour Standards Department  
International Labour Office, Geneva, Switzerland  
Telephone direct +41 (22) 799 6303

|           |          |
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| Accn. No. | 6453     |
| Date      | 29/11/04 |
| MFN No.   | 40512    |

November 2004

Dear Mr. Kochery,

Third General Assembly of the World Forum of Fisher Peoples  
Labour College, Kisumu, Kenya  
(21-27 November 2004)

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Please do not hesitate to contact me or my colleague Beatrix Wagner, Maritime Specialist (wagnerb@ilo.org), should you require additional information on our work.

I would like to take this opportunity to wish you and the Third General Assembly of the WFFP the greatest success in your efforts to improve the situation of the world's fishers.

With kind regards

ILO submission to the  
Third General Assembly of the  
World Forum of Fisher Peoples

Labour College, Kisumu, Kenya  
(21-27 November 2004)

Summary: This document provides information on work underway by the International Labour Organization<sup>1</sup> to prepare a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector.

The primary goal of the ILO today is to promote opportunities for men and women to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. Decent work means productive work in which rights are protected, which generates an adequate income, with adequate social protection. Since its founding, the Organization has been concerned with improving the conditions of workers in the fishing sector.

At its 283<sup>rd</sup> Session (March 2002) the Governing Body of the ILO decided to place on the agenda of the 92<sup>nd</sup> Session of the International Labour Conference an item concerning a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector. This standard will revise seven ILO standards (five Conventions and two Recommendations) adopted in 1920, 1959 and 1966 that are specifically aimed at persons working on board fishing vessels (henceforth "fishers"). These five standards concern the issues of: minimum age, medical examination, articles of agreement, competency certificates, crew accommodation, hours of work and vocational training. The standard may also address other issues, such as occupational safety & health and social security. The aim is to ensure "decent work" for fishers.

The rationale for this revision is to reflect the changes in the sector which have occurred over the last 40 years; to achieve more widespread ratification; to reach, where possible, a greater proportion of the world's fishers, particularly those working on smaller vessels; and to address other fishing operations, employment arrangements, methods of remuneration and other aspects. This revision will complement the parallel work being done by the ILO to consolidate its standards for seafarers (on vessels engaged in commercial maritime transport) into a comprehensive new standard.

In accordance with the Standing Orders of the Conference, the Office prepared a preliminary report intended to serve as a basis for the first discussion of the item on the fishing sector standard by the Conference in 2004. The report gives an overview of the fishing sector and analyses the relevant legislation and practice concerning labour conditions in the sector in various ILO member States. The report and attached questionnaire were communicated to the governments of member States of the ILO, which were invited to send their replies so as to reach the International Labour Office in 2003. The report, entitled Conditions of work in the fishing sector: A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector, Report V(1), International Labour Conference, 92<sup>nd</sup> Session, Geneva, 2004, is available at the ILO website. It is available in English, French, Spanish, German, Russian, Arabic and Chinese.

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<sup>1</sup> The International Labour Organization is the UN specialized agency which seeks the promotion of social justice and internationally recognized human and labour rights. It was founded in 1919 and is the only surviving major creation of the Treaty of Versailles which brought the League of Nations into being and it became the first specialized agency of the UN in 1946.

On the basis of the replies to the abovementioned questionnaire, the Office prepared a second report. Replies were received from over 80 ILO member States. In accordance with the Standing Orders of the Conference, governments were requested to consult the most representative organizations of employers and workers before finalizing their replies to the questionnaire, to give reasons for their replies and to indicate which organizations have been consulted. Governments were also reminded of the importance of ensuring that all relevant departments were involved in the present consultative process, including the departments responsible for social and labour affairs, fisheries, maritime safety, health and the environment. The report also took into account the report of the Tripartite Meeting of Experts on Labour Standards for the Fishing Sector, which had been held in Geneva from 2 to 4 September 2003 in order to discuss issues to be covered in the fishing standard. It provides proposed conclusions with a view to a Convention and a Recommendation. The report, entitled Conditions of work in the fishing sector: A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector: The Constituents' Views, Report V(2), International Labour Conference, 92<sup>nd</sup> Session, Geneva, 2004, is available at the ILO website. It is available in English, French, Spanish, German, Russian, Arabic and Chinese.

#### 92<sup>nd</sup> Session of the International Labour Conference (June 2004)

At the 92<sup>nd</sup> Session of the International Labour Conference, a Committee on the Fishing Sector debated the issue of a new fishing standard. As the basis for its discussions, the Committee had before it the abovementioned reports prepared by the Office. The Conference adopted the Report of the Committee and its Conclusions with a view to a Convention and a Recommendation. It also adopted a Resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Work in the fishing sector" – with a view to adopting a comprehensive standard (a Convention supplemented by a Recommendation). During its deliberations, the Committee had agreed that the Office should ensure that consultation on Part V and Annex II of the Conclusions, both of which concern accommodation on board fishing vessels, should take place, through an appropriate mechanism, between the end of the 92<sup>nd</sup> Session of the Conference and its next session.

#### Tripartite Meeting of Experts on the Fishing Sector (Geneva, 13-17 December 2004)

As a result of the abovementioned calling for consultations on the issue of accommodation on fishing vessels, the Governing Body of the ILO, at its 290<sup>th</sup> Session (June 2004), agreed that the ILO should hold a Tripartite Meeting of Experts on the Fishing Sector from 13 to 17 December 2004. The purpose of the Meeting, which will be composed of six Government experts (from Canada, Chile, Japan, Norway, South Africa and Spain), six Employer experts (as nominated by the Employers Group of the Governing Body of the ILO) and six Worker experts (as nominated by the Workers Group of the Governing Body), will be to review and formulate provisions on accommodation and deal with any other pending issues identified by the Committee on the Fishing Sector of the 92<sup>nd</sup> Session of the International Labour Conference. The Committee had also agreed that the Office should develop in the Convention a new Part concerning "Additional requirements for vessels of [...] metres in length or more" in order to address the specific needs of fishers working on larger vessels. It was therefore agreed that the Meeting of Experts should review a document entitled Proposed provisions for accommodation, large fishing vessels and social security prepared by the Office and formulate provisions on these issues. The document will be available in English, French and Spanish.

Report V(1), Work in the Fishing Sector, for the 92<sup>nd</sup> International Labour Conference, sent to ILO Member States for comment

In accordance with article 39, paragraph 6, of the Standing Orders of the Conference, the Office has also prepared Report V(1), Work in the Fishing for the 93<sup>rd</sup> Session of the Conference. The report was prepared on the basis of the first discussion and contains the texts of a proposed Convention and Recommendation. It was sent to all Member States, which were asked to reply to the International Labour Office by November 15, 2004, after consulting with the most representative organizations of employers and workers, and to state whether they had any amendments to suggest or comments to make on the proposals. The report is available in Arabic, Chinese, English, French, German, Russian and Spanish.

93<sup>rd</sup> Session of the International Labour Conference (June 2004)

The 93<sup>rd</sup> Session of the International Labour Conference will establish a Committee on the Fishing Sector. The Committee will have, as the basis for its discussions, a Report V(2), which will itself have two parts. The first part will be a summary of the comments received on Report V(1) as mentioned above. This part will also reflect the outcome of the Tripartite Meeting of Experts on the Fishing Sector to be held in December 2004. The second part will contain the texts of a proposed Convention and Recommendation on Work in the Fishing Sector. These reports will be available in Arabic, Chinese, English, French, German, Russian and Spanish.

Should the Conference adopt the Convention, in accordance with Article 19 of the ILO Constitution it will be sent to all Member States for possible ratification. Once the Convention receives sufficient ratifications to meet its entry-into-force requirements (to be established in the Convention itself), it will be binding on Member States that ratify it. The Recommendation, if adopted, will also be communicated to Member States for their consideration with a view to effect being given to it by national legislation or otherwise.

Impact on WFF Members

The new Convention and Recommendation, if adopted in a form near that of the current draft, will provide a new international standard that will seek to extend labour protection to fishers on not only large fishing vessels but also smaller vessels. This would include legal protection as concerns such issues as: minimum age, medical examination, fishers' work agreements, occupational safety & health and social security. The current drafts of the instruments, however, are written so as to promote improvements in these areas while leaving a certain degree of flexibility for developing countries.

Further information

For further information on the development of the proposed new Convention and Recommendation, and on ILO's work in the fishing sector in general, please visit the ILO website at [www.ilo.org](http://www.ilo.org). At this site, click on "social dialogue", then "sectoral activities", then "Tripartite Meeting of Experts on the Fishing Sector". You will then find pages which describe the ILO's work in the fishing sector and which provide links to publications and other documents mentioned above.

In accordance with article 39, paragraph 6, of the Standing Orders of the Conference, the Office has also prepared Report V(1) Work in the Fishing for the 92nd Session of the Conference. The report was prepared on the basis of the first discussion and contains the text of a proposed Convention and Recommendation. It was sent to all Member States which were asked to reply to the International Labour Office by November 12, 2004, after consulting with the most representative organizations of employers and workers, and to state whether they had any amendments to suggest or comments to make on the proposals. The report is available in Arabic, Chinese, English, French, German, Russian and Spanish.

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The 92<sup>nd</sup> Session of the International Labour Conference will establish a Committee on the Fishing Sector. The Committee will have as its basis for its discussions a Report V(2) which will itself have two parts. The first part will be a summary of the comments received on Report V(1) as mentioned above. This part will also reflect the outcome of the Tripartite Meeting of Experts on the Fishing Sector to be held in December 2004. The second part will contain the text of a proposed Convention and Recommendation on Work in the Fishing Sector. These reports will be available in Arabic, Chinese, English, French, German, Russian and Spanish.

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Impact on WTO Members

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DATE: 12/11/2018