

Need for Ratification

It is high time that countries ratify the ILO Work in Fishing Convention No. 188 so as to ensure better social protection for fishers

It is nearly six years now since the adoption of the Work in Fishing Convention No. 188 (C.188) by the International Labour Conference of the International Labour Organization (ILO). Only two countries (Argentina and Bosnia and Herzegovina) have ratified it so far, thus delaying its entry into force. This delay underscores the widely held view that fishers and fishworkers still do not receive the kind of attention they deserve when it comes to securing their social protection.

Why does it take such a long time for countries to ratify C.188? There are several reasons for this holdup. First of all, in most countries, especially in the developing world, there are hardly any requirements under current legislation to provide social protection for fishers. As a result, there is not much independent information on how fishers are hired, under what conditions they live and work, and what benefits they receive on leaving fishing due to injury or death or retirement. Information on issues such as child labour and forced labour in fishing and fishery-related activities is under-reported and anecdotal. For instance, while observing that existing laws are too fragmented or inadequate to provide sufficient social protection, the gap analysis of Indian legislation in relation to transposing C.188 has recommended legislating a new legal instrument. Many new elements in national legislation have to be developed to make them consistent with C.188. This is turning out to be a time-consuming process, which is holding up ratification of the Convention.

Secondly, in many countries, a new-generation sectoral labour instrument such as C.188, which has unprecedented elements with a sliding scale of standards on multiple axes such as the size of the vessel, days at sea, and distance from baselines, falls within the purview of different ministries. In many countries, for instance, various elements of C.188 fall within the jurisdiction of the labour authority, the fisheries authority or the maritime authority at different levels. It will take time to achieve some extent of coherence across these authorities.

Thirdly, while governments and trade union representatives are in support of ratifying C.188,

sections of fishing vessel owners remain sceptical and insist that ratification would lead to non-viable fishing operations. According to some vessel owners, fishing operations would become less flexible and financially impracticable if improved labour standards are introduced on board fishing vessels. Separation of work hours from living hours on board fishing vessels is challenged on the basis of fishing operations being essentially different from land-based jobs and that fishers are, in fact, paid higher wages in compensation for their flexible hours of work. It is, however, moot if higher wages should be seen as justifiable compensation for poor, or fatigue-inducing, working and living conditions.



In seeking the urgent ratification of C.188, we should remember that labour standards can lead to fishers' developing a long-term, real interest in fishing, reducing fatigue-related accidents at sea, improved compliance with fisheries conservation and management, and potentially provide better international market access,

thus protecting the long-term economic viability of fisheries. Better labour standards in fishing can also lead to greater transparency in recruitment of fishers to work on board distant-water fishing vessels in the high seas and in waters under the jurisdiction of different coastal States. Labour standards in fishing can also help labour-supplying States to meet the employment conditionalities of flag States.

Above all, however, as pointed out by a trade union leader, ratification of C.188 would confer labour rights to a hitherto unorganized workforce. It would help to bring fishers into the mainstream labour movement. It would also complement welfare measures with a rights-based framework for social protection. Such a move is particularly relevant in the light of globalization and the unprecedented commodification of labour in fishing. Labour authorities should take the lead to ratify C.188 with the active collaboration of maritime safety and fisheries authorities, within a time-bound framework. The ILO Work in Fishing Convention No. 188 should, hopefully, soon enter into force. Only then will fishers receive the kind of attention they deserve in terms of enhanced social protection. **3**