

Decent Work, Decent Fishing

The issues of decent work, fisheries management and IUU fishing can be resolved through the ILO Work in Fishing Convention, 2007

The term “decent work” has been used by the International Labour Organization (ILO), the United Nations (UN), the Food and Agriculture Organization of the UN (FAO) and the European Union (EU) in recent years in relation to the rights of workers. “Decent work” is considered by the ILO as work which complies with its core fundamental principles, which have been included in a number of ILO Conventions and Recommendations since 1919. The ILO Work in Fishing Convention, 2007 (C. 188) has brought together all those principles in a single document.

A recent study carried out by UILApesca, the leading Italian trade union representing fishworkers, suggests that there is a clear and undisputed link between IUU fishing and decent work. The offence is committed by fishworkers and, therefore, there must be more studies to find out the reasons for such widespread law-breaking. It is argued that if fishworkers are adequately protected by law, there will be a substantial reduction in IUU fishing both within the exclusive economic zones (EEZs) and on the high seas.

The UN, FAO, ILO, coastal States and regional fisheries management organizations (RFMOs) can play a significant role in combating IUU fishing through promoting decent work in the fishing industry. This can be achieved by securing the protection of fishworkers’ rights according to the provisions of the ILO Work in Fishing Convention, 2007 and by promoting the ratification and the entry into force of the Convention.

The concept of decent work is enshrined in the ILO Constitution of 1919 and in several other international documents, including the Declaration of Philadelphia (1946), the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966). In particular, Article 7 of the 1966 Covenant stresses the right of everyone to the enjoyment of just and favourable conditions of work.

Fair wages

The workers should, *inter alia*, receive fair wages and equal remuneration for work of equal value, a decent living for themselves and their families, safe and healthy working conditions, rest, leisure and

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Illegal, unreported and unregulated (IUU) fishing has long been recognized as a major threat to fish stocks, marine ecosystems and the conservation and management measures adopted at national, regional and international levels. It has had a detrimental effect on many small fishing communities throughout the world. In 2001 the International Plan of Action (IPOA) on IUU fishing was adopted by the FAO’s Committee on Fisheries (COFI) in order to prevent, deter and eliminate IUU fishing.

The management of fishery resources has three dimensions; while there has been excessive focus on the first two, namely, resources and the legal frameworks, the third dimension, that is, the fishworkers, has been completely ignored.

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reasonable limitation of working hours and periodic holidays with pay. And, according to Article 8, they have the right to form trade unions and join the trade union of their choice. States should recognize the right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations.

The term “decent work” was introduced by the Director General of ILO as the “core activities” of the organization in 1999. In his report to the 87th Session of the International Labour Conference in 1999, the Director General stated that the primary goal of the ILO is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. The report stated: “Decent work is the converging focus of all its four strategic objectives: the promotion of rights at work; employment; social protection; and social dialogue. It must guide its policies and define its international role in the near future.”

Since then, many references to decent work have been made in UN documents, including the Millennium Declaration of 2000 (Paragraph 20: “We also resolve to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable and to develop and implement strategies that give young people everywhere a real chance to find decent and productive work.”); The World Summit outcome of 2005; and the Rio+20 Declaration “The Future We Want” of 2012.

There are also a number of references to decent work in EU documents, such as “Promoting Decent Work for All: The EU Contribution to the Implementation of the Decent Work Agenda in the World” and “Council Conclusion on Decent Work for All”.

In 2007, ILO adopted the Work in Fishing Convention (C. 188), which explicitly aimed at introducing decent work in the fishing sector

by providing, for the first time, a comprehensive framework within which the rights of fishworkers are properly recognized and protected.

The management of fishery resources is a triangle, each point of which represents an important component of management: the fishery resources; the States and RFMOs; and the fishermen. So far, almost all the attention has been focused on the first two, ignoring the significance of the link between the resources and the fishermen. The importance of this relationship has been mentioned in a number of international instruments, including:

- the 1984 FAO Conference on Fisheries Management;
- the FAO Code of Conduct for Responsible Fisheries, 1995; and
- the FAO Committee on Fisheries (COFI) meetings in 2007 and 2009.

The 1984 FAO Conference on Fisheries Management stated: “The co-operation and participation of fishermen is necessary to ensure the success of small-scale fisheries management schemes. Fishermen’s organizations should be considered as a channel through which management decisions can become operative...”

Article 6 of the FAO Code of Conduct for Responsible Fisheries, while dealing with General Principles, states that “effective participation

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Fabrizio De Pascale, National Secretary of UILAPESCA, speaking at a conference on IUU fishing and decent work in Mazara del Vallo, Sicily

of fishworkers and others...in decisionmaking with respect to the development of laws and policies related to fisheries management, development, international lending and aid". Article 6.17 urges States to ensure "all fishing activities allow for safe, healthy and fair working and living conditions". According to Article 8.1.5: "States should ensure that health and safety standards are adopted for everyone employed in fishing operations. Such standards should be not less than the minimum

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requirements of relevant international agreements on conditions of work and service."

In 2007, COFI made the following references to decent work: "The promotion of human rights is critical for the social development of fishing communities. These rights include legally mandated rights to decent working conditions..."

In 2009 COFI stated: "FAO and ILO should give priority to ensure decent working and living conditions in small-scale fisheries and seek that the relevant ILO conventions are applied, especially the 2007 Work in Fishing Convention (C. 188). It was also suggested that the working conditions in each country be analyzed and minimum goals be established that can be subject to regular monitoring and reporting".

The most serious problem facing the management of the fishery resources is IUU fishing. In the past 10 years, international authorities, including the UN, FAO, ILO, International Maritime Organization (IMO), the EU and RFMOs have come together to develop and adopt policies and legal instruments to combat IUU fishing. While international efforts continue to focus on ways by which IUU fishing is prevented, reduced and eradicated, the relationship between the fishworkers who carry out the offence

and IUU fishing has been largely overlooked.

The direct link between IUU fishing and decent work in the fishery sector was made in 2000 by the ILO representative to the FAO/IMO Ad Hoc Working Group on IUU Fishing. In his representation, he related the issue of IUU fishing to the context of the ILO's Decent Work Agenda. Workers in the fishing sector were entitled to decent work, no matter what size the vessel, where it operated or what flag it flew. There was a need to consider the human dimension of fishing, especially the abuse of crew and unsafe crew conditions. The paper concluded by making recommendations that would address the "human" aspect of IUU fishing.

Specific reference to IUU fishing and fishworkers' rights and conditions of work are also contained in a number of EU documents, including:

- EU Commission Communication 2007 (COM 601) on a new strategy for the Community to prevent, deter and eliminate IUU fishing
- Council Decision (2010/321/EU)
- 2011 EU Parliament: Motion for a Resolution by the European Parliament on combating illegal fishing at the global level—the role of the EU

In 2010, the EU Council authorized Member States to ratify the ILO Convention, 2007 (C. 188). An agreement to implement into an EU directive the content of the Convention was concluded between the European Transport Workers Federation (ETF) and the Association of National Organizations of Fishing Enterprises in the European Union (Europêche) and the General Federation of Agricultural Co-operatives in the European Union (Cogeca), 2012. It was stated: *"Together with the Social Partners' Agreement, we have signed yesterday on the proposal to transpose the ILO Work in Fishing Convention into EU law..."*

Fishworkers' rights

The relationship between the rights of fishworkers and fisheries

management was analysed in an article in *SAMUDRA Report* No. 61 of March 2012. In February 2012, the Scientific Advisory Committee (SAC) of the General Fisheries Commission for the Mediterranean Sea (GFCM) made a historic decision by approving a proposal made by its Sub-Committee on Economic and Social Sciences (SCESS) earlier that year to collect, study and analyze the national legislation of its members in relation to the rights of fishworkers. (The decision was made after the presentation to the SCESS by the UILApesca representatives on the report which had been carried in 2010. The report was a study on the "Development of Co-operation in the Mediterranean Fishery Sector: World of Labour, Producers' Organizations, Consumers' Associations and Training (PESCAMED)"). The study included analysis of fishworkers' rights in 10 Mediterranean countries.

In November 2012 UILApesca organised a conference on IUU fishing and decent work in Mazara del Vallo, Sicily, which was attended by Italian officials as well as a number of non-governmental organizations. Representatives from FAO and the EU were present and made important contributions to the proceedings. Messages from Brandt Wagner of ILO and Guido Milana, vice-president of the EU parliamentary commission on fisheries, were transmitted to the conference.

The conference presented a study on the rights of fishworkers in the context of decent work and its relation to IUU fishing. It was strongly argued that IUU fishing, particularly in small-scale fisheries, would be substantially reduced if the rights of fishworkers were properly acknowledged and the Work in Fishing Convention (C. 188) was adopted and its provisions implemented. Many fishworkers would not want to risk losing their rights and benefits by engaging in IUU fishing.

The study by UILApesca was presented to the participants at the 13th Session of the SCESS held in Rome in February 2013. It was argued that the subject of IUU fishing and

decent work were of particular practical importance in relation to the terms of reference of the Sub-Committee.

After a long discussion, the SCESS recommended that, subject to approval by SAC, a study on this subject should be carried out and presented to the GFCM's 36th annual meeting in Split, Croatia, in May 2013. After extensive discussions, a number of recommendations were put forward for the SAC's approval. One such recommendation was to carry out a study on the relation between decent work and the principles included in the ILO Work in Fishing Convention 2007, and IUU fishing. Unfortunately, SAC did not approve the study although the issue remains on the table for the next meeting of the SCESS.

In February and May 2013 UILApesca, together with Fai-Cisl and Flai-Cgil (two other Italian trade unions), requested that the item concerning the relation between IUU fishing and decent work be included in the programme of work of the ETF and of the European Social Dialogue on Fisheries.

In May 2013, the Global Dialogue Forum for the Promotion of the Work

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in Fishing Convention 2007 (C. 188) was held at the International Labour Office in Geneva. Specific reference was made in the background documents to the UILApesca report, and an item concerning the relationship between IUU fishing and decent work was included in the agenda of the meeting.

Website

The meeting reached a number of Points of Consensus. In July 2013, the UILApesca website on "IUU fishing and decent work" was linked to the joint webpage ITF/IUF on IUU fishing.

BY SPECIAL ARRANGEMENT



A crew member of a South Korean fishing vessel in the waters off New Zealand. The concept of responsible fishing should include respect for fishworkers' rights

Similarly, it is further argued that the concept of responsible fishing should include respect for fishworkers' rights and their social protection.

Finally, it is suggested that the definition of IUU fishing should be expanded to include the employment of, and fishing operations by, fishworkers who do not have proper documentation to ensure that their rights are properly protected according to the provisions of the 2007 Convention.

The promotion of these ideas should come from FAO's COFI as the only specialized global forum where major international fisheries and aquaculture problems and issues are examined.

At the same time, RFMOs can play an important role by requesting their members to apply the provisions of the ILO Work in Fishing Convention, 2007, to their fishworkers, and act to quickly ratify it.

In the light of the discussions and the available documents, there exists a strong legal basis and historic conditions to propose a linkage between the fight against illegal fishing and decent work in the fisheries sector. This link should be based on, or at least include, an association between the fight against IUU fishing and ILO's Work in Fishing Convention, 2007, as suggested by the European Parliament in 2011. The provisions of the ILO Convention, 2007, are what amounts to "decent work".

It has also been argued that the meaning of illegal fishing should be extended to include any fishing activities which are carried out without proper social protection and work contracts, a situation which clearly violates workers' rights.

For more 

www.lavorodignitoso.org/acm-on-line/Home/News/articolo18013820.html
Global Dialogue Forum for the Promotion of the Work in Fishing Convention, 2007 (C. 188), GDFWF/2013/8

www.itfglobal.org/fisheries/IUU_fishing.cfm
Combating IUU Fishing

www.uilapesca.eu/public/event/20121201/imm/pdf/Uilapesca%20Report%202012.11%20EN.pdf
IUU Fishing and its Relation to the Rights of Fishworkers in International Law