



**DIRECTORATE FOR FOOD, AGRICULTURE AND FISHERIES
FISHERIES COMMITTEE**

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**ILO WORK UNDERWAY TO PREPARE A COMPREHENSIVE STANDARD ON WORK IN THE
FISHING SECTOR**

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This paper has been submitted by the International Labour Organisation (ILO) to the IUU Workshop, 19-20 April 2004 as a background document.

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ILO SUBMISSION TO THE WORKSHOP ON IUU FISHING ACTIVITIES

Summary

This document provides information on work underway by the International Labour Organization¹ to prepare a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector. This work may be relevant to the issue of IUU fishing.

1. Introduction

1. At its 283rd Session (March 2002) the Governing Body of the ILO decided to place on the agenda of the 92nd 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, within the context of the ILO’s primary goal of promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity.

2. 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.

3. 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 by 1 August 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, 92nd Session, Geneva, 2004, is available at:

<http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/rep-v-1.pdf>

¹ 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.

It is available in English, French, Spanish, German, Russian, Arabic and Chinese.

4. On the basis of these 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, 92nd Session, Geneva, 2004, is available at:

<http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/rep-v-2.pdf>

It is available in English, French, Spanish, German, Russian, Arabic and Chinese.

2. Next steps

5. At the 92nd Session of the Conference (Geneva, 1-17 June 2004) a Committee on Work in the Fishing Sector will be established to consider this agenda item. The report of this Committee will be submitted to the plenary of the Conference, which is expected to adopt conclusions concerning a Convention and a Recommendation for the work in the fishing sector. Immediately afterwards, in accordance with the Standing Orders of the Conference, the International Labour Office will prepare a third report containing a proposed Convention and Recommendation for work in the fishing sector. This report will be sent to all ILO Member States, asking them to state within three months, after consulting with the most representative organizations of employers and workers, whether they have any amendments to suggest or comments to make. On the basis of the replies received, the Office will draw up a final report containing the text of the Conventions or Recommendations with any necessary amendments. These latter two reports will then serve as the basis for discussion at the 93rd Session of the International Labour Conference in June 2005, which is expected to adopt the instruments. Subject to these caveats, the ILO sets out below relevant elements in the proposed conclusions as they now stand.

3. Possible relevance of the proposed ILO standard to the issue of IUU fishing

6. The relationship between IUU fishing and conditions of work on board fishing vessels is not entirely clear. However, the nature of IUU fishing gives rise to questions concerning working conditions on board such vessels. Such operations also place fishers at risk of arrest and imprisonment. This gives leads to questions concerning their repatriation to their home countries.

7. Some provisions of the proposed conclusions prepared by the Office may be relevant to this Workshop. One proposed provision would allow port States to inspect foreign fishing vessels to ensure compliance with the standards set out in the Convention. Another provides that fishing vessels that operate internationally should be required to undergo a documented periodic inspection of living and working conditions on board the vessel. Yet another proposed non-mandatory provision states that "In its capacity as a coastal State, a Member might require, when it grants licences for fishing in its exclusive economic

zone, that fishing vessels comply with the standards of the Convention.” This provision in particular, if retained, could contribute to action aimed at addressing IUU fishing.

4. Further information

For further information on the development of this standard, contact the International Labour Office (Secretariat of the ILO) at marit@ilo.org.