

Work in Fishing Convention

The recently adopted ILO Work in Fishing Convention addresses issues related to minimum requirements for work on board fishing vessels, and living and working conditions, as well as the social security, of fishers

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On Thursday, 14 June 2007, at Geneva, the Work in Fishing Convention 2007, C. 188, (WFC) was formally adopted during the 96th Session of the International Labour Conference (ILC) 2007 of the International Labour Organization (ILO). There were 437 votes in favour, two against and 22 abstentions. Since the quorum of the meeting was 296 and since two-thirds majority was 293, the Convention was formally adopted by the ILC under Article 19 of the ILO Constitution. In the voting that followed later, the Recommendation on the Work in Fishing Convention, 2007, was also adopted with

against the Convention in the 2005 record vote, such as Egypt, Estonia, Niger, Myanmar and Seychelles, voted for its adoption.

Similarly, 20 governments that abstained from the record vote in 2005 also voted for the Convention in 2007. The only two votes that went against the Convention were cast by employers' representatives from Korea and Fiji.

By the time the 96th Session of the ILC was held in Geneva in May-June 2007, there were already signs of rapprochement between the social partners. There was, for example, reference to "a package of elements agreed between the Workers' and Employers' groups" as a result of the positive outcome of the Interregional Round Table on Labour Standards in the Fishing Sector in December 2006. In his introductory remarks, Captain Nigel Campbell of South Africa, Chairperson of the Committee on the Fishing Sector, referred to the proposed text of the Convention as "mature".

The Asia-Pacific group (ASPAG)—which includes Asian and Pacific countries such as China, Vietnam, Australia and New Zealand—spoke in the Committee on the Fishing Sector about the need "to take into account differences in the development of fishing fleets, including differences in technology used and variations in the means of determining fishing vessel capacity."

Amendments

Most of the provisions were retained as they were in the 2005 text. Over 80 amendments and subamendments were submitted to the Committee on the Fishing Sector in 2007—which held 11 sittings, as against 16 sittings during

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443 votes in favour, none against and 19 abstentions.

Unlike at the record vote during the 93rd Session of the ILC in 2005, this time the government of China—which accounts for the largest number of fishers and fishing capacity in the world—along with the governments of Bangladesh, India, Iran, Japan, Korea, Myanmar, Pakistan, Sri Lanka, the United States and Vietnam voted for the adoption of the Convention.

Although none of the governments voted against it, important fishing nations such as the Philippines, Indonesia and Peru abstained, along with Malaysia, Mexico, Colombia, Venezuela and Uruguay. Governments who voted

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Fishworkers unloading fish from a trawler at the Nagapattinam Fishing Harbour, in the south Indian State of Tamil Nadu

the 2005 ILC. The largest number of amendments was proposed on Annex III, which dealt with accommodation on board fishing vessels. There was little support for substantial modifications.

For the sake of adopting an inclusive Convention that could be endorsed by the social partners and governments alike, and to address some of the unresolved concerns, several provisions contained in the 2005 draft Convention were amended.

Firstly, the length/tonnage equivalence, as well as the prescriptive requirements in Annex III dealing mainly with accommodation on board fishing vessels above 24 m in length, were amended.

Thus, the gross tonnage equivalence of fishing vessels of 15 m, 24 m and 45 m length, respectively, were relaxed as desired by Japan and in accordance with a joint amendment on behalf of social partners and several governments, predominantly Asian, to better reflect the characteristics of Asian vessels.

Secondly, the notion of “private employment agency” was introduced, distinct from a traditional recruitment

and placement agency, to regulate such agencies, while recognizing that the vessel owner remained ultimately responsible for all the obligations established in the Convention.

Thirdly, and most significantly, the concept of “progressive implementation approach” was adopted. Following the December 2006 Round Table, the concept of progressive implementation was proposed and adopted in

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order to achieve wide ratification of the Convention.

Although the concept was not specifically defined, it was understood as a provision that would permit some countries to implement limited provisions of the Convention slowly, while others could implement all the provisions rapidly.

Statement

1. Two-thirds of the world's fish production originates mainly from marine capture fisheries that employ over 30 mn fishers on board four mn fishing vessels. It is high time that a socially disadvantaged section—which includes both men and women, often forced to carry on earning a livelihood under adverse working and living conditions—finally benefits from an ILO instrument that guarantees decent work.

2. The size of vessels and crew, the duration of fishing trips, and the area of fishing operations, vary across the world. Considering this diversity, it is commendable that the Committee on the Fishing Sector could propose for adoption, a Convention and a Recommendation on work in the fishing sector that cover fishers on board both small- and large-scale fishing vessels with rigour and flexibility. The proposed Convention provides a common framework to address issues related to minimum requirements for work on board fishing vessels, and living and working conditions, as well as the social security of fishers.

3. The marine fishing industry—in particular, the subsectors characterized by larger fishing vessels undertaking longer fishing trips—would benefit from the provisions of the proposed Convention after the adoption, ratification and development of national legislation toward its implementation. Developing countries can greatly benefit from the provisions of the Convention, not only in terms of their national fishing industries, but also as fishing-labour exporting nations. Implemented well, the Convention can put an end to the inhuman treatment of fishworkers, particularly of migrant fishers on board distant-water fishing vessels.

4. ICSF strongly urges the Conference to adopt the Convention. This time, the additional flexibility offered by the proposed Convention should ensure wider support, and enable its ratification on adoption even in countries with insufficiently developed infrastructure or institutions. ICSF hopes, however, that provisions for a “progressive implementation approach” do not lead to an undue delay in extending the benefits of

The aim was to assist developing countries, in particular, those “who might have difficulty in implementing all the measures provided for in the Convention owing to special problems

Arguably, though, the Convention would benefit 17 mn full-time fishers in marine-capture fisheries. It would, however, benefit most, if not all, of the 340,000 fishers working on board fishing vessels above 24 m in length

of a substantial nature in the light of insufficiently developed infrastructure or institutions.”

Thus, for vessels less than 24 m in length; or which normally remained at sea fewer than seven days; or which normally navigated at a distance less than 200 nautical miles from the coastline of the flag State or which navigated within the outer edge of its continental shelf; or which were not subject to port-State control—and to fishers working on such vessels—an unspecified time frame was granted for the following requirements: (i) to hold a valid medical certificate; (ii) to carry crew list; (iii) to ensure written fishers' work agreement; (iv) to undertake risk evaluation; and (v) to adopt measures to provide fishers with protection for work-related sickness, injury or death.

And fourthly, some flexibility was introduced to suspend the schedule of

the Convention to all fishers who fall within its scope. ICSF requests governments to consider speedier ratification of this Convention on adoption, and also to consider extending its relevant provisions, where applicable, to shore-based fishers, especially women, in consultation with social partners. This would be consistent with the ECOSOC Ministerial Declaration in July 2006 on 'Creating an environment at the national and international levels conducive to...decent work for all...'

5. ICSF believes that the proposed Work in Fishing Convention 2007, can complement the legal instruments for sustainable and responsible fisheries, namely, the 1982 United Nations Convention on the Law of the Sea, the 1995 United Nations Fish Stocks Agreement and the 1995 FAO Code of Conduct for Responsible Fisheries, by addressing the social dimension of sustainable development of fishers and fishing communities.

6. ICSF has been disseminating the content of, and mustering support for, the proposed fishing Convention since 2003, and it has, in this regard, organized several meetings in Africa, Asia, Latin America and Europe main-

ly for small-scale fishers, who, as a result, have evinced a greater interest in the proposed Convention. Once the Work in Fishing Convention 2007, is adopted, ICSF looks forward to collaborating with the International Labour Office, governments, trade unions and NGOs, for its dissemination, ratification and implementation.

7. Last but not least, ICSF would also like to take this opportunity to urge ILO to look into the conditions of work in the burgeoning aquaculture industry that employs an estimated 10 mn people, and to develop, if deemed necessary, an instrument to guarantee them decent work. Aquaculture today accounts for one-third of world fish production. Over the past quinquennium, while marine capture fishery production has been stagnating, aquaculture fish production has been registering impressive growth. It would be only appropriate that such growth is not achieved at the cost of decent work.

—This Statement from ICSF was made at the 96th Session of the ILC at Geneva on 12 June 2007

hours of rest in emergencies, at the discretion of the skipper of a fishing vessel, until the normal situation had been restored. The government members were also keen to ensure that the text of the Convention was in accordance with the text of the Maritime Labour Convention, 2006.

The WFC, which has 54 articles and three annexes, would revise the existing four ILO Conventions for fishermen—the last one was adopted over 40 years ago—and it would come into force 12 months after the date on which the ratifications of 10 Members—eight of which are coastal States—have been registered with the ILO. The Convention would come into force for any ILO Member 12 months after the date on which its ratification is registered.

In the course of discussion at the Committee on the Fishing Sector, as well as during its adoption at the ILC, there were several references made to the WFC benefiting 30 mn fishers on board 4 mn fishing vessels. Arguably, though, the Convention would benefit 17 mn full-time fishers in marine-capture fisheries. It would, however, benefit most, if not all, of the 340,000 fishers working on board fishing vessels above 24 m in length.

For more



www.ilo.org/public/english/dialogue/sector/sectors/mariti/fishing-iloact.htm
Fishing—ILO Activities

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