

Towards Ratification

Considering the need for decent work, sea safety and responsible fisheries, it is time for all ASEAN Member States to ratify the ILO Work in Fishing Convention, 2007 (C.188)

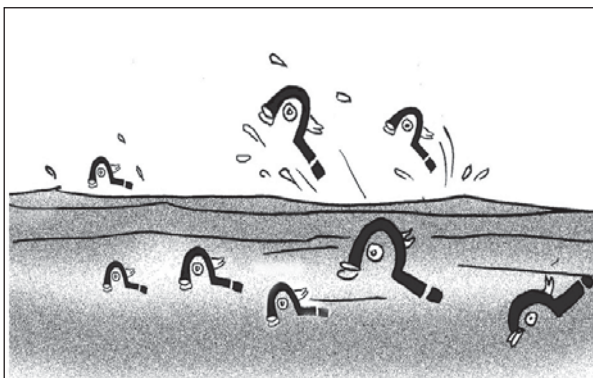
Over two years ago *SAMUDRA Report* commented on the slow pace of ratification of the ILO Work in Fishing Convention, 2007 (C.188). In the intervening years, only three more States have ratified C.188, taking the tally to the half-way mark for the Convention to enter into force. In spite of this tardy progress, the message from the Second Regional Meeting on Work in Fishing in the ASEAN region, held at Jakarta, (see article, page 4) is encouraging. Indonesia, the home to one of the largest population of active fishers in the world—second only to China—has completed a comprehensive gap analysis of its legislation against those provisions called for in C.188. The Philippines, another important fishing nation, is also undertaking a similar gap analysis. Thailand, arguably the largest employer of migrant fishers in the world, has amended its national regulation using C.188, to bring about unprecedented changes to its regulatory framework in fishing.

While sustained media attention has focused the spotlight on exploitation of migrant fishers in the ASEAN region, some of the ILO-initiated projects—with support from countries like Australia and Canada—have gone into aspects of migration and how to address the problems of migrant fishers in this region. The work of ILO, the Bay of Bengal Large Marine Ecosystem Project of FAO (BOBLME) as well as that of the Southeast Asian Fisheries Development Center (SEAFDEC) and civil society organizations have linked exploitation of migrant fishers to illegal, unreported and unregulated (IUU) fishing. The ILO Triangle Project, in particular, has helped develop a labour perspective on fishing in the ASEAN region and its benefits for sustainable fisheries. There is now consensus that the elements of C.188 have the potential to deal not only with issues facing migrant fishers on fishing vessels, but also to promote, in the process, sustainable and responsible fisheries.

The Philippine system to protect the working and living conditions of its migrant fishers—shared at the

Jakarta Meeting—is worth emulating for other labour-supplying States such as Myanmar, Cambodia and Laos. The gap analyses have highlighted the need for a co-ordinated mechanism to effectively deal with overlapping issues related to labour, safety and sustainable fishing at the national level. In this respect Indonesia and the Philippines provide some good examples.

The new legislation in New Zealand, to assert flag-State responsibility, requiring all fishing vessels to fly the New Zealand flag to eliminate time charters as well as exploitative working conditions and illegal fishing sets a good example for fishing vessels in the ASEAN region. The coming into force of the Maritime Labour Convention, 2006 (MLC, 2006) in three of the ten ASEAN Member countries augurs



well for the region, considering that the scope of its application—as clarified during the Jakarta Meeting—includes carrier vessels often used for holding, exchanging and even trafficking fishers at sea. ILO should include working and living conditions on board these carrier vessels in the reporting requirements of States where MLC, 2006, has entered into force, particularly the ASEAN Member States.

We hope C.188 becomes the template for all ASEAN Member States to improve working and living conditions on board fishing vessels and thus to deal effectively with the reported abuse of migrant fishers. It would bode well for the ASEAN fisheries if, based on C.188, a regional labour standard is developed for fishing, considering that there is movement of vessels and fishers across the region in areas under the jurisdiction of ASEAN Member States. We hope the momentum built up in the region towards decent work, sea safety and responsible fisheries is consolidated to put an end, permanently, to the scourge of trafficking and forced labour and to bring the benefits of C.188 and decent work to the largest majority of fishers in the world. The best way to achieve this goal, needless to say, is for all ASEAN Member States to ratify C.188. 3