



Food and Agriculture
Organization of the
United Nations

Joining forces in the fisheries sector

Promoting safety, decent work and
the fight against illegal, unreported and
unregulated (IUU) fishing

Outcomes of the Regional Technical Seminar
Mahé, Seychelles, 21–23 May 2019

Fishing remains one of the most dangerous of all professions in the world. Alarming fatality rates, accidents, poor health and safety together with appalling working and human rights abuses on board fishing vessels, have been reported in processing plants, in industrial as in small-scale fishing operations.¹

The international community has long recognized the linkages between illegal, unreported and unregulated (IUU) fishing,

poor safety and working conditions along the occurrence of other crimes. Fishing vessels engaging in IUU fishing might also engage in fishing-related crimes such as corruption, documents fraud, and human trafficking for forced labour. At the same time, crimes associated with the fisheries sector, such as drug and arms trafficking and piracy, may occur.²

Fishing operators responsible for these crimes are able to act with impunity, building on insufficient enforcement and control capacity of flag states that are either unable or unwilling to provide protection to fish workers and comply with their responsibility under international law. This can also be coupled with the use of ports with weak or non-existent regulatory controls.

¹ See for example:

- BBC article: 'Forced to fish: Slavery on Thailand's trawlers', January 2014;
- Guardian article 'Revealed: trafficked migrant workers abused in Irish fishing industry', July 2016;
- New York Times article: 'Sea Slaves': The Human Misery That Feeds Pets and Livestock', July 2015.
- Fishers first: Good practices to end labour exploitation at sea. ILO, 2016.
- FAO. 2016. Decent work for Blue Growth: Towards Social Responsibility in the Fish Business. Third Vigo Dialogue on Decent Work in Fisheries and Aquaculture.

² The text of the Manila Call for Action can be consulted at the following link: <http://www.fao.org/3/ca2511en/CA2511EN.pdf>



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Participants to the Joint Food and Agriculture Organization of the United Nations (FAO)/ International Maritime Organization (IMO) ad hoc Working Group on IUU Fishing and Related Matters (JWG), called the three UN organizations to work together on these challenging issues, building on their longstanding cooperation on safety at sea (FAO/IMO. 2016).

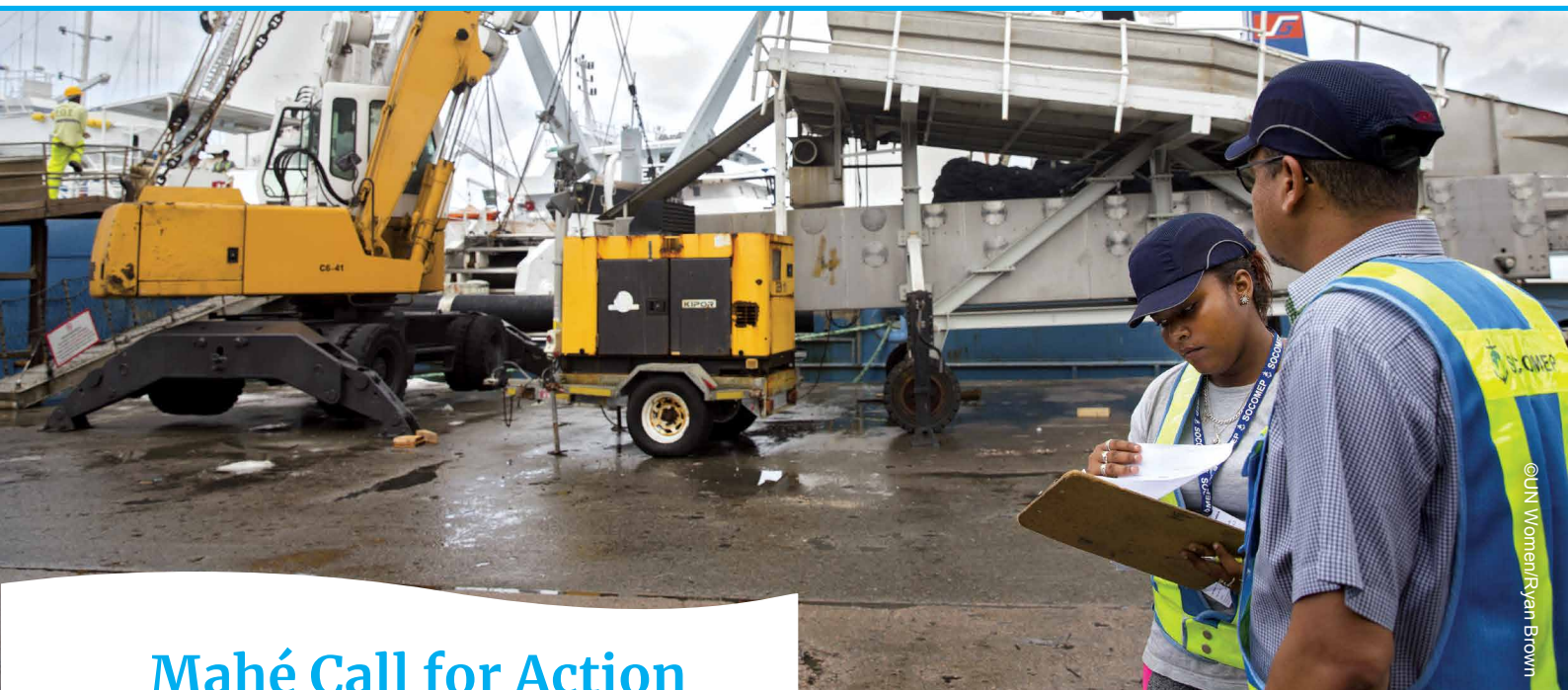
In response to these calls for cooperation, FAO and Apostleship of the Sea started a collaborative process to scope regional priorities to address safety, working conditions and IUU fishing. In 2018, the first seminar took place in South-East Asia and adopted the Manila Call for Action.³ The present brief presents the outcomes of the second regional technical seminar on safety, working conditions and IUU fishing for the West Indian Ocean region, held in May 2019. The meeting was organized by the FAO and Apostleship of the Sea, in collaboration with International Labour Organization (ILO), IMO with the participation of the United Nation Office on Drugs and Crime (UNODC).

The objectives of the seminar were to identify and discuss measures and actions to:

- * increase awareness on the protection of human rights in the fishing sector along with the main international legal frameworks covering the issue;
- * promote increased cooperation among responsible international agencies like FAO, IMO, ILO and UNODC and related regional and national authorities;
- * increase political commitment and the development of regional/national actions and measures to fight labour abuses and IUU fishing in the fishing sector; and
- * identify possible ways of inter-agency collaboration and future actions by concerned stakeholders.

Participants were experts from the Indian Ocean Tuna Commission (IOTC) region (Kenya, Madagascar, Mauritius, Mozambique, Réunion (France), Seychelles, Somalia, South Africa, the United Republic of Tanzania (mainland and Zanzibar) on matters of fisheries, labour, safety, human trafficking, human rights and small-scale fisheries. In total 38 specialists from faith-based organizations, trade unions, national human rights institutions, government agencies and international organizations participated in the meeting and adopted the following Call for Action, dubbed *Mahé Call for Action*.

³ The text of the *Manila Call for Action* can be consulted at the following link: <http://www.fao.org/3/ca2511en/CA2511EN.pdf>



Mahé Call for Action

We, the participants of the Regional Technical Seminar titled *“Joining forces in the fisheries sector: promoting safety, decent work and the fight against IUU fishing”*,

Having exchanged information on human rights abuses within the fisheries sector, including on small-scale fisheries, on the interlinkages between and among illegal, unreported and unregulated (IUU) fishing and fisheries associated crimes; and on the interrelationship between and among IUU fishing, abuse of fishers and fish workers’ human rights, decent work deficits and sub-standard safety conditions,

Having taken note of international and national instruments, which have been developed to address labour, safety and human rights protection in the fisheries sector,

Welcoming the initiative on the development of guidelines on social responsibility in global seafood value chains as an attempt to build a strong mechanism guiding companies to fulfil their obligations to respect and guarantee full access to human and labour rights across the sector,

Noting the improved cooperation between countries and between international organizations such as ILO, FAO, IMO, International Organization for Migration (IOM), UNODC, and other relevant

organizations in addressing labour protection in the fisheries sector,

Understanding the need for (improved) cooperation between national authorities like Ministries and other institutions responsible for Fisheries, Food Security, Ports, Coast Guard, Maritime Safety, Immigration, Labour, Justice, Human Rights, Defence, etc., in ensuring compliance with International Human Rights, Safety and Labour Standards in the fisheries sector and international legal instruments to tackle IUU fishing,

Reiterating the role of business enterprises related to fishery and employers’ associations to respect human rights and mitigate adverse business impacts on human rights,

Recognizing the role the Apostleship of the Sea (AoS), International Transport Workers’ Federation (ITF), International Union of Food and Allied Workers Associations (IUF), and civil society organizations (CSOs) like World Forum of Fisher Peoples (WFFP), non-governmental organizations (NGOs) like The Pew Charitable Trusts, and national trade unions/workers organizations play in addressing human rights abuses, IUU fishing, and safety deficiencies,

Taking into account international instruments available for the fight against IUU fishing,

human rights abuses, labour rights abuses, poor working conditions and poor safety, such as the ILO Fundamental Conventions⁴ and ILO Work in Fishing Convention, 2007 (No. 188), Agreement on Port State Measures (PSMA) to prevent, deter and eliminate illegal, unreported and unregulated fishing, 2009, IMO Cape Town Agreement 2012 (CTA), ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No.29), the IMO International Convention on the Standards of Training, Certification and Watchkeeping for Fishing Vessels Personnel, 1995 (STCW-F),

Identified the following cross-cutting themes in the fisheries sector, related to actions to be taken to address safety, decent work, and the fight against IUU fishing in the region:

- * consultation (social dialogue and multi-stakeholder consultation in all decision making processes);
- * corruption;
- * gender inequality and disparity;
- * poverty.

The following themes were identified to be addressed:

1. decent work and labour rights;
2. small-scale fisheries (SSF);
3. coordination, collaboration, and information sharing;
4. safety;
5. resource management;
6. legal environment;
7. IUU definition revision.

⁴ The eight ILO fundamental Conventions are: the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).



Participants selected the first four themes to formulate actions to be taken, without reducing the importance of other themes:

Decent work and labour rights

States are urged to strengthen regulations of manning/recruitment agencies and coordinate with host governments to take appropriate measures to promote safe and fair labour migration including free exchange of information and provision of legal and psychological support to victims of labour violations according to international standards to curb recurrent cases of illegal recruitment and ensure transparency in the recruitment processes.

Appropriate international organizations are urged to work together to develop and disseminate a common list of indicators for non-mandated inspectors to detect possible violations and notify mandated authorities on associated issues (i.e. a checklist for fishery inspectors to recognize possible Decent Work deficiency risks present allowing the inspector to notify labour authorities, and vice versa).

States are urged to ratify and implement ILO's Work in Fishing Convention (C188) to improve working and living conditions onboard fishing vessels this will also assist the enforcement of other fishery agreements.

States are called upon to ratify and implement the FAO Agreement on Port State Measures to prevent, deter and eliminate IUU fishing, to strengthen coordination mechanisms amongst different relevant authorities in consideration



of the potential contribution of IUU fishing to substandard working conditions.

States are called upon to engage in and promote social dialogue(s) between social partners, and representatives of any other stakeholder group.

Fish workers are encouraged to build and strengthen their professional organizations and trade unions, to allow their voices to be heard across the sector and beyond. States are called upon to support fishers and fishworkers in their efforts to organize and engage in collective bargaining and to participate effectively in decision-making processes. Participants further recognized that ILO fundamental conventions C87⁵ and C98⁶ are important in this regard.

Considering the clear linkages between IUU fishing and decent work deficiencies, States are urged to consider reviewing the definition⁷ of

illegal, unreported and unregulated fishing to include labour rights.

States are called upon to implement the UN Guiding Principles on Business and Human Rights through the development of national action plans as a basic standard to prevent, mitigate and remedy business related human right impacts.

Business enterprises related to fishery are urged to adopt and infuse human rights standards into companies policies including the provision of access to remedy for human rights violations.

Governments, possibly supported by international and other appropriate organizations are encouraged to conduct relevant training and capacity building with respect to labour laws and vocational skills of fish workers. At the same time, employers have a role to play in the development of vocational skills of their employees.

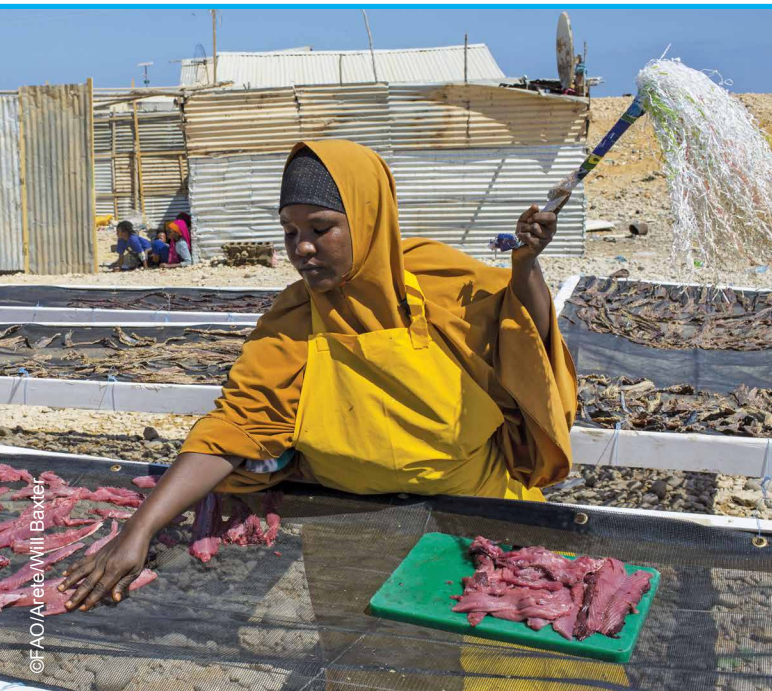
Social partners are encouraged to work together to improve living and working conditions to make the fishery sector more attractive to younger generations, thereby eliminating the use of trafficked migrant workers in the sector.

IOTC's contracting parties are encouraged to address the issue of labour standards for crew on fishing vessels through the adoption of a resolution or a recommendation.

⁵ The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C087

⁶ The Right to Organise and Collective Bargaining Convention, 1949 (No. 98). https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C098

⁷ While the 2009 FAO IPOA-IUU (www.fao.org/3/a-y1224e.pdf) provides a description of the IUU concept, an internationally agreed definition of IUU fishing does not exist. Notwithstanding, participants stressed that enforcement against and prevention of IUU fishing should go hand in hand with addressing violations of human and labour rights on board fishing vessels.



Small-scale fisheries

States are requested to develop and implement national laws, regulations and strategies for small-scale fisheries development, in line with the guiding principles contained in the FAO Voluntary Guidelines on Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication.

States are encouraged to ensure meaningful participation of all actors in the fisheries sector in decisionmaking processes related to fisheries management, including IUU.

Governments, and regional fisheries organizations (Regional Fisheries Management Organizations and Regional Fisheries Bodies), are requested to ensure participation of SSF representatives in spatial management processes (including ensuring effective enforcement) to secure access and protection of SSF rights (including (customary) rights of specific groups like indigenous peoples, considering traditional knowledge).

Governments, NGOs and CSOs are encouraged to promote and support the self-organization of small-scale fishers.

Governments and other relevant institutions are requested to review and improve financial mechanisms in support of small-scale fisheries.

Coordination, collaboration and information exchange

Regional Fisheries Management Organization (RFMOs)/ Regional Fisheries Bodies (RFBs) and national authorities are requested to use, improve and promote existing information systems, concerning IUU fishing (like IOTC's electronic Port State Measures system (e-PSM), the FAO Global Record of Fishing Vessels), safety and decent working conditions.

States are encouraged to coordinate actions related to IUU fishing, safety at sea, decent work in the fisheries sector through existing organizations such as Indian Ocean Commission (IOC), Indian Ocean Tuna Commission (IOTC), Southern Africa Development Community (SADC), Southwest Indian Ocean Fisheries Commission (SWIOFC), Indian Ocean Rim Association (IORA) to coordinate issues, as appropriate.

States are requested to establish and strengthen existing national platforms by engaging multi-stakeholders through social dialogue to address the issues of IUU fishing, decent work and safety at sea.

The participants noted the improved cooperation between FAO, ILO, IMO and UNODC and encouraged further cooperation on issues of IUU fishing, decent work and safety at sea.

States are encouraged to strengthen capacity at all levels; local, national and regional on laws, regulations and information sharing on IUU fishing, decent work and safety-at-sea.



Safety and security

States are urged to ratify and implement the 2012 IMO Cape Town Agreement to improve safety at sea and contribute to the fight against IUU fishing and the promotion of decent work. Member States are also encouraged to request technical assistance from the IMO for the ratification and implementation of the CTA when needed.

Flag states are requested to inspect all fishing vessels in line with the Merchant Shipping Act or national legislation before providing a certificate of seaworthiness. Participants noted the lack of capacity in some countries to inspect small-scale fisheries vessels.

Flag States are requested to use the FAO-ILO-IMO Safety Recommendations for Decked Fishing Vessels of less than 12 metres in Length and Undecked Fishing Vessels of any length, in absence of sufficient standards and regulations before a certificate of seaworthiness is issued, and consider incentives in provision of safety equipment for small-scale fisheries vessels.

All SSF stakeholders are requested to promote the use of safe vessels and equipment.

States involved in combatting transnational crimes, including piracy, and information exchange on criminal activities at sea are requested to continue their efforts in the Indian Ocean and coastal states should increase their involvement according to their capacity.

Participants recognized organizations like Apostleship of the Sea and Catholic Relief Service providing emotional and psychological support to former hostages and survivors of piracy.

Governments, with possible support from international organizations and other appropriate institutions are encouraged to build capacity of government institutions, enforcement officers and fishers on safety issues and international safety standards.

Governments are requested to implement the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F).



Participants suggested that existing regional mechanisms on data exchange, including the Indian Ocean Memorandum of Understanding on Port State Control (Indian Ocean MoU), recording inspections of fishing vessels in line with relevant international instruments that are in force. Flag States should develop a safety strategy, based on investigations into accidents and fatalities. MAIIF (Maritime Accidents Investigators' International Forum) could contribute to developing such a strategy.

Encourage states to request Regional Port State Control (PSC)⁸ to include fishing vessels on their databases to record inspections relevant to:

- * International Convention for Prevention of Marine Pollution For Ships (MARPOL);
- * International Convention for the Safety of Life at Sea (SOLAS) Chapter V
- * STCW-F;
- * C188;
- * CTA on entry into force.

In conclusion, participants call upon States, regional organizations, businesses, trade unions, employers' associations, CSOs, NGOs, and National Human Rights Institutions to provide technical and financial support for the implementation of this call for action.

⁸ Port State Control (PSC) is an inspection regime for countries to inspect foreign-registered ships in port other than those of the flag state and take action against ships that are not in compliance. See also: <http://www.imo.org/en/OurWork/MSAS/Pages/PortStateControl.aspx>

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