

Report of the UN Secretary-General on Oceans and Law of the Sea, 2013

SUBMISSION BY ILO

People at sea

1. The world's oceans and seas make a significant contribution to international trade and food security – an estimated 90 per cent of world trade by volume goes by sea, and fish and fish products are among the most traded commodities, vital sources of food and nutrition. However, this is dependent on the labour of those who man the world's merchant ships and commercial fishing vessels. There are over 1.2 million seafarers and nearly 40 million fishers that make their livelihoods at sea.
2. The International Labour Organization (ILO) has always recognized the importance of seafarers and fishers, and is particularly well-positioned to address the social aspects of the uses of the world's oceans and seas. It brings together representatives of governments, and employers and workers from the maritime sectors to discuss living and working conditions, and to develop international labour standards and policies to promote decent work for all seafarers and fishers.
3. The ILO cooperates with other United Nations agencies, including the International Maritime Organization (IMO) and the Food and Agriculture Organization of the United Nations (FAO), on matters of common interest.
4. The primary focus of the ILO in the shipping and fishing sectors recently has been on the promotion of international labour standards and guidelines. Three ILO Conventions are of particular importance to the law of the sea in this regard – the Maritime Labour Convention, 2006 (MLC, 2006), the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and the Work in Fishing Convention, 2007 (No. 188).

Seafarers

5. The MLC, 2006, sets out comprehensive rights and protection at work for the world's seafarers, and secures economic interests in fair competition for shipowners.
6. Entry into force of the MLC, 2006, is dependent on its ratification by at least 30 ILO member States with a total share in the world gross tonnage of ships of 33 per cent. On the 20 August 2012, the milestone 30th ratification of the MLC, 2006, was received having already met the tonnage requirement. The MLC, 2006, will enter into force on 20 August 2013.
7. As of 28 June 2013, the Director-General of the ILO has registered 39 ratifications by ILO member States representing 69 per cent of the world fleet by gross tonnage.
8. The first meeting of the Special Tripartite Committee (STC), established under Article XIII of the MLC, 2006, is planned to be convened in April 2014 to discuss amendments to the MLC, 2006.

9. An *Action Plan* was implemented to achieve rapid and widespread ratification and effective implementation of the MLC, 2006. To support the capacity building process, *Guidelines for flag State inspections under the Maritime Labour Convention, 2006*, *Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006*, were developed in 2008. Port State control memoranda of understanding (MOUs) and ILO member States have been assisted with the training of port State control officers as they will play a critical role in the enforcement of the MLC, 2006.
10. The *Maritime Labour Academy* at the International Training Centre (ITC-ILO) provides a broad range of training activities on the MLC, 2006. The programme of courses is aimed at building capacities of all interested parties with regard to preparation for the MLC, 2006, and at providing a unified global approach in terms of interpretation and implementation. Other important tools and materials include a handbook containing guidance on social security for seafarers under the MLC, 2006, and a handbook containing model national provisions.
11. Seafarers undergo medical examinations to ensure that they are medically fit to perform their routine and emergency duties at sea in a manner that does not endanger other seafarers or the safe operation of the vessel. In collaboration with the IMO, *Guidelines on the medical examinations of seafarers* have been developed to harmonize standards for medical examinations of seafarers and improving the quality and effectiveness of medical care provided to them.
12. The Joint Maritime Commission (JMC) is a bipartite standing body that provides advice to the ILO's Governing Body on maritime issues, including standard-setting for the shipping industry. Among the terms of reference of the JMC is the updating of the minimum basic wage figure for able seafarers in accordance with the Seafarers' Wages, Hours of Work and Manning of Ships Recommendation, 1996 (No. 187). It is the only existing statutory international wage-fixing mechanism. The JMC Subcommittee on Wages of Seafarers has been established to regularly update the wage figure. The Subcommittee adopted a resolution in 2011 which updated the ILO minimum basic wage for able seafarers to US\$568 from 1 January 2013, and then US\$585 from 31 December 2013. The Subcommittee will meet again in early 2014.
13. The issue of fair treatment of seafarers in events of maritime accidents continues to be a matter of concern in the maritime industry. *Guidelines on the fair treatment of seafarers in the event of a maritime accident* were developed by the ILO and the IMO in 2006 to address the issue. The IMO and ILO continue to keep the problem of unfair treatment of seafarers in the event of maritime accidents under review and periodically assess the scale of the problem.
14. The Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) has been in force since the 9 February 2005, and has been ratified by 24 ILO member States. The objective is to facilitate entry by seafarers into the territory of member States for the purposes of shore leave, transit, transfer or repatriation. It is recognized that identity documents will improve maritime security as well as access to shore facilities and shore leave, which are vital elements of seafarers' general well-being.

Fishers

15. The Work in Fishing Convention, 2007 (No. 188), was designed to ensure decent work for all fishers with regards to their conditions of service, accommodation and food, occupational safety and health (OSH) protection, medical care and social security.
16. The Work in Fishing Convention, 2007 (No. 188), will come into force 12 months after the date on which the ratifications of ten ILO member States, eight of which are coastal States, have been registered with the ILO. As of 28 June 2013, the Work in Fishing Convention, 2007 (No. 188) has been ratified by four ILO member States; Argentina (15 September 2011), Bosnia and Herzegovina (4 February 2010), Morocco (16 May 2013), and South Africa (20 June 2013).
17. An *Action Plan* was implemented to promote ratification and effective implementation of the Work in Fishing Convention, 2007 (No. 188). Activities aimed at promotion and providing support for its implementation have been held at international, regional and national levels. To support implementation and national capacity building, *Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)*, were developed in 2010. They serve as an important international resource for the implementation of port State control responsibilities and for the harmonization of inspections of foreign fishing vessels under the Work in Fishing Convention, 2007 (No. 188). Related training materials on flag and port State inspections of fishing vessels have also been prepared.
18. A *Global Dialogue Forum for the promotion of the Work in Fishing Convention, 2007 (No. 188)* was held May 2013 and attended by representatives of governments, employers' and workers' organizations and observers. The *Forum* discussed social and labour issues in the fishing sector and how the Convention could address these issues. Experiences and challenges faced in implementation and ratification were also shared by the participants and recommendations were made for future actions for the promotion of the Convention.
19. To address concerns about safety and work on board small fishing vessels, *Safety Recommendations for Decked Fishing Vessels of Less than 12 metres in Length and Undecked Fishing Vessels* were developed through a cooperative effort by the IMO, FAO and ILO. The *Safety Recommendations* provide information on the design, construction, equipment, training and protection of the crews of small fishing vessels with a view to promoting the safety of vessels and the safety and health of crews.
20. Recent reports of cases of severe human rights abuses and exploitation on board fishing vessels has led to calls for greater international attention to forced labour and human trafficking. A new ILO report, *Caught at Sea: Forced labour and trafficking in fisheries*, examines recent literature and consolidates existing knowledge about forced labour and human trafficking in the fisheries, focussing on fishing vessels engaged in commercial marine fisheries. It considers institutional and legal frameworks as well as multi-stakeholder initiatives that have the potential to ensure safety and decent living and working conditions for fishers.
21. Child labour is a concern in fisheries and aquaculture. Children engage in a wide variety of work: both in direct production (fishing and harvesting) and in associated activities such as fish processing and marketing, boatbuilding and net mending. However, not all activities carried out by children are child labour. Certain activities can be an acceptable and even beneficial for children as skills development for the future. The ILO and the FAO have developed *Guidance on child labour in fisheries and aquaculture*. It provides an overview of information on child labour

in the fisheries and aquaculture sector and of the international legal and policy frameworks. The report makes recommendations on important considerations and actions needed to effectively address child labour

Future work

22. The future work programme continues to promote decent work for all of the world's seafarers and fishers. The activities include, the convening of a meeting of experts to review and adopt guidance on implementation of the occupational safety and health provisions under the MLC, 2006, and the convening of a meeting of experts to review and adopt guidelines for flag State inspections under the Work in Fishing Convention, 2007 (No. 188).
 23. Seafarers' access to free and adequate food and drinking water on board ships is vital to their health and well-being. The MLC, 2006, recognizes the importance of ensuring that sufficient food and drinking water of appropriate quality is prepared on board by trained catering personnel. A *Meeting of Experts to Adopt Guidelines on the Training of Ships' Cooks* will be held in September 2013.
 24. Further information and ILO publications concerning decent work for seafarers and on the Maritime Labour Convention, 2006, can be found at:
25. Further information and ILO publications concerning decent work for fishers and the Work in Fishing Convention, 2007 (No. 188) can be found at:

www.ilo.org/mlc

www.ilo.org/fishing