



International  
Labour  
Organization

**International Labour Office contribution to  
the report of the Secretary-General on Oceans and Law of the Sea  
pursuant to the United Nations General Assembly resolution 78/69  
of 5 December 2023, entitled “Oceans and the law of the sea”**



June 2024

Contribution to Part II of the report regarding all other developments in the field of ocean affairs and the law of the sea within the scope of the activities of the Organization

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# 1. Ensuring decent work for seafarers and fishers to secure the sustainable use of oceans

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The ILO has worked for over 100 years to improve the conditions of seafarers and fishers, adapting to the everchanging challenges faced by those working in the sector. Through its unique tripartite structure, the ILO brings together governments, employers, and workers of 187 Member States to set labour standards, develop policies and programmes promoting decent work for all. This has included the adoption of Conventions and Recommendations specific to the shipping and fishing sectors. The widespread ratification and implementation of these sector-specific standards, and the realization of fundamental principles and rights at work for all working at sea is critical to ensuring that the three pillars of ocean sustainability - economic, environmental, and social sustainability - are respected.



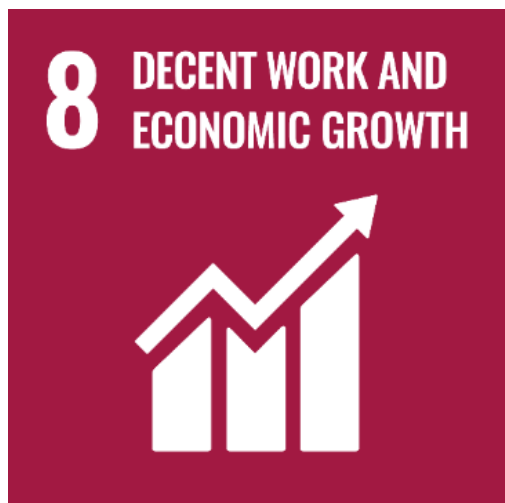
Figure I. Seafarers. (c) ILO News (2022)



Figure II. Fishers. (c) ILO

## 2. Sustainable Development Goals (SDGs)

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Particularly relevant to the work of the ILO with respect to the ocean are SDG 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and SDG 14 - Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

The ILO has made commitments related to SDGs 8 and 14. These commitments relate to the implementation of the key ILO maritime instruments which are the Maritime Labour Convention, 2006, as amended (MLC, 2006); the Work in Fishing Convention, 2007 (No. 188) and the Seafarers' Identity Documents Convention (Revised), 2003

(No. 185), as amended. The ILO has committed to promote the effective implementation of the MLC, 2006, in order to improve seafarers' living and working conditions and ensuring a level playing field for shipowners. The ILO has also made a commitment at the Our Ocean conference to address forced labour and trafficking at sea, in particular in the fishing sector. The human-centred, sectoral approach is key to attaining the SDGs during this Decade of Action to deliver the Global Goals. The active involvement of governments, employers' organizations and workers' organizations and stronger tripartite governance in the maritime sector are critical to realizing not only SDGs 8 and 14, but also to addressing the labour dimension in every other SDG.

Throughout this paper, the realization of the SDGs is demonstrated through various means: promoting the ratification and the effective implementation of international labour standards; the development of guidelines, reports, and other tools; promoting social dialogue amongst sectoral constituents; and the implementation of action programmes and development cooperation projects, as well as the provision of technical assistance, capacity-building, and training of inspectors.



### 3. Links to UNCLOS

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A number of the provisions of the United Nations Convention on the Law of the Sea (UNCLOS) are relevant to addressing the issues faced by seafarers and fishers.

This includes, first and foremost, **Article 94**, concerning Duties of the flag states which, provides that:

*“Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag”. Article 94 (3) stipulates that such measures shall include those necessary to ensure: (b) each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship; (c) the master, officers and, to the extent appropriate, the crew are fully conversant with and required to observe the applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.*

Examples of other relevant articles include:

**Article 73** which provides, in the context of the Coastal State’s exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, that *“Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security”,* and that *“Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in the absence of agreements to the contrary by the States concerned, or any other form of corporal punishment”;*

**Article 99**, which prohibits the transport of slaves; and

**Article 292** concerning noncompliance with the duty of prompt release of vessels and crews upon posting of financial security, which is also often cited with regard to unlawful arrest.

## 4. ILO and the Blue Economy

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Blue Economy is a broad concept that connects economy, human, and nature. The UN defined the Blue Economy as [“an economy that comprises a range of economic sectors and related policies that together determine whether the use of ocean resources is sustainable.”](#) The World Bank defines the Blue Economy as [“the sustainable use of ocean resources for economic growth, improved livelihoods and jobs, and ocean ecosystem health.”](#) The Blue Economy as a matter of policy is applicable to all States but remains particularly interesting for Small Island Developing States (SIDS) and Coastal Least Developed States (CLDS) which have been at the vanguard of discussions on the topic.

The ILO has been an active participant in the discussion leading to the growing recognition of the ocean as

*“Humanity, including millions of workers & enterprises, depend on the ocean. We must do all we can to protect it and the biodiversity it hosts and supports. This includes sustainable business practice and decent work for whom the ocean is a workplace.”*

-- Gilbert F. Hounbo, the ILO Director-General

a workplace. At the [UN Ocean's Conference in 2017](#), the ILO has intervened to stress the sectoral approach to the Blue Economy and the fact that 350 million peoples' livelihoods depended on the oceans, with shipping, fishing and coastal tourism providing working opportunities for many. In 2022, the ILO contributed to “The Guidance to become a blue port” which was produced by the FAO and highlighted the importance of the cooperation with social partners. At the G20 in September 2022, the ILO has emphasized the significance of human capital as a resource to the blue economy and highlighted the potential of the Blue Economy Roadmap in creating employment opportunities and improving livelihoods in coastal communities in Indonesia. In 2023, the ITCILO has highlighted the ILO's role in the Blue Economy at the *Blue Future Conference: Ministerial Conference on the Blue Economy and Climate Action in Africa: Island and Coastal States at the Forefront*, held in the Comoros.

The ILO also aims to identify and delineate specific aspects of the Blue Economy that can benefit from technical development cooperation support. This support will be carried out in partnership with other international organizations and development agencies, to ensure a Just Transition to the Blue Economy to reap its potential gains. To do so, the ILO seeks to establish a regional programme on the blue economy. The African Island States (AIS), including Cape Verde, Comoros, Guinea-Bissau, Madagascar, Mauritius, São Tomé and Príncipe, and the Seychelles, have a valuable opportunity for sustainable development and prosperity through the Blue Economy. These countries possess abundant ocean resources that can be utilized to create employment and generate wealth, thus improving the livelihoods of their populations. By focusing on the development of ocean-based and -related sectors, the Blue Economy holds significant potential to address various economic and social challenges faced by the African Island States. These challenges include widespread poverty, high levels of unemployment (especially among the youth), a large informal sector, insufficient social protection systems, environmental concerns, unplanned labour migration, inadequate food security, and pervasive gender inequality. The Blue Economy development in AIS provides opportunities to achieve other SDGs as well.

### *ILO and Just Transition*

In the context of climate change, the decarbonization of shipping has created significant implications for seafarers' working conditions and well-being. The transition to a decarbonized shipping industry will require additional training for [hundreds of thousands of seafarers up to 2050](#).<sup>1</sup> The absence of certainty about

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<sup>1</sup> Maritime Just Transition Task Force. (2022). *Mapping a Maritime Just Transition for Seafarers*. <https://www.ics-shipping.org/wp-content/uploads/2022/11/Position-Paper-Mapping-a-Maritime-Just-Transition-for-Seafarers-%E2%80%93-Maritime-Just-Transition-Task-Force-2022-OFFICIAL.pdf>

future fuel options for shipping is having a knock-on effect on seafarer training, making it imperative to start establishing the necessary training infrastructure immediately.

Just Transition is a people-centred response to address climate emergency, and it means greening the economy in a way that is as fair and inclusive as possible, creating decent work opportunities. ILO strives for a human-centred approach to achieving green shipping, stressing the principles set out in the ILO Guidelines for a Just Transition and respecting the provisions of the Maritime Labour Convention, 2006, as amended, particularly as concerns occupational safety and health of seafarers in the context of new technologies and fuels.

The ILO works together with the ICS, the ITF, the UNGC, and the IMO under the “Maritime Just Transition Task Force” launched at the 26th session of the United Nations Climate Change Conference (COP26), to ensure shipping’s response to the climate emergency puts seafarers at the heart of the solution, supported by globally established Just Transition principles. The Task Force coordinates efforts with governments, industry, workers and their representatives. Research and learnings will be developed around the green training and upskilling needs for the maritime industry’s transition and the green job potential of new fuels. A core driver will be how the maritime industry can achieve an equitable transition creating opportunities for local communities and ensuring that green infrastructure, technology investments and opportunities for job creation are open to all.

At [COP27](#) in November 2022, the ILO hosted the first ever Just Transition Pavilion, a convening space for events, meetings and knowledge sharing around just transition and climate action in cooperation with the UNFCCC, International Trade Union Confederation (ITUC) and International Organisation of Employers (IOE). The Just Transition Pavilion held a side event organized by the “Just Transition Maritime Task Force”, which convened Ministers, union heads, the UN and Industry, to mark the launch of a “10-Point Action Plan” by the task force. During the [COP28](#) in December 2023, the ILO helped to promote climate action that incorporates decent work and a just transition for all. The ILO and the European Commission hosted the Just Transition Pavilion together with IOE, ITUC and UNFCCC. The pavilion provided a space for ILO tripartite constituents and institutional partners to convene events, engage in informal exchanges and develop partnerships to advance climate action from the perspectives of ILO’s mandate. Key initiatives also included a high-level dialogue focusing on delivering a gender-responsive just transition for all, the launch of the ILO-IsDB Youth Green Skills Accelerator Challenge Call 2023, and the unveiling of the ILO-IsDB report on Green Jobs in the MENA region.

*“The ILO Just Transition Pavilion contributed to the effort of ‘a labour-focused just transition with social dialogue, social protection and labour rights at its heart’ through its ‘many activities and high visibility’”*

*-- Sharan Burrow, the ITUC’s General Secretary*

The ILO has also established an informal group known as “Friends of just transition”, which aims to advance the objectives of decent work and social justice within the UNFCCC processes.

## 5. ILO & the Maritime Sector: Shipping, Ports, Fishing

Ships carry more than 80 per cent of world trade, whether in containers or through the bulk transport of raw materials, including food. There is increased awareness of the vital role of ships and seafarers in global supply chains. Shipping is one of the most international of sectors, requiring global solutions to labour issues to ensure its economic, social and environmental sustainability.

According to FAO, [in 2020, an estimated 58.5 million were engaged as full-time, part-time, occasional, or unspecified workers in fisheries and aquaculture, and of these approximately 21 percent were women. By sector, 35 percent were employed in aquaculture and 65 percent in capture fisheries.](#) The sector faces pressures, such as decent work challenges, climate change, over-fishing, and Illegal Unregulated and Unreported (IUU) fishing. Forced labour, trafficking, child labour and high injury and fatality rates also remain a matter of great concern.

Ports are a critical component of supply chains and a point of exchange between the different transport modes (sea, road, railways, and inland waterways). They provide key infrastructure in support of international trade and the global economy.

The graphic below (Figure I) gives a brief overview of the international labour standards related to the shipping, fishing, and ports sectors. The focus of ILO's maritime work is the promotion of the ratification and implementation, and the effective enforcement of these standards using all the ILO's means of action, including advocacy, technical assistance, capacity-building and the dissemination of codes of practice, guidelines, reports and other tools addressing labour issues and fostering decent work in these sectors.



Figure VI. International Labour Standards in the Maritime Sector



## 5.1 Shipping

### 5.1.1 Maritime Labour Convention, 2006, as amended (MLC, 2006)

Adopted by the ILO's Member States in February 2006, the MLC, 2006 brought together existing industry labour standards that no longer reflected contemporary working and living conditions, had low ratification levels, or inadequate enforcement and compliance systems. Combining these, often very detailed, instruments into one Convention, makes it easier for countries to regulate and enforce consistent industry norms and standards, worldwide.

The MLC, 2006 sets out seafarers' rights to decent conditions of work and helps to create conditions of fair competition for shipowners. It is intended to be globally applicable, easily understandable, readily updatable and uniformly enforced. The MLC, 2006 addresses all aspects of work such as minimum age, medical fitness and training; and conditions of work including hours of rest, wages, leave, repatriation, medical care, accommodation, occupational safety and health, and social security.

The MLC, 2006 has been designed to become a global legal instrument that will be the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO), such as the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended (STCW), and the International Convention for the Prevention of Pollution from Ships, 73/78 (MARPOL).

There are several novel features in the MLC, 2006 as far as the ILO is concerned. It is organized into three main parts: the Articles, placed at the beginning, set out the broad principles and obligations. They are followed by the more detailed Regulations and the Code of the MLC, 2006 which has two parts: Part A (mandatory Standards) and Part B (non-mandatory Guidelines). The Regulations and the Code are organized in five Titles, which cover specific subject matters.

The Code of the MLC, 2006 was amended in [2014](#), [2016](#) and [2018](#). These amendments have regulated subjects such as financial security of seafarers in cases of abandonment; contractual claims for compensation in the event of a seafarer's death or long-term disability due to an operational injury, illness or hazard; extension of the validity of the maritime labour certificate; harassment and bullying on board ships; and the protection of seafarers' wages in cases of piracy or armed robbery.

As of 21 June 2024, the MLC, 2006 has been ratified by 107 States, the latest being Comoros, Egypt and Georgia. The ILO regularly provides technical assistance to member States and other relevant parties to ensure universal ratification and effective implementation of the MLC, 2006. In addition to promoting its Conventions, the ILO also supervises the application of international labour standards such as the MLC, 2006. This is done in accordance with the ILO Constitution through the work of the Committee of Experts on the Application of Conventions and Recommendations. All, or nearly all, regional port State control agreements have included MLC, 2006 in their lists of "relevant instruments" for port State control.

#### 5.1.1.1 Knowledge Development: ILO tools for implementing the MLC

- I. [Frequently Asked Questions \(FAQ\) about the Maritime Labour Convention, 2006, as amended \(MLC, 2006\)](#): The FAQ are intended to help persons engaged in the study or application of the MLC, 2006 to find answers to questions they have about this innovative ILO Convention.
- II. [Guidelines for flag State inspections under the MLC, 2006, as amended](#): The Guidelines for flag State inspections under the MLC, 2006, contained in this book are an important resource for implementing flag State responsibilities under the MLC, 2006. The Guidelines were updated by the ILO in 2020, together with the Guidelines for port State control officers carrying out inspections under the MLC, 2006 as amended, in order to reflect the 2014, 2016 and 2018 amendments to the Code of the MLC, 2006.
- III. [Guidelines for port State control officers carrying out inspections under the MLC, 2006, as amended](#): The Guidelines provide practical advice to port State control officers (PSCOs) verifying compliance of foreign ships with the requirements of the MLC, 2006. The main inspection tool is provided by Chapter 4, indicating the basic requirements to be complied with,

sources of information for checking compliance and examples of deficiencies, in the 16 areas of working and living conditions that are mainly concerned.

- IV. [Guidelines for implementing the occupational safety and health provisions of the MLC, 2006](#): The purpose of these Guidelines is to assist States to implement the occupational safety and health provisions of MLC, 2006. They provide supplementary practical information to flag States to be reflected in their national laws and other measures to implement Regulation 4.3 and the related Code of MLC, 2006, as well as other relevant provisions under Regulations 3.1 and 1.1.
- V. [Handbook: Guidance on implementing the Maritime Labour Convention, 2006 - Model National Provisions](#): This Handbook contains a model for legal provisions that implement the Maritime Labour Convention, 2006 (MLC, 2006). It is intended as an aid, in whole or in part, for national legislators and legislative counsel in drafting the necessary legal texts for implementation.
- VI. [Guidelines on the training of ships' cooks](#): The Guidelines are intended to provide supplementary practical information and guidance to flag States that can be reflected in their national laws and other measures to implement Regulation 3.2 and the Code of the MLC, 2006. The Guidelines may also be useful to labour-supplying States that have specialized training schools for ships' cooks.
- VII. [Handbook: Guidance on implementing the Maritime Labour Convention, 2006 and Social Security for Seafarers](#): This Handbook is intended to assist countries in implementing their responsibilities under MLC, 2006 regarding social security for seafarers. It is intended to provide the necessary background on the subject as well as practical information and guidance to government administrations concerned with implementing the MLC, 2006 in their country and to social partners when assisting in doing so.
- VIII. [Guidelines on the medical examinations of seafarers](#): These Guidelines, jointly developed by ILO and IMO, assist medical practitioners, shipowners, seafarers' representatives, seafarers and other relevant persons with the conduct of medical fitness examinations of serving seafarers and seafarer candidates.
- IX. [Guidelines on how to deal with seafarer abandonment cases](#): These Guidelines, jointly developed by ILO and IMO, are addressed to all States, primarily port States, flag States and States of which seafarers are nationals or resident or otherwise domiciled in their territory. They are intended to be a reference tool of principles that can be reflected in the design and implementation of policies, strategies, programmes, legislation, administrative measures and social dialogue mechanisms on the resolution of cases of abandonment of seafarers.
- X. [ILO online training courses](#): The ILO's Maritime Labour Academy at the International Training Centre in Turin, Italy continues to train inspectors, lawyers as well as governments, seafarers', and shipowners' organizations for a harmonious application of the MLC, 2006. The ILO's International Training Centre in Turin, Italy, together with the ILO's Sectoral Policies Department, is organizing several training events in 2024 focused on maritime labour standards and the Maritime Labour Convention, 2006 (MLC, 2006). The "**Training of Trainers and Maritime Inspectors on the Application of the MLC, 2006**" will be held from 13 May to 7 June 2024. This will be followed by the "**Global Forum on the Maritime Labour Convention 2006: Current and Future Development - Fifth Edition**" from 2 to 4 October 2024. From 4 to 22 November 2024, the ITCILO will offer a specialized course on the "**National Legal Implementation of the MLC, 2006**". Additionally, the "**Maritime Labour Convention, 2006 and Case Law Symposium**" will take place from 10 to 11 December 2024, providing a platform for legal experts and maritime professionals to analyse recent case law and explore best practices in the implementation of the Convention. Applications for all these events can be made through the ITCILO website.

### 5.1.1.2 Consensus building

#### I. Special Tripartite Committee of the MLC, 2006

Article XIII of the MLC, 2006 provides for the establishment of a Special Tripartite Committee (STC) by the ILO's Governing Body. The mandate of this Committee is to keep the working of the MLC, 2006 under

continuous review. If difficulties are identified in the working of the Convention, or if the Convention needs to be updated, the Special Tripartite Committee, in accordance with Article XV of the Convention, has the power to adopt amendments to the Code of the MLC, 2006. The Committee also plays an important consultative role under Article VII for countries that do not have shipowners' or seafarers' organizations to consult when implementing the MLC, 2006.

In 2022, the Fourth Meeting of the STC adopted [eight amendments](#) to the Code of the MLC, 2006, drawing from lessons learned during the COVID-19 pandemic with the aim of improving the living and working conditions of the world's seafarers. The amendments were approved during the 110th Session, June 2022 of the International Labour Conference. They will enter into force on 23 December 2024. The amendments will ensure that:

- ✓ Seafarers have appropriately sized personal protective equipment, in particular to suit the increasing number of women seafarers;
- ✓ Good quality drinking water is available free of charge for seafarers;
- ✓ States further facilitate the prompt repatriation of abandoned seafarers;
- ✓ States provide medical care for seafarers in need of immediate assistance and facilitate the repatriation of the remains of seafarers who have died on board;
- ✓ Seafarers are provided with appropriate social connectivity by shipowners and States provide internet access in their ports;
- ✓ Seafarers are informed of their rights relating to the obligation of recruitment and placement services to compensate seafarers for monetary losses; and
- ✓ All deaths of seafarers are recorded and reported annually to the ILO and the relevant data is published.

In addition, the 2022 STC adopted three resolutions: (i) [The Resolution on Harassment and Bullying, including Sexual Assault and Sexual Harassment, in the Maritime Sector](#) called on the Governing Body to take note of the request of the IMO Maritime Safety Committee, and to include the topic of harassment and bullying, including sexual assault and sexual harassment in the maritime sector as an item to be considered, at the earliest opportunity, by the Joint ILO-IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element, with the objective of ensuring a safe and inclusive workplace for seafarers; (ii) [The Resolution on contractual redress for seafarers](#) calls upon States to ensure that all seafarers have adequate means of contractual redress against the shipowner and calls upon Flag States to ensure that shipowners are in compliance with Standard A2.1 of the MLC, 2006 before issuing to their ships a Maritime Labour Certificate, and in any intermediate inspections; (iii) [The Resolution on financial security](#) calls for the establishment of a working group of the STC, based on past practice, to discuss the financial security system required under Standard A2.5.2 of the MLC, 2006 and make recommendations to the STC on potential improvements that would make the system more effective and sustainable and ensure a greater degree of protection and assistance for abandoned seafarers.

The next STC meeting will take place from 7-11 April 2025.

## **II. Subcommittee on Wages of Seafarers of the Joint Maritime Commission**

In [2022, the JMC Subcommittee](#) agreed to raise the minimum basic wage for an able seafarer to US\$658 as of 1 January 2023. The rate will be increased to US\$666 as of 1 January 2024 and to US\$673 as of 1 January 2025. The subcommittee also agreed that the figure of US \$673 as of 1 March 2022 should be used as the basis for recalculation purposes and for discussion at the next meeting of the subcommittee, which will take place from 14 to 15 April 2025.

## **III. The Joint ILO-IMO Tripartite Working Group**

The [First meeting of the Joint ILO-IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element \(JTWG\)](#) took place at the ILO in December 2022, which discussed and adopted [Guidelines on how to deal with seafarer abandonment cases](#).

The [Second Meeting of the JTWG](#) was held at the IMO Headquarters in London, United Kingdom, from 27 to 29 February 2024, and was prompted by the resolution adopted by the Fourth Meeting of the STC in 2022. The meeting resulted in several key [Recommendations](#), aimed at protecting seafarers from violence and

harassment, including sexual harassment, bullying and sexual assault. These include the call for submission of proposals for amendments to the ILO Maritime Labour Convention, 2006 (MLC, 2006), in line with the ILO Violence and Harassment Convention, 2019 (No. 190), new IMO mandatory training for seafarers in this regard, additional IMO guidance for shipowners, and the launching a joint international awareness campaign to combat violence and harassment.

The Third meeting of the JTWG be held on 26–28 November 2024. The purpose of the third meeting will be to discuss and adopt Guidelines on the fair treatment of seafarers detained on suspicion of committing crimes.

### ***ILO-IMO Database on reported incidents of abandonment of seafarers***

The abandoned seafarers` database was established as a result of the meeting of the 2002 Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, which expressed the need for a joint database. This database contains a regularly updated list of vessels that have been reported to the ILO as abandoned in various ports of the world by Governments or appropriate seafarers' and shipowners' organizations. The purpose of the database is to monitor the problem of abandoned seafarers in a transparent and informative manner.

The database includes all reported cases from 1 January 2004. In recent years, there has been a relative increase in the number of reported cases, although the number of resolved cases remains comparatively low. From 2011 to 2016, the number of cases per year ranged from 12 to 19. However, since 2017, the cases reported has increased drastically. The numbers for the years 2017, 2018, and 2019 were 55, 44, and 40 respectively. Although a direct linkage is unclear, since the outbreak of the COVID-19 pandemic there was another, alarming spike in cases.

In 2020, the total number of reported cases was 85. In 2021, the total number of reported cases increased to 95. In 2022, the number of new reported cases rose to 119. In 2023, there were 132 new reported cases. In 2024, as of June 19, the total number of new reported cases has reached 142.

The ILO-IMO JTWG discussed the database at its first meeting in December 2022 and [proposed](#) the review of the joint ILO/IMO database of abandonment of seafarers. The IMO Legal Committee, at its 111th session in March 2024, discussed the establishment of a new task force to update the ILO/IMO database on seafarer abandonment. It was acknowledged that the current database requires modernization to improve efficiency, accuracy, and case management. Proposed tasks for the new task force included reviewing and updating operational procedures, ensuring accurate case recording, developing a more advanced electronic system, and creating a framework for standardized annual reports.

*The database can be found at: <http://www.ilo.org/dyn/seafarers/seafarersbrowse.home>.*

## **5.1.2 Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185)**

The Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185) guarantees the rights of seafarers to temporarily enter a country for the purpose of shore leave, transfer or transit. The Convention was adopted by the International Labour Conference in 2003 and amended by the same body in 2016. The latest amendments entered into force on 8 June 2017 and are aimed at aligning the technical requirements of the Convention with the latest standards adopted by the International Civil Aviation Organization (ICAO) regarding the technology for seafarers' identity documents. It is expected that the issuance of the new seafarers' identity document, with technology similar to the one currently in use in electronic passports, will strongly contribute to facilitating seafarers' access to shore leave, transfer and transit, whilst enhancing security in ports through the use of an internationally recognized document.

## 5.2 Fishing

### 5.2.1 [Work in Fishing Convention, 2007 \(No. 188\)](#) and [Work in Fishing Recommendation, 2007 \(No. 199\)](#)

The fisheries sector makes vital contributions to global food security and supports the livelihoods of millions of people worldwide. Seafood is a primary source of protein globally, especially in developing countries. Global fisheries are a limited and shared resource, the increasing global demand on these resources threatens sustainability and global food security. There is a need to promote sustainable fisheries to tackle over exploitation of precious resources and fighting IUU fishing.

In 2018, an estimated 59.5 million people were engaged in the primary sector of fisheries and aquaculture. Of these, 39 million are employed in fisheries and about 20.5 million people were employed in aquaculture. The Food and Agriculture Organization of the United Nations (FAO) [figures](#) shows that women account for



just 14 percent of the 59.5 million people engaged in the primary sector of fisheries and aquaculture in 2018. However, numerous NGOs indicate that in the entire value chain of fisheries and aquaculture sectors, approximately half of the workforce consists of women.<sup>2</sup> Women have a vital presence in labour-intensive activities in both commercial and artisanal fishing.<sup>3</sup> However, they frequently find themselves in precarious positions within the industry and assigned unstable roles or poorly paid and even unpaid positions, typically in the secondary sector. Furthermore, their contributions are frequently under- or not recognized.<sup>4</sup>

Video I. [Decent Work for Fishers](#) (c) ILO

The Convention No. 188, adopted by the International Labour Conference in 2007 revises and updates several earlier ILO fishing Conventions. The objective of Convention No. 188 is to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board, conditions of service, accommodation and food, occupational safety and health, medical care and social security. It sets out binding requirements to address the main issues concerning work on board fishing vessels, including occupational safety and health and medical care at sea and ashore, rest periods, written work agreements, and social security protection at the same level as shore workers. It provides for regulation that will help prevent unacceptable forms of work and open effective enforcement mechanisms upholding the ILO's commitment to ensuring decent working conditions for all fishers in the sector.

The widespread ratification and enforcement of Convention No 188 is key to ensuring that there is effective protection for all the people who working the sector. It is also key to addressing global concerns such as forced labour, human trafficking, and the exploitation of migrant fishers. States that ratify and give effect to the Convention commit to exercising control over fishing vessels, through inspection, reporting, monitoring, complaint procedures, penalties, and corrective measures, and may then also inspect foreign fishing vessels visiting their ports and take appropriate action.

Convention No. 188 came into force on 16 November 2017. As of May 2023, 21 countries have ratified the Convention, with Spain being the most recent country ratifying it. The non-binding [Work in Fishing Recommendation, 2007 \(No. 199\)](#) provides guidance on how to implement the Convention.

<sup>2</sup> The State of World Fisheries and Aquaculture 2020. <https://www.fao.org/state-of-fisheries-aquaculture/2020/en>

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

The ILO has progressed in knowledge development, consensus building, and development cooperation related to the Convention No. 188 and Recommendation No. 199. With a view to promote the ratification and implementation of the Convention, the ILO has been working directly with ILO member States, as well as through ILO projects, to assist countries to undertake gap analyses and validation workshops on Convention No. 188.

### 5.2.1.1 Knowledge Development

- I. [Guidelines on flag State inspection of working and living conditions on board fishing vessels:](#) The Guidelines aim to assist States in effectively exercising their jurisdiction and control over vessels that fly their flag by establishing a system for ensuring compliance with national laws, regulations and other measures through which Convention No. 188 is implemented. Convention No. 188 requires States to have, as appropriate, inspections, reporting, monitoring, complaint procedures, appropriate penalties and corrective measures, in accordance with national laws or regulations. The Guidelines are intended to provide flag States with supplementary practical information and guidance that can be adapted to reflect national laws and other measures through which Convention No. 188 is implemented. They may be used by any government that finds them helpful.
- II. [Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 \(No. 188\):](#) The Guidelines are intended to provide supplementary practical information and guidance to port State administrations that can be adapted to reflect national practices and policies and other applicable international arrangements in force governing port State control inspections of fishing vessels. The Guidelines should be regarded as complementary to the national measures taken by administrations of flag States in their countries and abroad. They are intended to provide assistance to port State administrations in securing compliance with Convention No. 188.
- III. [Frequently Asked Questions: Work in Fishing Convention, 2007 \(No. 188\):](#) The FAQ were developed as part of the Action Plan (2011-2016) to improve the living and working conditions of fishers through the widespread ratification and effective implementation of Convention No. 188. This tool is designed to promote a greater understanding of the Convention amongst ILO constituents, particularly those from the fishing sector. The topics addressed include the scope of its application, the flexibility mechanisms for its implementation, and explanations about the advantages of the Convention for fishers, fishing vessels owners, and ILO member States.
- IV. [Guideline to undertake a comparative analysis of the Work in Fishing Convention, 2007 \(No. 188\) and national laws, regulations, or other measures:](#) These guidelines propose an approach a government may take to determine the extent to which its laws and regulations would need to be adjusted or complemented to meet the requirements of the Work in Fishing Convention, 2007 (No. 188). Undertaking a comparative or “gap” analysis is the first step towards the ratification of the Convention. The analysis involves a detailed legal analysis of national laws, regulations or other measures which are intended to give effect to the provisions of the Convention, and careful examination to determine where changes are needed to amend or otherwise adjust national laws or regulations.
- V. [The flexibility clauses of the Work in Fishing Convention, 2007 \(No. 188\):](#) This sectoral working paper discusses the various types of flexibility clauses found in the Work in Fishing convention, 2007 (No. 188), with a view to assisting those considering making use of these clauses when ratifying and implementing the Convention, to adapt the application of C188 to national circumstances.
- VI. [Handbook for improving living conditions on board fishing vessels:](#) The objective of the Work in Fishing Convention, 2007 (No. 188) is to ensure that fishers have decent working and living conditions on board fishing vessels. The Handbook has been developed to assist competent authorities and the representative organizations of employers and workers in the fishing sector gain a better understanding of Convention No. 188 and Recommendation No. 199. The stimulation of national tripartite discussion will encourage States to take concrete steps towards the implementation and ratification of the Convention.

- VII. [ILO training package on inspection of labour conditions on board fishing vessels](#): The training package responds to the needs for training material while being consistent with the requirements of the Work in Fishing Convention, 2007 (No. 188), to the “Guidelines on flag State inspection of working and living conditions on board fishing vessels” and to the “Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)”. It further draws upon the wealth of practical experiences on labour inspection in the fishing sector gained in recent years from ILO’s constituents and projects. In particular, it seeks to promote cooperation and coordination among the many authorities that may have a role in the inspection of living and working conditions on fishing vessels, with the aim of ensuring decent work for all fishers.
- VIII. [Towards freedom at sea: Handbook for the detection of forced labour in commercial fishing](#): The Handbook is aimed at both State authorities with oversight over different aspects of the commercial fishing industry and at non-state actors directly engaged with fishers or otherwise concerned with labour and human rights in fishing. Although parts of the Handbook are of relevance to artisanal fishing, its principal focus is on the detection of forced labour in the context of industrial fishing activities, including distant water fishing.
- IX. [ILO/IMO Guidelines on the medical examination of fishers](#): The Guidelines, jointly developed by ILO and IMO, identify the main features of a framework for medical examinations and the issue of medical certificates to fishers, provide information to competent authorities to assist with the framing of national regulations that will be compatible with Convention No. 188 and the 1995 STCW-F Convention, and provide information to medical practitioners carrying out fishers’ medical examinations. The Guidelines may be used directly or may form the basis for national guidelines.
- X. [ILO online training courses](#): The ILO’s International Training Centre in Turin, Italy, together with the ILO’s Sectoral Policies Department, is organizing two online training courses in 2024. The "[Training of Inspectors of Labour Conditions on Board Fishing Vessels](#)" will be held from 17 June to 5 July 2024. Additionally, the "[Development and Management of Inspection Systems of Labour Conditions on Board Fishing Vessels](#)" course will take place from 14 October to 15 November 2024.

### 5.2.1.2 Consensus Building

#### ***I. The Joint FAO/ILO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters***

Since 2019, the ILO is a full member of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG) and has participated as such in its fourth session in Torremolinos, Spain, in October 2019. The Joint Working Group adopted a set of Recommendations (see [JWG 4/15](#)). As a follow up to these Recommendations, the ILO has redoubled its efforts to tackle the scourge of forced labour in fishing, and closely coordinates with IMO and FAO on matters related to fighting IUU fishing while ensuring decent work for fishers and safety at sea. This includes active participation in each other’s meetings and events, and jointly promoting compliance with the relevant international instruments. Also, the ILO, FAO and IMO have joined forces to promote the ILO Convention No. 188, the FAO Port State Measures Agreement (PSMA), the IMO Cape Town Agreement and the STCW-F Convention. This inter-agency cooperation helps encourage institutional cooperation at the national government level, which is necessary in the fisheries sector. At the regional level, the ILO has engaged actively with the Regional Fisheries Management Organisations and Regional Fishery Bodies to promote decent work in the fishing sector. This includes embedding labour rights of fishers and the elimination of forced labour in agendas, action plans and mandates that have traditionally focused on environmentally sustainable fishing.

The Fifth Session of the [FAO/ILO/IMO Joint Working Group on IUU Fishing and other related matters](#) (JWG 5) was held from 8 to 12 January 2024 in Geneva. Representatives from the ILO), Food and Agriculture Organization (FAO), and the International Maritime Organization (IMO) gathered to discuss and address key issues in the global fishing industry.

The JWG5 adopted [Recommendations](#) which, inter alia included: urging members to accede to conventions such as the PSMA, CTA, STCW-F, MARPOL, and Convention No. 188 to promote safe, sustainable fisheries and decent working conditions. Enhanced coordination and joint activities among FAO, ILO, and IMO were also emphasized, along with the development of guidance documents to improve information exchange and implementation of international instruments. The importance of enhancing Port State Control (PSC) of fishing vessels was also highlighted. The JWG 5 recommended FAO, ILO and IMO to promote, facilitate and support the initiatives relating to PSC regimes' plan to initiate or strengthen inspection for fishing vessels and the adoption of a policy for the inspection of fishing vessels, in particular through relevant technical support and capacity building projects. The group recommended a study on transshipment risks and measures to mitigate labour, environmental, and safety risks. Members were encouraged to ratify the WTO Agreement on Fisheries Subsidies and promote interagency cooperation to align national legal frameworks with international standards. Addressing forced and child labour in fishing and developing a global strategy for abandoned, lost, or discarded fishing gear (ALDFG) were also recommended. The meeting called for ongoing cooperation among FAO, ILO, and IMO members to strengthen frameworks, promote sustainable practices, and ensure the welfare and safety of fishers globally.

The ILO continues to provide technical support to the IOTC-Indian Ocean MOU collaboration programme endorsed by JWG 4. This programme seeks to explore synergies between the distinct inspection regimes (Port State Control and Port State Measures) and aims to improve coordination and efficiency in implementing respective fishing vessel inspection instruments (including PSMA, CTA, and C.188), facilitating efforts by FAO, ILO, and IMO. JWG 5 recommended that FAO, ILO, and IMO promote and facilitate the development of similar initiatives in other regions, akin to the pilot project involving the IOMoU and IOTC.

## **II. *Joint ILO-IMO meeting to adopt Guidelines for the Medical Examination of Fishers/Fishing Vessel Personnel***

The [Joint ILO-IMO meeting to adopt Guidelines for the Medical Examination of Fishers/Fishing Vessel Personnel](#) was held in Geneva from 12 to 16 February 2024 and adopted [Guidelines on the medical examination of fishers](#).

### **5.2.1.3 Development Cooperation**

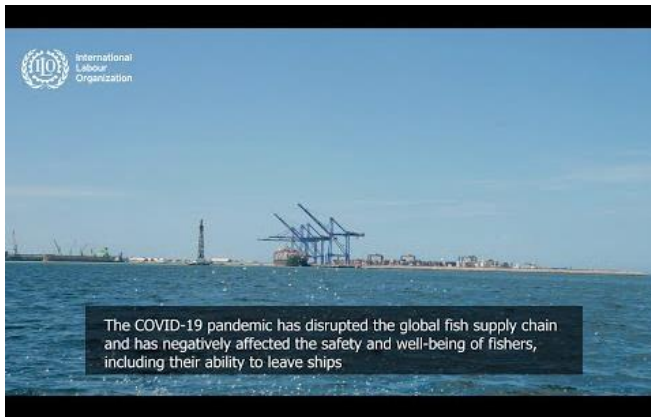
Several ILO projects continue to gain experience in fishing vessel inspection, including projects in Namibia, Southeast Asia, and Peru & Ecuador. The ILO is also collaborating with other organizations to improve working conditions on fishing vessels in the Western Pacific. There is increased interest by Regional Fisheries Management Organizations (RFMOs) and Regional Fisheries Advisory Bodies (RFABs) in labor conditions, and the ILO is engaging with several of these organizations, including FCWC, ICCAT, and WCPFC.

#### **I. Sustainable supply chains to build forward better (SSCBFB) – Project linked to Fisheries in Namibia**



“Sustainable Supply Chains to Build Forward Better” is a joint initiative of ILO and European Commission that sets out to advance decent work in five selected global supply chains for a fair, resilient, and sustainable COVID-19 crisis recovery. The fisheries supply chain in Namibia is one of them. The sector comprises industrialized marine capture fisheries, recreational fisheries, inland capture fisheries, mariculture and freshwater aquaculture. The industry exports over 90 per cent of its total unprocessed and manufactured fish products. The implementation of the project activities in Namibia are aimed at enhancing knowledge and understanding of the decent work gaps and opportunities in the supply chain among policymakers, employers and business and workers; and other stakeholders. To get there, the ILO carried out a [“deep-dive” study](#) in the fisheries sector so as to facilitate the formulation of sector-specific interventions. This report provides an evidence base to support government and industry stakeholders in





developing tools and policy advice and capacity-building initiatives to advance decent work in response to the COVID-19 crisis, making supply chains more resilient, fair, and sustainable.

The project has also developed a [toolkit](#) to better equip the ILO constituents and key stakeholders in Namibia to promote decent work in the fishing sector.

Video II. [The Impact of COVID-19 in the Namibian Fisheries Supply Chains on Regulators and Workers](#) (c) ILO

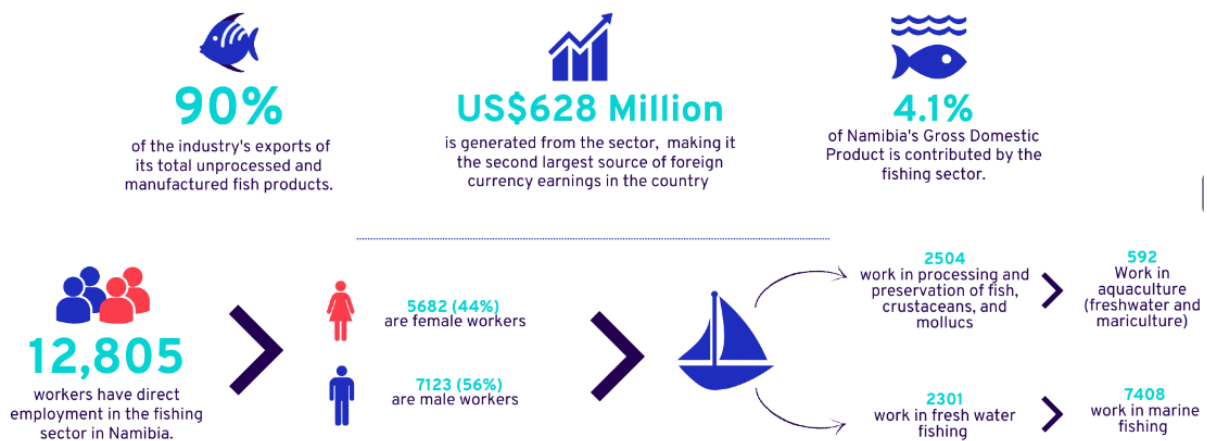


Figure VII. [Context of the fishing sector in Namibia](#). (c) ILO

The project organized a workshop with the Ministry of Labour, Industrial Relations, and Employment Creation to improve coordination among relevant authorities, and to strengthen their ability to apply a [strategic compliance planning approach](#) to inspection in the fishing sector. As a result of the workshop a Strategic Compliance Task Team (SCTT) was created with twelve members from the Government and from workers', and employers' organizations. In the framework of the [Strategic Compliance Planning for Labour Inspectorates](#), the project has furthermore adapted the following tools for the Namibian context: (i) [Field Guide](#) for Carrying out Labour Inspection Visits On-board Fishing Vessels at Port-Side in Namibia; (ii) Leaflet "[Basic Employment conditions for Decent work on board fishing vessels and in seafood factories](#)"; (iii) Leaflet "[How to stay safe while working on a fishing vessel at sea](#)"; and (iv) Development of standardized employment contract templates for permanent (definite/indefinite) and temporal (seasonal, voyage, and short-term) workers in the industrialized marine capture fisheries based on Namibian national laws and the ILO Work in Fishing Convention, 2007 (C.188). The SCTT implemented the following activities among others with the support of the project:

- i. [Basic safety and familiarization certification training for Labour Inspectors](#);
- ii. A first Joint Pilot Inspection in the Namibian fishing sector involving the three key regulatory agencies (the Ministry of Labour Industrial Relations and Employment Creation (MLIREC), the Ministry of Works and Transport, and the Ministry of Fisheries and Marine Resources). In a period of two weeks, the joint inspection team conducted twelve inspections in Lüderitz and in Walvis Bay; directly impacting 306 fishermen that were interviewed, 294 workers employed by the companies, and 12 vessel managers.

- iii. [Training on occupational safety and health provisions on fishing vessels](#) for 42 labour inspectors, shop stewards, fisheries inspectors, and fisheries observers;
- iv. [Sensitization and Training Workshop on C188 for fisheries stakeholders in Namibia](#) (see Picture).



The ILO's Sectoral Policies Department in June 2023 published a [synthesis report](#) which summarizes the findings from rapid assessments and deep-dive research into decent work challenges and opportunities in five sectors and countries, including fisheries in Namibia, highlighting its gender dimension.

The first phase of the project "[Sustainable Supply Chains to Build Forward Better \(SSCBFB\)](#)" ended in March 2023. Building on its success, the second phase called the "[Supply Chains for a Sustainable Future of Work \(SCSFW\)](#)" commenced in April 2023 ending in June 2024. The SCSFW project aimed to promote decent work globally by focusing on selected supply chains connecting specific sectors in three countries (Colombia, Malaysia, and Namibia) and the EU market. This supply chain approach is an entry point for advancing full and productive employment and decent work.

In Namibia, the project continued to support tripartite constituents in the fisheries sector through various training sessions and workshops. In collaboration with Accelerator Lab 8.7 and the ILO/EU SCSFW project assisted Namibian competent authorities ((Ministry of Labour, Industrial Relations and Employment Creation (MLIREC), Ministry of Fisheries and Marine Resources (MFMR), and Ministry of Works and Transport (MWT)) in participating in a workshop on the detection and identification of victims of forced labour onboard fishing vessels. This workshop, involving South African competent authorities (South African Maritime Safety Authority (SAMSA), Department of Forestry, Fisheries and Environment (DFFE), and Department of Employment and Labour (DEL)), laid the groundwork for a memorandum of understanding for the South African competent authorities and the Namibian participants offering support through their gained experiences and skills.

The EU/ILO Supply Chains for a Sustainable Future of Work Project organized: (i) a Joint training on detecting and remediating OSH issues in the fishing sector by competent authorities and the workshop on rights, duties and obligations of shop stewards, vessel captains, chief mates, shore skippers and fishers on board fishing vessels in Walvis Bay; (ii) a [Freedom of association and collective bargaining training](#) workshop in the Namibian fisheries Sector for the social partners and members of the National Tripartite Advisory Committee. It was aimed at understanding the basic concepts of freedom of association, collective bargaining, and its role in prevention and dispute resolution as well as negotiation skills.

The project also supported the competent authorities to do their [second annual joint inspection and a video](#) was documented to provide overall interventions in the fishing sector. Furthermore, in collaboration with the Global Business Network, a new podcast "[Fighting forced labour in fishing: How Namibia became a pioneer](#)" was documented.

The National Tripartite Advisory Committee (NTAC) made the collective decision to evolve into a standing tripartite National Coordination Mechanism on Decent Work in the Namibian Fisheries sector. This will become the first tripartite body to address decent work challenges and opportunities in the supply chain and to ensure coordination between all concerned stakeholders. Such coordination is called for in the ILO Work in Fishing Convention, 2007 (No. 188), which Namibia ratified in 2018. The proposed National

Coordination Mechanism will monitor and evaluate decent work in the Namibian fishing sector through constant, effective, and robust social dialogue between the tripartite members with a bearing on the sector. It will also support and coordinate the full implementation of Convention No. 188, considering the comments of the Committee of Experts on the Application of Conventions and Recommendations on the application of Convention No.188 by Namibia.

[The National Coordination Mechanism](#) was launched on the 19<sup>th</sup> of March 2024, and it was accompanied by an event entitled “Business Forum on advancing decent work in the Namibian fisheries supply chain. The forum aimed at raising awareness among stakeholders about the decent work challenges and opportunities in the Namibian fisheries supply chain. It also sought to facilitate discussions on the potential impact of the European Union Corporate Sustainability Due Diligence Directive (EU CS3D) and the broader trend towards mandatory due diligence on decent work.

To further solidify the work that has been accomplished through the second phase the project secured ILO funding for the 2024-2025 biennium. The proposed intervention will advance decent work in the fishing sector through application of international labour standards (ILS) and strengthening social dialogue and collective bargaining. It responds to the current DWCP 2019 -2024 priorities on strengthening social dialogue and industrial relations through collective bargaining, and increased application of international labour standards in law and practice.

## II. [Ship to Shore Rights Project South East Asia](#)



The first phase of the project, funded by the EU and the ILO, has been working closely with partners including the Thai Government, employers' organizations, workers' organizations, unions, and civil society organizations towards the prevention and reduction of unacceptable forms of work in the Thai fishing and seafood processing sectors from February 2016 to March 2020. In recent years, a number of graphic reports have triggered increased awareness of the serious human and labour rights abuses committed in the Thai commercial fishing and seafood processing industries, particularly against migrant workers. Warnings of IUU have drawn specific attention to the situation. On 10 March 2020, the project published [Endline research findings on fishers and seafood workers in Thailand](#). It captures the changes to the working conditions as well as identifies the needs and challenges for the next phase of reforms in the Thai fishing and seafood processing industry. This project has also contributed to the ratification of Convention No. 188 by Thailand in January 2019 and awareness has been raised about the convention in the Southeast Asian region. The project also contributed to the ratification by Thailand of the 2014 Protocol to the Forced Labour Convention, 1930.

The project has been extended until 2024 in order to reach additional ASEAN States and renamed Ship to Shore Rights South East Asia. It is a four-year (2020-2024) programme implemented by the ILO in collaboration with the IOM and the United Nations Development Programme. The overriding objective is to promote regular and safe labour migration and decent work for all migrant workers in the fishing and seafood processing sectors in South East Asia. This includes strengthening legal frameworks, protecting labour rights, and empowering workers in the fishing and seafood processing sectors in Cambodia, Indonesia, Laos People's Democratic Republic, Myanmar, the Philippines, Thailand, and Vietnam.



Figure IX. Ship to Shore Rights South East Asia countries. (c) ILO

Countries in South-East Asia are among the world's top producers and exporters of fish and seafood products. The fishing and seafood processing supply chains rely on several elements including capture fisheries and land-based primary and secondary processing. Migrant workers contribute significantly to these sectors as fishers and workers in the processing phase. The regulatory framework for labour migration in the fishing and seafood processing sectors is often weak, with migrant workers frequently recruited through irregular and informal channels. While there have been important improvements in recent years, workers still report lack of written work contracts, underpayment or withholding of wages, other types of wage theft, and coercion or involuntary work.

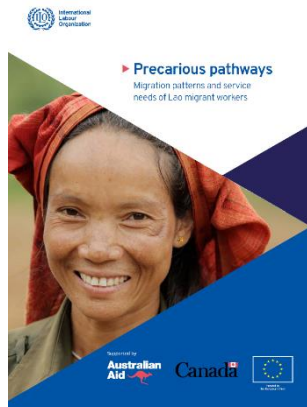
The Ship to Shore Rights South East Asia programme reached peak implementation during 2023-2024, firmly establishing itself as the flagship United Nations initiative addressing safe migration and decent work in the fishing and seafood processing sectors.



Several key Ship to Shore Rights South East Asia interventions began to produce substantive impacts during the last year. Under objective one, the programme works to **strengthen the legal, policy and regulatory frameworks related to labour migration and employment in the fishing and seafood processing sectors**. To date, technical support has provided for the adoption and amendment of 27 policy and legislative instruments. This includes the significant achievement of the ASEAN Declaration on the Placement and Protection of Migrant Fishers, which is the first ever regional policy commitment to enhance the welfare and protection of migrant fishers in South East Asia. Further to the adoption of the Declaration, the programme has provided technical support for the development of the ASEAN Guidelines on the

Placement and Protection of Migrant Fishers, which will be an important regional normative instrument for the provision of labour protection to migrant fishers in Southeast Asia.

An important legislative reform in Indonesia was the enactment of a local decree on joint inspection of fishing vessels in Central Java province. The Decree mandates the Provincial Marine Affairs and Fisheries Office and the Manpower and Transmigration Office of Central Java Province to collaborate on inspection of fishing vessels. This represents an important first step towards establishing a multi-disciplinary model for inspection of fishing vessels, helping to strengthen enforcement of both fisheries and labour legislation in the Indonesian fishing industry. The ILO will continue to support the joint inspection activities to help ensure effective enforcement of labour standards and occupational safety and health on-board fishing vessels.



To contribute to an expanded knowledge base, the Ship to Shore Rights South East Asia programme published the research study [Precarious Pathways: Migration Patterns and Service Needs of Lao Migrant Workers](#) in August 2023. The report presents valuable findings and recommendations that can be applied to improve the existing policy frameworks and service systems – increasing the opportunities for safe migration in the Lao People’s Democratic Republic, including in the fishing and seafood processing sectors.

In addition, the programme published the report [Cambodia’s labour migration governance framework: A comparative analysis with international labour standards for recruitment, work in fishing and forced labour](#). This study represents the first legislative gap analysis to be conducted in Cambodia in relation to the Private Employment Agencies Convention (No. 181); the Protocol of 2014 to the Forced Labour Convention; and the Work in Fishing Convention (No. 188). It highlights the critical importance of ratifying these key international labour standards to strengthen labour rights protection for Cambodian migrant workers.



At the request of the Government of Viet Nam, a [comparative legal analysis](#) is also currently underway of Vietnam’s legislation in relation to Convention No. 188 and Recommendation (No. 199). The findings will support the Government to identify the changes that are needed to bring its legal and regulatory framework into line with the articles of the Convention and move forward with the ratification process.

In terms of communication products, the Ship to Shore Rights South East Asia programme has reached more than 2.3 million people through social media, websites, newsletters, in-person events and outreach activities. The programme has leveraged digital engagement as a key strategy for reaching potential, current and returning migrant workers and their family members with accurate and up-to-date information. In Myanmar, the ILO partnered with the BBC Media Action to implement a digital outreach campaign through the “Yay Kyi Yar” Facebook page with information on safe migration, fair recruitment, labour rights protection, violence against women and gender-based discrimination in the workplace. Sharing highly engaging and relatable content – such as videos of human-interest stories on Myanmar migrants abroad and expert interviews – the page now has over 1.5 million followers across 10 countries (41% women). One indication of the strong rapport that the Yay Kyi Yar Facebook page has built with its online audience is that many of them approach the page seeking essential services. More than 500 requests for direct assistance have been received from migrant workers through Facebook Messenger and were referred to service providers for further support. See [Yay Kyi Yar video “Things to be aware of when working in the seafood industry”](#) (3.15 million views).



Under its second objective, the Ship to Shore Rights South East Asia programme works to **increase protection of labour rights and safe and secure working environment for migrant woman and men**

**workers in the fishing and seafood processing sectors.** To date, a total of 13 operational tools were developed and institutionalized to strengthen enforcement of labour and anti-trafficking laws and capacity building training was provided to 3,367 tripartite plus stakeholders (56% women) on enforcement of laws and application of good labour practices.

To improve private sector employment practices, the Ship to Shore Rights South East Asia programme has been supporting the Thai Tuna Industry Association and the Thai Frozen Food Association to implement the Seafood Good Labor Practice (GLP) programme in Thailand. The objective of the partnership is to enhance the impact of the GLP programme through strengthening the credibility of factory visits to measure compliance through engagement of civil society organizations, establishing a functional industry-level grievance mechanism and improving public reporting on GLP compliance to ensure transparency and accountability of member companies. The GLP programme helps to ensure that more than 75,000 workers in Thailand's seafood processing industry are employed in line international labour standards. To build interest in replicating the programme in other countries, the ILO supported knowledge sharing between Thailand industry associations and the Indonesian Pole and Line and Handline Fisheries Association.

During the last year, the ILO launched a pilot project in Ranong province of Thailand to improve the effectiveness of port-in/port-out inspections, convening three meetings to improve collaboration between the Department of Labour Protection and Welfare, Department of Fisheries, Ranong Fisheries Association, workers' organizations and other relevant stakeholders. The parties reached agreement that they will work together to disseminate standard first aid kits to fishing vessels and that vessel owners will be responsible for replenishing the kits when depleted.

Under the third objective of the programme, Ship to Shore Rights South East Asia seeks to **empower women and men migrant workers, their families, organizations and communities in the fishing and seafood processing sectors.** During the last year, the programme continued to fill major gaps in access to information and services for migrant workers. A network of 20 Migrant Worker Resource Centres (MRC) has been established across South East Asia, including in Thailand, Lao PDR, Cambodia, Myanmar, Viet Nam, Indonesia, to provide direct services to migrant workers in the fishing and seafood processing sectors. Through the MRCs, individualized support services have been provided to 147,044 migrant workers and their family members, including facilitating EUR 663,104 in remedies awarded for labour rights violations and accident compensation claims.

To increase worker voice and agency, the ILO supported trade unions in Thailand and Cambodia to sign a bilateral "Collaborative Agreement between the Fishers' Rights Network and the Cambodian Labour Confederation on Improving Labour Rights Protection for Cambodian Migrant Workers in Thailand's Fishing Sector". The agreement includes 4 key objectives: (1) Access to safe migration information is expanded; (2) Trade union membership is increased to build worker power; (3) Access to justice is expanded; and (4) Bilateral trade union cooperation and advocacy is enhanced. Implementation of the agreement has started, with the Fishers' Rights Network joining pre-departure orientation activities in Cambodia and regular bilateral meetings taking place.

In addition, the ILO signed implementation agreements with 8 trade union partners to empower migrant workers through organizing and expanded access to information and services, covering all programme target countries: (1) Cambodian Labour Confederation; (2) National Union Alliance Chamber of Cambodia; (3) Lao Federation of Trade Unions; (4) Confederation of Trade Unions Myanmar; (4) Trade Union Federation of Food, Beverage, Tourism, Restaurant, Hotel and Tobacco (Indonesia); (5) SENTRO (Philippines); (6) International Transport Workers' Federation (Philippines); (7) Fishers Rights Network (Thailand); and (8) National Syndicate for Workers in Fisheries (Viet Nam). Through these partnerships, the programme has emphasized the critical need to build worker power among migrant fishing and seafood processing workers to address major imbalances between migrant workers and their employers in South East Asia.

In recognition of the major sectoral challenges with providing safe working environments of fishers, the programme has continued its efforts to improve occupational safety and health (OSH). In Thailand, the ILO collaborated with Stella Maris, Prince of Songkhla University, local government officials and employer associations to provide safety training for fishers in seven coastal provinces. The training content included basic first aid, rescue, lifesaving techniques, fire safety, working in confined spaces, medical care, workers' compensation for injuries and other topics. Most of the participants were migrants from Myanmar and Cambodia who had never received any form of safety training before.

## Outcome story from the MRC in Kawthoung, Myanmar



### Trafficked to Indonesia, Ten Myanmar Fishers Return Home after Two and a Half-Years

In October 2019, ten fishers from Myanmar signed employment contracts with a group of brokers representing two recruitment agencies. The fishers left for Singapore later that month, where they boarded a Chinese-owned fishing vessel and fished for 6 months on the Indian Ocean. They were then transferred against their will to work on several other fishing vessels.

The working conditions they experienced were extremely poor and very little food and drinking water was provided. The fishers were forced to work excessive hours and did not receive the 10 hours of rest they should have received each day. One of the fishers said, “We often had a break for only two or three hours a day and had to rest as much as we could at these times. We were also bullied and beaten by the crew when we made a mistake.”

A year after they started work, the 10 fishers were informed they would be returned to Myanmar and were beginning their journey home. However, upon reaching Batam island in Indonesia, their passports were confiscated by an Indonesian recruitment agency so that they could not leave.

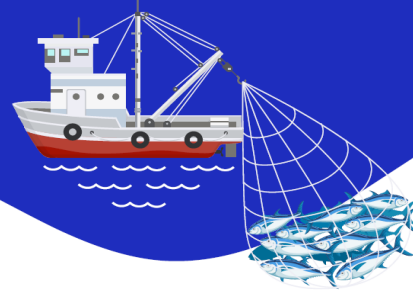
Stranded in Batam, the fishers reached out to the Foundation for Education and Development in Myanmar for help. Through extensive inter-agency cooperation, the ten fishers were finally able to return home in March 2022. They were provided them with shelter, food and local transportation, as well as legal assistance so that they could seek redress. After more than a year of investigation, one of the brokers involved was sentenced to seven years in prison for human trafficking. The fishers are still fighting to receive compensation for their unpaid wages, having received only US\$600 each to date.

### Way forward

In the coming year, the Ship to Shore Rights SEA programme will shift its approach to ensure it is able to fully capitalize on the progress achieved to date and galvanize its impact. Key policy initiatives are expected to come to fruition, including the development of ASEAN Guidelines on the Protection and Placement of Migrant Fishers, negotiation of a bilateral agreement between Cambodia and Thailand on recruitment of migrant fishers, progress towards harmonization of laws and regulations governing the fishing industry in Indonesia, the establishment of the Lao Employment Service Association and other key policy developments. Sharing of lessons learned and good practices will be supported through a regional assessment and workshop on MRCs, replication of the Seafood Good Labour Practice programme in Indonesia, initiation of joint vessel inspections in Central and West Java and development of sector-specific pre-departure orientation curricula for migrant fishers in the Philippines and Lao PDR. In addition, the scope of the MRC network will be expanded further in Indonesia and Thailand and the long-term sustainability of MRC operations strengthened through capacity development and institutionalization.

# Ship to Shore Rights South East Asia programme

## Key results As of 2023



### Research

#### 15 knowledge products

published and disseminated to promote evidence-based policies and practices.



### Information dissemination

#### 2,316,087 people were reached

with information through communication campaigns and products.



### Legislative development

#### 27 policies and laws

adopted or amended to improve labour standards in the fishing and seafood processing sectors.



### Referral and support for trafficking survivors

#### 644 national and transnational referrals (37% women)

425 survivors of trafficking (14% women) were provided with assistance for return and reintegration.

### 125 national and international media stories

covering the interventions of the Ship to Shore Rights South East Asia programme.



### End-to-end support services

6,783 migrant workers (37% women) were provided with pre-departure orientation seminars.

10,887 migrant workers (44% women) provided with assistance to reintegrate in countries of origin.



### Capacity building

3,367 stakeholders (56% women) were trained on enforcement of laws and application of fair recruitment/good labour practices.



### US\$ 663,104

awarded to migrant workers as remedies for labour rights violations and compensation claims.



### Migrant Workers Resource Centres (MRCs)

20 MRCs operate across key countries of destination and origin.

147,044 migrant workers and their family members (43% women) were provided with support services.

13 operational tools to strengthen capacities to combat trafficking and unacceptable forms of work institutionalized.

55 seafood processing enterprises are regularly audited for compliance under the Seafood Good Labour Practice Programme.

### US\$ 942,938

spent on activities to expand gender equality and women's empowerment.



### III. The 8.7 Accelerator Lab programme

The 8.7 Accelerator Lab is an initiative of the ILO Fundamental Principles and Rights at Work Branch (FUNDAMENTALS). It was created to accelerate progress towards the eradication of forced labour and the elimination of child labour by optimizing the effectiveness of development cooperation interventions by embracing six acceleration factors that address root causes, prioritize vulnerable populations, secure political support and sustainable funding, and leverage innovation and knowledge creation and exchange. Implementation and scaling up of successful interventions are done at the national, regional and global levels, with an emphasis on empowering governments, workers, employers and civil society to take actions that prevent and address forced labour and child labour issues.

## 8.7 Accelerator Lab

The 8.7 Accelerator Lab targets interventions at the national, regional, and global levels, leveraging the use of strategic entry points through an integrated and sectoral approach.

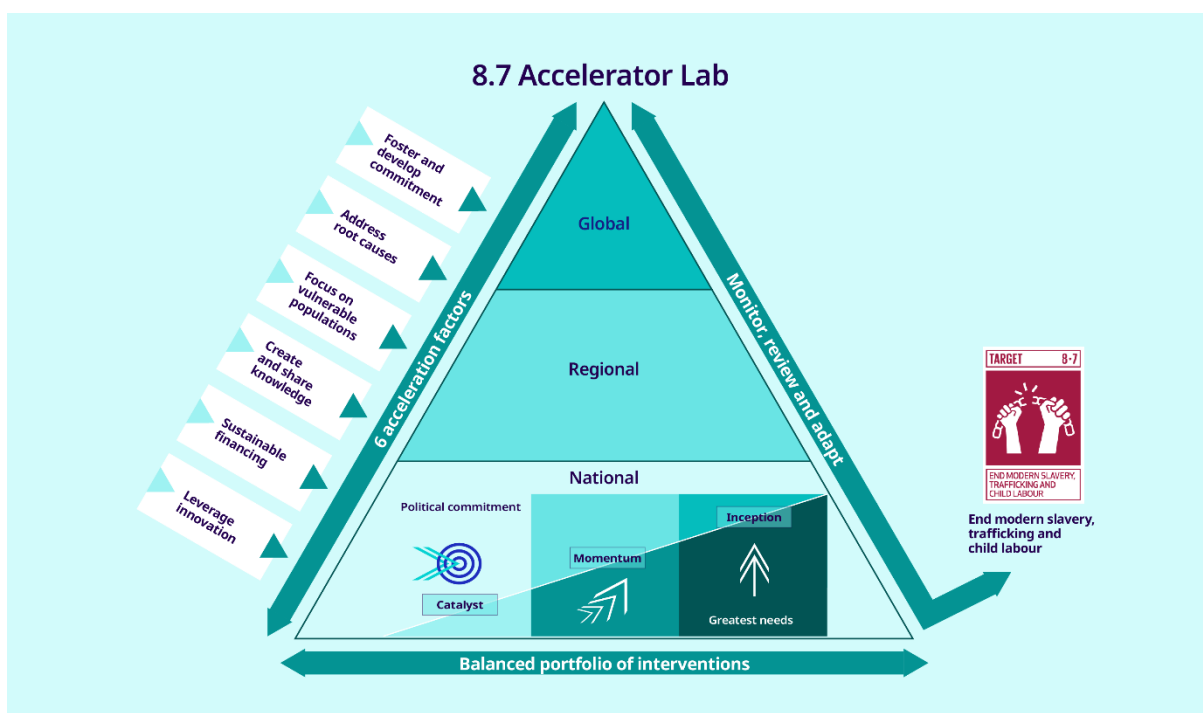


Figure X. 8.7 Accelerator Lab Strategy. (c) ILO

The 8.7 Accelerator Lab is currently implementing the first phase of an innovative approach to promote decent work in the fishing sector in Ghana, Indonesia, and South Africa, as well as at regional and global levels as follows.

#### At the national level, among other things, the ILO has:

- Supported improvements of the legal and regulatory frameworks to develop appropriate labour standards for fishing vessels by:
- Supported the ratification and implementation of the ILO Work in Fishing Convention and other fundamental Conventions;
- Established Tripartite Committees for the improvement of living and working conditions in the fishing sector;
- Developed National Coordination Mechanisms between labour, maritime and fisheries inspectors to improve enforcement of labour standards on board fishing vessels; and
- Built the capacity of fisheries, maritime and labour inspectors to detect forced labour in fishing.
- Strengthened the role of social partners and civil society in the eradication of forced labour in the fishing sector by:

- Established Trade Union Networks to harmonize and improve protection efforts to organize fishers, protect their freedom of association and promote collective bargaining in the sector;
- Established Employers' Labs that bring together owners, recruiters, and buyers to facilitate improving working conditions at the national level; and
- Initiated / strengthen the capacity of constituents and partners in the provision of quality services such as pre-departure trainings and advice and complaints desk for workers such as through Migrant Resource Centres and Fishers' Welfare Centres.

*"We're optimistic about the progress we can make with the support of the ILO to improve working conditions along the fisheries value chain."*

-- Mr Séraphin Dedi, Secretary-General of the FCWC

#### **At the regional level, the ILO has:**

- Supported the incorporation of labour rights into the agendas and mandates of several Regional Fishery Bodies and Regional Fisheries Management Organizations;
- Supported the development of legally binding and non-binding instruments such as protocols and resolutions on labour standards for regional fisheries organizations; and
- Supported the development of a policy statement to advance the promotion of decent work and the elimination of forced labour in the fisheries sector in a regional development community.

#### **At the global level, the ILO has:**

- Initiated exchange between sending countries of migrant workers and key Port States;
- Incorporated labour rights into global fora on ocean governance such as the UN Ocean Decade Conference, the Our Oceans Conference;
- Supported the development of a handbook on the detection of forced labour in fishing;
- Developed tools for journalists to report on forced labour in fishing;
- Bridged the gap between digital technology actors and ILO constituents; and
- Integrated forced labour issues on fishing into business education.



Video IV. [Cape Town: Training and Pilot Inspection on the Detection of Forced Labour in Fishing](#). (c) ILO

For more information on the work of the ILO in Fisheries in general, see: [Fisheries \(ilo.org\)](https://www.ilo.org/fisheries)

## 5.2.2 Aquaculture

Aquaculture, defined as the cultivation of aquatic organisms in controlled aquatic environments involving interventions in the rearing process to enhance production, is an important source of income and livelihoods for many rural communities, both coastal and inland. The sector has grown dramatically over the past five decades and now accounts for half of the world's fish food supply.

The aquaculture sector provides an important source of employment, income and livelihoods, especially in rural communities, both coastal and inland, for developing countries. Globally, aquaculture today provides direct work for an estimated 20.5 million people, accounting for approximately one third of all workers engaged in fisheries and aquaculture. Women constitute a significant proportion of the aquaculture workforce, especially in processing. While no up-to-date data on indirect employment generated through aquaculture-related activities is available, it is estimated that for each person employed in primary production in aquaculture and capture fisheries, about three to four related jobs may be involved in secondary activities, including the processing, marketing and service industries.<sup>5</sup>

Despite its growing contribution to employment, rural livelihoods, economic development, food security and nutrition in many countries, aquaculture faces significant decent work deficits, alongside other important social and environmental challenges. These may include: the prevalence of informality and discrimination; the presence of child and forced labour, primarily in the informal economy; a lack of organization and social dialogue; low and insecure wages and incomes; low levels of skills; low productivity; poor working conditions and occupational safety and health (OSH) practices; limited social protection; and lack of stable and formal contracts.<sup>6</sup> Harnessing aquaculture's potential to effectively contribute to feeding the world's growing population in the decades to come will require concerted efforts to promote sustainable enterprises and decent work for its workforce.

To discuss challenges and opportunities for the promotion of decent work in the aquaculture sector, the ILO convened a [Technical meeting on the future of work in aquaculture in the context of the rural economy](#), held in December 2021, which brought together experts representing governments, employers and workers. In follow up to the [Conclusions](#) adopted by this meeting, the International Labour Office has been conducting research on existing and emerging OSH risks in the sector with a view to elaborating a Code of Practice on the subject. A meeting of experts to adopt an ILO Code of Practice on Safety and Health in Aquaculture will be held in November 2025. Research is also being conducted to update the ILO-FAO Guidance on addressing child labour in fisheries and aquaculture, first published in 2013, to improve the understanding of the nature, scope, causes, contributing factors and consequences of child labour in aquaculture. An expert workshop to discuss the draft guidance will be held in FAO HQ in Rome in September 2024.

## 5.3 Ports

As the transport sector has become increasingly competitive and global, many developments have taken place in the organization of work in ports which have affected labour and social conditions in the industry. There are 856 international ports,<sup>7</sup> and over 2,000 ports in total in the world.<sup>8</sup> Port facilities have historically played a pivotal role in seafarer well-being through the provision of welfare services and facilities. These can range from port-based welfare services, including contacts with welfare workers, the use of seafarer canters and port-based facilities, communication with family and friends, shore leave and the provision of spiritual services. The international labour standards in the ports sector are [the Dock Work Convention, 1973 \(No. 137\)](#) and [Dock Work Recommendation, 1973 \(No. 145\)](#) and the [Occupational Safety and Health \(Dock Work\) Convention, 1979 \(No. 152\)](#).

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<sup>5</sup> FAO, [Improving governance of aquaculture employment: A global assessment](#), 2014

<sup>6</sup> ILO, [The future of work in aquaculture in the context of the rural economy](#), Geneva, 2021; FAO, [Scoping study on decent work and employment in fisheries and aquaculture ...](#); FAO, [The State of World Fisheries and Aquaculture 2020](#), 118; and ILO studies conducted as part of the EU-ILO-OECD Responsible Supply Chains in Asia programme, report forthcoming.

<sup>7</sup> World Bank. [Data Catalog – International Ports](#), updated 16 June 2020.

<sup>8</sup> ILO (2002). [Dock Work. General Survey of the reports concerning the Dock Work Convention \(No. 137\) and Recommendation \(No. 145\), 1973, Report III \(Part 1B\)](#), International Labour Conference, 90th Session, p. 14; and Sestini, G., Jeftic, L. and D. Milliman (1989). [Implications of expected climate changes in the Mediterranean region: An overview](#), United Nations Environmental Programme Regional Seas Reports and Studies No. 103, 1989, p. 13.

### **Development Cooperation: The Portworker Development Program**

The ILO is the primary agency responsible within the UN system for the protection of port workers' interests, health and safety. The ILO has accumulated expertise and experience in establishing various international institutional frameworks and labour standards through a series of conventions and tools relevant to the port sector. For this reason, the ILO is uniquely positioned to develop and provide the required training materials for ports, with a proven capability of improving working conditions and productivity of container and bulk port terminals.

The ILO's Portworker Development Programme in Container Terminals (PDP I) has successfully contributed to the goal of creating greater opportunities for port workers to obtain decent work and to ensure their safety, health and welfare. Since its launch in 1989, it has been adopted by more than 70 organizations and major terminals and translated into 9 additional languages. ILO has organized several Training of Trainers (TOT) workshops for supporting the implementation of PDP I in the countries, including two interregional programmes held in ITC/Turin in 2012 and 2013.

Based on the success of PDP I, the ILO launched the Portworker Development Program in Bulk Terminals (PDP II) in 2014. Its main objective was to enable governments and port authorities of developing countries to establish effective and systematic portworker training schemes for port workers in bulk terminals. PDP II covered five major bulk cargoes, namely iron core, coal, fertilizer, grain and bauxite/alumina. The materials were tested in selected ports in Asia and the first training course was subsequently held in the Republic of Korea. To maximize the effectiveness of the PDP II training programme and ensure its sustainability in the medium and long term, substantial activities to promote the use of PDP II materials need to be put forward by the ILO and interested partners at the global level.

In this context, it is important to organize regular Training of Trainers (TOT) workshops to train PDP II chief instructors and terminal managers from all over the world. In light of the unprecedented pandemic and the resulting strict travel restrictions adopted by almost all countries, two TOT on-line workshop were conducted in 2021 and 2022, through which 27 trainers successfully completed PDPII. The ILO held first face-to-face training workshop on PDPII in Busan, South Korea, from 12 to 18 June 2023. In 2024, another workshop on PDP II was held at the Korea Port Training Institute Busan, located in Busan, Korea, from April 22 to 28. This workshop was a crucial step in the ongoing efforts to improve the port industry globally and was part of the broader PDP initiative. This 7-day training workshop was customized for instructors and managers from bulk terminals in the Republic of Korea, considering the specific characteristics of these terminals.



Figure XI. Crane Workers in the harbour of Dar Es Salaam. (c) ILO

**PDP I and PDP II materials are available at the ILO webpage upon registration on the site.**

More information is available on the website: [Portworker Development Programme \(ilo.org\)](https://www.ilo.org/portworkerdevelopmentprogramme)

## **5.4 Developments Affecting the Shipping, Fishing and Port Sectors**

### **5.4.1 Lessons learned and follow-up to the COVID-19 pandemic**

In May 2023, the WHO [announced](#) that COVID-19 is now an established and ongoing health issue which no longer constitutes a public health emergency of international concern. The ILO continues to assure a human-centred and job-rich recovery from the pandemic. According to the [ILO Monitor on the World of Work – 11th edition](#) published on 31 May 2023, various global shocks and risks, including the war in Ukraine and the lingering effects of the COVID-19 pandemic, are holding back labour market recovery, especially in low- and middle-income countries. There is an unequal jobs gap globally, especially for women.

*“Healthcare workers...seafarers...continued to perform their jobs, day in and day out, even at the height of the pandemic, often at great personal risk,” said ILO Director-General, Gilbert F. Houngbo.*

The pandemic has negatively affected the safety and well-being of seafarers and fishers, their ability to join their vessels and return home, and the future of their jobs. In some parts of the world, suppliers had been prevented from boarding ships to give masks, overalls and other personal protective equipment to crews. Seafarers were confined to vessels for months because of restrictions on international travel and measures to contain the virus with ports refusing vessels that had previously docked in areas affected by COVID-19, to dock, impeding on a crew change, preventing such vessels from obtaining essential supplies and denying medical care ashore. Whilst there were huge shifts in the day-to-day life of the world, the need for food supplies, medicine and everyday good remained. With maritime trade shipping over 90 per cent of all goods, it is imperative to have measures in place that ensure the safe and efficient movement of ships and the

health of the seafarers who operate them.

► **Joint Action Group to review the impact of the COVID-19 pandemic on the world’s transport workers and the global supply chain (JAG-TSC)**

The [JAG-TSC](#) was established at a meeting of the Director-Generals of the ILO and the World Health Organization (WHO) with the heads of international transport organizations on 6 December 2021. It held three technical meetings where it discussed ways to minimize adverse impacts on transport workers, their families, global trade and supply chains during the COVID-19 pandemic, while at the same time ensuring that public health needs are fully safeguarded, and local communities are protected.

On 24 January 2023, the Principals of the organizations concerned adopted [Recommendations](#), which include actions to be taken by all JAG-TSC Members, by the UN system as a whole, specifically by the UN agencies concerned, through UN Resident Coordinators and Country Teams, and by the international transport sector organizations themselves. They also call on Governments to take concrete actions to protect the rights of transport workers during future public health emergencies of international concern (PHEICs), as well as with continued impact of the COVID-19 pandemic. A [video](#) was prepared to sensitize UNRCs and UNCTs of the importance of maritime shipping and seafarers and obligations of ratifying States under MLC, and to prepare them for future crisis, stressing the importance of an inter-Ministerial approach, including all Ministries and Authorities concerned with the response to PHEICs.

*“... Valuing key workers means ensuring that they receive adequate pay and work in good conditions. Decent work is an objective for all workers but it is particularly critical for key workers, who provide vital necessities and services both in good times and bad.”*

► **UN Ad hoc inter-agency Task Force on the impact of COVID-19 on seafarers**

Based on the 2021 Resolution concerning the implementation and practical application of the MLC, 2006 during the COVID-19 pandemic emanating from the Fourth Meeting (Part I) of the Special Tripartite Committee, the UN Ad hoc inter-agency Task Force on the impact of COVID-19 on seafarers was convened to examine the implementation and practical application of the MLC, 2006 during the pandemic, including its impact on seafarers’ fundamental rights and on the shipping industry. The Task Force was comprised of several UN agencies and entities and was co-chaired by ILO and IMO. It has met three times in 2022 and submitted a report to the UN Secretary-General’s Deputies and Executive Committee in July 2023, which issued a decision on actions to be advanced. Accordingly, ILO and IMO will work together towards the harmonious implementation of the MLC; efforts will be made to ensure that seafarers are trained on their rights under MLC, training of Port State Control Officers on MLC inspection is improved, and appropriate text is included in the new WHO pandemic instrument to ensure that the situation of seafarers is taken into account during PHEICs; and existing platforms will be used to assist UN Resident Coordinators and UN Country Teams to assist States to raise awareness of obligations of States that are members of the MLC, 2006, including in the context of PHEICs.