

Ensuring safe and decent working and living conditions for fishers in the Indian Ocean

Summary

The International Labour Organization (ILO) estimates that commercial fishing is one of the world's most dangerous professions, yet fishing vessels, their crews and observers are exempt from nearly all international maritime regulations. These exemptions can lead to the endangerment of lives and allow exploitative practices to occur undetected. In an effort to maximize profits, operators who fish illegally or misreport catch often cut corners with how they manage, maintain and operate vessels, impacting seaworthiness and safety. Workers are further endangered through insufficient on-board safety equipment and training. The vessels frequently operate at sea for extended periods without undergoing safety inspections, are apt to fish in dangerous weather and are less likely to maintain decent working and living conditions for their crew. There are two tools available to States that are targeted at addressing this: The Cape Town Agreement (CTA), which has yet to enter into force, and the Work in Fishing Convention (C188) which is in force, but not widely ratified. In October 2019 in Torremolinos, Spain, the International maritime Organization (IMO) will be hosting a Conference aimed at promoting these issues.

Introduction

The Cape Town Agreement

The IMO [Cape Town Agreement](#) (CTA) on fishing vessel safety will set minimum requirements on the design, construction, equipment, and inspection of fishing vessels 24 meters/300 gross tonnes or larger that operate on the high seas. It is not applicable to bunker vessels, fish carriers, or support vessels. It is possible for national administrations to extend this applicability to their own, smaller domestic fishing vessels, but this is not automatic. It calls for harmonized fisheries, labor, and safety inspections and so its entry into force would empower port and coastal States to carry out vessel safety inspections that could be aligned with fisheries administrations and labor agencies, to improve transparency of fishing and crew activities.

The treaty consists of minimum safety measures for fishing vessels that mirror the International Convention for the Safety of Life at Sea (SOLAS)—an internationally binding treaty on safety for merchant vessels that entered into force in 1980. The CTA will enter into force once 22 States with a total of 3,600 eligible fishing vessels join. Currently, 11 States with 1,413 fishing vessels have ratified the CTA.

The CTA has 10 chapters. Chapter 1 outlines the application, eligibility and scope of the provisions. Chapters 2-10 give detailed design, construction and equipment requirements for fishing vessels. They are listed under three categories based on a vessel's size: 24-45 meters, 45-60 meters, and more than 60 meters. The requirements are aimed at ensuring that vessels remain watertight, weathertight, strong and stable, even under adverse conditions such as ice and extreme weather. Guidance is given to ensure that spaces are not dangerous to crew, that lifesaving apparatus are available and sufficient, and that adequate emergency procedures are in place. It stipulates that vessels should have regular drills that include all crew and observers. In addition, vessels must be fitted with radio-communications equipment capable of transmitting and receiving search and rescue information, distress signals and all other relevant communications. Vessels must also be able

to safely navigate and signal. Most chapters apply only to newly constructed vessels, and some can be implemented over an extended period after ratification (see table below for more detail).

The Cape Town Agreement				
Chapter	Content	Application		Time to implement
		New	Existing	
II	Construction	X		Upon ratification
III	Stability	X		Upon ratification
IV	Machinery	X		Upon ratification
V	Fire Safety	X		Upon ratification
VI	Crew Protection	X		Upon ratification
VII	Life Saving Appliances	X		Up to 5 years after ratification
VIII	Emergency Procedures	X	X	Up to 5 years after ratification
IX	Radiocommunications	X	X	Up to 10 years after ratification
X	Navigational Equipment	X	X	Up to 5 years after ratification

The Work in Fishing Convention

The ILO Work in Fishing Convention (C188) sets out binding requirements to address the main issues concerning work on board fishing vessels, including ensuring occupational safety and health, medical care at sea and ashore, rest periods, written work agreements, and social security protection are at the same level as other workers. It seeks to ensure that fishing vessels are constructed and maintained so that fishers have decent working and living conditions on board. By ratifying the C188, States commit to exercising control over fishing vessels through inspection, reporting, monitoring, complaint procedures, penalties and corrective measures. The C188 entered into force in November 2017, and currently 14 States have ratified the Convention.

The C188's provisions cover vessels of all sizes and all vessels engaged in commercial fishing operations, although some are not applicable to vessels less than 24 metres in length. Progressive implementation of requirements and exemption options are present to aid application. The Convention has nine parts. Part 1 outlines the definitions and scope of the Convention. Parts 2-9 give detailed requirements for work on fishing vessels, including conditions of service, standards for accommodation, food, medical care, health protection and social security.

The requirements are aimed at ensuring a competent authority is designated, that the skipper is provided with the necessary resources to comply with the Convention and determines that the ultimate responsibility for this lies with the fishing vessel owner. Provisions state that the minimum

age for work on board a fishing vessel shall be 16 years (or 15 where they remain in relevant training) and that all fishers obtain a valid medical certificate. It states that fishing vessels must be sufficiently and safely manned by fishers that are provided adequate rest periods and must carry a crew list, medical equipment and first aid trained people onboard. Fishers must be afforded the protection of a fisher's work agreement outlining regular payments and are entitled to repatriation should their agreement expire or be terminated whilst they are in a foreign port. Accommodation on board fishing vessels shall be of sufficient size and quality and appropriately equipped for the service of the vessel and the length of time fishers live on board. Finally, that measures must be taken to minimise occupational accidents and provide social security protections.

Benefits

For coastal and port States, ratification and implementation of the CTA and C188 would provide higher safety standards and better working and living conditions for foreign-flagged vessels operating in their coastal waters. It would increase the oversight of fishing operations, working conditions and safety standards, including seaworthiness, of foreign-flagged vessels. Requirements can be applied to foreign-flagged fishing vessels by a coastal or port State, even where the flag State is not a party to the CTA or C188 (outlined in the "no more favourable treatment" clause). Considering the extensive combined area of the exclusive economic zones (EEZs) of IOTC Members and the high number of foreign-flagged fishing vessels licensed to operate in these EEZs, this issue is especially relevant to IOTC Members, even those without large national fishing fleets.

For flag States, ratification of the CTA and C188 will ensure decent working and living conditions and create minimum safety standards for a huge proportion of the global fishing fleet, potentially saving the lives of a large number of fishers and observers operating in the IOTC convention area. Requiring safety standards for fishing vessels and carrying out regular inspections in line with the CTA and C188 will make fishing activities and overall vessel safety and working conditions more transparent. Vessel operators will be forced to invest in the safety and welfare of their crews and observers, making it more difficult for them to be exploited. Regular inspections by flag and coastal State authorities will also make it harder for operators to fish illegally and allow these actions to go undetected.

States that implement the CTA and C188 also demonstrate to the international community that they want to ensure safe and decent working conditions for fishers and take their flag State responsibilities seriously

Opportunities

To promote the CTA and provide an overview of links with the C188, the IMO will be co-hosting a Ministerial Conference on Fishing Vessel Safety and Illegal Fishing with the government of Spain, 21-23 October 2019 in Torremolinos, Spain. The Conference will be held back-to-back with the Joint FAO/IMO Working Group on IUU Fishing, 23-25 October 2019 in the same venue. Attendance by IOTC Members is extremely important considering the impacts IUU fishing, fishing vessel safety and working conditions of crew and observers have on the Indian Ocean region. If required, support can be made available for participants from interested IOTC Members to attend both meetings via the IMO International Technical Cooperation Programme. Attendees will have the opportunity to commit to ratification of the CTA in a ceremony with the IMO Secretary General, or to deposit their instrument of ratification during the meeting.