

**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 76/72 of 9 December 2021,
entitled ³ 2 F H ~~and~~ V**

Links to UNCLOS

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 6. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

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.

ILO and the Blue Economy

Blue Economy is a broad concept, with many possible and mutually inclusive definitions. 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*.¹ The World Bank defines the Blue Economy as *the sustainable use of ocean resources for improved livelihoods and jobs, and ocean ecosystem health*.² 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 a workplace. The ILO has intervened at the UN Oceans Conference to highlight the sectoral approach to the Blue Economy and the fact that 350 million livelihoods depended on the oceans, with shipping, fishing and coastal tourism providing working opportunities for many.

Since then, a few notable events organized by the ILO concerning the Blue Economy have taken place such as a conference held in the Seychelles, from

economy. Furthermore, in 2020, the Director General of the ILO made a statement to include the ocean economy at the Virtual Oceans Dialogue of the World Economic Forum.⁴

More recently, from July

I. Shipping

A. *Maritime Labour Convention, 2006, as amended*

Adopted by the ~~KNQ~~ Member States in February 2006, the MLC, 2006 brought together a large number of 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,

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 Cod Regulations and the (non

The 2022 STC Meeting adopted eight

ii. *Subcommittee on Wages of Seafarers of the Joint Maritime Commission*

This Subcommittee, composed of seafarers and ~~uj k qy pgtuø~~ representatives, meets every two years for the purpose of updating the minimum monthly basic pay or wages of able seafarers,

- identify and prioritize countries for specific, coordinated action by the UN system, in coordination with UN Regional and Country Offices as required;
- recommend actions to be taken at the international level, and identify gaps in the existing international guidance and operational protocols.

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

The Task Force was established by the United Nations Secretary-General's Executive Committee on 14 January 2022, with the aim to examine the implementation and practical application of the

B. Seafarers ¶

applicable international arrangements in force governing port State control inspections of fishing vessels. The Guidelines promote harmonization in the implementation of the provisions of Convention No. 188 concerning port State responsibilities.

Consensus Building

The Joint

ILO carried out a deep-fkxgø study in the fisheries sector so as to facilitate the formulation of sector specific interventions. The findings from this major study will lead to the development of tools, training and policy guidance, which will enhance knowledge and

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

Ship to Shore Rights South East Asia is a four year (2020-2024) programme implemented by the ILO in collaboration with the International Organization for Migration (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 Rgqr rgøu Democratic Republic, Myanmar, the Philippines, Thailand and Viet Nam.

The ILO has published the [`Ship to Shore Rights South East Asia: Gender equality and y qo gpøu empowerment strategy Report`](#) which

fisher journeys and experiences and an online training module for labour inspectors on forced labour in fishing.

FUNDAMENTALS has also, in collaboration with IOM and United Nations Office on Drugs and Crime supported the development and pilot application of a forced labour in fishing prevalence measurement tool, including a questionnaire and a list of indicators of forced labour in fishing for labour inspectors. [The Bridge Project](#) is undertaking a qualitative study of fundamental principles and rights in the fishing supply chain in Mauritania in order to inform interventions aimed at addressing fundamental principles and rights in the sector, including forced labour.

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

B. Aquaculture

Aquaculture, defined as the cultivation of aquatic

sector. The meeting acknowledged that the fragile nature of employment in the sector was exacerbated by the COVID-19 crises and that pandemic had further highlighted the importance of placing the promotion of decent work at the centre of recovery strategies and sustainable growth of the aquaculture sector.

The meeting adopted [conclusions](#) that will assist governments, workers and employers to take measures to tap the potential of the sector to support full and productive employment and decent work for all, so contributing to food and nutrition security and making sure that no one is left behind.

III. Ports

As the transport sector has become increasingly competitive and global, many developments have taken place in the organisation of work in ports which have affected labour and social conditions in the industry.

There are 856 international ports,⁸ and over 2,000 ports in total in the world.⁹ 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 centres 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](#)

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

preventing such vessels from obtaining essential supplies and denying medical care ashore

including their right, under the MLC, 2006, to have access to

of global shipping, container and cargo markets, with knock-on effects that may be felt for years to come.¹¹

The impact of the pandemic on the number of vessels calling in ports differs according to the type of market and geographical region. During the COVID-19 pandemic, ports have had to adjust to the reality of lower volumes, worker shortages, the implementation of occupational health and safety measures for dockers and shore personnel, and the adoption of teleworking and remote operations for office workers. In some countries, calls by cruise ships have come to a halt. The 2021 [ILO Sectoral Brief on COVID-19 and the port sector](#) summarizes the issues relating to COVID-19 and decent work challenges in the port sector.

The [Information](#)