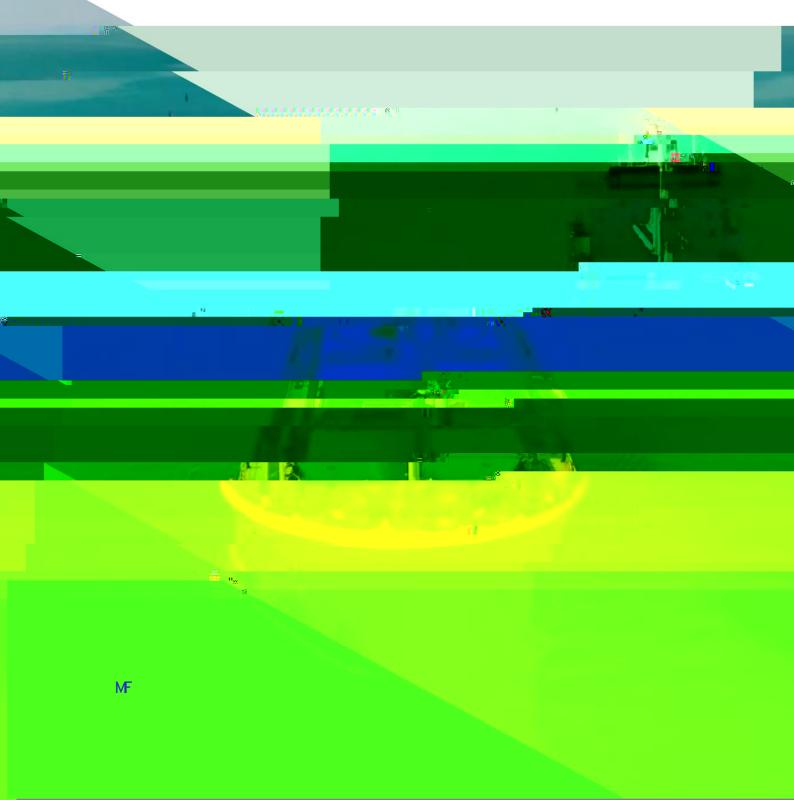
International Labour Office contribution to the report of the Secretary-General on Oceans and Law of the Sea pursuant to the United Nations General Assembly resolution 77/248 of 9 December 2022, entitled "Oceans and the law of the sea".



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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3. 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.

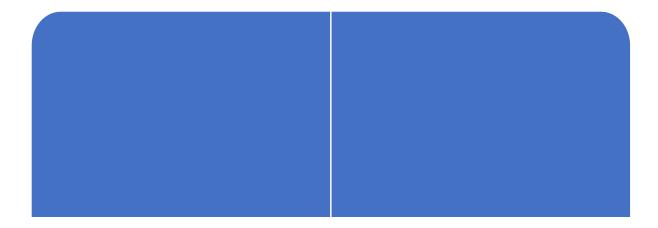
Examples of other relevant articles include:

Article 73 which provides, in the context of the Coastal State's exercise of its sovereign rights to explore, exploit, co QVHUYH DQG PDQDJH WKH OLYLQJ UHVRXUFHV LAQredated Messeqla-Facho XVLYH HFR WKHLU FUHZV VKDOO EH SURPSWO\ UHOHDVHG XSRQ W, Kahld Shakt V W R DV VRD OUHDVF 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 SXQLVK; PHQW

Article 99, which prohibits the transport of slaves; and

Artic le 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.

shipping is having a knock-



x All deaths of seafarers are recorded and reported annually to the ILO and the relevant data is published.

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 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's 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 the MLC, 2006 in their lists of relevant instruments for port State control. 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.

5.1.1.1 Consensus building

Special Tripartite Committee of the MLC, 2006

Article XIII of the MLC, 2006 provides for the establication in the working the stablication of the MLC, 2006 provides for the establication in the working of the Convention in the WKLV & RPPLWWHH LV WR NHHS W 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 am (20)11(06)11()7 fo 595.32 841.92 reW*nBT/F1 9 Tf1 0 0 1 241.01 586.3 Tm0 g0 G[(i)5(o)5(n)5()-6(o)5(f)] To the convention of t

In 2022, the JMC Subcommittee resumed the previous meeting in person and agreed to raise the minimum
basic wage for an

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 ILOs 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 overfishing 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 on 28 Feb 2023. The Convention will enter into force for Spain on 29 Feb 2024.

With a view to promote the ratification and implementation of the Convention, has been working directly with ILO member States, as well as through ILO projects to assist States to undertake gap analyses and validation workshops on Convention No. 188.

The non-binding Work in Fishing Recommendation, 2007 (No. 199) provides guidance on how to implement the provisions of Convention No. 188.

The ILO has also progressed in knowledge development, consensus building, and development cooperation related to the Convention No. 188 and Recommendation No. 199.

5.2.1.1 Knowledge Development

I. Frequently Asked Questions: Work in Fishing Convention, 2007 (No. 188)

The Frequently Asked Questions 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 unique flexibility mechanisms for its implementation, and explanations about the advantage4(me)6(n)5(tat)t a9C /P &MCtage4(me)6(n87(a9C /P &MCtag)4(4r8871 06)5(t)-11n5 Tm0 G9(c95.32 841Cdv)4(an/P &MCtag)4(an/P &MCtag)4(a

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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.

IV. 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.

V. <u>Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)</u>

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 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 pted4 Tm2 nB/.u(n)5(d1 0 0 1 232.92 reW * n)-126(i)-8(n)5(fok6()-152()-

fishing vessels. The courses will be held online from 19 June to 7 July 2023. On the <u>Development and management of inspection systems of labour conditions on board fishing vessels</u>, similar courses will be held online around October 2023.

5.2.1.2 Consensus Building

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

The ILO is now a full member of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters and participated in the fourth session of the Joint Working Group (JWG) held in Torremolinos, Spain, in October 2019. The Joint Working Group adopted a set of Recommendations (see <u>JWG 4/15</u>).

As a follow up to these Recommendations, the ILO is redoubling 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 othe \(\mathbf{ls}\) meetings and events, and jointly promoting compliance with the relevant international instruments. Also,

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.

Figure VIII. Delegates at the 111th Session of the <u>International Labour Conference</u> immerse themselves in a 360-degree film shot on board to find out what working on a Thai Fishing Boat looks like. (c) ILO

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 regu

Video III. Ship to Shore Rights South East Asia project

Video IVeo I

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

Portworker	Deve	lopment	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 transfing that the container and bulk port terminals.

The ILO's Portworker Development Programme in Container Terminals (PDPI) has successfully contributed to the goal of b6.um,tin gteate64(r)1132(o)5pporuonierpor()-112workesrto ota46(i)5(n)5()-112dte64c(e)4(n)5(t)-115twok()

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