12TH MEETING OF THE SPRFMO COMMISSION

Manta, Ecuador, 29 January to 2 February 2024

COMM 12 – Report ANNEX 8d
Decision 18-2024 Labour Standards in SPRFMO

(COMM 12 – Prop 24_rev2)

Decision XX-2024 on Labour Standards on fishing vessels in the SPRFMO Convention Area

Recalling the importance of respect for and protection of the human rights enshrined in the Universal Declaration of Human Rights 1948;

Recalling Articles 6 and 8 of the 1995 FAO Code of Conduct for Responsible Fisheries which set out international standards, including labour standards for the responsible conduct of fishing operations to allow for safe, healthy and fair working and living conditions;

Further Recalling Article 6 of the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication 2015;

Further Recognising the obligations in the United Nations Convention on the Law of the Sea 1982 relating to the duties of the flag State to ensure safety at sea, including through the manning of ships, labour conditions and the training of crews, to render assistance, and to ensure effective protection of human life and to cause an inquiry into any loss of life or serious injury to nationals of another State which has been caused by a marine casualty or incident of navigation;

Noting the ILO Declaration on Fundamental Principles and Rights at Work 1998 and the ILO C188 Work in Fishing Convention 2007 with its objective 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 protection, medical care and social security;

Recalling Article 32 of the United Nations Convention on the Rights of the Child 1989, which requires states parties to recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

Noting that in Article 25 (4) of the Convention, each member of the Commission is encouraged to ensure that fishing vessels flying its flag operate in the Convention Area in accordance with applicable international obligations, and with regard to relevant recommendations and guidelines, regarding safety at sea for vessels and their crews;

Noting the increasing global attention to instances of poor labour conditions and mistreatment of crews including forced labour and child labour on board fishing vessels;

Acknowledging the important role played by crew members in assisting the conduct of fishing vessel operations in compliance with SPRFMO Conservation and Management Measures, and the central role that crew members play in contributing to effective fishing operations;

Recalling efforts that SPRFMO Members have made in recent years in improving the conditions and welfare of observers on board fishing vessels, including Annex 1 "Minimum Standards for Observers" in CMM 16-2023 Conservation and Management Measures Establishing the SPRFMO Observers Programme, and acknowledging the equal importance of the welfare of crew members;

Reaffirming the importance of the responsibilities of flag States under international law regarding fishing vessels flying their flag, including with respect to safety at sea and labour conditions on fishing vessels;

Mindful that SPRFMO Members and Cooperating non-Contracting Parties (CNCPs) have a legitimate interest in increasing the participation of their labour force in the crewing of vessels operating in the Convention Area and are interested in promoting safe and decent employment for their nationals; the Commission of the South Pacific Regional Fisheries Management Organisation decides as follows:

Protection of crew working on fishing vessels under relevant national legislation and international standards

1. Members and CNCPs are encouraged to ratify relevant international instruments and to address the issue of labour standards in the fisheries ~~seafood~~ sector in the relevant international organisations and fora, such as the ILO. Members and CNCPs are encouraged to make every effort to ensure that their policies for the fisheries ~~seafood~~ sector address labour standards.

2. Members and CNCPs are encouraged to make every effort to ensure that their relevant national legislation fully extends to all crew working on fishing vessels flying their flag and operating within the SPRFMO Convention Area and, where appropriate and applicable, are encouraged to adopt measures into their national legislation to establish minimum standards regulating crew labour conditions. Members and CNCPs are further encouraged to ensure the adequate enforcement of all relevant legislation, including by identifying and prosecuting breaches of relevant national laws relating to the treatment of crew by vessel operators ~~landing fish in their ports or~~ operating in their waters.

3. Members and CNCPs are encouraged to implement measures, consistent with generally accepted international minimum standards for crew on fishing vessels, where applicable, to ensure fair working conditions on board for all crew working on fishing vessels flying their flag and operating within the SPRFMO Convention area, including, inter alia:

   a) The absence of forced labour; trafficking in persons, or any other form of involuntary or compulsory labour;

   b) A safe and secure working environment with minimum risk to health ~~(~~to the extent possible~~)~~ and wellbeing;

   c) Fair terms of employment, that are enshrined in a written contract or in equivalent measures, which are made available to the employee, in a form and language that facilitates the employee's understanding of the terms and is agreed by the employee;

   d) Decent working and living conditions on board vessels, including access to sufficient ~~fresh~~drinking water and food, operational safety protection and medical care, and that facilitate acceptable standards of sanitary hygiene;

   e) Access to appropriate safety equipment onboard vessels and requiring adequate safety training be provided by the Member or a Member designated or approved third party or crew provider before first deployment on a vessel, and drill provided by vessel, and at appropriate intervals thereafter; such training should be in line with the International Maritime Organization (IMO) safety training standards and ILO safety and health standards on fishing;

   f) Decent~~Adequate~~ and regular remuneration as well as appropriate insurance for the crew no less favourable than the flag Members and CNCPs domestic laws and regulations; and

   g) Providing crew members with the opportunity to disembark and seek repatriation if so entitled.

4. Members and CNCPs are encouraged to work with any entities involved in recruitment of crew to implement the provisions of this decision.

5. Members and CNCPs are encouraged to apply and, where appropriate, strengthen effective jurisdiction and control over vessels flying their flag and to exercise due diligence to improve and enforce requirements regarding labour conditions on board fishing vessels.

6. All Members and CNCPs are encouraged to share progress on implementation of this CMM annually to the Commission.

7. To support the implementation of this decision, developed Members are encouraged to assist developing Members and CNCPs in the development of strengthening of relevant domestic legislation and in the enforcement of that legislation, including working with local industries (which includes labour agents) to help them meet the minimum standards in this decision.