



**COMMISSION
FIFTEENTH REGULAR SESSION**
Honolulu, Hawaii, USA
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FFA Proposal for Resolution on Labour Standards v2

**WCPFC15-2018-DP13_rev1
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1400**

**Submitted by
FFA Members**

[Draft] Resolution on Labour Standards for Crew on Fishing Vessels

The Commission for the Conservation and Management of Highly Migratory Fish Stock in the Western and Central Pacific Ocean,

[Recalling the International Labour Organisation Declaration on Fundamental Principles and Rights at Work, 1998, ~~and~~ the entry into force of the Work in Fishing Convention, 2007 (No 188) on 16 November 2017, ~~and other international instruments regulating labour conditions;~~]

[Noting Article 10(1)(h) of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, relating to the Commission's function in adopting generally ~~accepted recommended~~ international minimum standards for the responsible conduct of fishing operations;]

Recognizing the importance of the credibility of fisheries to export markets, and the interest of WCPFC Members, Cooperating Non-Members and Participating Territories (CCMs) in ensuring that fishery resources caught in the region retain access to these markets;

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 ~~and that these concerns, if unaddressed, threaten to damage the reputation of the Western and Central Pacific Ocean fishery as a whole;~~

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

Recalling efforts that WCPFC Members have made in recent years in improving the conditions and welfare of observers on board fishing vessels, 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 WCPFC Member Small Island Developing States and Participating Territories have a legitimate interest in increasing the participation of their labour force in the crewing of vessels that catch highly migratory fish stocks in their waters, and that CCMs are interested in promoting safe and decent employment for their nationals;

Resolves that:

1. CCMs ~~are encouraged to will~~ make every effort to ensure that their ~~relevant~~ national legislation fully extends to all ~~crew workingworkers~~ on ~~all~~ fishing vessels flying their flag in the WCPFC Convention area ~~and, where appropriate and applicable, are encouraged to adopt measures into their national legislation to establish minimum standards regulating crew labour conditions, and to ensure the adequate enforcement of all relevant legislation. CCMs are further encouraged to ensure the adequate enforcement of all relevant legislation, including by identifying and prosecuting breaches of relevant national laws~~

Comment [VF1]: KR suggest deletion of paragraph.

JP supports retaining, as it is important to maintain a reference to this binding Convention which should be the focus of the resolution.

US suggest retain.

FFA Members prefer retention.

Additional text to address Chinese Taipei's comment that additional instruments are relevant, not just the ones listed.

Comment [VF2]: Chinese Taipei proposed text:

Noting ~~Article 10 of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, relating to~~ the Commission ~~have to consider adopting generally recommended accepted~~ international minimum labour standards for the responsible conduct fishing operations

Comment [VF3]: Chinese Taipei suggest deletion.

Comment [VF4]: US edit to focus on crew roles regarding implementation rather than compliance

Comment [VF5]: JP suggest delete

Comment [VF6]: Amended to address JP's issue of scope of the resolution (i.e. only to crew).

relating to the treatment of crew by vessel operators landing fish in their ports or operating in their fisheries waters.

2. CCMs are encouraged to implement measures, consistent with general accepted international minimum standards for crew on fishing vessels, where applicable, the responsible conduct of fishing operations, to ensure fair working conditions on board for all crewworkers working employed on fishing vessels flying their flag and operating within the WCPF Convention area, including, *inter alia*:

- a) A safe and secure working environment with minimum ~~without~~ risk to health and wellbeing;
- b) Fair terms of employment, that are enshrined in a written contract or in equivalent measures, which is 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;
- c) Decent working and living conditions on board vessels, including access to sufficient fresh water and food, operational safety and health protection, and that facilitates acceptable standards of sanitary hygiene;
- d) Decent and regular remuneration that complies with minimum standards, including at least the minimum wage and/or catch shares set forth by the relevant legislation in the jurisdiction of the flag State of the vessels; and
- e) ~~[All vessels must call into a CCM port at least once every 6 months to p~~Providing crew members with the opportunity to disembark, voluntarily terminate contract and seek repatriation if so entitled.]

Comment [VF7]: KR and US edit.

Comment [VF8]: CA edit to acknowledge catch shares.
JP additional edits.
US have outstanding concerns with this paragraph.

Comment [VF9]: CN suggest delete.
JP proposed amended text.

3. CCMs are encouraged to work with ~~require~~ any entities involved in recruitment of crew to implement ~~comply with~~ the provisions of this Resolution.

4. ~~Coastal State CCMs are encouraged to require all fishing vessel operators operating within areas under their national jurisdiction, or landing fish in their ports, to report on efforts to comply with the provisions of this Resolution.~~

Comment [VF10]: US and JP suggest deletion noting that: There are already national laws and processes requiring labour conditions that have their own reporting requirements.

US and Chinese Taipei suggest deletion.

5. CCMs are encouraged to strengthen effective jurisdiction and control over vessels flying their flag and to exercise due diligence, including by developing or amending national rules and regulations, where needed, to improve and enforce requirements regarding labour conditions on board fishing vessels.

6. All CCMs are encouraged to share progress on implementation of this Resolution annually to the Commission.

7. ~~Further, Coastal State CCMs are encouraged to take all reasonable steps to identify and prosecute breaches of laws relating to the treatment of crew by vessel operators landing fish in their ports, or operating in their fisheries waters.~~

8. ~~Those CCMs that are able to do so, are encouraged to consider becoming parties to the Work in Fishing Convention 2007 (No. 188) or to adopt similar measures into their national legislation, if they have not already done so.~~

Comment [VF11]: - CN and US suggest deletion of paragraph.
- Pew suggest insertion of reference to the Cape Town Agreement 2012.

9. To implement this Resolution, developed CCMs are encouraged to ~~will~~ make concerted efforts and consider innovative options to assist developing CCMs – both flag States and

coastal States – in the development and strengthening of relevant domestic legislation and in the enforcement of that legislation, including working with local industries to help them meet these minimum standards [in this Resolution](#).