ILO contribution to the report of the Secretary-General on oceans and law of the sea, pursuant to General Assembly draft resolution A/69/L.29, entitled "Oceans and the law of the sea"

Executive summary

The sea, among many other things, is a workplace, a direct and indirect source of livelihoods. Ensuring decent working conditions of seafarers, fishers and other maritime workers is essential to protecting the marine environment and ensuring the economic viability of maritime sectors. Poor working conditions at sea can make it difficult to attract and retain qualified seafarers and fishers. Unacceptable forms of work, such as forced labour, trafficking, abandonment, highly dangerous working conditions, use of child labour and the like undermine not only the lives of people working at sea but also the marine environment and economic efficiency of the maritime sectors.

The International Labour Organization (ILO), often working closely with other International Organizations, seeks to improve conditions of seafarers, fishers and others working in the maritime environment, and to ensure decent work in the maritime context.

The work of the ILO is particularly relevant to the United Nations Convention on the Law of the Sea, Article 94, Duties of the flag State, paragraph 1, "Every State shall effectively exercise its jurisdiction and control in administrative, technical and **social matters** over ships flying its flag", and paragraph 2, "In particular every State shall: … (b) assume jurisdiction under its internal law over each ship flying its flag and its master, officers and crew in respect of administrative, technical and **social matters** concerning the ship, and paragraph 3, "Every State shall take such measures for ships flying its flag as are necessary to ensure safety at sea with regard, inter alia, to: … (b) **the manning of ships**, **labour conditions** and the training of crews, taking into account the applicable international instruments..".

Also relevant are such matters as **port State control**, an issue addressed in several ILO instruments, the **recruitment & placement** of seafarers and fishers, and measures to prevent **forced labour and trafficking** of maritime workers. The ILO also has adopted an instrument that aims to contribute to maritime security while facilitating the **shore leave** and transit of seafarers.

This contribution, as requested, includes two parts: The first places ILO's work with respect to seafarers and fishers in the context of the three dimensions of development, namely environmental, social and economic. The second provides an overview of ILO relevant developments in the field of ocean affairs and the law of the sea (roughly covering the year 2014).

The ILO strongly supports the initiative to provide greater focus on the integration of the three dimensions of sustainable development, namely environmental, social and economic. This submission argues for importance of not only demonstrating how these dimensions are interlinked but for promoting such interlinkages at the international, regional and national levels, recognizing that lack of coordination at any and all of these levels hinders progress in all three areas.

Part I. Oceans and sustainable development: integration of the three dimensions of sustainable development, namely environmental, social and economic.

Would one expect a fisher in a forced labour situation to be in a position to resist illegal, unreported and unregulated (IUU) fishing? Is a seafarer who is unpaid for work, unable to take shore leave in a foreign port, unable to return home and perhaps exploited by an unscrupulous manning agent, likely to invest the time and endure personal sacrifice to become an experienced and capable mariner, able to prevent serious maritime accidents that damage the sea and risk the lives of people? The problems facing our oceans are caused by people, and the solutions to many of the problems facing our oceans will be addressed through people, including through those who work there.

What is ILO's role in this? The International Labour Organization is devoted to promoting social justice and internationally recognized human and labour rights, pursuing its founding mission that labour peace is essential to prosperity. The ILO has four strategic objectives:

- Promote and realize standards and fundamental principles and rights at work
- Create greater opportunities for women and men to decent employment and income
- Enhance the coverage and effectiveness of social protection for all
- Strengthen tripartism and social dialogue

A unique feature of the ILO is it tripartite structure and approach, bringing together governments, employers and workers to set labour standards, develop policies and devise programmes. The structure of the ILO, where workers and employers together have an equal voice with governments in its deliberations, shows social dialogue in action. It ensures that the views of the social partners are closely reflected in ILO labour standards, policies and programmes. In the maritime context, this dialogue must, at the very least, involve not only governments but also shipowner and seafarer representative organizations, or in the fishing context fishing vessel owners and fishers representative organizations.

Conventions and recommendations are drawn up by representatives of governments, employers and workers and are adopted at the ILO's annual International Labour Conference. Once a standard is adopted, member States are required under the ILO Constitution to submit them to their competent authority for consideration. Ratifying countries commit themselves to applying the convention in national law and practice and to reporting on its application at regular intervals. Technical assistance is provided by the ILO if necessary. In addition, representation and complaint procedures can be initiated against countries for violations of a convention they have ratified. A very important feature of the ILO is its system of supervising the application of international labour standards.

The ILO's Governing Body has identified eight conventions as "fundamental", covering subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. These apply to all workers, including maritime workers.

Other ILO standards cover a wide range of issues, such as tripartite consultation, labour administration, labour inspection, employment policy, employment promotion, vocational guidance and training, employment security, social policy, wages, working time, occupational safety and health, social security, maternity protection and migrant workers. There are also standards aimed at workers in specific economic sectors. In the maritime context, this includes seafarers and fishers.

The most important ILO Convention for seafarers is the Maritime Labour Convention, 2006 (MLC, 2006), which entered into force on 20 August 2013. As of 1 January 2015, it has been ratified by 65 ILO Member States representing over 80 per cent of the world fleet by gross tonnage, with entry into force for each State that has ratified since August 20, 2012 12 months after its ratification is registered. The Convention is comprehensive and sets out, in one place, seafarers' rights to decent working conditions. It covers almost every aspect of their work and life on board including: minimum age, seafarers' employment agreements, hours of work or rest, payment of wages, paid annual leave, repatriation at the end of contract, onboard medical care, the use of licensed private recruitment and placement services, accommodation, food and catering, health and safety protection and accident prevention and seafarers' complaint handling.

The ILO has been promoting ratification and implementation of the MLC,2006, through regional and national events, direct assistance to ILO Member States, including legislative implementation support and inspector training programmes. This instrument has made as significant difference in the lives of seafarers. In 2008, the ILO adopted Guidelines for flag and port State control officers carrying out inspections under the Maritime Labour Convention, 2006. Ships are being inspected for compliance with the MLC, 2006, and there have already been many detentions by port State authorities of foreign vessels for non-compliance. The MLC, 2006 is also undergoing its first set of amendments (see below under "Special Tripartite Committee").

Another fairly recent ILO Convention is the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), ratified by 30 Member States, which seeks to facilitate shore leave and professional travel for seafarers while enhancing security.

For fishers, the Work in Fishing Convention, 2007 (No. 188), similarly aims to provide a comprehensive labour standard for fishers. The objective of this Convention 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 protection; medical care and social security. It has only been ratified by five Member States as of 1 January 2015. The ILO adopted Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188). In September 2015 it will convene a meeting of experts to adopt flag State inspection guidelines for Convention No. 188. Convention No. 188, similar to IMO fishing instruments, has had not the same level of success with respect to ratifications as shipping instruments. The ILO is therefore increasing its efforts to have this Convention ratified or, at the very least, using it is a tool to encourage member States to make improvements in national legislation for fishers.

The ILO has also adopted many other codes and guidelines, and undertaking many other training and technical cooperation activities, to promote its standards for maritime workers. It also

continues to work across its own organization, and with other international, regional and national organizations and agencies to seek improvements in the lives of these people.

Decent working conditions of seafarers, fishers and other maritime workers are essential to protecting the marine environment and ensuring the economic viability of maritime sectors. If conditions of work are not attractive, it will not be possible to attract and retain qualified seafarers, and this can only lead to maritime accidents and pollution incidents. The efficient operation of ships is dependent on qualified and motivated seafarers. The same applies to fishers and fishing vessels. In addition, there is reason to believe that there is often a link between labour conditions and illegal, unreported and unregulated (IUU) fishing, where, in the worst circumstances, forced or trafficked labour is used to sustain illegal operations. It is not difficult to see that a fisher who is suffering, literally, slavery conditions is not in a position to oppose fishing operations that degrade the environment and undermine effective fisheries management.

With the above in mind, the ILO is increasing its efforts to eliminate substandard working conditions at sea and is particularly focused on addressing the most unacceptable working situations, including abandonment of seafarers, hazardous working conditions, and forced labour and trafficking.

The ILO continues to seek support of other UN system agencies, other international organizations, States and non-governmental organizations, as well as others, to place high on the agenda the need to take effective action to fight against substandard, and even more urgently, abusive conditions at sea. If one considers the major issues facing the United Nations system with respect to the oceans, nearly all have at their heart “people” issues, and without a serious effort to address such issues it is unlikely that work to preserve the oceans for further generations and to maintain the efficiency of the maritime industries will be bear fruit.

More positively, joint and coordinated work with other UN system agencies; with ILO’s government, employer and worker constituencies; with other non-governmental organizations, as appropriate; and others has led to synergy that is leading, albeit slowly, to important changes. ILO continues, for example, to work with IMO on shipping and fishing issues (safety & health, security, fair treatment of seafarers) and with FAO on fishing issues (safety & health, child labour) but is ever-expanding its coordination with regional organizations, and with other international organizations, such as UNODC and INTERPOL. Such coordination also has the added value of providing a positive model for national coordination amongst the many national ministries, departments and agencies with a role in protecting seagoing workers as well as coastal areas and oceans.

It would be beneficial to all if more attention was provided by the UNICPO to conditions of work of maritime workers, and it is highly appreciated that the social dimension of sustainable development is being given equal status with the environmental and economic dimensions. For example, improving coordination and exchange of data related to fishing vessels could lead to stepped up action to address forced labour, IUU fishing and related issues.

Part II. Overview of all relevant developments in the field of ocean affairs and the law of the sea

Status of ratification of the MLC, 2006

The Maritime Labour Convention, 2006 (MLC, 2006), was adopted by the 94th Session of the International Labour Conference. Entry into force of the MLC,2006 was dependent on its ratification by at least 30 ILO Member States with a total share in the world gross tonnage of ships of at least 33 per cent. On the 20 August 2012, the milestone 30th ratification of the MLC, 2006, was received with the Convention already having met the tonnage requirement. The MLC, 2006 entered into force on the 20 August 2013 for the first 30 Member States. For States ratifying after August 2012, the date of entry into force each State is 12 months after its ratification is registered.

As of 1 January 2015, 65 ILO Member States had deposited instruments of ratification with the Director-General of the ILO – Antigua and Barbuda, Argentina, Australia, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Congo, Croatia, Cyprus, Denmark, Fiji Finland, France, Gabon, Germany, Ghana, Greece, Hungary, Ireland, Islamic Republic of Iran, Italy, Japan, Kenya, Kiribati, Republic of Korea, Latvia, Lebanon, Liberia, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Marshall Islands, Mauritius, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Palau, Panama, the Philippines, Poland, the Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Serbia, Seychelles, Singapore, South Africa, Spain, Sweden, Switzerland, Togo, Tuvalu, United Kingdom and Viet Nam – representing over 80 per cent of the world fleet by gross tonnage. Information on ratification and date of entry into force is available on the ILO's dedicated MLC, 2006 web portal: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312331>

The MLC, 2006 is also undergoing its first set of amendments (see below under "Special Tripartite Committee").

Maritime Labour Convention, 2006 databases

As noted above in connection with promotion of the MLC,2006 the ILO has established a dedicated MLC,2006 website in the English, French and Spanish languages with numerous resources and information included a Frequently Asked Questions (FAQ) and answers can also be downloaded in a PDF format. It may be accessed at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_237451.pdf#page=7

The ILO has also developed the MLC, 2006 database that provides a resource for governments, seafarers, shipowners and others in the maritime sector, including port State control authorities, and is expected to grow rapidly, as certain provisions of the MLC, 2006 require ratifying Member States to communicate to the ILO Director-General, for further dissemination, specific information on how the Convention is applied in national law and practice.

The ILO has requested that Member States that have ratified the Convention to provide up-to-date information on national implementation and enforcement in order to keep the database current and

accurate as possible. In addition, contact information with respect to the competent authority in each Member for MLC, 2006 matters is invited as there are many requests for this information.

The development of the MLC, 2006 database is on-going. It may be accessed at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:80001:0

Contents include:

- National determinations - Any determinations which may have been made with respect to: (i) cases of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of the Convention; (ii) cases of doubt as to whether the Convention applies to a ship or a particular category of ships; and (iii) exclusions of particular categories of ships from the application of certain details of the Code subject to the conditions set out in Article II, paragraph 6 (Article II, paragraph 7, of the MLC, 2006);

- Branches of social security - Specific information is required at the time of ratification concerning the branches of social security for which protection is provided (Standard A4.5, paragraph 10, of the MLC, 2006);

- Authorization of recognized organizations – A current list of any recognized organizations authorized to carry out inspection and/or certification functions on its behalf (Standard A5.1.2, paragraph 4, of the MLC, 2006);

- Port State control – Port States carrying out MLC,2006 related inspections have the right to transmit, to the ILO, a copy of the authorized officer's report, accompanied by any reply received from a flag State competent authority, in cases where, following a more detailed inspection, the working and living conditions on the ship were found not to conform to the requirements of the Convention and the deficiencies are considered to be significant or if they relate to a complaint made under Standard A5.1.3 paragraph 3 (Standard A5.2.1, paragraph 5, of the MLC, 2006);

- Onshore seafarer complaints - A port State is required to transmit to the ILO a copy of the authorized officer's report, including any reply received from the Flag State competent authority, in connection with any unresolved complaints, as well as regularly submitting statistics and information regarding complaints that have been resolved (Standard A5.2.2, paragraph 6, of the MLC, 2006).

Training courses on inspections under the MLC, 2006

The Maritime Labour Academy was launched in 2011 by the ILO and its International Training Centre (ITC) in Turin, Italy. It provides a comprehensive range of training and implementation activities on the MLC, 2006 The programme of courses is aimed at further strengthening the capacity of all interested parties in the effective national implementation of the MLC, 2006. The Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006, as well

as the Guidelines for flag State inspections under the Maritime Labour Convention, 2006, have been integrated into the course material.

The programme is organized into specialized courses. 'Track 1' is the 'Training of trainers and maritime inspectors in the application of the MLC, 2006'. The course aims to strengthen the capacity of national trainers to deliver training to maritime labour inspectors on the MLC, 2006, and ensure better quality and consistency in inspection systems worldwide. Other courses, 'Tracks 2, 3 and 4', are designed for persons tasked with national legal implementation, shipowners' and seafarers' representatives, or ships' operators and officers.

Through the Maritime Labour Academy and also though training in countries or regions the ILO has assisted ILO Member States with training of maritime labour inspectors to carry out flag State inspections and port State inspections for compliance with the MLC, 2006. Further information on programme of training courses can be found at: http://mlc-training.itcilo.org/training-courses.

Special Tripartite Committee of the MLC, 2006/ amendments to the MLC, 2006

In June 2013 the Governing Body of the ILO established the Special Tripartite Committee (STC) under Article XIII of the MLC,2006 to keep the working of the Convention under review including the consideration of possible amendments to the Code of the MLC, 2006 and to provide for consultation by governments with shipowners' and seafarers' organizations, for countries where representative organizations do not yet exist. The STC held its first meeting from 7 to 11 April 2014 and adopted by a vote, as required under Article XV, paragraph 4, of the MLC, 2006, amendments to the Code of the MLC, 2006 implementing Regulations 2.5 (Repatriation) and 4.2 (Shipowners' liability) of the MLC, 2006. These amendments are based on the principles adopted by the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers and build on the text of the 2001 IMO–ILO Guidelines on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers[9] and the text of the 2001 IMO–ILO Guidelines on provision of financial security in case of abandonment of seafarers.[8]

Of particular relevance to flag States and to PSC MOUs the Committee also considered it important that provision be made for transitional measures relating to the period following the entry into force of these amendments, as the amendments will require alterations to documents carried on board ships and time would be needed to revise and reissue the documents. Accordingly, in conjunction with the amendments, the Committee adopted a resolution on transitional measures to address this more operational matter. The Committee also adopted interim arrangements for the consultation process under Article VII.

Pursuant to Article XV, paragraph 5, of the MLC, 2006, these amendments to the Code together with a commentary on the amendments and a resolution on transitional measures, were communicated by the Chairperson of the Committee to the Governing Body to the 103rd session of the International Labour Conference in June 2014, which overwhelmingly voted to approve the amendments. The text of these amendments is accessible at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_246189.pdf

The text of the Resolution on transitional measures adopted by the STC on 11 April 2014 may be found at (See Appendix B): http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_243783.pdf

ILO Members whose ratification of the MLC, 2006, was registered prior to the date of the Conference's approval (11 June 2014) were, in accordance with the Article XV, paragraph 6, notified, by a communication dated 18 July 2014, of the approval on these amendments. In accordance with Article XV, paragraph 7, they will be deemed to have been accepted unless more than 40 per cent of the Members which have ratified the Convention and which represent not less than 40 per cent of the gross tonnage of the ships of the Members which have ratified the Convention have communicated to the Director-General their formal expressions of disagreement with the amendments within two years of the date of the letter of notification, that is, by 18 July 2016. If the amendments are accepted they will enter into force six months later (January 18, 2017). Where the ratifying Member expresses its formal disagreement within the prescribed period it will not be bound by the amendments, subject to paragraph 13 of Article XV. After entry into force of the amendments, the Convention may only be ratified in its amended form.

Subcommittee on Wages of Seafarers of the Joint Maritime Commission

The Subcommittee on Wages of Seafarers of the Joint Maritime Commission met in Geneva from 26 to 27 February 2014. The Subcommittee agreed to a resolution raising the minimum monthly basic wage figure for able seafarers from US$585 to US$592, as of 1 January 2015 and US$614, as of 1 January 2016. The report of the Subcommittee, including the resolution, will be submitted to the Governing Body later this year for its consideration. See: http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_234446/lang--en/index.htm

Meeting of Experts to Adopt Guidelines on the Training of Ships' Cooks

A Meeting of Experts to Adopt Guidelines on the Training of Ships' Cooks was held in Geneva from 23 to 27 September 2013 at the International Labour Office in Geneva). The meeting adopted the Guidelines on the training of ships' cooks as amended. At its 30th Session (March 2014) the Governing Body authorized the Director-General to publish the Guidelines on the Training of Ships' Cooks. Further information on the Guidelines on the training of ships' cooks can be found at: http://www.ilo.org/sector/Resources/codes-of-practice-and-guidelines/WCMS_218575/lang--en/index.htm

Meeting of Experts on Maritime Occupational Safety and Health

A Meeting of Experts on Maritime Occupational Safety and Health was held from 13 to 17 October 2014. The meeting was composed of 6 Shipowner experts, 6 Seafarer experts, 6 Government experts from Argentina, Australia, Norway, Philippines, South Africa and United Kingdom, and observers. The purpose of the meeting was to discuss and adopt guidance on implementing the Maritime Labour Convention, 2006 on the occupational safety and health of seafarers. The guidance developed, which will be submitted to the March 2015 session of the Governing Body of the ILO, may be found at: http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_244142/lang--en/index.htm

Work in Fishing Convention, 2007 (No. 188) and Port State Control

The Work in Fishing Convention, 2007 (No. 188) was designed to ensure decent work for all fishers with regards to their conditions of service, accommodation and food, occupational safety and health (OSH) protection, medical care and social security. As of 17 April 2014, the Work in Fishing Convention, 2007 (No. 188) has been ratified by: Argentina, Bosnia and Herzegovina, Congo, Morocco, and South Africa. Further information on the Work in Fishing Convention, 2007 (No. 188) can be found at: www.ilo.org/fishing

Guidance on PSC under the Work in Fishing Convention, 2007 (No. 188) was called for in a Resolution adopted at the 96th Session of the International Labour Conference. Provisions in the Convention stipulate that living and working conditions on fishing vessels may be inspected while in foreign ports. The Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188), were adopted in 2010. They serve as an important international resource for the implementation of port State control responsibilities and for the harmonization of inspections of foreign fishing vessels under the Work in Fishing Convention, 2007 (No. 188). See: http://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@sector/documents/normativeinstrument/wcms_177245.pdf

A Global Dialogue Forum for the promotion of the Work in Fishing Convention, 2007 (No. 188) was held in Geneva from 15 to 17 May 2013. The purpose of the Forum was to discuss challenges in the Convention No.188's implementation, to evaluate how it could be used as a tool to address major issues in the sector, to share good practices and experiences, to report and review promotional activities, and to provide an update on the status of national efforts to implement and ratify Convention No.188. Further information on Global Dialogue Forum for the promotion of the Work in Fishing Convention, 2007 (No. 188), including the related documents, can be found at: http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_204806/lang--en/index.htm

A tripartite meeting of experts to adopt guidelines for flag State inspections under the Work in Fishing Convention, 2007 (No. 188) will be held in Geneva in September 2015. The meeting will be composed of 8 Employer experts, 8 Worker experts, 8 Government experts from Argentina, Brazil, Indonesia, Morocco, Namibia, Norway, South Africa and Spain, and observers. The meeting is for tripartite constituents to consider and adopt flag State guidelines for the implementation of the Work in Fishing Convention, 2007 (No. 188). See: http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_337091/lang--en/index.htm

Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

At its 320th Session (March 2014) the Governing Body of the ILO decided to hold a meeting involving both maritime and visa experts, within existing resources, to examine the feasibility and to carry out a cost–benefit analysis of the various options to address the issues involved in the implementation of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), for ratifying and non-ratifying flag States, port States and seafarer supplying States, as well as for shipowners and seafarers. The meeting was composed of experts from governments and from seafarers' and shipowners' organizations, and was held in Geneva from 4 to 6 February 2015.

Information on this meeting may be found at: http://www.ilo.org/global/standards/maritime-labour-convention/events/WCMS_301223/lang--en/index.htm

Forced labour in the fishing industry

On 11 June 2014 International Labour Conference of the International Labour Organization (ILO) overwhelmingly adopted a new legally binding Protocol to tackle modern forms of forced labour. The Protocol, supported by a Recommendation, was adopted by government, employer and worker delegates, with 437 votes for, 27 abstentions and eight against. The new Protocol brings the existing ILO Convention 29 on Forced Labour, adopted in 1930, into the modern era to strengthen protection against forced labour, particularly as found in the private economy. The accompanying Recommendation provides technical guidance on the implementation of both the Convention and the new Protocol.

The new ILO Protocol, together with the ILO Work in Fishing Convention C.188, will help revitalize action to end abusive working conditions within the fisheries sector. Many of the provisions proposed by both instruments will foster the implementation of ILO-specific activities through on-the-ground projects such as the Global Action Programme against forced labour and trafficking of fishers at sea (GAPfish) which is currently being developed. The GAPfish project will consist of four pillars—research, prevention/protection/prosecution, capacity building and awareness raising, and transparency and multi-stakeholder initiatives (MSI) with activities in four State categories (source States, flag States, port/coastal States and market States). The first implementation phase of GAPfish is planned to start in 2015.

GAPfish intends to implement specific activities such as targeted awareness-raising campaigns for migrant fishers; assistance, recovery and rehabilitation programmes for the victims; skill training for law enforcement officers and labour inspectors; and international workshops to increase the co-operation between States.

The primary beneficiaries of the project would be migrant fishers in small-scale and industrial fisheries, and, indirectly, their dependents and local communities. It would also benefit inspectors, investigators, government agencies and key stakeholders in States that are tasked with regulation of fishing vessels and are faced with large numbers of foreign fishers seeking protection and compensation. GAPfish would, moreover, assure social partners and key stakeholders in the fisheries value chain that fish entering the market is caught in accordance with decent working conditions, and by avoiding unfair competition.

For information on ILO and forced labour, see: http://www.ilo.org/washington/areas/elimination-of-forced-labor/lang--en/index.htm

ILO GMS TRIANGLE project: Protecting migrant workers in the fishing sector in Thailand

The ILO GMS TRIANGLE project has adopted a sectoral approach to extending protection to migrant workers in fishing because of the specific nature of work and the urgency of the situation. Activities are being carried out under each of the GMS TRIANGLE project's objectives:

- The ILO has submitted technical comments on several drafts of the Thailand Ministerial Regulation No. 10 on Sea Fisheries Work and on standard contracts for fishers, drawing on the ILO Work in Fishing Convention, 2007 (No. 188) and other relevant international labour standards. Several multi-stakeholder meetings have also been organized to discuss measures to strengthen labour legislation in the fishing sector, fostering dialogue between different government departments, the Thai Law Reform Commission, industry representatives, workers' organizations, and NGOs.[1]

- Labour Coordination Centres for the Fishing Industry (LCCs) were established by the government in seven provinces in 2013. The LCCs were envisioned as a hub for the registration of fishers, captains and vessels; recruitment; training; and for receiving complaints and providing support services. The ILO supported a working group that brought together the various stakeholders involved in establishing the LCCs, and also conducted an assessment to help to shape future policies and programmes with similar objectives.

- The ILO conducted the largest known quantitative survey of employment practices and working conditions in the Thai fishing sector, interviewing nearly 600 fishers in four provinces. This has strengthened the knowledge base and has guided ILO inputs to policy dialogue. The study can be downloaded from: http://www.ilo.org/asia/whatwedo/publications/WCMS_220596/lang--en/index.htm

- The Department of Labour Protection and Welfare (DLPW) and the ILO have jointly developed a set of training materials and tools to enable labour inspectors and other authorized officers to carry out their duties more effectively, particularly with regard to the protection provided to children and young workers, migrant workers, and those in hard to reach sectors. Guidelines for inspecting conditions in the fishing sector have been developed and were tested in 2013.

- In 2014, 123 labour inspectors from the 22 coastal provinces of Thailand received five days of training, which included inspections at sea in collaboration with the Marine Police and NGOs. The DLPW and ILO are currently monitoring the number and outcomes of inspections of fishing vessels, and will conduct future coaching and monitoring in target provinces.

- A multi-disciplinary inspection team has been established that includes the DLPW, Marine Police, Navy, and the Department of Strengthening the legal and policy framework

Building the capacity of government, industry and workers' organizations Joint inspection conducted with Marine Police during training for labour officials and ILO Fisheries, among others. This team has been inspired by the Brazilian labour ministry, following an advisory mission to Thailand organized by the ILO. Training tools and support will be provided to the inspection team.

- The ILO has provided support to the National Fisheries Association of Thailand (NFAT) in the development of a Code of Conduct (COC) for their members. NFAT will deliver training on the COC and develop a mechanism to monitor compliance with the COC in late 2014.

[1] See http://www.thaiembassy.org/chennai/en/news/4113/53336-Significant-Progress-of-Efforts-to-Combat-Human-T.html on change enacted in Thailand in early 2015.

- NFAT, DLPW and ILO cooperated on the development of occupational safety and health (OSH) training materials specific to fishing, and will begin roll-out of the training for vessel owners, skippers, supervisors and crew in late 2014.

- The Good Labour Practices (GLP) programme, developed by the ILO International Programme on the Elimination of Child Labour (IPEC) project, is a platform for multi-stakeholder dialogue and a training programme for the seafood sector, covering farms, primary processing units and factories. The GLP programme will be extended to include the fishing sector.

- The ILO ASEAN TRIANGLE project organized a regional workshop in September 2013 in Makassar, Indonesia to share experiences among ASEAN member States and States employing workers from the ASEAN region. Future regional meetings are planned in late 2014 to discuss the drafting of Guidelines for Flag State Inspection under the ILO Work in Fishing Convention, 2007 (No. 188).

- The ILO is supporting the Foundation for AIDS Rights (FAR), an NGO, to provide support services to Cambodian fishers in Rayong province. Information, counselling and training on labour rights, organizing, and OSH is provided to migrant workers at drop-in centres and through outreach activities. FAR has also supported the establishment of a working group of local authorities, the provincial fisheries association, and a local trade union to promote dialogue and strengthen cooperation.

For more information on GMS TRIANGLE, see: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_315475.pdf