

International Labour Office contribution to Part II of the report of the Secretary-General on Oceans and Law of the Sea pursuant to General Assembly resolution A/17/257, 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.

I. General – The ILO, SDGs and how they relate to the ILO’s work: ensuring decent work for seafarers and fishers to secure a sustainable use of oceans

The only tripartite U.N. agency, the ILO brings together governments, employers and workers of 187 member States, to set labour standards, develop policies and devise programmes promoting decent work for all women and men. Founded in 1919, the ILO has worked for 100 years to improve the conditions of seafarers and fishers, including through the adoption of Conventions and Recommendations specific to the shipping and fishing sectors. The widespread ratification and implementation of these sector-specific standards, and the realization of fundamental principles and rights at work for all working at sea, is critical to ensuring that the three pillars of ocean sustainability-economic, environmental *and* social are respected.

The information below is relevant to several paragraphs of UN General Assembly Resolution A/RES/72/73, including but not limited to paragraphs 107, 110, 114, 116, 126, 355, 359 and 361.

i. Sustainable Development Goals

The two most relevant Sustainable Development Goals (SDGs) from the 2030 Agenda for the ILO with respect to the oceans are SDG 8 - to promote inclusive and sustainable economic growth, employment and decent work for all - and SDG 14 - to conserve and sustainably use the oceans, seas and marine resources.

The ILO has made voluntary commitments linked to SDG 14 at the United Nations Conference to Support the Implementation of SDG 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, and is following up on these commitments. In addition, the ILO has made commitments at the various Our Ocean Conferences, the most recent of which was held in Bali, Indonesia, in 2018.

The commitments from both conferences relate to the implementation of the key ILO maritime instruments which are the Maritime Labour Convention

Article 292 concerning the prompt release of vessels and crews, which is also often cited with regard to unlawful arrest.

Dqj "j g"KNQα"MLC, 2006 and the Work in Fishing Convention, 2007 (No. 188) refer to UNCLOS in their preambles, recognizing that UNCLOS sets out the general legal framework within which all activities in the oceans and seas must be carried out.

II. Shipping

i.

As of 10 June 2019, the MLC, 2006 has been ratified by 93 States representing 91% of world gross tonnage of merchant ships, with several other ratifications on the way.

More information on the Convention can be accessed here:

http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_557117/lang-en/index.htm

iii. *Third Meeting of the Special Tripartite Committee of the Maritime Labour Convention, 2006 (MLC, 2006)*

The third meeting of the Special Tripartite Committee established by the Governing Body in accordance with Article XIII of the MLC, 2006 was held at the ILO headquarters in Geneva from 23 to 27 April 2018. It adopted the 2018 amendments to the MLC, 2006 relating to the protection of crews of ships against armed robbery against ships. It also adopted resolutions concerning seafarers' abandonment; decent work in inland navigation; the facilitation of shore leave and transit of seafarers; updating flag and port State control guidelines to reflect the 2014, 2016 and 2018 amendments to the Convention; and updating of the process for submitting proposals for amendments to the MLC, 2006. The meeting also adopted recommendations concerning the review of maritime-related instruments (instruments adopted prior to the MLC, 2006).

The amendments, resolutions and recommendations of the meeting can be accessed here:
https://www.ilo.org/global/standards/maritime-labour-convention/events/WCMS_550284/lang--

v. Database on reported incidents of abandonment of seafarers

The abandoned seafarers' database was established as a result of the meeting of the 2002 Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers (Joint Working Group), which expressed the need for a joint database. This database contains a regularly updated list of vessels that have been reported to the ILO as abandoned in various ports of the world by Governments or other entities, in order to address the problem of abandoned seafarers in a transparent and informative manner.

The database includes all reported cases from 1 January 2004. On 31 December 2018, there were 360 abandonment incidents listed in the database, affecting 44,866 seafarers. Of those incidents, 175 cases were resolved, 77 cases were disputed, 52 cases were in inactive status and 56 cases were unresolved. From 2011 to 2016, the number of cases per year ranged from 12 to 19. In 2017, the number of reported cases increased drastically, to 55 reported cases, with 14 cases resolved that year and a further 8 cases resolved during 2018. In 2018, the total number of reported cases was 44 and of these 15 cases have been resolved so far. Each year, the ILO publishes a report on the status of the abandoned seafarer database and related issues.

The 2014 amendments to the MLC, 2006 (see above) require that a financial security system be put in place so that shipowners ensure compensation to seafarers and their families in the event of abandonment, death or long-term disability due to an occupational injury, illness or hazard. Mandatory certificates and other evidence will be required to be carried on board ships to establish that the financial security system is in place to protect the seafarers working on board. These new requirements will help prevent seafarers from being stranded in port for long periods when shipowners abandon their crews without paying their wages or repatriating them to their home countries. As of 10 June 2019, the 2014 amendments to the MLC, 2006 had been accepted by all but 15 of the State-parties to the Convention. The State-parties concerned that have yet to send their declaration of acceptance are Albania, Bangladesh, Belize, Cabo Verde, China, Estonia, Fiji, Gabon, the Islamic Republic of Iran, Jordan, Kenya, Maldives, Mongolia, Portugal and Thailand.

The database can be found at:

<http://www.ilo.org/dyn/seafarers/seafarersbrowse.home>.

The ILO, 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.

A number of publications and tools have been developed to assist States to ratify and implement the Convention. These may be found at:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_COD E:C188

for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188) adopted by the ILO meetings of experts.

ii. Gap analysis of the Work in Fishing Convention, 2007 (No. 188)

C'pwo dgt'qh'KNQ'o go dgt'Ucvgu'j cxg'eqpf wvxf 'c'eqo r ctcvkg'qt'öi cr ö'cpcn(uku'qh'vj gk'ncy u." regulations and other measures in order to discern where changes are needed to bring them in line with the minimum standards set out in Convention No. 188. These gap analyses can and have helped in identifying lacunae in the protection of fishers and have led to changes in national law. A gap analysis has been conducted on Thai national laws, regulations and other measures concerning conditions of work on board fishing vessels. This was prepared by an inter-disciplinary team of the ILO, including staff from the European Union-funded Ship to Shore Rights Project following extensive consultations conducted by the ILO in partnership with the Ministry of Labour. The report'gzco kpgf "Vj ckcpf a"gzkwpk "rgi cñ'htco gy qtn'ht work in fishing followed by a section-by-section analysis of the gaps between Thai law and the definitions, scope, general principles, and provisions of Convention No. 188. This gap analysis contributed to a commitment by the Thai Government and social partners to ensure that workers in the fishing industry have acceptable working and living conditions. This commitment ultimately culminated in Thailand ratifying Convention No. 188, becoming the first Asian country to do so.

The Gap analysis is available at:

http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_557738.pdf

iii. Membership of the ILO to the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters

At tj g"KNQa"Vtkr ctvkg"O ggkpi "qp"Kuugtu'tgrvki "vq"O ki tcpv'Hkuj gtu (Geneva, September 2017), representatives from the workers, employers and Governments adopted a set of conclusions on the promotion of decent work for migrant fishers. These included a request for the ILO to

other UN system specialized agencies on matters related to ensuring decent work for seafarers, fishers and others working in the maritime sectors. Vj k'kpenf gu'r ctvek cvkp'k"gej "qj gtøu" meetings and events, and jointly promoting that international instruments are respected. For example the ILO continues the joint promotion of the Cape Town Agreement, STCW-F Convention, Convention No. 188 and the Port State Measures Agreement. This inter-agency cooperation helps encourage institutional cooperation at the national government level, which is necessary in the maritime sector. It may also be noted that all, or nearly all, regional port State control agreements include the MLC, 2006, k"vj gk"kuv"qh"vj gk"õtgrgxcpv'kputwo gpvüö" for port State control.

The report of the 335th

4. *Support Workers*: Increase capacity of unions and Civil Society Organizations to support workers and victims of labour abuses including women and children.

Promote Decent Work for Fishers. It established the Southeast Asian Forum to End Trafficking in Persons and Forced Labour of Fishers (The SEA Forum for Fishers), which is operational and has established a steering committee and several working groups currently underway.

For more information on the Conference, and its follow up, see:

<http://seafisheriesproject.org/resolutions-and-conclusions-of-ilo-sea-conference-2018/>.

For the most recent information on the SEA Forum for Fishers see:

<http://seafisheriesproject.org/sea-forum-for-fishers/>.

This revised code of practice, adopted by a Meeting of Experts in January 2018, reflects the development of modern ILO instruments on occupational safety and health (OSH) and the changes in the industry in the past 44 years since an earlier code was adopted. The revised code promotes a preventative safety and health culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority. It further promotes OSH management systems as well as cooperation between employers and workers and their representatives. The revised code contains comprehensive guidance on how to improve OSH in the industry and sets out how governments, shipowners, employers, workers and their representatives should work together in doing so. In addition to this revised Code, in 2004, the ILO has published the *Safety and Health in Shipbreaking: Guidelines for Asian Countries and Turkey*. The guidelines are designed to assist shipbreakers and competent authorities alike to implement the relevant provisions of ILO standards, codes of practice and other guidelines on OSH and working conditions, and the provisions of instruments of other relevant international organizations, aiming at progressive improvement. The practical recommendations in these guidelines are for use by all those who are responsible for occupational safety and health in shipbreaking operations. The guidelines are not legally binding, nor are they intended to replace national laws, regulations or accepted standards. They provide guidance to those engaged in the framing of relevant provisions and the setting up of effective national systems, procedures and enterprise regulations, where they do not exist.

The Revised Code of Practice on Safety and Health in Shipbuilding and Ship Repair is available at:

https://www.ilo.org/sector/Resources/publications/WCMS_618575/lang--en/index.htm;

The Safety and Health in Shipbreaking: Guidelines for Asian Countries and Turkey is available at:

https://www.ilo.org/global/topics/safety-and-health-at-work/normative-instruments/code-of-practice/WCMS_107689/lang--en/index.htm.