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WCPFC19 Position Statement

**WCPFC19-2022-OP11
28 November 2022**

Advocates for Public Interest Law (APIL)



Recommendations to the 19th Regular Session of the Western and Central Pacific Fisheries Commission, Nov. 27-Dec. 3, 2022

Advocates for Public Interest Law (APIL) is a Korean human rights lawyer's organization based in Seoul, South Korea. APIL has over 10 years of work in protecting vulnerable migrants including human trafficking victims such as migrant fishers on Korean fishing vessels. Citizen's Institute for Environmental Studies (CIES) is an NGO-based research institute having worked to enhance transparency in fisheries and marine protection. CIES has worked with APIL for protecting migrant crew members.

APIL and CIES are deeply concerned about the ongoing human rights abuses on fishing vessels worldwide and recognize the importance of addressing human rights abuses in connection to combating illegal, unreported, and unregulated (IUU) fishing. The International Labour Organization (ILO) report “2022 Global Estimates of Modern Slavery”¹ indicates that over 128,000 fishers are trapped in forced labour aboard fishing vessels, often at deep sea. Fishers, especially migrant fishers, are vulnerable to exploitation due to physical isolation at sea for extended periods of time while performing arduous and hazardous work for extremely low pay with gaps in regulatory oversight.

In June 2022, 7 NGOs – APIL, CIES, Environmental Justice Foundation, Human Dignity Group, Human Rights Now, International Transport Workers’ Federation, and Serve the People Association – published a report, “No Fisheries without Crew: The Urgent Need for Labor Standards in the WCPFC”. The report cites case studies to argue that the WCPFC has a responsibility to adopt a binding CMM on crew labour standards. The report points out the human rights risks of the fishing sector, especially for migrant crew members in distant water fishing and notes that declining fish stocks increase effort per unit of catch, which results in cost pressures passed on to crew members by means of exploitative working conditions and reduced wages.

Fishing crew members, despite their vulnerability to abuse and the transnational nature of their work, are left in a gap between international protective measures. Complicated legal jurisdictions governing work in fishing by flag states, port states, coastal states, and the states of origin of fishers prevent them from getting consistent protection. ILO Work in Fishing Convention puts forth a promising basis for international standards of working conditions in fishing, but it is yet to be ratified by the biggest distant water flag states in order to provide effective protection for most. Such lack of a comprehensive measure calls for the WCPFC, which is mandated to “adopt

¹ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf

minimum standards for the responsible conduct of fishing operations” in Article 10 of its Convention², to fulfill its responsibility to the fishing crew.

Thus, APIL and CIES strongly urge the WCPFC to adopt a binding CMM in line with international standards such as the ILO Work in Fishing Convention (C188).

We recommend the WCPFC19 to:

1. Reflect the recommendations provided by NGO observers to the WCPFC on the details of the CMM, including:
 - a. Provide flag state’s responsibility to regulate the recruitment of crew members including prohibition of recruitment or placement fees borne by the fisher, in line with Article 22 of ILO C188;
 - b. Fully protect the right to repatriation at no cost to the fishers, in line with Article 21 of ILO C188;
 - c. Provide minimum requirement for crew agreements to prevent unethical recruitment practice and ensure transparency;
 - d. Ensure fishing crew’s right to hold their identity documents such as passports; and
 - e. Ensure crew members’ ability to access grievance mechanism regardless of their boarding status or location; and
2. Adopt a binding CMM on Safety and Security for Crew on Fishing Vessels based on Resolution 2018-01 on Labour Standards for Crew on Fishing Vessels.

² Information paper WCPFC-TCC17-2021-OP05: <https://meetings.wcpfc.int/node/13864>