



**1ST INTERSESSIONAL WORKSHOP ON IMPROVING LABOUR STANDARDS FOR
CREW ON FISHING VESSELS**

Electronic Meeting

July 13, 2021

PRELIMINARY CMM 2013-06 ASSESSMENT ON PROPOSED LABOUR CMM

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Submitted by FFA

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CMM 2013-06 requires that an assessment of the Impact of new proposals on SIDS and territories be undertaken. In considering any new proposal, the Commission shall apply the following questions to determine the nature and extent of the impact of the proposal on SIDS and territories in the Convention Area.

This CMM 2013-06 assessment of the proposed Labour CMM is provided on a preliminary basis **and is without prejudice to the final position of FFA Members on the proposal.**

a. Who is required to implement the proposal?

All CCMs are required to implement the proposal. In addition, CCMs will be required to ensure that manning agents and vessel operators comply with specific requirements.

b. Which CCMs would this proposal impact and in what way(s) and what proportion?

The proposal will have an impact upon all CCMs, in particular flag CCMs. Flag State CCMs will be required to ensure that operators of their flagged vessels fishing within waters under national jurisdiction (and beyond) are compliant with the safety and labour requirements in the proposal. In order to implement the proposed obligations, flag CCMs are expected to put in place legislation, conditions of authorisation, and relevant procedures to effectively monitor and ensure compliance by their flagged fishing vessels. Flag CCMs are also have arrangements in place to promptly investigate and take the necessary action where there is sufficient evidence of non-compliance and to notify or report to relevant CCMs and the WCPFC Secretariat of actions taken.

Coastal State CCMs are also impacted because when granting their authorisation to fish to flagged fishing vessels within and beyond waters under their jurisdiction and foreign fishing vessels within their waters, they are to impose conditions of access that are aligned with the requirements in the proposed CCMs. Coastal State CCMs are expected to monitor, control and report incidents of non-compliance.

Port State CCMs will also be impacted given that they will have a role in the inspection and monitoring of fishing vessels in their ports to ensure compliance. Therefore, port State CCMs are expected to monitor, control and report incidents of non-compliance.

All CCMs should have the necessary legislative or equivalent framework in place to implement the proposed CMM.

c. Are there linkages with other proposals or instruments in other regional fisheries management organizations or international organizations that reduce the burden of implementation?

The proposed CMM (and WCPFC Resolution 2018-01) is unique among RFMOs and there are no linkages with other proposals or instruments in other RFMOs.

Notwithstanding, the proposal is congruous with the minimum terms and conditions for crew labour standards adopted by the governing body of the FFA in 2019. Such terms and conditions are being implemented by FFA Members on their flagged vessels, as well as foreign fishing vessels, including through conditions of licence.

Moreover, the proposal is generally aligned with the requirements in the International Labour Organisation ('ILO') *Work in Fishing Convention* (C188). The proposal includes particulars that are to be in written crew employment contracts or agreements, as a minimum. At an FFA regional meeting on crewing held in May 2021, the ILO representative at the meeting indicated support for a crew labour standards proposal within the WCPFC and also stated that the ILO is available to provide capacity building support if required. The support that can be provided by the ILO can build capacity and assist in reducing the burden of implementation.

d. Does the proposal affect development opportunities for SIDS?

The proposal is not expected to have a direct effect on SIDS development opportunities; rather there will be an indirect effect on the development opportunities for SIDS because SIDS will be required to implement minimum requirements for crew on fishing vessels. Such requirements will have cost and resource implications.

e. Does the proposal affect SIDS domestic access to resources and development aspirations?

The proposal is expected to have an impact on SIDS domestic access to resources (and development aspirations) because the requirement to comply with minimum labour standards for crew on fishing vessels will be treated as a prerequisite for access, and non-compliance with such requirement may result in the imposition of a sanction.

f. What resources, including financial and human capacity, are needed by SIDS to implement the proposal?

For SIDS to effectively implement this proposal, activities to be undertaken for which resources will be required include but are not limited to the following: 1) review of relevant national policies and legislative framework; 2) undertake national multi-agency consultations; 3) undertake national industry consultations; 4) prepare legislative instruments; 5) enhance institutional capacity through trainings; 6) train inspectors, authorised officers and other officials; 7) develop and implement a monitoring regime; and 8) train industry representatives.

g. What mitigation measures are included in the proposal?

There are no mitigation measures included in the proposal.

h. What assistance mechanisms and associated timeframe, including training and financial support, are included in the proposal to avoid a disproportionate burden on SIDS?

There are no assistance mechanisms included in the proposal to avoid a disproportionate burden on SIDS.

CMM 2013-06 provides that in cases where the transfer of a disproportionate burden of conservation action has been demonstrated by a SIDS or territory, CCMs shall cooperate, to mitigate the burden for the implementation by the relevant SIDS and territories of specific obligations including through: 1) phased or delayed implementation of specific obligations; 2) exemption of specific obligations; 3) proportional or rotational implementation; or 4) establishment of a compensatory funding mechanism in accordance with the financial regulations of the Commission.