

EUROPEAN UNION SECTORAL SOCIAL DIALOGUE COMMITTEE ON SEA-FISHERIES RESOLUTION ON HUMAN RIGHTS & LABOUR ABUSES IN CERTAIN ASIAN FISHING FLEETS

Management and labour

- (1) the Association of National Organisations of Fishing Enterprises in the European Union (Europêche);
- (2) the General Confederation of Agricultural Cooperatives in the European (COGECA); and
- (3) the European Transport Workers' Federation (ETF).

Having regard to:

- (1) Article 94 of the United Nations Conventions on the Law of the Sea, 1982.
- (2) The Charter of Fundamental Rights of the European Union.
- (3) The Declaration on Fundamental Principles and Rights at Work, 1998 of the International Labour Organization (ILO).
- (4) The Work in Fishing Convention, 2007 of the ILO.
- (5) Article 6.17 of the FAO Code of Conduct for Responsible Fisheries.
- (6) Council Directive (EU) 2017/159 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the ILO.
- (7) European Parliament report on the implementation of control measures for establishing the conformity of fisheries products with access criteria to the EU market (2017/2129(INI)).
- (8) Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.
- (9) Geneva Declaration on Human Rights at Sea: Version 1, 5 April 2019¹.
- (10) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code.
- (11) Forced Labour Convention, 1930 (No. 29) ILO
- (12) Protocol of 2014 to the Forced Labour Convention, 1930
- (13) FAO Agreement on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing (PSMA 2009)

The Social Partners in the fisheries sector:

- Stress that four Asian countries China, Cambodia, Taiwan and Vietnam score worst among the top five fishing nations in global IUU fishing². Taking into account the size of the fleets of these countries their impact on worldwide fisheries is particularly significant.

- Underline that it is proved that IUU fishing is often linked with labour and modern slavery abuses. It is commonly accepted that the environmental and social sustainability are interlinked.

¹ Geneva Declaration on Human Rights at Sea: Version 1, 5 April 2019

² <https://globalinitiative.net/iuu-fishing-index/>

- Highlights Commissioner Sinkevičius' mission letter entrusting the Commissioner for Environment, Oceans and Fisheries with the role *"to take a zero-tolerance approach to IUU fishing, supporting others in improving their methods but being prepared to use all of the tools at the EU disposal, including a ban on fisheries imports as a last resort."*
- Express concern over the fact that illegal fishing is threatening the viability of local communities across the globe and depleting fish stocks³.
- Disapprove the lack of transparency about the size and vessel registration of certain Asian's fishing fleets⁴.
- Criticises the abuse of migrant fishermen on-board certain Asian fishing vessels, which includes cases of modern slavery and burials at sea of fishermen who, allegedly, fell victim to COVID-19⁵, in violation of contractual arrangements;
- Lament the risks for observers on board in certain Asian fishing fleets, considering that 7 observers from the Pacific Island Countries were found dead on board in the last 5 years.⁶
- Recall that Convention C188 is key to deterring forced labour and abuses in fisheries and set the conditions for a level playing field for work in the sector at global level;
- Remind that Union Customs Code sets prohibitions or restrictions on imports, exports or goods in transit when they are justified on grounds of the protection of health and life of humans or the protection of the environment;
- Stress that the European Union and its Member States should play a leading role in promoting decent working conditions in fisheries worldwide;
- Underline that those fleets since they do not apply decent working and living conditions take advantage of unfair competition when fish products enter the European Union's market and that these products may even benefit from duty reductions thanks to Trade Agreements or autonomous tariff quotas (ATQs).
- Recall that the Farm to Fork Strategy calls for a fair, healthy and environmentally-friendly food system, which is incompatible with importing fishery products from countries with little or no concern for sustainability.

Calls on the European Commission to:

- (1) Require the establishment of a European register of fishing vessels identified as having committed serious labour infringements and not respecting fundamental human rights on board the fishing vessel.

³ E.g. [China fares worst on new illegal fishing index / Chinese trawlers threaten viability of Ghanaian fishing sector / More Chinese vessels fishing illegally in North Korean waters](#)

⁴ https://www.odi.org/publications/16958-china-s-distant-water-fishing-fleet-scale-impact-and-governance?utm_content=buffer94ec3&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer

⁵ <https://www.bbc.com/news/world-asia-52822943>

The link included below contains a South Korean television report with images of the burial at sea of four Indonesian migrant fishermen <https://youtu.be/3QIEmJ1mCZY>

⁶ https://amp.theguardian.com/environment/2020/may/22/disappearances-danger-and-death-what-is-happening-to-fishery-observers?__twitter_impression=true

- (2) Establish a list of third countries that fail to discharge the duties incumbent upon them under international law as flag, port, coastal or market State, to take action to prevent, deter and eliminate abuse against fundamental labour and violations of human rights in fishing.
- (3) Take steps against non-compliant fishing vessels and non-cooperating third countries, similar to those established in Chapter VII of the IUU Regulation. Particularly, prohibit imports from fishing vessels or fishing nations blacklisted in the register for serious labour abuse and no respect of basic human rights on board fishing vessels.
- (4) Require that all fish products imports entering the Community market comply with minimum internationally agreed standards such as those enshrined in the C188 and transposed in the EU through the Directive (EU) 2017/159, to avoid that European citizens consume fish without knowing it was caught by vessels that do not respect minimum social conditions.
- (5) Ensure better coherence with EU trade policies, including preferential tariff agreements such as the Generalised Scheme of Preferences (GSP+), ATQs and Free Trade Agreements. This could include allowing for the suspension of such instruments or the relevant negotiations until the third country concerned is found to be duly discharging its duties to take action to prevent, deter and abuse against fundamental labour and violations of human rights in fishing as flag, port, coastal or market State.
- (6) Perform an IUU audit over non-cooperating Asian countries and eventually act with carding process as necessary.
- (7) Promote and secure, as full member of Regional Management Fisheries Organisations (RFMOs), effective measures to tackle labour abuse through the implementation of ILO C188; fund a research aimed at assessing the occurrence of forced labour and other forms of labour abuse on board fishing vessels registered in RFMOs; improve cooperation and coordination with other RFMOs' parties in the context of the European international Ocean Governance Strategy in order to include Decent Work in Fishing (UN SDG8) as a fundamental pillar to improve fisheries sustainability at a global scale.

Done at Brussels, 4 November 2020

For the social dialogue committee



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