

**45th ANNUAL MEETING OF NAFO - SEPTEMBER 2023****Non-Binding Resolution on Core Principles on Labour Standards in NAFO Fisheries*****Explanatory memorandum***

Illegal and inhumane working conditions, such as forced labour, occur within the global fishing sector, and are devastating for victims and their families. They also contribute to destabilization of maritime security and supply chains, and create circumstances that lead to the depletion of fish stocks and degradation of marine ecosystems. Combating illegal labour practices when they occur is particularly challenging within the fishing sector, especially for vessels that are out to sea for long periods of time. It is known that some captains subject victims to physical, mental, and sexual abuse; deception about working conditions and wages; debt bondage; withholding of wages; excessive overtime; abusive working and living conditions; and isolation for extended periods of time.

The FAO, ILO, and other international fora have noted the importance of RFMOs in comprehensively and holistically addressing these labour related concerns in the fishing sector. A number of RFMOs are taking action. For example, in 2018 the Western and Central Pacific Fisheries Commission adopted Resolution 2018-01 "Resolution On Labour Standards For Crew On Fishing Vessels" and in 2021 the International Commission for the Conservation of Atlantic Tunas established an ad hoc Working Group on Labour Standards.

The United States is submitting this nonbinding resolution on labour and safety standards in NAFO fisheries to underscore the importance of standards for fair and decent working conditions for all crew onboard fishing vessels. The resolution encourages Contracting Parties to adopt international labour standards within their domestic regulatory programs, if they have not already done so. The resolution further calls for NAFO to review this resolution in three years.

Non-Binding Resolution on Core Principles on Labour Standards in NAFO Fisheries***The Northwest Atlantic Fisheries Organization***

Recalling that Contracting Parties, under NAFO's Convention, have committed themselves to conducting responsible fishing activities;

Further recalling that the Convention takes into account the 1995 FAO Code of Conduct for Responsible Fisheries;

Recognizing that Articles 6 and 8 of the 1995 FAO Code of Conduct for Responsible Fisheries sets out international standards, including for the responsible conduct of fishing operations to ensure safe, healthy and fair work and living conditions as well as calling upon States to ensure that fishing is conducted with due regard to the safety of human life;

Recalling that Article 94 of United Nations Law of the Sea Convention requires States to take measures to ensure safety at sea, including in regards to labour conditions and the training of crews, taking into account the applicable international instruments,

Further recalling the United Nations Declaration on the Rights of Indigenous Peoples and the right not to be subjected to any discriminatory conditions of labour;



Reaffirming the importance of flag State responsibilities under international law regarding fishing vessels flying their flag, including with respect to safety at sea and labour conditions on fishing vessels;

Noting the increasing global attention to instances of poor labour conditions and mistreatment of crews including forced labour and child labour on board some fishing vessels;

Emphasizing that the resumed review Conference of the United Nations Fish Stock Agreement encouraged regional fisheries management organizations and arrangements, as appropriate, to adopt standards for decent working conditions for crew, inspectors, and observers within the fisheries within their competence, in accordance with international instruments;

Underscoring NAFO's requirement for flag State Contracting Parties to take appropriate action with respect to their vessels to ensure safe working conditions, the protection, security and welfare of observers; and

Acknowledging the important role played by crew members in assisting the conduct of fishing vessel operations in compliance with NAFO Conservation and Management Measures, and the central role that crew members play in contributing to effective fishing operations;

Resolves that

1. Contracting Parties are encouraged to ratify, as appropriate, international conventions or instruments concerning labour standards on board fishing vessels and to adopt and implement, or maintain measures that establish minimum standards regulating crew labour conditions. These measures should be consistent with generally applicable international minimum standards to ensure fair and decent working conditions on board for all crew working on vessels flying their flag and operating in fisheries managed under NAFO, including, *inter alia*:
 - a. The absence of forced, trafficked, or any other form of involuntary or compulsory labour;
 - b. A safe and secure working environment with minimum risk to health and well-being;
 - c. Fair terms of employment, that are enshrined in a written contract, or other equivalent or comparable arrangement, and made available to the employee, in a form and language that facilitates the employee's understanding of the terms, and is agreed by the employee;
 - d. Decent working and living conditions on board vessels, including access to potable water and food, vessel and operational safety protections, medical care, adequate periods of rest, and acceptable standards of sanitary hygiene;
 - e. Access to appropriate safety equipment onboard vessels and adequate safety training before first deployment on a vessel and at appropriate intervals thereafter; such training should be in line with the International Maritime Organization (IMO) safety training standards, as applicable;
 - f. Access to a communication device and a designated point of contact in case of concerns related to safety or labour abuses;
 - g. Decent and regular remuneration as well as appropriate insurance for the crew; and
 - h. The opportunity for crew to disembark, to access their identity documents, to terminate the contract of employment, to communicate with an organization that can render assistance to crew, to submit complaints regarding vessel working conditions, and to seek repatriation.

2. Contracting Parties are encouraged to make every effort to ensure that these measures extend to all crew, including migrant workers, working on vessels flying their flag and operating in fisheries managed under NAFO.
3. Contracting Parties are further encouraged to, as appropriate, work with any entities involved in recruitment of crew to implement the provisions of this Resolution, including promoting the prohibition of recruitment fees and related costs being charged to crew.
4. Contracting Parties are encouraged to apply and, where appropriate, strengthen effective jurisdiction and control over vessels flying their flag and to exercise due diligence to improve and enforce all relevant laws and policies regarding labour conditions and crew safety on board vessels.
5. Contracting Parties are further encouraged to ensure the adequate enforcement of all relevant laws relating to the treatment of crew for those vessels that land fish in their ports or operate in their waters.
6. The Commission may consider progress on these issues, three years after the Resolution's adoption.

