

NINTH MEETING OF THE SRM TWG

(16-20 SEPTEMBER 2024)

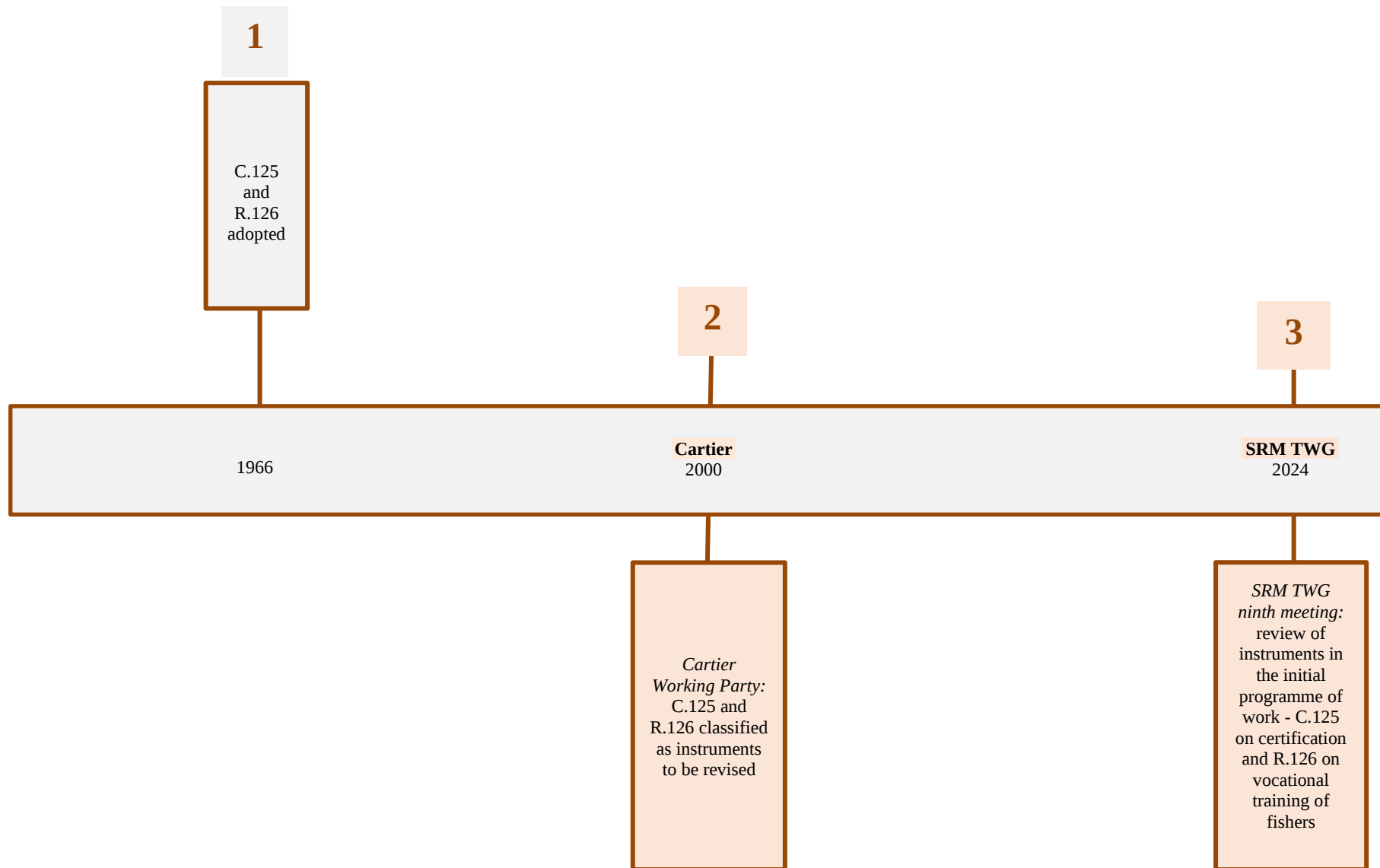
EXAMINATION OF INSTRUMENTS CONCERNING CERTIFICATION AND VOCATIONAL TRAINING (FISHERS)

Technical Note 1.3: Instruments concerning certification and vocational training (fishers)

- Two instruments in the initial programme of work concern certification and vocational training of fishers: the Fishermen's Competency Certificates Convention, 1966 (No. 125); the Vocational Training (Fishermen) Recommendation, 1966 (No. 126).
- *Current status of instruments:* These instruments were reviewed by the Cartier Working Party, following which they were classified as "to be revised".
- *Action to be considered:* Classification of Convention No.125 and Recommendation No. 126; identification of any gaps in coverage; and associated follow-up action.

9 August 2024

ILO regulation of certification and vocational training (fishers): Chronology of developments



ILO regulatory approach to certification and vocational training of fishers

A number of ILO instruments concerned protection of the working conditions of fishers. The **Fishermen's Competency Certificates Convention, 1966 (No. 125)** and the **Vocational Training (Fishermen) Recommendation, 1966 (No. 126)** were the first ILO instruments to be adopted concerning the certification and vocational training of fishers. The ILO has long recognised the hazardous nature of the profession of fishing and the consequent need for sufficient training and specific competencies, to ensure both the safety of fishers and the efficiency of fishing activities.¹

Convention No. 125 and Recommendation No. 126 were adopted in response to the technical and scientific revolution of the commercial fishing industry, which carried with it a change in the conditions of work of fishers, their skills and training requirements.² At the time, many countries continued to allow fishing vessels to sail without certified personnel, despite fishers performing complicated and dangerous operations at sea.³ Convention No. 125 and Recommendation No. 126 formed the basis for other international standards on the regulation of working conditions in the fishing industry, with respect to certification and vocational training.⁴

By the 2000s, the regulatory approach had evolved towards favouring a comprehensive standard on work in the fishing sector that revised earlier instruments and reflected changes in the sector.⁵ The Work in Fishing Convention, 2007 (No. 188), however, did not revise Convention No. 125.⁶ The complementary Work in Fishing Recommendation, 2007 (No. 199) reiterated the importance of international standards on competency and vocational training in the fishing industry.⁷

In relation to vocational training, the general regulatory approach has shifted towards greater integration of human resources development policies with other economic and social policies.⁸ The Human Resources Development Convention, 1975 (No. 142) and the Human Resources

¹ ILO: *Conditions of work in the fishing sector A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector* ([Report V\(1\)](#)), International Labour Conference, 2004), p. 34.

² ILO: *Preparatory Technical Conference on Fishermen's Questions: Vocational Training of Fishermen* ([Report II](#), 1965), p. 3.

³ ILO: *Preparatory Technical Conference on Fishermen's Questions: Fishermen's Certificates of Competency* ([Report III](#), 1965), p. 1.

⁴ Eg 1985, the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel and 1995, IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F).

⁵ ILO: *Conditions of work in the fishing sector: The constituents' views* ([Report V\(2\)](#)), International Labour Conference, 2004, p. 1.

⁶ The Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126) were revised by Convention No. 188.

⁷ Paragraph 11 of the [Work in Fishing Recommendation, 2007 \(No. 199\)](#).

⁸ ILO: *Learning and training for work in the knowledge society*, ([Report IV\(1\)](#)), International Labour conference, 2003), pp. 1-2.

Development Recommendation, 2004 (No. 195) are the most up-to-date generic instruments in this area. They do not provide guidance that is specific to the fishing sector.

ILO developments since adoption of the instruments

1. 1966: ILC adopted Convention No. 125 and Recommendation No. 126

Convention No. 125 provides for ratifying States to establish standards of qualification for certificates of competency entitling a person to perform the duties of a skipper, mate or engineer on board a fishing vessel above 25 gross registered tons. It also prescribes the minimum age and the minimum professional experience for the issue of a certificate and the subjects on which candidates are to be examined. It provides for an efficient system of inspection and other enforcement measures.

Recommendation No 126 is an autonomous recommendation that provides guidance on national planning and coordination, financing and definition of standards for training of fishers. It also deals with the contents, methods and international co-operation regarding training of fishers.

Convention No. 125 and Recommendation No. 126 were adopted at the same time as another instrument concerning fishers: the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), which is also on the agenda of the SRM TWG in September 2024.

See: [Convention No. 125](#) and [Recommendation No. 126](#)

2. 2000: Governing Body considered that Convention No. 125 and Recommendation No. 126 should be revised

The Governing Body approved the recommendation of the Cartier Working Party to revise Convention No. 125 and Recommendation No. 126.⁹

The Working Party took into account that, in December 1999, the Tripartite Meeting on Safety and Health in the Fishing Industry had considered that Convention No. 125 did not reflect developments in the fishing industry and needed to be revised to bring it up to date with the level of technology on present-day fishing vessels. Recommendation No. 126 should be adapted to new technologies and advances in navigational equipment, particularly since other relevant international instruments did not adequately address vocational training in the fishing industry.

See: [GB.277/LILS/WP/PRS/2](#), p. 7-8 and 11-12 (Office background paper, March 2000); [GB.277/LILS/4](#), paras 51 and 54 (discussion by Working Party, March 2000); [GB.277/11/2](#), para. 8 (decision by LILS Committee, March 2000)

⁹ A background paper on follow-up to the Cartier Working Party recommendations in 2002 noted that proposals for revision existed with respect to 24 Conventions and 13 Recommendations: [GB.283/LILS/WP/PRS/1/2](#), pp. 2, 3 and 17.

3. 2007: Convention No. 188 and Recommendation No. 199 adopted, without revising Convention No. 125¹⁰

Convention No. 188 and Recommendation No. 199 are the two most up-to-date instruments on work in fishing.

The preparatory work leading to the adoption of Convention No. 188 referred to the Governing Body decision that Convention No. 125 should be revised.¹¹ An examination of the provisions of Convention No. 125 and the IMO [International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel \(STCW-F\), 1995](#) indicated that, generally, the STCW-F Convention covered not only all the issues covered by Convention No. 125 – and in more detail – but also provided mandatory requirements for basic safety training of all fishers, which Convention No. 125 did not. It was noted that “while the new ILO fishing standard might contain general principles on competency certificates, it would not seem advisable that it should repeat – or duplicate – the IMO standard”.¹²

It was further noted that more governments replied negatively than positively to the adoption of recommendatory provisions beyond those in existing international standards concerning the training of persons working on board fishing vessels.¹³ The Office noted that guidance on training was provided, to a great degree, in the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel.¹⁴

See: [Convention No. 188](#) and [Recommendation No. 199](#)

Analysis of Convention No. 125 and Recommendation No. 126

The following table provides a provision-by-provision analysis of the substantive provisions of Convention No. 125 and Recommendation No. 126.

Convention No. 125 is the only ILO instrument to regulate competency certificates of fishers. The IMO STCW-F Convention is a more “modern and comprehensive” international standard

¹⁰ In 2005, a proposed Convention was not adopted by the Conference due to a lack of quorum; its supplementary Recommendation was adopted as the Work in Fishing Recommendation, 2005 (No. 196). Consequently, the Conference requested the Governing Body to place on the agenda of its 96th Session in 2007 an item concerning work in the fishing sector. In response to a request for clarification, the Legal Adviser said that it would be necessary to review the Recommendation and probably adopt a new Recommendation to replace it: ILO: Record of Proceedings, ILC, 93rd Session, Geneva, 2005, pp. 25/3–25/5. See further ILO: *Work in the fishing sector*, [Report IV\(2B\)](#), ILC, 96th Session, 2007, p.1-8.

¹¹ With reference to the existing IMO STCW-F Convention, the question was raised as to whether one international instrument on issues of competency was not sufficient. The Tripartite Meeting agreed that, in the light of the different supervisory mechanisms applicable to IMO and ILO Conventions, the method of adoption of ILO instruments and the need for comprehensive coverage, a revision of Convention No. 125 was appropriate. See ILO: *Conditions of work in the fishing sector A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector* ([Report V\(1\)](#), International Labour Conference, 2004), p 35.

¹² ILO: *Conditions of work in the fishing sector A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector* ([Report V\(1\)](#), International Labour Conference, 2004), p 145.

¹³ One suggestion was to provide guidance on qualifications for skippers of fishing vessels under 24 m, which are not covered by the STCW-F Convention. See ILO: *Conditions of work in the fishing sector: The constituents’ views* ([Report V\(2\)](#)), International Labour Conference, 2004, p 126.

¹⁴ ILO: *Conditions of work in the fishing sector: The constituents’ views* ([Report V\(2\)](#)), International Labour Conference, 2004, pp 125-126.

on the subject matter,¹⁵ setting certification and minimum training requirements for crews of fishing vessels with the aim to promote the safety of life at sea and the protection of the marine environment. As of January 2024, the STCW-F Convention has been ratified by 35 States, representing 8.65% of world tonnage.¹⁶

Recommendation No. 126 is the only ILO instrument to regulate training of fishers. The FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel, 2001, contains detailed guidance on most of the issues covered by the Recommendation in relation to the training and certification of fishing vessel personnel on small and large fishing vessels and fishing on an industrial scale.¹⁷

In comparison with the more up-to-date instruments on fishers, which use gender neutral language, Convention No. 125 and Recommendation No. 126 use outmoded gendered language.¹⁸ Notably, they refer to ‘fishermen’ rather than ‘fishers’ throughout. In addition, Convention No. 125 assumes a male ILO Director-General in Articles 19 and 20.

ANALYSIS OF SUBSTANTIVE PROVISIONS OF CONVENTION NO. 125	
Arts 1, 2 and 3	• <i>Objective:</i> Defines the scope of application of the Convention ○ “Fishing vessel” includes all ships and boats, of any nature whatsoever, whether publicly or privately owned, which are engaged in maritime fishing in salt waters and are registered in a territory where C.125 is in force, except ships and boats of less than 25 gross registered tons; engaged in whaling or similar pursuits; engaged in fishing for sport or recreation; or fishery research and fishery protection vessels. ○ After consultation with fishing-vessel owners’ and fishermen’s organisations, competent authorities may exempt fishing vessels engaged in inshore fishing. ○ “Skipper” means any person having command or charge of a fishing vessel; “mate” means any person exercising subordinate command of a fishing vessel, including any person, other than a pilot, liable at any time to be in charge of the navigation of such a vessel; “engineer” means any person permanently responsible for the mechanical propulsion of a fishing vessel. • <i>Comparison with other relevant ILO instruments:</i> No similar provisions for the purpose of competency certificates of fishers. Arts 1-3 of C.188 detail its

¹⁵ ILO: *Conditions of work in the fishing sector A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector* ([Report V\(1\)](#)), International Labour Conference, 2004), p 46.

¹⁶ IMO: [Status of IMO Treaties](#), January 2024, p. 441. For information on ‘World Tonnage’, the IMO’s Global Integrated Shipping Information System should be consulted.

¹⁷ ILO: *Conditions of work in the fishing sector: The constituents’ views* ([Report V\(2\)](#)), International Labour Conference, 2004, p.126.

¹⁸ See ILC, [Resolution concerning gender equality and the use of language in legal texts of the ILO](#), p. 18. The Conference resolved that “gender equality should be reflected through the use of appropriate language in official legal texts of the Organization...” and “that in the ILO Constitution and other legal texts of the Organization, in accordance with applicable rules of interpretation, the use of one gender includes in its meaning a reference to the other gender unless the context otherwise requires.”

	application to all fishers and all fishing vessels engaged in commercial fishing, and allow for exclusion of limited categories of fishers and fishing vessels, subject to a progressive extension of requirements to be reported to the CEACR. Art. 1(l) of C.188 retakes a definition of skipper similar to that of C.125, although it does not regulate competency certificates of fishers. • <i>Current relevance:</i> The definitions and scope of application of the STCW-F Convention are based on different criteria to those in Convention No. 125, whose scope seems to be broader than that of the STCW-F Convention. The STCW-F Convention applies to vessels longer than 24 meters in length and with engines generating more than 750kW.¹⁹
Arts 4 and 5	• <i>Objective:</i> ○ Member States shall establish standards of qualification for certificates of competency entitling performance of the duties of a skipper, mate or engineer on a fishing vessel. ○ All fishing vessels shall carry a certificated skipper; fishing vessels over 100 gross tons, engaged in operations and areas defined by national laws and regulations, shall carry a certificated mate; and fishing vessels with an engine power above a level to be determined by the competent authority, after consultation with existing fishing vessel owners' and fishermen's organisations, shall carry a certificated engineer (some exceptions provided). ○ Certificates of skippers, mates or engineers may be full or limited, according to size, type and nature of area of operations of the fishing vessel, as determined by national laws and regulations. ○ Exceptionally, in individual cases, the competent authority may authorise a fishing vessel to go to sea without being fully manned by certificated personnel. • <i>Comparison with other relevant ILO instruments:</i> No similar provisions. • <i>Current relevance:</i> Chapter II of the STCW-F Convention sets out mandatory minimum certification requirements for a range of specialised fishing occupations, accounting for the type of vessel; and for continued proficiency in specific categories of occupations.
Art. 6	• <i>Objective:</i> Minimum age, prescribed by national laws or regulations, for issuing a certificate of competency shall not be less than for skippers – 20 years; for mates – 19 years; for engineers – 20 years. For skippers/mates on inshore fishing vessels and for engineers in small fishing vessels with an engine power below a level determined by the competent authority, after consultation with existing fishing vessel owners' and fishermen's organisations, minimum age may be 18 years. • <i>Comparison with other relevant ILO instruments:</i> No similar provisions. • <i>Current relevance:</i> Art. 6 sets specific minimum ages of certification for skippers, mates and engineers, while the STCW-F Convention only sets a standard minimum age of certification (at 18 years) for certain officers in charge of navigational watch, engineers and radio personnel.

¹⁹ The STCW-F Convention has a narrower scope than C. 188, the later applying to all fishers and all fishing vessels engaged in commercial fishing operations, including fishing vessels under 24 m.

Arts 7 – 10	• <i>Objective:</i> Minimum professional experience prescribed by national laws or regulations for issuing a certificate of competency shall be: not less than 3 years’ sea service engaged in deck duties for mates, not less than 4 years’ sea service engaged in deck duties for skippers (certain modifications possible); and not less than 3 years’ sea service in the engine-room for engineers (certain modifications possible). Required periods of sea service may be reduced, if persons have completed an approved training course, but in no case by more than 12 months. • <i>Comparison with other relevant ILO instruments:</i> No similar provisions. • <i>Current relevance:</i> The STCW-F Convention contains minimum seagoing service requirements for periods of time that are significantly less than the professional experience requirements in Convention No. 125.
Arts 11 – 13	• <i>Objective:</i> In examinations conducted by the competent authority, candidates for competency certificates shall be required to demonstrate knowledge appropriate to the categories and grades of certificates necessary to perform the corresponding duties, which include a range of subjects specific to, skippers and mates; and engineers (exceptions under certain circumstances possible). • <i>Comparison with other relevant ILO instruments:</i> No similar provisions. • <i>Current relevance:</i> Chapter II of the STCW-F Convention details extensive minimum knowledge requirements to be covered in examinations to assess competency for various fishing occupations, at various levels.
Arts 14 - 15	• <i>Objective:</i> Member States shall ensure enforcement of national laws or regulation giving effect to C.125, by an efficient system of inspection. National laws or regulations shall, provide for cases in which the State may detain vessels registered in its territory on account of a breach of these laws or regulations; prescribe penalties or disciplinary measures for cases where these laws or regulations are not respected, particularly when a fishing vessel owner/agent/skipper has engaged a person not certificated as required, and when a person has obtained by fraud or forged documents an engagement to perform duties requiring certification without holding the requisite certificate. • <i>Comparison with other relevant ILO instruments:</i> No similar provisions. • <i>Current relevance:</i> The STCW-F Convention requires Parties to establish processes and procedures to investigate any reported incompetency, act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates; and if under its jurisdiction, there is a person believed to have been responsible for/have knowledge of non-compliance, extend all cooperation with other Parties trying to initiate proceedings.
ANALYSIS OF SUBSTANTIVE PROVISIONS OF RECOMMENDATION NO. 126	
I. SCOPE AND DEFINITIONS	

Paras 1-2	• <i>Objective:</i> Applies to all training for work on board fishing vessels, i.e. all ships and boats, whether publicly or privately owned, engaged in maritime fishing in salt waters, except those engaged in whaling or similar pursuits and fishery research and fishery protection; does not apply to persons fishing for sport or recreation. Reiterates definitions of “skipper” and “mate” in C.125; expands definition of “engineer” in C.125 to include any person liable at any time to operate and maintain engines and mechanical equipment of a fishing vessel; and defines “skilled fisherman”. • <i>Comparison with other relevant ILO instruments:</i> There are no similar provisions on training of fishers. Art. 31 of C.188 requires Member States to adopt measures concerning training of fishers, specifically in relation to OSH and accident prevention. Arts 1-3 detail application of C.188 to all fishers and all fishing vessels engaged in commercial fishing, and allow for exclusion of limited categories of fishers and fishing vessels, subject to a progressive extension of requirements to be reported to the CEACR. • <i>Current relevance:</i> The FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel contains guidance on most of the issues covered by R.126.²⁰
II. NATIONAL PLANNING AND ADMINISTRATION	
Paras 3-9	• <i>Objective:</i> ○ Competent authorities in countries with a fishing industry should: ensure that national education and training policy include adequate provision for training of fishers; where this is not possible, collaborate with other countries and international organisations in common fishery training schemes; coordinate all fishery training activities of public and private training institutions, on the basis of a national programme, drawn up in cooperation with fishing vessel owners’ and fishers’ organisations, and educational and fishery research institutions, among others. Joint advisory policy and administrative bodies should be set up to facilitate planning, development, coordination and administration of fishery training schemes. Coordination with other programmes and activities related to the fishing industry should be ensured. ○ There should be regular and adequate financing for training based on requirements and developments of the industry. Governments should make financial contributions to training schemes; training in publicly operated centres should be free; financial and economic assistance should be provided as foreseen in R.117. ○ General standards for fishers’ training applicable throughout the country should be established, which conform with national requirements to obtain fishers’ certificates of competency and provide various details regarding pre-conditions and structure of training schemes. • <i>Comparison with other relevant ILO instruments:</i> There are no similar provisions providing substantial guidance on vocational training for fishers.

²⁰ ILO: Conditions of work in the fishing sector: The constituents’ views ([Report V\(2\)](#)), International Labour Conference, 2004, p.126.

	○ <i>R.199, para 11(b)</i>: Members should address issues relating to vocational training of fishers, including national planning, administration and coordination; financing and training standards. ○ <i>C.142, Arts 1-5 and R.195, paras 5-6</i>: Members should recognise primary responsibility for education and training in general and develop a national strategy for training with social partners; invest in education and training; facilitate lifelong learning responding to industry and technological developments; promote equal opportunities, including for women and workers with particular needs; and ensure inclusion of compulsory basic education. ● <i>Current relevance</i>: The FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel contains guidance on most of the issues covered by R.126.²¹
III. TRAINING PROGRAMMES	
Paras 10-20	● <i>Objective</i>: ○ Curricula should be based on a systematic analysis of fishing work; established in co-operation with joint advisory policy and administrative bodies; periodically reviewed and updated based on technical developments; include training on a range of technical skills and general and specialised education subjects; and for a sufficient duration. ○ National standards for certificates of competency, and training programmes to prepare trainees for certification, should be established. ○ In fishing communities, pre-vocational training should be provided to schoolchildren, consistent with national conditions and C.112. ○ For working fishers, training courses of short duration should increase technical skills; qualify for promotion; and complement basic long-term courses with advanced specialised training. Working fishers should be enabled to attend short courses. ● <i>Comparison with other relevant ILO instruments</i>: There are no similar provisions providing substantial guidance on vocational training for fishers. ○ <i>R.199, para 11(b)</i>: Members should address issues relating to vocational training of fishers, including, training programmes, pre-vocational training and also short courses for working fishers. ○ <i>R.195, paras 9(a), (b), (l); 14 and 8</i>: Members should, along with social partners, identify the competencies required by the industry when establishing training programmes; support individuals to balance work, family and learning interests; develop standards for training providers; and ensure pre-employment and vocational training systems are accessible, relevant and related to certification.

²¹ ILO: Conditions of work in the fishing sector: The constituents' views ([Report V\(2\)](#)), International Labour Conference, 2004, p.126.

	• <i>Current relevance:</i> The FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel contains guidance on most of the issues covered by R.126.²²
IV. METHODS OF TRAINING	
Paras 21-26	• <i>Objective:</i> The most effective training method should be adopted. Training programmes should include, practical training, with student participation; theoretical training should be related to skills required; there should be training on fishing training vessels and conducting actual fishing operations; relevant demonstration equipment; and educational visits. • <i>Comparison with other relevant ILO instruments:</i> There are no similar provisions providing substantial guidance on vocational training for fishers. Para. 11 of R.199 provides that Members should address issues relating to vocational training of fishers, including methods of training. • <i>Current relevance:</i> The FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel contains guidance on most of the issues covered by R.126.²³
V. INTERNATIONAL CO-OPERATION	
Para. 27	• <i>Objective:</i> Countries should co-operate in promoting vocational training, particularly in developing countries, including by training teaching staff; establishing joint training facilities/fishery research institutions; and international exchanges of trainees, instructors and personnel. • <i>Comparison with other relevant ILO instruments:</i> There are no similar provisions providing substantial guidance on vocational training for fishers. ○ <i>R.199, para 11(b):</i> Members should address issues relating to vocational training of fishers, including, international cooperation. ○ <i>R.195, para 21:</i> International and technical cooperation in training should: promote national capacity building, technical and financial assistance for developing countries, and include human resource development at the centre of international development policies; strengthen capacity of social partners and promote their cooperation with governments, private sector and international organizations; and promote decent employment opportunities, for men and women, recognising the portability of skills. • <i>Current relevance:</i> The FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel contains guidance on most of the issues covered by R.126.²⁴

²² ILO: Conditions of work in the fishing sector: The constituents' views ([Report V\(2\)](#)), International Labour Conference, 2004, p.126.

²³ ILO: Conditions of work in the fishing sector: The constituents' views ([Report V\(2\)](#)), International Labour Conference, 2004, p.126.

²⁴ ILO: Conditions of work in the fishing sector: The constituents' views ([Report V\(2\)](#)), International Labour Conference, 2004, p.126.

The instrument in 2024

A Policy context

Unskilled labour in the fishing industry is not only dangerous but also highly unsatisfactory in terms of productivity.²⁵ Additionally, while training can improve income security and lead to professional advancement for fishers, it can also contribute to the preservation of fish stocks and protection of the marine environment.²⁶ Therefore, it would seem desirable to promote training as an international standard.²⁷

According to the 2021 Global Estimates of Modern Slavery, a total of 128,000 fishers are trapped in forced labour worldwide; however, this figure likely significantly understates the full extent of the problem because measuring forced labour aboard fishing vessels is extremely challenging.²⁸ One of the ways in which unscrupulous labour recruiters trap fishers, particularly those who are migrant workers, is by charging high fees for the preparation of the documentation required to work on board fishing vessels, including for obtaining fraudulent training certificates, and then forcing them to work under threat or by means of debt bondage.²⁹

B International labour standards context

(1) Information relating to the ratification of Convention No. 125

Convention No. 125 has been ratified by 10 Member States.

In terms of its practical reach, of the top ten global capture producers in 2020, none have ratified this Convention.³⁰ Four Member States – *Belgium, France, Sierra Leone and the Syrian Arab Republic* – of the 10 Member States in which Convention No. 125 is in force, have also ratified the IMO STCW-F Convention containing provisions relating to certification and training of fishers. In 2015, the Council of the European Union adopted a decision authorising and encouraging Member States to ratify the STCW-F Convention by May 2017.³¹ Of the three EU Member States that have ratified Convention No. 125, only *Belgium* and *France* have also ratified the STCW-F Convention; *Germany* has not ratified this instrument.

²⁵ ILO: *Preparatory Technical Conference on Fishermen's Questions: Vocational Training of Fishermen* ([Report II](#), 1965), p. 5.

²⁶ ILO: *Conditions of work in the fishing sector A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector* ([Report V\(1\)](#), International Labour Conference, 2004), p. 34.

²⁷ ILO: *Conditions of work in the fishing sector A comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector* ([Report V\(1\)](#), International Labour Conference, 2004), p. 46.

²⁸ ILO, Walk Free and International Organization for Migration: [Global Estimates of Modern Slavery – Forced Labour and Forced Marriage](#), September 2022, p. 33.

²⁹ ILO, Walk Free and International Organization for Migration: [Global Estimates of Modern Slavery – Forced Labour and Forced Marriage](#), September 2022, p. 33.

³⁰ The top 10 global capture producers in 2020 were *China, Indonesia, Peru, India, Russian Federation, United States of America, Viet Nam, Japan, Norway, Bangladesh*: FAO: [The State Of World Fisheries And Aquaculture 2022](#), figure 8.

³¹ Council of the European Union, [Council Decision 2015/799](#), 18 May 2015.

Convention	Effective ratifications:	Further information
Convention No. 125	10 effective ratifications (0 denunciations)	• <u>Last ratification</u>: 1988 (<i>Germany</i>) • <u>Ratification by dates</u>: 1960s-1970s: 4; 1970s-1980s: 5; 1980s-1990s: 1. • <u>Ratification by region</u>: Europe and Central Asia: 3 ratifications;³² Africa: 3 ratifications;³³ Americas: 3 ratifications;³⁴ Asia and the Pacific: 0 ratifications; Arab States: 1 ratification.³⁵ • In addition, there are two declarations of applicability by France to <i>French Polynesia</i> and <i>New Caledonia</i>.

(2) Information concerning the implementation of Convention No. 125

The Committee of Experts has continued its supervision of Convention No. 125. There are currently 11 pending comments under Convention No. 125. In a number of cases, the Committee requested Member States to provide information on any concrete progress made with respect to the adoption or amendment of national legislation to ensure full conformity with the Convention.³⁶ In some instances, the Committee referred to the ratification and/or noted the application by Members of the training standards set out in the STCW-F Convention, which are consistent with the application of Convention No. 125,³⁷ or noted the application to fishers of relevant provisions in the IMO International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW).³⁸

Key considerations

In examining Convention No. 125 and Recommendation No. 126 for the purpose of determining their status, the following considerations are particularly relevant:

- Convention No. 125 has not been revised, despite its revision having been recommended by the Cartier Working Party in 2000.
- The regulatory approach to certification of fishers, and to vocational training, has changed since the adoption of Convention No. 125. Convention No. 188 reflects an up-to-date approach to the international regulation of fishers but does not include provisions on certification and vocational training.
- While the most up-to-date instruments on human resources development, education, training and lifelong learning policies contain general provisions on the adoption by Member States of policies and programmes on vocational guidance and training, they

³² *Belgium, France and Germany.*

³³ *Djibouti, Senegal and Sierra Leone.*

³⁴ *Brazil, Panama and Trinidad and Tobago.*

³⁵ *Syrian Arab Republic.*

³⁶ *Belgium*, [direct request](#), adopted in 2023; *Trinidad and Tobago*, [observation](#), adopted in 2022; *Sierra Leone*, [direct request](#), adopted in 2021; *Brazil*, [direct request](#), adopted in 2018; and *Panama*, [direct request](#), adopted in 2018.

³⁷ *French Polynesia*, [direct request](#), adopted in 2020; *France*, [direct request](#), adopted in 2019.

³⁸ *Germany*, [direct request](#), adopted in 2017.

contain no specific provisions on vocational training of fishers, which has considerable sectoral specificities.

- The IMO's STCW-F Convention is the most up-to-date international instrument on certification of fishers. The preparatory works that led to the adoption of Convention No. 188 noted that the STCW-F Convention covers all the issues covered by Convention No. 125 and that accordingly it would not seem advisable to repeat or duplicate the IMO standard. No international labour standards concerning fishers have explicitly referenced and formally delegated the training requirements of fishers to the IMO's STCW-F Convention. The STCW-F Convention has been ratified by 35 Member States, 4 of which have ratified Convention No. 125.
- Convention No. 125 is in force in 10 Member States and is fully supervised by the Committee of Experts.
- Recommendation No. 126 continues to be the only ILO instrument containing detailed guidelines on vocational training for fishers. The FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel contains guidance on most of the issues covered by Recommendation No. 126.

Possible action to be considered in relation to Convention No. 125 and Recommendation No. 126

While certification and vocational training of fishers is as relevant now as it was when Convention No. 125 and Recommendation No. 126 were enacted, the instruments are no longer reflective of the most up-to-date developments in the sector and Convention No. 125 is no longer consistent in practice with the more recent IMO Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995. As Convention No. 125 and Recommendation No. 126 are the only international labour standards on these still relevant topics, as the topics are not covered by Convention No. 188, these instruments have not lost their purpose. However, the change in regulatory approach suggests that they are no longer fully up-to-date.

Following its review of Convention No. 125 and Recommendation No. 126, the SRM TWG will tailor lessons learnt through the SRM TWG process to the specificities of this review.

Based on the preceding information, and ensuring consistency with past SRM TWG recommendations, **the Office proposes consideration of:**

- the classification of Convention No. 125 and Recommendation No. 126 as *instruments requiring further action to ensure their continued and future relevance*;
- the identification of *no regulatory gap in coverage* in relation to the international regulation of fishers' certification and vocational training; and
- *practical and time-bound follow-up action* composed of the non-normative measures set out below.

In this regard, the Office has taken particular account of the continued relevance of having specific certification and training requirements for the fishing sector and the existence of the IMO STCW-F Convention, which is a key international instrument in this regard.

The SRM TWG will take decisions concerning the three elements within its mandate and make corresponding recommendations to the Governing Body concerning Convention No. 125 and Recommendation No. 126.

1. STATUS OF INSTRUMENTS UNDER REVIEW:

The SRM TWG will consider whether, within their current legal status as active instruments, Convention No. 125 and Recommendation No. 126 should be classified as *up-to-date* instruments, instruments *requiring further action to ensure their continued and future relevance*, or *outdated* instruments. In deciding the status of Convention No. 125 and Recommendation No. 126, the SRM TWG will consider whether they are fit for purpose.

2. IDENTIFICATION OF GAPS IN COVERAGE:

In determining whether or not a regulatory gap in coverage exists in relation to fishers' certification and vocational training, the SRM TWG should consider all relevant elements, including that, while the two instruments are no longer consistent with current practice, the subject matter is regulated in part by the IMO STCW-F Convention.

3. FOLLOW-UP ACTION AS APPROPRIATE:

Considering past practices of the SRM TWG and the specificities of the instruments under review, the SRM TWG will consider what follow-up action should be taken:

i. If the SRM TWG considers that Convention No. 125 and Recommendation No. 126 have the status of instruments requiring further action to ensure their continuing and future relevance, it could recommend that the Office take necessary further actions that could include:

- (a) If the SRM TWG considers that there is a regulatory gap in coverage in relation to certification and training of fishers, it could recommend that the Governing Body consider addressing this gap, including through placing a standard-setting item to take into account the latest version of the IMO STCW-F Convention on the agenda of the Conference or through non-normative means; or
- (b) If the SRM TWG considers that there is no regulatory gap in coverage in relation to certification and training of fishers but that further action is required, it could recommend that the Governing Body consider requesting non-normative action such as conducting research to identify the key challenges and opportunities in relation to the application of the IMO STCW-F Convention by ILO Member States, with a view to facilitating a tripartite discussion of options for possible follow-up action.

ii. Alternatively, if the SRM TWG considers that Convention No. 125 and Recommendation No. 126 have the status of outdated instruments, it could

decide to recommend that their abrogation or withdrawal, as relevant, by the Conference be considered either:

- (a) As soon as possible; or
- (b) At a particular session of the Conference as it determines.