

**GOI/ILO Preparatory Workshop on
Work in Fishing Sector Convention – 188
Visakhapatnam, Jan 24-25, 2011
Summary Report**

As part of the ongoing deliberations on International Labour Organization (ILO) Convention 188 and Recommendation 199 on Work in Fishing, Government of India along with ILO held its second preparatory workshop in Visakhapatnam in January (24-25), 2011. The two-day workshop saw various stakeholders – representatives of Boat Owners' Associations, Fishworkers Associations, Central Trade Unions and State Government officials from fisheries departments, D/o Animal Husbandry, Dairying & Fisheries, Ministry of Shipping as well as the Ministry of Labour and Employment come together to understand, discuss and analyze the provisions of the Convention. The workshop also provided various insights into the fishing sector as it exists in India. It also provided a platform for the stakeholders to point to the hardships faced by workers and employers alike in this sector. The first preparatory workshop of the kind was held at Kochi in Aug-Sept 2010.

In June 2007, the International Labour Organization (ILO) adopted the Work in Fishing Convention and its Recommendation 199. In accordance to ILO's core mandate the Convention aims to promote decent conditions of work and protect and promote the rights of the fishers in this regard. The objective of the Convention is to ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection, medical care and social security.

The inaugural session was presided over by Mr. Manmohan Singh, Commissioner (Fisheries), Govt. of Andhra Pradesh, Mr. Vikas, Director, M/o Labour & Employment, Mr. Coen Kompier, Senior Specialist on International Labour Standards, ILO Decent Work Team for South Asia, New Delhi. Mr. K.S. Ravichandran, National Professional Officer, ILO-SRO, New Delhi welcomed all the participants in the workshop.

Providing an outline of the Preparatory Workshop, Mr. Coen Kompier, Senior Specialist on International Labour Standards, ILO Decent Work Team for South Asia gave a brief summary of the activities in India since the adoption of the Convention by the ILO. Several meetings had been held in 2008 and 2009 with Ministry of Agriculture, D/o D/o Animal Husbandry, Dairying & Fisheries, Ministry of Shipping, and the Ministry of Labour and Employment as the nodal Ministries/Departments. He said a Task Force of eight members was formed following the first stakeholders' meeting at Kochi. In December 2010 a meeting on occupational safety and health for fishers was held in Chennai which was part of a larger Bay of Bengal inter-country programme on fisheries of a number of countries that are around the Bay of

Bengal. Several conferences had been held in the international arena to promote the Convention which was expected to be ratified by a number of countries in the coming years.

Speaking on perspectives of Work in Fishing Sector Convention No.188 at the inaugural session, Mr. Vikas, Director, Ministry of Labour and Employment, GOI said this workshop had been organized with the objective to have more participation from fish Employers/Boat Owners for seeking their views as very few numbers of these organizations participated in Kochi workshop. He mentioned that JS (AP) had taken keen initiative for holding the consultations on C-188 as this Convention gives a roadmap to approach the issues facing the Fishing sector in India.

Mr Vikas, Director, Ministry of Labour and Employment, said the fisheries sector in India was vast. It did face a lot of problems but it was important that social security, decent working conditions, occupational safety and health standards were met. The Indian government had been stressing on inclusive growth to make sure that the working class of the country did not merely get the trickle down benefits of progress but were real participants in the growth of the country and were direct beneficiaries of the country's progress.

He informed that India is a founder member of the International Labour Organization, which came into existence in 1919. A unique feature of the ILO is its tripartite character. The membership of the ILO ensures the growth of tripartite system in the Member countries. In the tripartite system, Governments are associated with the two other social partners, namely the workers and employers. All the three groups are represented on almost all the deliberative organs of the ILO and share responsibility in conducting its work. The three organs of the ILO are (i) International Labour Conference: - General Assembly of the ILO – Meets every year in the month of June.(ii)Governing Body: - Executive Council of the ILO. Meets three times in a year in the months of March, June and November (iii) International Labour Office: - A permanent secretariat.

Dir (V) stated that the principal means of action in the ILO is the setting up the International Labour Standards in the form of Conventions and Recommendations. Conventions are international treaties and are instruments, which create legally binding obligations on the countries that ratify them. Recommendations are non-binding and set out guidelines for orienting national policies and actions. He further said that ILO has been providing technical assistance to member States under DWCP and a Decent Work Team for South Asian countries is placed in New Delhi, which indicates importance of India. He also mentioned that M/o Labour have been doing tripartite consultations with social partners by holding Indian Labour Conference since 1940.

Shri Vikas said that under the article 32 (1), the convention applies to fishing vessels of 24 meters in length which normally remain at sea for more than 3 days. In view of the large number of small scale fishing vessels, which usually remain out at sea for more than three days at a stretch, the provision of the Convention in the Indian context needs to be looked into. The minimum age for work on board a fishing vessel as provided under Article – 9 of the Convention also requires examination in the light of the relevant acts/legislations in force in our country.

An in depth examination of the issues regarding subsistence fishing mainly by small scale fishers, diverse ecologies, long coast lines and different fishing practices etc, in our country is utmost essential. Majority of the fishers in our country belong to the poorer section and fishing is primarily a subsistence activity. It is necessary to arrive at a common consensus on each of the provisions of the ILO Convention by the concerned Ministries/Departments in the GOI, State Governments and all other stakeholders. We also need to assess the preparedness and acceptance of the State Governments to implement the proposed legislation and to avoid conflicting provisions, if any between the existing and proposed legislations.

Subsequent to the conduct of GOI/ILO Preparatory Workshop on C-188 in Kochi (31 August – 1 September 2010), M/o Labour & Employment has constituted a Task Force (Gap Analysis) from participants representing Government Departments, Fisheries Workers and Employers Organizations, Fisheries Institutions and NGOs. The first meeting of the Task Force for Gap Analysis of Work in Fishing Sector Convention (C-188) was convened on 18th November, 2010 in M/o Labour & Employment, New Delhi.

As recommended by Task Force, the process of engaging the Consultant/Expert for gap analysis of Work in Fishing Convention (C-188) has been initiated by M/o Labour & Employment in consultation with D/o Animal Husbandry, Dairying & Fisheries and ILO.

Welcoming the participants at the inaugural session, Shri Manmohan Singh, Commissioner (Fisheries), Govt. of Andhra Pradesh said that JS (Fisheries) mentioned in the Kochi Workshop that one of the priority was to resolve problem of fisheries vs fishers. He stated that provisions of the C-188 are not objectionable and we should be concerned about safety of fishermen. He said that there was need to refine the existing welfare programme for fishermen in the country. We should welcome the objective of C-188 as there is a flexibility clause. He said that Boat owners and State Governments should look after welfare of fishermen together and funds were required for creating machinery for carrying out inspection and providing infrastructure. He informed that Government of Andhra Pradesh had conducted stakeholders consultations on C-188 in Vishakhapatnam and Nizampatnam on 18-1-2011 and 19-1-2011. He expressed hope that this would provide help for national level consultations on C-188.

DD (SS) concluded the inaugural session with a vote of thanks. She also thanked the Task Force Members for providing inputs on C-188 and expressed hope that this workshop would pave the way for better understanding the C-188. She thanked all the participants for their presence & participation which was of paramount importance.

Though there could be a difference of opinion on the fine print of the Convention, there was no doubt that its aim was noble, Mr Vikas said. Hoping that the workshop would provide a platform for frank discussion in an atmosphere of mutual understanding, he said there was also a need to assess the preparedness and acceptance of the state governments to implement the provisions of the convention.

In his inaugural address, Mr Manmohan Singh, Commissioner of Fisheries, Andhra Pradesh said the Central and State governments were already implementing many welfare programmes and had

provided for many safety measures for the fishers. These would be further refined and strengthened by the provisions of the Convention. If ratified, it would bring similar benefits to the fishers as labour laws bring to workers of industries on land. The Convention provided enough flexibility and allowed for progressive implementation, and therefore discussions could be held to come up with solutions for provisions which may look difficult to implement at the start.

Technical Session 1 began with a presentation on the ILO by Mr Coen Kompier. He explained the structure of the ILO and its constituents – the International Labour Conference, Governing Body and the International Labour Office, giving the functions of each of these. He said ILO had adopted 189 conventions and 200 recommendations to date. The package together was known as the standards. It required a two-third majority to vote in favour for a new instrument and normally a Convention required two ratifications for it to become part of the international law package. The Work in Fishing Convention will come into force a year after it is ratified by ten member states, eight of whom have coastlines. Although once ratified, a Convention is legally binding international treaty, the ratification itself was a voluntary action. Mr Kompier said India had so far ratified 42 conventions. The large package that had been ratified by India pertained to social protection, labour administration, child labour and tripartism, he said. Mr Kompier also explained how the supervisory machinery and complaint mechanism worked in the ILO with regard to conventions.

To queries on whether ratifying a Convention was linked to trade, either in paving way for preferential treatment or serving as a barrier, Mr Kompier said that trade issues were decided by the World Trade Organization while ILO dealt with labour issues and there was no link between the two. ILO tried to establish a level playing field. This Fishing Convention should apply to all workers worldwide in a similar manner even though flexibility is part and parcel of the ILO Conventions. And, it does take into account the different circumstances and conditions under which countries operate. However, he conceded that countries did punish other countries when they see that a product being exported is being manufactured without sufficient respect to workers rights. This has been seen with regard to manufacture of carpets and garments. In such a scenario ratifying a convention that endorses a country's intention of providing better work conditions etc, worked to its advantage.

Clarifying queries from the floor during a separate presentation on Work in Fishing Convention, Mr. Kompier emphasized that the Convention applied to all fishing vessels, with more stringent regulations for vessels over 24 metres long and those which stay out in the sea for seven days or more. It applied to fishers working aboard fishing vessels and not those who worked on the shore. He explained that although initial cost for the employer implementing the provisions of the Convention would seem to go up, in the long run it would prove to be more productive and be beneficial. Mr. Kompier said the Convention provides for progressive implementation and countries could exclude certain categories from the provisions in the beginning. However, these exclusions have to be assessed regularly.

An overview of the fishing sector in India, its status, its resource potential, the revenue it generates, details of the number of various kinds of fishing craft, fishing harbours and landing centres, fishermen population and the government programmes and schemes aimed at the welfare of fishermen was given

by Mr L Shankar, Dy. Commissioner, Department of Animal Husbandry, Dairying and Fisheries in his presentation on Gap Analysis with regard to the Convention.

Mr. Shankar said the existing legal instruments in India appeared to have no focused provisions to address the requirement of workers in fishing and allied activities especially decent conditions of work on board fishing vessels, occupational safety and health and social security. Mr. Shankar said the Merchant Shipping Act needed to be re-looked/amended with regard to regulations for fishing vessels and if required a separate agency or a competent authority be assigned to the fishing sector. At present the sector was dealt with multiple agencies. There was need for a dedicated legislation to deal with fisheries, he said.

Technical Session I of the workshop sought views of representatives from Fish Employers/Boat Owners Organization. Dr. Y.G.K. Murthy, President, Association of Indian Fisheries Industries thanked organizers for inviting them in the workshop. He said that as per C-188 the fishing vessels with Over All Length of 24 mts and above are to be treated as Deep Sea Fishing Vessels. So any applications of this Convention should be restricted to these Deep Sea Fishing Vessels but not to fishing vessels of less than 24 mts, OAL and so they should be exempted from any International Conventions, including C-188. On the provision of C-188 applicability to fishing vessels, remaining at sea for more than three days regardless of their size, Mr Murthy said that most of the small mechanized crafts in India go for multi day fishing of more than three days and more than 50 % of the multi day mechanized fishing boats belong to the Traditional fishermen, hence this C-188 should be exempted to all the multi day fishing boats of less than 24 mts, OAL.

Mr. Murthy further mentioned that article 9 of C-188 sets minimum age for work onboard fishing boats (16 years) may not be practical in implementation, in Indian fishing industry as for the fishermen, fishing is their livelihood and sea is the place where they dwell in, right from their childhood, for their living. Speaking on Article 13 & 14 of C-188 regarding sufficient and efficient manning and the rest periods of fishers on the fishing boats, Mr. Murthy said that unlike the land based industries, it is impossible and impracticable to impose the hours of work in fishing industry as they have to catch fish when it is available in the sea and fisherman has to wait for the fish and the fish shall not wait for the fishermen. With regard to the fishers work agreement (Article 15-20 of C-188), unlike the land based industry, it is impossible to have an agreement in the fishing industry.

Mr. Murthy said that keeping in view of the above observations, the Indian fishing industry strongly feel that neither the fishers nor the boat owners be overburdened by way of implementing new unwanted, unpractical resolution of ILO in to our fishing industry. We believe in our Indian system of working and we have our own frame work to take care of the Indian fishing industry including its fishers and boat operators. He suggested that in order to provide better facilities and working conditions to the fishers, fishing activity should be given agriculture status and the representatives of the fishing industry and the fishers should be in majority of the National Task Force. He further suggested that in order to address the problems of fishers and to improve their standards and livelihood, there is an immediate necessity of a separate ministry for fishers at the center. Finally, he said that they are totally against the idea of accepting the ILO Convention No. 188.

In his statement, Dr. Y.G.K. Murty made a reference of his representation submitted during the Workshop. A copy of this representation signed by President, General Secretary and 14 FIFI members is enclosed as Annexure. He informed that Federation of Indian Fishery Industries (FIFI) is an all India Fishery Organisation with its members of nine Maritime States (i.e. West Bengal, Orissa, Andhra Pradesh, Tamil Nadu, Gujarat, Maharashtra, Karnataka, Goa and Kerala) and two Union Territories (i.e. Pondicherry and Diu Daman).

Mr. Joseph Xavier Kalapurackal, General Secretary, Kerala State Fishing Operators Association stated that fishing in India is a way of life and Government Should look after interest of India. He mentioned that 12 out of the 15 fishing grounds in the world are already overexploited uncontrollably by the commercial and industrial marine fishery. The remaining fertile grounds are in the Indian Oceans. The actions of ILO in a manner which enhances the efficiency of the human resources of industrial and commercial fishing fleets in exploiting these fishing grounds can only be seen as an open war against the people who pursue fishing as their means of livelihood in India.

Mr. Dilip N. Pagdhare, Chairman, Mahim Machimar VKS Society supported Mr. Murthy's views on C-188. Mr. Narendra R. Patil, General Secretary, Maharashtra Machhimar Kruti Samitee also supported Mr. Murthy's views on C-188. He suggested that fishing vessels below 20 mts should be exempted from the purview of C-188 and regional seminar should be held in each States in the regional languages.

Mr. K.N. Praharaj, President, All Orissa Fish Producer Federation requested to take into account the ground realities as crores of people in India are dependent on fishing and we get only 150 days of fishing in a year. He stated that provisions of C-188 are not practicable in our country. Mr. Appa Rao, President, A.P. Mechanised Fishing Boat Owners Association requested that Govt. Should give more subsidy to boat owners and provide welfare measures to fishermen.

Shri Babulal B. Todi, AIMO informed that ILO Convention 188 is still not ratified by any of the developed countries. He said that the World fishers are diverse involving approximately million persons – 16 million of whom work as full time fishers – about 93% of World catch is within adjacent to National jurisdiction and about 95% of the fishers are from developing countries. He mentioned that we should take into consideration the kind of impact the Convention will have on the developing countries especially where infrastructure is lacking, fishing is done for livelihood, and for barter trade to get other requirements for good living. Finally, he suggested that we should go into all the pros and cons of the Convention 188 before we decide to ratify the Convention not only that we should also wait and see as to how many countries specially developed countries are ratifying the Convention.

A majority of the representatives of the Boat Owners' Associations were of the view that there were many issues regarding fish workers and vessel owners that required urgent attention of the government before it entered into an international treaty. As such, even the present regulations or schemes were not being implemented. Some of problems that plague the sector, especially the vessel owners many of who were fish workers themselves, included lack of loan facilities at reasonable rates to buy or even

modernize the boats; difficulty in obtaining subsidy for diesel; absence of minimum support price for marine products; lack of basic amenities and hygienic conditions at the fish landing centres and harbours; and reduced fish catch due to pollution caused by industries that had been allowed to come up on the coasts. They also expressed concern over depletion of fish resources due to violation of ban orders during conservation period, especially by the big trawlers. The Boat Owners' representatives said there was need for government to ensure education and training in alternative skills to children of fishermen so they could have a choice. Due to lack of alternative, children of fishermen often started working on vessels at a very young age, they said. With regard to written work agreement, they said it was only possible if the fisher did not switch employers and boats as frequently as they did at present.

Technical Session 2 of the workshop sought views of representatives from fish workers organizations, Central Workers/ Employers Organizations, coastal States/UTs, fishing institution and Task Force Members. Mr. Bimal Kumar Jana, Vice President, West Bengal United Fishermen Association comprising of more than 50 fishermen Organisations in West Bengal said that there is no demarcation between fishermen/boat owners organizations in West Bengal.

Mr. Matanhy Saldana, Chairperson, National Fishworker Forum (NFF) stated that though our country has many fisheries laws but they are not enforced. He said that there is a need of some regulation for the fishing sector. He suggested that as a safety measure, life jackets should be provided to all fishermen. He said that migrant labourers are major workforce in mechanized/traditional sector and there is need to regularise these sectors. He further stated that there is no formal agreement between fishermen and boat owners to fulfil the requirement of C-188 on human need and there should be medical examination of fishermen once a year to fulfil medical need. Fish workers should be brought under ESI scheme. As a Task Force member, Mr. Matanhy Saldana suggested that subsidy should be provided on fish production to sustain the sector and there is need to rationalize all the vessels. He also suggested that a national data base of fishing sector in India should be formed by collecting data.

Mr. Jaya Palayan, President, South Indian Fishermen Federation, Chennai stated that fishermen are in the most hazardous profession in the world and therefore children below the age of 14 yrs should be banned in this profession. He said that South Indian Fishermen Federation fully supports C-188. He mentioned that understanding about the fishing community, the method of fishing and the net they use for surface fishing, mid water fishing and ground fishing etc. emerge more important in the given situation before ratification of convention 188 so that the specific area where the convention may be imposed or exempted is known. Thorough knowledge on the local fishermen, their lifestyle, their socio-economic condition is needed.

On the issue of minimum age, Mr. Jaya Palayan stated that the child labour is more prevalent in India especially in the fishing sector. No under-aged person (16-17) may be allowed in marine fishing particularly in mechanized boats which is capable of staying out at sea 3 days and above which is considered more hazardous. Exemption can be given to the under-aged person to sail out along with elders who are engaged in traditional fishing in shallow waters or engaged in daily fishing, so that the traditional knowledge is passed on the next generation. The Government of India must set standards

and must be ahead of the ILO guidelines when it comes to the issue of child labour. No civilized nation will allow child labour to continue when ILO sets a deadline to eradicate worst form of child labour by 2016 and total elimination of child labour by 2020.

He further mentioned that the reasons the fishing community in the Indian coast witnessed illiteracy is due to long followed generation to generation child labour. We must address the issue of child labour globally and get rid of uncivilized practice. The child labour is posing a great threat leading to illiteracy and poverty among the fishing community. Child labour is cited as a prime reason for 80% of the community to remain uneducated.

On the issue of social security, Mr. Jaya Palayan stated that as per the recommendation, the Government should ensure that the mechanism to benefit the fish workers under social security must be in place so that the families eventually the fishing industry will have a standard life and step into the new era.

Speaking on Article 34 of the Convention he said that Article 34 of the convention emphasizes the importance of social security under conditions no less favourable than those applicable to other sections. The Government of India should evolve the system in which tripartite mechanism is in place (Government, Employer and Employees) and they should play their role to fulfill the vacuum created in the past. The govt should recommend the formulation of article on social security such as 1. Life, disability and health 2. Old age protection. 3. Benefit his/her dependence. Very detailed discussion warranted on article 34.

Speaking on the issue of medical examination, Mr. Jaya Palayan said that when the decision is taken on the article on medical examination and medical fitness we should address the issue of a person who becomes medically unfit. We should introduce some kind of system that will take care of the person and their dependence. He further stated that it is true the fishermen are working continuously most of the day that leads to fatigue, as clearly stated in article 13. We should initiate and introduce new practice so that the fish workers enjoy enough rest on land.

Mr. Jaya Palayan stated that when owners' association representative at vizag argued and agreed that most of the benefits are being extended to the workers, it is peculiar that representatives oppose the ILO convention 188. The views expressed by the fish workers union supporting the convention at Cochin is the right approach.

Mr. Dasari Satyanarayane, President, Traditional Fishworkers Forum, Andhra Pradesh said that traditional fishers are poor fishermen going to sea fill their stomach and fishermen are first protector of our country. He suggested that there should be insurance cover for all fishermen/traditional fishermen and technical education for all fishermen. He further stated that Traditional Fishworkers Forum is opposed to EEZ

Mr Gilbert Rodrigo, General Secretary, National Union of Fishermen, Tuticorin suggested that there should be bilateral agreement between countries to save fishermen being arrested. Mr. Veljibhai K.

Masani, BJP Gujarat Pradesh (Fishermen Cell) mentioned that though there are several laws in fishing sector but very few of them are implemented. He said that education should be provided to all fishermen and their children by the Government. He further mentioned that one single act should be there for the welfare of fishermen.

Ms. Hemlata, Secretary, CITU stated that as more than 3 crore persons are engaged in fisheries sector in India, there should be separate Ministries for fisheries at Central and State level and separate Act is required for fisheries. She suggested that representatives of Central Trade Union should be member of Task Force.

Agreeing with some of the points raised by the boat owners, the fishers' representatives said it was true that it would be difficult to follow the Convention's provisions on rest and manning hours on a vessel as the fuel costs made even one trip expensive. The fishermen need to catch enough to make some profit before they could return to the shore. Besides, depleted resources meant that they had to go further into the sea and stay for longer time. Fishers' representatives also said they were often harassed for identity cards and in places like Sundarbans and 24 Parganas in West Bengal they faced harassment from forest officials who claimed that the areas were reserved under Forest Act or Project Tiger. The fishermen should have community rights to their traditional fishing grounds, they said. The fishers' representatives welcomed the move for medical examination and minimum age for workers on board fishing vessels. Although medical examination could, they said, affect the elderly fishermen who despite old age problems went into seas to fish, it was time the government paid attention to their circumstances and extended them old-age pension. Regarding safety, the fishers said all coastal states should provide their fishermen with life jackets and subsidize all safety equipment including GPS and echo sounders. They should also be trained to handle the safety equipment and administering first aid. Also, there was as yet no training of drivers for mechanized boats and vessels. With regard to written work agreement, one of the speakers said that it should not bind a worker to one boat and that he should be allowed to change employers when he wished. One of the problems highlighted was that in the event of death at sea of a fisherman, the state waited for seven years before giving any compensation to the family.

Both fishers and boat owners were unanimous in their opinion that the government strengthen its implementation mechanism and at least begin with properly implementing the provisions that were already there in the state and central legislations. They said that given the revenue generated by the fishing industry in India and millions of people engaged in this profession, a separate Ministry at the cabinet level be formed to take care of the issues related to them.

Echoing the concerns of fishers and boat owners, representatives of trade unions said that there was need to build proper physical and social infrastructure before provisions of the convention could be implemented. Basic amenities in fishing villages, avenues of education, training in updated technological skills in fishing, safeguarding livelihood of fishermen and financial help in the form of subsidies, tax exemptions and minimum support price would encourage fishers and vessel owners alike and raise the level of the sector to a point where provisions of the convention could be applied. Both sides were

unanimous in their view that the Murari Committee recommendations be implemented in full. Participants also wanted the Convention to be translated into local languages for better dissemination.

Opining that it was necessary to have a rights-based perspective on safety and working conditions in the fishing sector, Mr Sebastian Mathew from International Collective and Support of Fishworkers who spoke as a member of the task force and earlier as fishers' representative, said ratifying the Convention would mean ensuring uniform basic rights that would also help the lakhs of migrant fishers. Given the nature of fishing industry it was a concern for both owners and workers. Safe operation of fishing vessel protects the capital of the owners and the lives of people working at sea and promotes a healthy relationship between the two main players in fisheries sector. As of now there was enough evidence of tension between the two, he said.

Documents such as written work agreement, identity card and maintaining crew lists would be of immense help when fishing is carried out on waters contiguous with neighbouring countries leading to inadvertent straying. These documents would help the government to negotiate better for repatriation. While the Convention provisions were placed somewhere between the flag state and port state duties of a government, Mr Mathew said it was necessary that government uphold its flag state duties as it was important to the conservation management element of the fisheries sector.

Another member of the task force, Ms Leela Edwin gave the example of the evolution of the traditional ring seine into a formidable fishing boat of considerable dimensions and quoted from surveys to elaborate on the working conditions of fishermen to make the point that phenomenal changes had taken place in the fishing sector and to ensure effective implementation of provisions of the Convention, Government orders have to be thoroughly revised and revalidated.

Officials from West Bengal and Gujarat provided state government perspective of the fishing sector while Deputy Director General, Shipping from Gujarat, suggested easy steps to fruitful discussions and process of ratification. Mr A Bhattacharjee, Joint Secretary, Fisheries Department, West Bengal spoke of the importance of inland fishing in the state, the identification of water bodies by competent state authorities for fish breeding, need for GIS and remote sensing and database mapping of all water bodies in the state to prevent illegal filling. The state official from Gujarat, Mr H P Dave spoke of the good working conditions that fishers were provided with in fishing vessels that operated off the coast of Gujarat. Nearly, all basic needs for decent work conditions are met besides detailed records of vessels and the crew aboard each was maintained. Wages were fair and paid in cash and not as share of the catch which was the case in many other coastal states.

Mr S G Bhandare from DG Shipping, Ministry of Shipping suggested systematic sifting of the provisions of Convention 188 to separate the provisions that could be implemented right away and, those which could be implemented only at a future date. In the case of the latter, a time plan could be assigned for implementation.

Responding to repeated demands from the floor, Mr Coen Kompier said that an additional preparatory workshop could be held and a national meeting after the gap analysis was done. Particularly referring to

Mr Dave's presentation on Gujarat fisheries sector, he said this was the message that the ILO was trying convey — to be inspired by this Convention without worrying too much about the ratification. He said an analysis of the practices and legislation in the fishing sector of the country could show what appropriate amendments and changes had to be made to align them with the provisions of the Convention and how fishworkers could have better access to social security and benefits. He also assured that the Convention 188 would be translated in as many local languages as possible.

Apart from translation of the Convention into local languages, the other activities that were listed in the 'way forward' were: consultations with stakeholders at the national and state level; organizing awareness building camps to educate fishers and other stakeholders about the benefits and provisions of the Convention; detailed review of the existing legislation by members of the task force; spread awareness regarding any new legislation that may come up in this regard.

Way Forward

Mr. Shankar L Deputy Commissioner, Department of Animal Husbandry, Dairying and Fisheries said that we do not have protective laws in India and we need more consultations to move forward. He mentioned that Action Plan is needed to complete National level consultations and State level consultations. He also stated that it is required to organize the awareness campaign among all stakeholders, sensitize the fishermen so that their livelihood is not affected. The Task Force/Working Group should review existing legislation in order draft new legislation.

Ms. Sameera Saurabh, Deputy Director, M/o Labour & Employment said that our efforts are to coordinate with D/o Animal Husbandry, Dairying & Fisheries and ILO with respect to C-188. Fisheries assume gigantic proportions in India and issues are complex. Ministry of Labour & Employment is in consultation with DADHF & ILO to finalize the experts/ legal firm to undertake the Gap Analysis of C-188. The Task Force on C-188 can be extended to include representation of more government members & stakeholders.

Dir (V) assured the participants that their view's are important and consultations will continue with utmost seriousness and sincerity. Stakeholders conferences & consultations should continue at the State level as well at the National level.

Concluding the workshop Ms Sameera Saurabh of Ministry of Labour and Employment assured all the participants that the government was very serious about the views expressed in these meetings. However, it was a gigantic task and the MOLE was coordinating with the department of fisheries to make a positive contribution to make the fish workers and employers a better one. She said the task force which held the status of an advisory body was open to having more members with technical background of fisheries for diverse and cross section of views. She said a legal expert will also be appointed as a consultant to advise the government.

Noting that sharing of best practices was one of the best off shoots of such an exercise Mr Ravichandran, in his vote of thanks, said that there was so much overlapping of roles – of fishers being

vessel owners and vice versa, there should be no hurdle in implementing any regulations that aim at better working conditions for the fishermen.



2) The Convention is applicable to fishing vessels, remaining at sea for more than three days regardless of their size.

Most of the small mechanized crafts in India go for multi day fishing of more than three days. It is also to be noted here that the traditional fishermen, who were earlier working as fishers with the boat owners, have themselves become the boat owners now. More than 50% of the multi day mechanised fishing boats belong to the Traditional fishermen. Hence this convention should be exempted to all the multi day fishing boats of less than 24 mts, OAL.

3) The Convention advocates to provide decent work to the fishers:

Decent work means productive work in which rights are protected and which generates an adequate income with adequate social protection to the fishers. In fact this provision of decent work to fishers has been already taken care of by the boat operators as well as by the local authorities.

4) The Convention speaks on the Occupation of the Safety, Health and Security:

The Fishing Industry in India is already providing the minimum requirements for work onboard related to the accommodation, food, occupational safety, health protection, medical care to the fishers, as per the Indian standards.

5) The Conventions speaks on Responsibilities:

Article 8 of the convention establishes the responsibilities of fishing vessel owners, Skippers as well as fishers for the safety of fishers onboard and for the safety of the vessels. This Article 8 is already in force in the industry.

6) Convention speaks on minimum age of fishers:

Article 9 of the convention sets a minimum age for work onboard fishing boats (16 years) and requires special protection for young fishers.

For the fishermen, fishing is their livelihood and sea is the place where they dwell in, right from their childhood, for their living. Hence, the minimum age of 15 to 16 years to work as fishermen, as imposed by ILO, may not be practical in implementation, in Indian fishing industry.

This holds good for the fishermen because they have to earn for their livelihood, only by way of fishing. No govt, either in the State or the Center is giving proper education to the fishermen and giving any assurance for the jobs to the fishermen to earn their livelihood and encouraging the fishers in those lines. Hence, age should not be a bar for the fishermen to earn their livelihood, as long as the govt, provides opportunities for education and to get jobs in fields other than fishing.



7) Articles 10 to 12 of the convention speak on periodical examinations and medical fitness of the fishers:

This may not be practical and feasible for a country like India keeping in view of its huge numbers of fish workers and also due to frequent shifting of the fish workers from one boat owner to other.

It is not practical on the part of the fishing industry, in India, to impose that no fishers shall work onboard fishing vessel, without a valid medical certificate. Neither the fishermen nor the Boat owners could fulfill this condition of ILO.

8) Articles 13 to 14 of convention speak on sufficient and efficient manning and the rest periods of fishers on the fishing boats:

The main problem that the fishing industry facing today is an acute shortage of manpower. We do not have sufficient Skippers, Mates, Bosuns, Boat Drivers, Tindals or even the regular Deck hands or Luskars available for the industry. Hence appointing sufficient and efficient crew in the industry, in the present scenario, is not practical.

Unlike the land based industries, it is impossible and impracticable to impose the hours of work in fishing industry. We have to catch fish when it is available in the sea. The fisherman has to wait for the fish and the fish shall not wait for the fishermen. So, the suggestions of ILO, that fisherman should have minimum rest hours of 10 hours in any 24 hours period and 77 hours in any 7 day period, can not be implemented in Indian fishing industry.

9) The convention speaks on safe Navigation and Communication Equipment:

All the fishing boats are fitted with proper navigation and communication equipment, as prescribed by the Merchant Shipping Act (M.S. Act), in India, which is more than sufficient, to take care of the safety of the boat as well as the fishers onboard.

10) Articles 15 to 20 of the convention speak on crew list and work agreement:

All the fishing boat owners are maintaining the crew list and also submitting the same to the authorities, whenever and wherever required.

With regards to the fishers work agreement, unlike the land based industry, it is impossible to have an agreement in the fishing industry, in the form of Fisher's work agreement. No fisher in the fishing industry shall continue for a fixed period, with the boat owner. The tendency and nature of the fishermen, in India, is to regularly change and shift from one boat owner to the other or from one fishing area to the other. This again is due to acute shortage of fishing staff and fishers in the industry. Hence executing fisher work agreement is not practical in the industry.

**11) Articles 21 to 22 of the convention speak on repatriation of fishers:**

As per the said article, once the fishers work agreement expires, they are entitled for repatriation. Since there is no any practice of fishers work agreement, being implemented in India, either by the fishers or by the boat owners, the question of repatriation does not arise.

12) Articles 23 to 24 of the convention addresses how fishers are paid:

In India, the payment of fishers is being done, in consultation with the fishers. The payment could be either on monthly basis or on share basis. The system of payment differs from place to place and it has to be respected, without any alteration, as both the fisher and the boat operator are comfortable with this present operation.

13) Articles 25 to 28 of the convention sets standards for living accommodation and food onboard:

With regards to the accommodation, to the fishers, on the boat, the best available space is provided, with all the possible hygiene, safety and comfort. However, an Indian fishing craft can not be compared with that of other advanced nations, in providing the accommodation.

With regards to the food and water, to the fishers, the Indian boat owners provide sufficient, hygienic food, freely, as per Indian standards.

14) Articles 31 to 33 of the convention speak on requirements for occupational safety and health as well as the basic level of medical care on fishing vessels:

All the fishing boats carry onboard, the medicines for common ailment and the first aid equipment. Any health problem of the fishers is being taken care of by the boat owner.

15) Articles 34 to 39 of the convention speak on protection in cases of work related sickness, injury or death:

The fishing boat owner takes care of the health of the fishers, in case of sickness or injury. There is insurance coverage to the fishers in the eventuality of his death.

Keeping in view of the above observations, we from the Indian fishing industry strongly feel that neither the fishers nor the boat owners be over burdened by way of implementing new unwanted, unpractical resolutions of ILO in to our Indian fishing industry. We believe in our Indian system of working and we have our own legal frame work to take care of the Indian fishing industry including its fishers and boat operators. Hence, we strongly deny any of the ILO resolutions to be implemented in the Indian fishing industry.



The Govt. of India has totally neglected the fishing industry and not taking care of the fishermen and their problems. Hence it is high time that the authorities look at the serious problems that are being faced by our fishermen in India, such as:

1) Diesel subsidy:

Govt. of India is not releasing the diesel subsidy for the fishers, linking it with the Below Poverty Line (BPL). This hurdle of BPL has to be immediately removed and the diesel subsidy should be given to the fishers by the Central Govt, immediately and unconditionally. The state govts also are not releasing the subsidy in time. This needs immediate attention.

2) Interest Rate:

The fishers are charged around 13% to 14% of interest rate for any credit facility related to the fishing activity. This interest rate has to be reduced to 4%. It has to be observed here that banks are charging only 9% interest rate for purchase of luxury cars by the rich entrepreneurs.

3) Insurance for the deceased fishers:

Unlike, the land based industry, very often the fishermen, who die out at sea, due to Natural Calamities or accidents, the dead body is invariably not traceable. The insurance companies are not settling the insurance claim of the deceased fishermen with a plea their bodies are not traced after their death. Hence, the claims are kept pending for years together, sometimes even for more than 7 years. The fishing community, is facing a serious problem due to this hurdle and the families of the deceased fishermen are starving, for want of proper earnings, as they have lost their earning member. GOI should seriously think on this alarming issue and to see that the insurance of the deceased fishermen is paid in fairly reasonable time of within 6 months of the death of the fishermen, irrespective of whether the body of the deceased fishermen is traced or not.

4) Insurance to Fishing Boat:

The General Insurance Company (GIC) is charging Exuberant premium on the Marine Hull Insurance of the fishing boats @ 4%. This premium has to be reduced to 0.5%. In spite of the fact that the high premium is collected by GIC, invariably the Marine Hull claims are repudiated, though the claims were 100% genuine. This resulted in mushrooming of local syndicates, by the fishery associations, which are effectively taking care of the Hull Insurance in case of any causality. It is to be observed here that most of the mechanised boats belong to Traditional Fishermen.

5) Housing and Education to fishers:

Today, most of the fishermen are deprived of proper shelter and education. GOI should take all necessary steps to see that all the fishermen are given proper shelter and also proper education to their children.

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**6) Job Security to the fishers:**

The fishers should be employed in fields other than fishing. The Govt. of India and the State Govts should take initiatives in order to encourage and provide proper employment to the fishers on priority basis.

7) Minimum basic price for the fish products:

Invariably, the fishers are exploited by the middle men and the Seafood Exporters. Unlike the other products such as Paddy, Wheat and other agricultural products, there is no minimum basic price fixed by either GOI or the State Govts, for the Marine Products. The fishers want the Govt, to fix up the minimum basic price for their fish and fish products.

8) The sea pollution has to be controlled:

The sea has become a dust bin for all the chemical effluents and pollutants and the authorities have become silent spectators of this serious issue. With a result the Marine Species are gradually disappearing in the sea, resulting in low fish catches and unviable of fishing operations. This is grossly affecting the livelihood of the fishers. Today in most of the places, the fishers have no two meals a day. They are all starving due to the decrease in fish catches.

9) The Sea and the sea shore is the birth right of the fishers:

All the fishers have a strong feeling that with the policies of GOI, they are loosing their right on the sea as well as on the sea shore. Just as the tribals are given the right on forest and forest lands by GOI, in the same lines, we the fishers also should be given the right on the sea and the sea shore.

10) Coastal Regulatory Zone (CRZ) Notification 2011:

The latest CRZ notification of 06th January 2011 by the Ministry of Environment and Forest (MOEF), Govt, of India, is against the interest of the fishers. In spite of the representations made by the fishers, MOEF gave a deaf ear and gave permissions to Nuclear Plants, Thermal Plants and Chemical Units along the coastal line. This would grossly affect the livelihood of the fishers due to pollution. The CRZ notification has to be amended, in the interest of the livelihood of the fishers.

11) Providing basic amenities to the fishers in the fishing harbors and fish landing centers:

Minimum facilities such as sanitation, hygiene, proper drinking water and lighting should be provided to the fishers in all the fishing landing centers and fishing harbors.

**12) Providing proper dormitory and toilets to the fishers:**

Most of the fishers in India, migrate from one place to the other. Proper dormitory facilities and toilets facilities are to be provided to these fishers coming from out side, in all the fishing harbors and fish landing centers.

13) Proper training for fishers:

Fishers are to be trained in boat driving, navigation, engine repairs etc, by the respective States. They are also to be trained in catching of fish in Deep Sea. This could be achieved by proper funding to the Maritime States by the National Fisheries Development Board (NFDB).

14) Harassment of fishers out at sea:

There is a constant harassment to the fishers, out at sea, by our own Coast Guard, Indian Navy and Marine Police, on issue of their Identity. Though the Identity cards are produced to them, very often, the fishers are being harassed by these authorities, especially after the 26/11 incident at Mumbai.

It is to be noted and strongly believed by the Govt, authorities that the fishers are the first line of defense to our nation and they report to our authorities about any foreigner or foreign vessel moving in our Indian waters. In spite of such an important act of the fishers, invariably they are treated as Terrorists by our authorities and are harassed out at sea. This harassment should be stopped immediately.

15) Indian Ocean Tuna Commission (IOTC):

Though India is the signatory to Indian Ocean Tuna Commission (IOTC), it could not fulfill the requirements of IOTC even after so many years of becoming its member. We would have been more comfortable by avoiding the membership of IOTC, just like many other countries such as Indonesia.

16) No proper control, monitoring, surveillance and implementation:

Unfortunately, we do not have the proper control, monitoring, surveillance and implementation of our own acts, regulations and resolutions. For example the Marine Fisheries Regulation Act (MFR Act) and the Merchant Shipping Act (M.S. Act) are not being implemented properly. No control, monitoring, surveillance and implementation is properly executed by our authorities on the Letter Of Permit (LOP) vessels, which are violating the loss of our land. The question arises as to how we are going to implement any International Convention, when we are not in a position to implement our own acts, rules and regulations.



17) Human Rights in Fisheries:

There is a lot of discussion on human rights and fisheries, especially from NGO organizations such as ICSF, which in fact has no relation, whatsoever, either with the fishers or the fishermen. Such NGO organizations, having no practical knowledge about the fishers and the fishing industry, simply raise their slogans for human rights in fisheries, only to identify themselves but not really to help the fishers. After all these NGO organizations are funded by countries, which are against the development of Indian fishing industry and its fishers. Hence, any suggestions made by any such organizations which are not related to the fishing industry are to be totally ignored, in the interest of the fishers. People, who do not really know about the practical difficulties of the fishers and the fishing industry, should be ignored.

18) National Task Force:

The Convention no.188 of ILO is concerned with the work in the fishing sector. Hence, if at all there is a necessity of National Task Force, on the subject matter, it is the representatives of the fishing industry and the fishers who should be in majority of the National Task Force. But unfortunately the fishers are neglected and only one member was taken in to the National Task Force.

19) Agricultural status to be extended to fishing:

In order to provide better facilities and working conditions to the fishers, fishing activity should be given agricultural status. The Govt. of India, should keep up their earlier promises that were made on different occasions, including the one during Indian International Seafood Show (IIS 2010) that was held at Chennai from 19th to 21st February 2010. The Hon'ble Union Minister for Commerce, GOI, Sri Anand Sharma ji and the Hon'ble Union Minister of State for Agriculture, GOI, Prof. K.V. Thomas ji, had promised in the said IIS 2010, to bring fishing at par with agriculture in all aspects, giving it the status of agriculture.

20) Separate Union Ministry for Fisheries:

In order to address the problems of fishers and to improve their standards and livelihood, there is an immediate necessity of a separate ministry for fisheries at the center.

There is no any need for the Govt. of India or the State Govts, to implement the proposed convention 188 of ILO, as we have already our own existing legislation which is being effectively implemented by our authorities.

The main issues of fish production and productivity, which was the priority in the fishing sector, was also not properly addressed and focused by either the Govt. of India or the State Govts. The authorities have totally neglected the fishers and the fishing industry. Instead of entering in to any Internal Convention including that of the present Convention 188 of ILO, it is high time that the authorities in India should focus on the real problems of the fishers and try to bring out a solution for their better livelihood.

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Though State Govts, had a few welfare schemes for fishers most of the welfare schemes are not being implemented. For example the **compensation to be given to the fishers during the fishing ban period (Conservation period)**, is not being effectively implemented. Similarly there is a wide gap in the schemes and their implementations of the **Insurance and housing** for the fishers. The schemes are not able to cover all the fishers. The **diesel subsidy** is not being properly implemented by the Center as well as the State govt.

Our Nation had its own acts, to protect the interest of the fishers, such as a) Marine Fisheries Regulation Act (MFR Act), for all the Maritime States, b) Merchant Shipping Act (M.S. Act). So we need not enter into any new Conventions or Acts of International Origin to look after our fishers. Our nation should focus on proper implementation of the loss of the land in order to improve the livelihood of the fishers.

Our nation is having its own legal frame work to protect its citizens, including the fishers. Hence, we do not require any International Convention in the form of new legislations, to take care of our Indian fishers.

So, keeping in view of all the above serious problems, we request GOI, to attend and solve these problems of our fishermen, instead of putting unnecessary and unwanted weightage to International Organization such as ILO, which in no way is going to help our fishers and our fishing industry.

So, we are totally against the idea of accepting the Convention 188 of ILO.

Thanking you,

Yours sincerely,

For Federation of Indian Fishery Industries

Y. G. K. Murty

Dr. Y.G.K. Murty
President

Dilip N. Pagdhare
General Secretary

CC to:

- 1) The Joint Secretary, Ministry of Agriculture, Krishi Bhawan, New Delhi, for information.
- 2) Sri Sankar Laxman, Dy. Commissioner (FH), MOA, Krishi Bhawan, New Delhi, for information.
- 3) To Sri. Har Mohan Singh, Commissioner of Fisheries, Govt. of A.P., Hyderabad
- 4) To Mr. Coen Komper, I.L.O., New Delhi

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Other FIFI Members:

- 1) Association of Indian Fishery Industries

D. Babu Rao
Hony. Secretary

- 2) A.P. Mechanised Fishing Boat Operators Association

P.C. Appa Rao
President

- 3) Visakha Dolphin Boat Owners Welfare Association

Ch. Satyanarayana Murty
President

- 4) All Orissa Fish Producers Federation

Kameswara Narayana Praharaj
President

- 5) West Bengal United Fishermen Association

Bimal Kumar Jana
Vice President

- 6) Maharashtra Machhimar Kruti Samitee

Narendra (Nandu) R. Patil
General Secretary

- 7) Kerala State Fishing Boat Operators Association

Joseph Xavier Kalapurackal
General Secretary

- 8) All Orissa Fish Producers Federation

Pijush Kanti Dev Berman
Secretary

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Continuation Sheet No.

9) B.J.P. Gujarat Pradesh (Fishermen Cell)

Veljibhai K. Masani
Convenor

10) Kakdwip Matsyajibi Unnayan Samity, West Bengal
Prayabrate (Bijan) Maity
Secretary

11) B. Ranga Rao
BOARD OF DIRECTOR (President)
ANDHRA PRADESH STATE FISHERMEN
CO-OP. SOCIETIES FEDERATION LTD., East Godavari
HYDERABAD

12) Joseph Xavier Kalapumthel
General Secretary
Kerala State District Road Operation Team
Edakkochi

1-2) Sri Jagadgururullu Karamana Baran
welfar (Akkara) Gungas (81)
X Mopidevi Sivimitarao
Plesiduz

(14) SANSAT JAFRABAI BOAT ASD' (GURAT)
(M.R. NAKSHI' Baw' 14. BARCAYA)

N. H. Britton