



Food for Thought

The Common Fisheries Policy
does it create sustainable fisheries?

Human Rights in Fishing Ment van der Zwan



Sustainable fisheries?

- **The People Planet Profit Balance**
 - The CFP protects fish (Planet) 
 - The CFP does **not** protect fishers (People) 
 - There is **no** sustainability without **human** sustainability
 - The CFP does **not** create sustainable fisheries!

Human Rights in Fishing Ment van der Zwan

- 2 -




Social protection of fishers

- **How should fishers be protected?**
 - By ensuring safety at sea in fishing through legislative measures concerning:
 - safe construction of fishing vessels and their equipment;
 - safe manning of fishing vessels;
 - training and certification of fishers; and
 - working and living conditions of fishers,
 - which comply with international standards.

Human Rights in Fishing

- 3 -

Ment van der Zwan



Social protection of fishers

- **Who says so?**
 - The United Nations Convention on the Law of the Sea (UNCLOS), 1982
 - to which are party:
 - all EU Member States; and
 - the European Union.
 - The FAO Code of Conduct for Responsible Fisheries, 1995
 - which was adopted unanimously.

Human Rights in Fishing

- 4 -

Ment van der Zwan



Social protection of fishers

- **Which international standards are available to ensure safety at sea in fishing?**
 - IMO's Torremolinos International Convention for the Safety of Fishing Vessels, 1977;
 - IMO's International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F); and
 - ILO's Work in Fishing Convention, 2007 (C188)


Human Rights in Fishing - 5 - Ment van der Zwan



Social protection of fishers

- **Torremolinos Convention,**
 - Amended through:
 - the Torremolinos Protocol, 1993; and
 - the Cape Town Agreement, 2012.
 - Applies to fishing vessels of 24 metres or over.
 - Not in force.
 - Implemented in the EU through Council Directive 97/70/EC.

Human Rights in Fishing - 6 - Ment van der Zwan



Social protection of fishers

- **STCW-F:**
 - Applies to officers of fishing vessels of 24 metres or over, respectively 750 kW or over
 - covers pre sea basic safety training for all fishers regardless of vessel's size/propulsion power
 - In force since 29 September 2012.
 - Implemented in the EU only marginally through **outdated** Directive 93/103/EC (partial basic safety training).
 - Within the EU in force for Denmark, Latvia, Lithuania, Poland, and Spain.

- 7 -

Human Rights in Fishing Ment van der Zwan



Social protection of fishers

- **Work in Fishing Convention:**
 - Applies to all fishing vessels and all fishers,
 - more stringent standards for fishing vessels of 24 metres or over.
 - Not in force.
 - Implemented marginally in EU by **outdated** Directives
 - 92/29/EEC (medical care on board),
 - 93/103/EC (minimum safety and health), and
 - 2003/88/EC (working time of employed fishers).
 - Within the EU ratified by France only.

- 8 -

Human Rights in Fishing Ment van der Zwan



Social protection of fishers

- **What has the EU done to ensure safety at sea in fishing?**
 - For the larger part of the EU fishing fleet (< 24 m) there's no harmonized system for the safe construction of fishing vessels and their equipment.
 - For the entire EU fishing fleet there are no harmonized standards on safe manning of fishing vessels.
 - For the entire EU fishing fleet there are hardly any harmonized standards on training, certification and watchkeeping for fishers.

Human Rights in Fishing

- 9 -

Ment van der Zwan




Social protection of fishers

- **What has the EU done to ensure safety at sea in fishing? (continued)**
 - For the entire EU fishing fleet there are hardly any harmonized standards on working and living conditions for fishers.
 - As a result of the almost total absence of harmonized EU standards on safety at sea in fishing, the social protection of EU fishers fails.

Human Rights in Fishing

- 10 -

Ment van der Zwan



Social protection of fishers

- **What has the EU done to ensure safety at sea in fishing?** (continued)
 - There's no single ownership of the responsibility for safety at sea in fishing within the Union's institutes.
 - There's no interdepartmental co-ordination between Directorates General concerning safety at sea in fishing.
 - There's no incentive to change this.
 - The EC Presidency did not respond to the worries voiced by the Union's social partners.

Human Rights in Fishing

- 11 -

Ment van der Zwan




Social protection of fishers

- **The Treaty of Lisbon,**
 - provides for a safety at sea in **shipping** policy,
 - international standards on safety at sea in shipping have been implemented through EU measures;
 - does **not** provide for a safety at sea in **fishing** policy,
 - the Common Fisheries Policy does **not** repair this shortcoming of the Treaty,
 - international standards on safety at sea in fishing have only been implemented **marginally** through EU measures.

Human Rights in Fishing

- 12 -

Ment van der Zwan



Social protection of fishers

- **CFP vs Safety of fishing vessels and their equipment**
 - When drafting its proposals for a revised common fisheries policy, the European Commission did not assess the impact the new policy would have.
 - The European Commission bluntly refused to assess the impact of the landing obligation.
 - In doing so the Commission ignored the importance of social dialogue.

Human Rights in Fishing

- 13 -

Ment van der Zwan



Social protection of fishers

- **CFP vs Training, certification and watchkeeping in fishing**
 - The European Commission ignored calls from stakeholders and advisory bodies to introduce a harmonized system of standards of training, certification and watchkeeping for fishers when drafting its proposals for a revised common fisheries policy.

Human Rights in Fishing

- 14 -

Ment van der Zwan




Social protection of fishers

- **CFP vs Working and living conditions of fishers**
 - The European Commission delays the implementation of the Social Partners Agreement on ILO's Work in Fishing Convention disproportionately by introducing bureaucratic impediments during the process.
 - The restrictive policy on fishing capacity, using inadequate measurement (kilowatts and gross tonnage), hampers improvement of working and living conditions on board fishing vessels.

Human Rights in Fishing

- 15 -

Ment van der Zwan




Social protection of fishers

- **Landing obligation and stability**
 - What effects does the landing obligation have on the stability of fishing vessels?
 - There is a danger of fishing vessels capsizing due to water on the deck or taking too much fish on board.
 - Not assessed.
 - For fishing vessels of 24 metres or over this is a violation of Directive 97/70/EC.

Human Rights in Fishing

- 16 -

Ment van der Zwan




Social protection of fishers

- **Landing obligation and working time**
 - What effects does the landing obligation have on fishers' working time?
 - There is a danger of fishers working more hours than considered safe, resulting in accidents and collisions due to fatigue.
 - In some demersal fisheries, despite innovations, the extra working time is estimated to be 30-45 minutes per haul while these fisheries involve about 10 hauls per day.

Human Rights in Fishing

- 17 -

Ment van der Zwan




Social protection of fishers

- **Landing obligation and working time (continued)**
 - Not assessed.
 - For employed fishers this is a violation of Directive 2003/88/EC.
 - Increased working time/fisher might be avoided,
 - by making shorter, more frequent trips
 - burns more fossil fuel
 - by employing more crew
 - reduction of income per fisher, or
 - employing cheap labour from outside the EU to avoid reduction of income for EU fishers

Human Rights in Fishing

- 18 -


Ment van der Zwan



Social protection of fishers

- **Gt-ceiling and working and living conditions**
 - Ceiling to fishing capacity on basis of gross tonnage hampers improvement of working and living conditions on board fishing vessels.
 - Gross tonnage (gt) is a unit for the **volume** of a ship.
 - Improvement of working and living conditions often involves an increase of volume and therefore of gross tonnage:
 - more working space;
 - bigger cabins and other crew accommodation;
 - more sanitary and recreational facilities.


Human Rights in Fishing
- 19 -
Ment van der Zwan



Social protection of fishers

- **Gt-ceiling and working and living conditions**
(continued)
 - The loss of so-called “safety and health gt’s” results in loss of fishing capacity if working and living conditions must be improved.
 - Loss of fishing capacity results in loss of income.
 - Fishers pay for improvement of their working and living conditions by losing income!
 - The ILO Work in Fishing Convention, 2007 prescribes that crew accommodation on board new or reconstructed fishing vessels increases.
 - The CFP thus hampers widespread ratification of the convention.

Human Rights in Fishing
- 20 -
Ment van der Zwan



Social protection of fishers

- **IUU fishing and social protection**
 - IUU fishing and poor working and living conditions often go hand in hand.
 - Unfair competition from countries outside the EU due to low labour cost.
 - How can the EU act against abuse of fishers in third country fleets if it does not have a fully fledged safety at sea in fishing policy itself.

Human Rights in Fishing

- 21 -

Ment van der Zwan



Social protection of fishers

- **Why should the EU act rather than the individual Member States?**
 - In order to avoid safety conflicts, the EU should align its Common Fisheries Policy with internationally agreed standards on safety at sea in fishing.
 - The ratification rates of international conventions on safety at sea in fishing by EU Member States are relatively low.
 - It is almost impossible to align the CFP with the, often limited and differing, safety at sea in fishing policies of all Member States separately.

Human Rights in Fishing

- 22 -

Ment van der Zwan

