REPORT OF THE MEETING OF THE AD HOC WORKING GROUP ON LABOUR STANDARDS (LSWG) (Online, 14-15 March 2022)

1. Opening of the meeting and meeting arrangements

The Chair of the Permanent Working Group (PWG), Mr. Neil Ansell (EU), opened the meeting and gave the floor to the Executive Secretary, Mr. Camille Jean Pierre Manel who introduced the participants.

Contracting Parties (CPs) present at the meeting included: Belize, Canada, China, El Salvador, the European Union, Gabon, Ghana, Gambia, Honduras, Japan, South Korea, Mexico, Norway, Senegal, St Vincent and the Grenadines, the United Kingdom, the United States, and Uruguay. The Cooperating non-Contracting Parties, Entities, or Fishing Entities (CNCPs), Bolivia and Chinese Taipei, also participated.

Observers present at the meeting included the International Pole & Line Foundation (IPNFL), Marine Stewardship Council (MSC), Organisation for the Promotion of Responsible Tuna Fisheries (OPRT), and Pew Charitable Trusts (PEW).

2. Election of Chair

The PWG Chair opened the floor to nominations for Chair of the Ad Hoc Working Group on Labour Standards (LSWG).

Ms. Alexa Cole (USA) was elected by acclamation.

3. Nomination of Rapporteur

The United Kingdom nominated Mr. Luke Townley to serve as Rapporteur for the first meeting of the LSWG.

4. Adoption of agenda

The LSWG Chair opened the floor for any comments on the amended agenda (**Appendix 1**), which reflected proposed changes from the United States as explained in the "Letter from United States to the LSWG" (**Appendix 2**). There were no additional comments on the revised Agenda, and it was adopted.

The List of Participants is attached as **Appendix 3**.

5. Scope of the issue

a) Presentation by invited experts: ILO representatives

The Chair introduced invited experts from the International Labour Organisation (ILO), Ms. Christine Bader and Ms. Alix Nasri, who provided a presentation on the nuance and connectedness of illegal, unregulated, and unreported (IUU) fishing to forced labour and labour abuses in fisheries. The presentation also spoke to the scope of forced labour in the fishing sector on a global scale, its costs to the international community, and potential tools and recommendations to address the issue.

The experts noted some actions that could be taken, as follows:

National level:

- National legislation on labour standards for fishing vessels and vessels engaged in fishing related activities (C.188/MLC/P.29).

- Coordination of law enforcement (e.g., joint inspection between labour and fisheries, coordination mechanism). Vessels suspected could be permitted to enter ports rather than being denied access, labour standards officials could then inspect the vessels
- Pilots and trainings with ICCAT members, with ILO tools
- Transshipment practices
- Labour rights in Access Agreements
- Fishing licence conditions to include labour rights

Regional level:

- Coordinated action exchange of information
- Monitoring and reporting of transshipment operations
- Research on labour abuses / transshipment / change of crew
- Fisheries observers
- Collaboration with Regional Fisheries Bodies (RFBs) to encourage inclusion of labour rights in minimum terms and conditions of access (e.g., FCWC, SRFP-CSRP)

The experts also provided online resources to the Working Group:

- 1. ILO training package on inspection of labour conditions on board fishing vessels
- 2. Guidelines on flag State inspection of working and living conditions on board fishing vessels (ilo.org)
- 3. Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188) (ilo.org)
- 4. A few examples captured in ILO's upcoming mapping of digital technologies supporting the elimination of forced labour in fishing: New Study Unveils Risk of Forced Labor in Fisheries Global Fishing Watch

The Chair thanked the ILO experts for their presentation and opened the floor for comments and questions.

A CPC questioned the causal link between combating IUU fishing and a corresponding improvement in labour standards, stating that IUU fishers will not follow rules on labour standards. The CPC was not convinced that improving labour standards would result in a decrease in IUU fishing, and noted the importance of improving labour standards per se. In response, one of the ILO experts stated that in instances where fishers are the victims of labour rights abuses, it was often also found that IUU fishing was taking place. That said, she clarified that, while there was often a connection between the two issues, they were not the same.

In response to the ILO presentation of the ILO Indicators of Forced Labour, one CPC highlighted for discussion three of the 11 indicators: 1) restriction of movement, 2) retention of identity documents, and 3) extensive working hours. The CPC noted that these were indicators that may need tailoring to be applicable to the fishing industry where small space on vessels and long working hours at sea were inherent to the occupation. An expert responded that workers should be able to access their own documents at all times and employers should provide workers with their own individual lockers. Also, long periods of time at sea was a red flag from a labour standards perspective. Long working hours should not be imposed through threats and should be in line with the legislation of the flag CPC.

Another question was asked about how the mandate of Regional Fisheries Management Organisations (RFMOs) could ensure that work is done with other organisations to further the improvement of labour standards. An ILO expert responded that RFMOs should not take actions that would have the potentially unintended effect of obstructing labour standards officials from doing their work. For instance, allowing a vessel suspected of labour standards abuses to enter a port, rather than denying access, would allow it to be inspected by officials.

A CPC asked the ILO experts if they could provide additional details about how CPCs can work with the ILO, including soliciting more tailored trainings or resources, as well as what potential research activities ICCAT and the ILO might collaborate on at the regional level. The expert responded that the ILO has a number of trainings available through electronic means and others could be developed depending on the needs of the CPC. She also noted that the ILO needs to carry out research in the Atlantic as ILO does not have an accurate data set for the Atlantic region and that this data gap should be addressed.

The issues of wages and conditions for fishers was raised by a CPC. The CPC stated that industry was trying to lower labour standards to increase profits. The CPC questioned how ICCAT could implement some kind of level playing field for all CPCs. An ILO expert responded that if the minimum standards set by the ILO are followed by all parties internationally, it will ensure that fishers are protected around the world. The best level playing field is the use of unified minimum standards.

The Pew Charitable Trusts explained that, according to ILO reports, fishing was recognised as being one of the most dangerous occupations and that a dedicated agreement on making fishing vessels a safe working space, International Maritime Organisation's (IMO) 2012 Cape Town Agreement for the Safety of Fishing Vessels, has yet to enter into force. The Pew Charitable Trusts commended CPCs who have committed to ratifying it.

CPCs acknowledged the disparities in labour standards in ICCAT fisheries, including the potential for labour abuses, which bring with them a myriad of problems. CPCs expressed their commitment to work to improve this situation where needed in ICCAT fisheries.

The Chair thanked delegates for their questions and comments and noted that the ILO experts would be available to answer questions for the rest of the meeting.

6. Identification of priorities and objectives of the Ad Hoc Working Group

Review of information on labour standards relevant to ICCAT fisheries, including experiences of CPCs in improving and enforcing requirements regarding labour standards and the prohibition of labour abuses

The Chair took the opportunity to reiterate the mandate of the Working Group and highlighted that the main goal in the Terms of Reference is to address labour standards in ICCAT fisheries, but that there is no predetermined route by which this should be achieved.

Some CPCs explained some of the actions they have been taking to ensure that labour standards are sufficient to combat forced labour in fisheries through domestic tools and programs. One CPC noted that it was targeting recruitment procedures to prevent potential labour abuses before fishers board vessels. Another CPC stated that forced labour would be a breach of its domestic criminal law and subject to severe penalties but that they were not aware of any such violations at the present time. Other CPCs also affirmed their commitments to improving labour standards in international fisheries.

b) Cooperation with other relevant International Organisations

The Chair opened the floor for comments from CPCs on cooperation with international organisations.

A CPC explained that there were a number of international organisations which could support the LSWG's work on labour standards and gave examples of such organisations, including the Food and Agriculture Organization of the United Nations (FAO), International Labour Organisation (ILO) and International Maritime Organisation (IMO). The PEW voiced its support for ICCAT collaborating with these organisations.

The Chair provided an update on the progress that another tuna-RFMO had made on this issue and noted that Western and Central Pacific Fisheries Commission (WCPFC) adopted a non-binding resolution in 2018, and that a Working Group had been established to progress work on a possible binding measure.

c) Discussion of actions CPCs can take, individually and collectively, to improve labour standards in ICCAT fisheries

The Chair highlighted that the purpose of the Working Group is to look at actions that could be taken as a group as well as actions that CPCs could take individually to improve labour standards. Referring back to the recommendations made in the presentation by ILO experts, the Chair suggested moving through the list to solicit comments and reactions from CPCs on each recommendation.

This approach was acceptable to the Working Group and, before beginning, a CPC suggested that an early action that CPCs could take on would be a review of resources on labour standards available to them domestically through civil society groups and other sources. A number of CPCs agreed with this suggestion.

The Chair then reviewed the list of items from the ILO presentation and asked for comments from CPCs, beginning with the actions that could be taken at the regional level.

A CPC stated that the item concerning the monitoring and reporting of transshipment operations should be considered. This would allow vessels to be boarded so that conditions could be assessed. A number of CPCs were of the opinion that any research being carried out in this area would need to be broad and cover a number of different areas.

The Chair stated that the work of fisheries observers and enforcement officials should be kept separate. There was agreement among some CPCs for the comments made by the Chair.

An ILO expert stated that fisheries observers should be able to alert the relevant colleagues if they had concerns. She also expressed concerns about the safety and welfare of fisheries observers themselves, given that there had been cases of disappearances.

Some CPCs did not think that it would be pertinent for an RFMO to attempt to establish minimum labour standards. These CPCs did not feel that such work would fall within the scope of the mandate of an RFMO and stated that mandate of the RFMOs was the management of fisheries.

On the other hand, several CPCs noted that this was a brainstorming session and, as such the Working Group should consider different ways of addressing issues with labour standards and try not to limit itself at this stage of the process.

A CPC explained that information sharing was of great importance and something that the Working Group should explore in future. The CPC also referenced the suggestion made by the ILO Experts on 'Pilots and training with ICCAT members, with ILO tools', stating that education campaigns outside of an inspection regime should be considered.

A comment on the 'Labour rights in Access Agreements' point was made by a CPC, expressing some doubt about this idea's relevance to ICCAT since ICCAT is not a body that prescribes the contents of access agreements. The CPC expressed its view that the inclusion of specific references to transshipment before conducting a broad review of labour issues in ICCAT fishery was not a good idea. Other CPCs reiterated that it was premature to rule out specific points at this stage of the process.

A CPC stated that it would be helpful for the Working Group to discuss work that could be undertaken to advance research on the labour conditions in ICCAT fisheries.

A suggestion was made that the Working Group ask the ILO to provide a paper containing more detailed recommendations on data gaps and research needs that the Working Group could then consider. This suggestion was generally supported by other CPCs.

An ILO expert stated that the ILO standards and indicators could help to begin addressing multiple issues. Convention 188 takes into consideration the specifics of the sector and could guide the work of the Working Group, in terms of considering possible minimum standards. The ILO is progressing work to ensure that various authorities around the world have a coordinated approach for tackling issues like labour standards. It was suggested that the ILO process to revise labour standards and indicators of forced labour include outreach to ICCAT and its CPCs, who will bring important information and expertise to the table. The ILO agreed that this would be valuable.

7. Consideration of a potential workplan of the Group, potential outputs, and assignation of intersessional tasks, as appropriate

The Chair opened this Agenda item and asked delegates if they had any comments. The United States suggested that the Chair and CPCs be given time to contemplate the important information shared and discussed so far with a view to considering elements of a workplan before the end of the meeting.

The Chair opened the second and final day of the meeting. The draft Workplan, which had been prepared by the Chair, was presented to the Working Group and the floor opened for comments.

Information Sharing and CPC Cooperation

The Working Group members discussed creating an information repository. Several Working Group members made comments related to the wording choices of the first section of the workplan, including one CPC that requested the term 'forced labour' be replaced with a different term such as 'labour abuses'. Working Group members agreed that there should be a standardized format for submitting information referenced in the workplan to ensure that it is understandable. One CPC clarified that legislation would not need to be translated to one of the three ICCAT languages to be submitted and suggested the exercise could be streamlined by CPCs only submitting high-level overview of information as well as the relevant excerpts from full legislative texts. The Working Group agreed that submitting information by CPCs was voluntary.

The Working Group members considered an additional workplan activity on information sharing which would involve submitting information on labour conditions detected in ICCAT fisheries to the ICCAT Secretariat. The Working Group agreed that this information would be shared only via the password-protected portion of the ICCAT website and stressed that submitting such information was voluntary but encouraged.

Research, training, and capacity building with the International Labour Organization (ILO)

One CPC suggested that a Memorandum of Understanding (MOU) might normally be put in place before a request for collaboration was made of other organisations. However, an ILO Expert explained that an MOU would not be necessary to proceed with the actions identified in the workplan. It was noted that, were activities between ICCAT and the ILO to expand or change in the future to a level where the Commission determined that an MOU would be warranted, the ILO had an MOU template from which the organisation could work.

Review of updated ILO forced labour indicators for fisheries

The language for this point was amended to clarify the process for CPCs to provide additional input from the ICCAT perspective to the ILO's ongoing work to develop general forced labour indicators to apply to the fisheries sector. In response to a question from one CPC about the process within ILO to develop these indicators, the Working Group further clarified that this element of the workplan did not imply that ICCAT was endorsing or adopting any resulting indicators, which the ILO experts noted were developed as guidance to ILO constituents.

Continuation of the ad hoc Working Group

The Working Group agreed to recommend to the Commission that the Working Group meet again in 2023. The Working Group also agreed to provide an initial report to the 15th Meeting of the Integrated Monitoring Measures (IMM) in June of 2022 to increase the transparency of its work prior to reporting its activities and recommendations to the Commission at the 2022 ICCAT annual meeting.

Future Work

An additional section, 'Future Work', was added to the draft workplan to acknowledge that this workplan represented an initial set of activities, but the workplan may be expanded in the future as the LSWG continues to consider the important issue of labour standards with a view to identifying new needs, activities, and approaches within the Group's mandate to address the issue.

At the conclusion of discussions, the Working Group members agreed to the workplan and it was adopted (**Appendix 4**).

8. Other matters

A question was asked by the United Kingdom on how research undertaken by the ILO for ICCAT would be funded. Chair responded that it would be necessary to understand the cost of the work, if any, before a decision could be made on this. The United Kingdom also asked if work being carried out on labour standards in WCPFC could be used as a case study to inform ICCAT work in this area. It was noted that it would be useful for the Working Group to track the progress of discussions by WCPFC and other RFMOs on the labour standards issue in their fisheries.

9. Adoption of Report and closure

CPCs agreed that the report would be adopted by correspondence.

The Chair thanked everyone present for their contributions and closed the meeting.

Agenda

- 1. Opening of the Meeting and meeting arrangements
- 2. Election of Chair
- 3. Nomination of Rapporteur
- 4. Adoption of Agenda
- 5. Scope of the issue
 - a) Presentation by invited expert such as ILO representative on scope of the issue
- 6. Identification of priorities and objectives of the *ad hoc* Working Group
 - a) Review of information on labor standards relevant to ICCAT fisheries, including experiences of CPCs in improving and enforcing requirements regarding labour standards and the prohibition of labour abuses
 - b) Cooperation with other relevant International Organisations
 - c) Discussion of actions CPCs can take, individually and collectively, to improve labour standards in ICCAT fisheries
- 7. Consideration of a potential workplan of the Group, potential outputs, and assignation of intersessional tasks, as appropriate
- 8. Other matters
- 9. Adoption of Report and closure

Letter from United States to Working Group on Labour Standards

7 March 2022

Mr. Camille Jean Pierre Manel Executive Secretary International Commission for the Conservation of the Atlantic Tunas C/ Corazon de Maria, 8, 6th Floor 28002 Madrid, Spain

Subject: First Meeting of the ad hoc Working Group on Labor Standards

Dear Mr. Executive Secretary:

I am writing in response to Circular # 0441/2022 related to the first meeting of the *ad hoc* Working Group on Labor Standards, scheduled for March 14-15, 2022. After preliminary discussions held at the 2021 IMM and ICCAT annual meetings, we look forward to beginning work on this important subject in earnest.

The United States appreciates the work of the Secretariat and the PWG Chair to prepare a tentative agenda for the meeting. After reviewing it, the United States has some suggested edits, which are intended to further focus and organize discussions with a view to ensuring they are as productive as possible. A revised version of document LS-01 containing our proposed edits in track changes is attached. If these edits are acceptable, the United States would encourage CPCs to provide relevant information pursuant to new proposed agenda items 6a before or during the meeting to facilitate working group review of labor standards, including any experiences individual CPCs have had related to improving and enforcing labor standards and the prohibition of labor abuses, as called for in Resolution 2021-23, paragraph 4.

I would also like to take this opportunity to notify CPCs that the United States intends to nominate Ms. Alexa Cole to serve as the Chair of this Working Group. The United States has a keen interest in this issue as indicated by our sponsorship of the proposal that created this working group (Res. 21-23). Ms. Cole brings a wealth of legal and policy expertise to the international arena as well as experience in chairing RFMO meetings. She is well-qualified to guide the work of this new group to ensure constructive discussion and outcomes for the Commission, and I hope you will support her.

I would be grateful if this communication could be translated and circulated to all CPCs at your earliest opportunity.

Sincerely,

Kelly A. Kryc, Ph.D.

Deputy Assistant Secretary for International Fisheries

U.S. Commissioner to ICCAT

Kelly Ce. Kryc

List of Participants*

CONTRACTING PARTIES

BELIZE

Robinson, Robert

Deputy Director for High Seas Fisheries, Belize High Seas Fisheries Unit, Ministry of Finance, Government of Belize, Keystone Building, Suite 501, 304 Newtown Barracks

Tel: +501 223 4918, Fax: +501 223 5087, E-Mail: robert.robinson@bhsfu.gov.bz; deputydirector@bhsfu.gov.bz

CANADA

Browne, Dion

Senior Compliance Officer, Fisheries and Oceans Canada, 81 East White Hills Road, St. John's, NL, A1C5X1 Tel: +1 709 772 4412; +1 709 685 1531, E-Mail: dion.browne@dfo-mpo.gc.ca

Smith-Laplante, Robynn-Bella

Policy Analyst, Fisheries and Oceans Canada, 200 Kent Street, Ottawa, ON K1A0E6 Tel: +1 343 542 8414, E-Mail: Robynn-Bella.Smith-Laplante@dfo-mpo.gc.ca

CHINA, (P. R.)

Fang, Lianyong

Assistant Director, China Overseas Fisheries Association, Room 1216, Jingchao Massion, Nongzhanguannan Road, Cahoyang District, 100125 Beijing

Tel: +86 10 65853488, Fax: +86 10 65850551, E-Mail: fanglianyong@cofa.net.cn

Li. Le

No. 12 Zhongguancun Nandajie, 100081 Beijing Tel: +86 105 919 2923, E-Mail: bofdwf@126.com

Li, Tinglin

Room 1216, Jingchao Massion, Nongzhanguannan Road, Chaoyang District, 100125 Beijing Tel: +86 1 065 850 683, Fax: +86 1 065 850 551, E-Mail: litinglin@cofa.net.cn; 962146246@QQ.COM

Liu, Xiaobing

Professor, China Overseas Fisheries Association, Shanghai Ocean University, 100081 Beijing

EL SALVADOR

Chavarría Valverde, Bernal Alberto

Asesor en Gestión y Política pesquera Internacional, Centro para el Desarrollo de la Pesca y Acuicultura (CENDEPESCA), Final 1ª Avenida Norte, 13 Calle Oriente y Av. Manuel Gallardo, 1000 Santa Tecla, La Libertad Tel: +506 882 24709, Fax: +506 2232 4651, E-Mail: bchavarria@lsg-cr.com

EUROPEAN UNION

Malczewska, Agata

European Commission DG MARE, J-99 4/073, 1000 Belgium, Belgium Tel: +32 229 6761; +32 485 853 835, E-Mail: agata.malczewska@ec.europa.eu

Ansell, Neil

European Fisheries Control Agency, Avenida García Barbón 4, 36201 Vigo, Spain Tel: +34 986 120 658; +34 698 122 046, E-Mail: neil.ansell@efca.europa.eu

Attard, Nolan

Fisheries Research Unit Department of Fisheries and Aquaculture, 3303 Marsa, Malta Tel: +356 795 69516; +356 229 26894, E-Mail: nolan.attard@gov.mt

Carré, Pierre-Alain

Compagnie française du thon océanique (CFTO), 11 Rue des sardiniers, 29900 Concarneau, Cedex, France Tel: +33 682 234 171, Fax: +33 298 60 52 59, E-Mail: pierrealain.carre@cfto.fr

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^{*} Head Delegate.

Haziza, Juliette

EU-France-European and International Office / Maritime Fisheries and Aquaculture Directorate, Ministère de la Mer, Tour Sequoia, 1 place Carpeaux, 92800 Puteaux, France

Tel: +33 140 819 531, E-Mail: juliette.haziza@agriculture.gouv.fr

López, Jorge

OPAGAC, C/ Ayala 54 2ª A, 28001 Madrid, Spain Tel: +34 914 314 857, E-Mail: jorge.lopez@opagac.org

Morón Ayala, Julio

Director Gerente, Organización de Productores Asociados de Grandes Atuneros Congeladores - OPAGAC, C/ Ayala, 54 - 2ºA, 28001 Madrid, Spain

Tel: +34 91 575 89 59; +34 616 484 596, Fax: +34 91 576 1222, E-Mail: julio.moron@opagac.org

GABON

Angueko, Davy

Chargé d'Etudes du Directeur Général des Pêches, Direction Générale des Pêche et de l'Aquaculture, BP 9498, Libreville Estuaire

Tel: +241 6653 4886, E-Mail: davyangueko83@gmail.com; davyangueko@yahoo.fr

GHANA

Adu-Antwi, Alexander

Principal Manager, Fisheries Commission, GP 630 Accra Tel: +233 262 566 680, E-Mail: lexozuamfb@gmail.com

Amoah, Yaa Tiwaah

Principal Manager, Fisheries Commission, P. O. Box 630 Osu - Accra

Tel: +233 244 520 124, E-Mail: madamyat@yahoo.com

Ayarik, James

Director, Fisheries Commission, GP 630 Accra Tel: +233 208 178 922, E-Mail: jayarik@yahoo.com

Kwame Dovlo, Emmanuel

Ag. Deputy Director, Fisheries Scientific Survey Division, P.O. Box GP 630, Accra Tema Tel: +233 243 368 091, E-Mail: emkwdovlo@yahoo.co.uk

Quayson, Esi Bordah

Director, Fisheries Commission, GP 630 Accra Tel: +233 203 410 119, E-Mail: bhyaqub@gmail.com

HONDURAS

Cardona Valle, Fidelia Nathaly

Colonia Lomo Linda Norte, Avenida FAO, edificio SENASA, 11101 Tegucigalpa Francisco Morazán Tel: +504 877 88713, E-Mail: investigacion.dgpa@gmail.com

JAPAN

Daito, Jun

Manager, Japan Tuna Fisheries Co-operative Association, 31-1, Eitai 2-Chome, Koto-ku, Tokyo 135-0034 Tel: +81 356 462 382, Fax: +81 356 462 652, E-Mail: daito@japantuna.or.jp

Ito, Kohei

Assistant Director, International Affairs Division, Resources Management Department, Fisheries Agency of Japan, 1-2-1 Kasumigaseki, Tokyo Chiyoda-ku 100-8907

Tel: +81 3 3502 8204, Fax: +81 3 3504 2649, E-Mail: kohei_ito060@maff.go.jp

Kenmochi, Saori

Deputy Director, Agricultural and Marine Products Office, Trade Control Department, Ministry of Economy, Trade and Industry, 1-3-1, Kasumigaseki, Tokyo Chiyoda-ku 100-8901

Tel: +81 3 3501 0532, Fax: +81 3 3501 6006, E-Mail: kenmochi-saori@meti.go.jp; skenmochi0724@gmail.com

Miura, Nozomu

Assistant Director, International Division, Japan Tuna Fisheries Co-operative Association, 2-31-1 Eitai Koto-ku, Tokyo 135-0034

Tel: +81 3 5646 2382, Fax: +81 3 5646 2652, E-Mail: miura@japantuna.or.jp; gyojyo@japantuna.or.jp

Morita. Hirovuki

Assistant Director, Responsible for the JCAP-2 Programme, International Affairs Division, Resources Management Department, Fisheries Agency of Japan, 1-2-1 Kasumigaseki, Chiyoda-Ku, Tokyo 100-8907 Tel: +81 3 3502 8460, Fax: +81 3 3504 2649, E-Mail: hiroyuki_morita970@maff.go.jp

Nagai, Daisaku

Manager, Japan Tuna Fisheries Co-Operative Association, 31-1, EITAI 2-CHOME, Koto-ku, Tokyo 135-0034 Tel: +81 356 462 382, Fax: +81 356 462 652, E-Mail: nagai@japantuna.or.jp

Uozumi, Yuji

Adviser, Japan Tuna Fisheries Co-operation Association, Japan Fisheries Research and Education Agency, Tokyo Koutou ku Eitai 135-0034

Yoshida, Hiroyuki

Deputy Director, Japan Tuna Fisheries Co-operative Association, 2-31-1 Eitai Koto-Ku, Tokyo Tel: +81 3 5646 2382, Fax: +81 5646 2652, E-Mail: yoshida@japantuna.or.jp

KOREA (REP.)

Shim, Soobin*

Deputy Director, International Cooperation Division, Ministry of Oceans and Fisheries, Government Complex Bldg. 5, Dasom 2-ro, 30110 Sejong

Tel: +82 10 9356 1682; +82 44 200 5333, Fax: +82 44 200 5349, E-Mail: sbin8shim@korea.kr

Baek, Sangjin

Korea Overseas Fisheries Association, 6th fl. Samho Center Bldg. "A" 83, Nonhyeon-ro, 06775 Seoul Seocho-gu Tel: +82 258 91614, Fax: +82 258 91630, E-Mail: sjbaek@kosfa.org

Chang, Suyoung

Environmental Justice Foundation, EJF, Unit 417, Exmouth House 3/11 Pine Street, Farringdon, London, EC1R 0JH, United Kingdom

Tel: +82 10 9835 1101, E-Mail: suyoung.chang@ejfoundation.org

Cho, Jinsuh

Advocates for Public Interest Law (APIL), #505, Yulgok-ro 47, Jongno-gu, Seoul, 03060 Tel: +82 2 3478 0529, Fax: +82 2 3478 0527, E-Mail: jinsuh.cho@apil.or.kr

Chung, Shin Young

Advocates for Public Interest Law (APIL), #505, 47 Yulgok-ro, Jongno-gu, 03060 Seoul Tel: +82 2 3478 0529, Fax: +82 2 3478 0527, E-Mail: sychung@apil.or.kr

Chung, Woojin

Environmental Justice Foundation, EJF, Unit 417, Exmouth House 3/11 Pine Street, Farringdon, London, EC1R 0JH, United Kingdom

Tel: +82 10 9156 1524, E-Mail: woojin.chung@ejfoundation.org

leong. Hongseok

Citizens' Institute for Environmental Studies (CIES), 23, Pirundae-ro, Jongno-gu, 03039 Seoul Tel: +82 2 735 7034, Fax: +82 2 730 3174, E-Mail: hongseok.0115@kfem.or.kr

Kim, Jong Chul

Advocates for Public Interest Law (APIL), #505, Yulgok-ro 47, Jongno-gu, Seoul Tel: +82 2 3478 0529, Fax: +82 2 3478 0527, E-Mail: jckim@apil.or.kr

Kim, Taeho

Korea Overseas Fisheries Association, 6th Fl. Samho Center Bldg. "A" 83, Nohnyeon-ro, Seocho-gu, 06775 Seoul Tel: +82 2 589 1615, Fax: +82 2 589 1630, E-Mail: taehokim@kosfa.org

Park, Sunhwa

Citizens' Institute for Environmental Studies (CIES), 23, Pirundae-ro, Jongno-gu, Seoul, 03039 Tel: +82 2 735 7034, Fax: +82 2 730 3174, E-Mail: sona1437@kfem.or.kr

Yang, Jae-geol

Policy Analyst, Korea Overseas Fisheries Cooperation Center, 6th FL, S Building, 253, Hannuri-daero, 30127 Sejong Tel: +82 44 868 7364, Fax: +82 44 868 7840, E-Mail: jg718@kofci.org

MEXICO

Soler Benitez, Bertha Alicia

Comisión Nacional de Acuacultura y pesca (CONAPESCA), Av. Camarón Sábalo 1210 Fracc. Sábalo Country Club., 82100 Mazatlán, Sinaloa

Tel: +52 669 915 6900 Ext. 58462, E-Mail: berthaa.soler@gmail.com

NORWAY

Sørdahl, Elisabeth *

Ministry of Trade, Industry and Fisheries, Department for Fisheries and Aquaculture, Kongensgate 8, Postboks 8090 Dep., 0032 Oslo

Tel: +47 22 44 65 45, E-Mail: elisabeth.sordahl@nfd.dep.no

SENEGAL

Faye, Adama

Directeur adjoint de la Direction de la Protection et de la Surveillance des Pêches, Direction, Protection et Surveillance des Pêches, Cité Fenêtre Mermoz, BP 3656 Dakar

Tel: +221 775 656 958, Fax: +221 338 602 465, E-Mail: adafaye2000@yahoo.fr; adafaye@yahoo.fr

ST. VINCENT AND GRENADINES

Clarke, Ingrid Susan

Ministry of Agriculture, Labour Department, Murray's Road, VC0100 Kingstown

Tel: +1 784 4571 789, E-Mail: suebeautifull@gmail.com

Connell, Shamal

Fisheries Officer, Fisheries Division Ministry of Agriculture, Forestry, Fisheries, Industry and Labour, Richmond Hill, VC0120 Kingstown

Tel: +784 456 2738, E-Mail: volcanicsoils@hotmail.com; fishdiv@gov.vc

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Kingsley, Jake

Department for Environment, Food and Rural Affairs, DEFRA

E-Mail: Jake.Kingsley@defra.gov.uk

Mlambo, Gift

Labour Policy Lead, Department for Environment, Food and Rural Affairs, DEFRA, London SW1P 4DF

Tel: +44 203 025 8044, E-Mail: Gift.Mlambo2@defra.gov.uk

Schaeffter, Gerlinde

Senior Policy Advisor, Illegal, Unregulated & Unreported Fishing Policy, Department for Environment, Food and Rural Affairs, DEFRA, 1st floor, Seacole Block, 2 Marsham Street, London SW1P 4DF

Tel: +44 208 026 1572, E-Mail: gerlinde.schaeffter@defra.gov.uk

Townley, Luke

International Fisheries Policy Officer, Department for Environment, Food and Rural Affairs (DEFRA), Marine & Fisheries Directorate, Deanery Road, Bristol BS1 5AH

Tel: +44 782 782 4514, E-Mail: luke.townley@defra.gov.uk

UNITED STATES

Krvc, Kelly *

U.S. Federal Government Commissioner to ICCAT and Deputy Assistant Secretary for International Fisheries, National Oceanic and Atmospheric Administration (NOAA), 1401 Constitution Ave, Washington, DC 20230 Tel: +1 202 961 8932; +1 202 993 3494, E-Mail: kelly.kryc@noaa.gov

Baker, Colleen

Sea Grant Knauss Fellow, Office of Marine Conservation (OES/OMC) Department of State, Washington DC 20520-7878 Tel: +1 609 206 9830, E-Mail: colleen.a.baker@gmail.com

Blankenbeker, Kimberly

Foreign Affairs Specialist, Office of International Affairs, Trade, and Commerce (F/IATC), NOAA, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring Maryland 20910

Tel: +1 301 427 8357, Fax: +1 301 713 1081, E-Mail: kimberly.blankenbeker@noaa.gov

Campbell, Derek

Attorney-Advisor International Section, Office of General Counsel - International Law, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1401 Constitution Avenue, N.W. HCHB Room 48026, Washington, D.C. 20230

Tel: +1 202 482 0031, Fax: +1 202 371 0926, E-Mail: derek.campbell@noaa.gov

Clarke, Raymond

PO Box 463, Waialua 96791

Tel: +1 808 722 0486, E-Mail: ray.clarke@bumblebee.com

Cole. Alexa

Director, Office of International Affairs, Trade, and Commerce (F/IATC), NOAA, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, Maryland 20910

Tel: +1 301 427 8286, E-Mail: alexa.cole@noaa.gov

Delaney, Glenn Roger

Alternate U.S. Commercial Commissioner, 601 Pennsylvania Avenue NW Suite 900 South Building, Washington, D.C. 20004

Tel: +1 202 434 8220, Fax: +1 202 639 8817, E-Mail: grdelaney@aol.com

Engelke-Ros, Meggan

Deputy Chief, NOAA Office of General Counsel, Enforcement Section, 1315 East-West Highway, SSMC3-15860, Silver Spring, Maryland 20910

Tel: +1 301 427 8284, Fax: +1 301 427 2202, E-Mail: meggan.engelke-ros@noaa.gov

Harris, Madison

Foreign Affairs Specialist, Office of International Affairs, Trade, and Commerce (F/IATC), NOAA, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, Maryland 20910

Tel: +1 301 427 8350, E-Mail: madison.harris@noaa.gov

Mencher, Elizabethann

Office of International Affairs, Trade, and Commerce (F/IATC)

NOAA, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, Maryland 20910

Tel: +1 301 427 8362, E-Mail: elizabethann.mencher@noaa.gov

Schaefer, Sonja

U.S. Department of Labor, Washington, DC 20210

Tel: +1 202 693 0477, E-Mail: schaefer.sonja.a@dol.gov

Walline, Megan J.

Attorney-Advisor, NOAA Office of General Counsel, Fisheries & Protected Resources Division, U.S. Department of Commerce, 1315 East-West Highway SSMC-III, Silver Spring Maryland 20910

Tel: +301 713 9695, Fax: +1 301 713 0658, E-Mail: megan.walline@noaa.gov

Warner-Kramer, Deirdre

Acting Deputy Director, Office of Marine Conservation (OES/OMC), U.S. Department of State, Rm 2758, 2201 C Street, NW, Washington, D.C. 20520-7878

Tel: +1 202 647 2883, Fax: +1 202 736 7350, E-Mail: warner-kramerdm@fan.gov

URUGUAY

Domingo, Andrés *

Dirección Nacional de Recursos Acuáticos - DINARA, Laboratorio de Recursos Pelágicos, Constituyente 1497, 11200 Montevideo

Tel: +5982 400 46 89, Fax: +5982 401 32 16, E-Mail: dimanchester@gmail.com

Forselledo, Rodrigo

Investigador, Dirección Nacional de Recursos Acuáticos - DINARA, Laboratorio de Recursos Pelágicos, Constituyente 1497, CP 11200 Montevideo

Tel: +598 2400 46 89, Fax: +598 2401 3216, E-Mail: rforselledo@gmail.com

Jiménez Cardozo, Sebastián

Vice-Convenor of ACAP's Seabird Bycatch Working Group, Constituyente 1497, 11200 Montevideo Tel: +598 99 781644, E-Mail: jimenezpsebastian@gmail.com; sjimenez@mgap.gub.uy

OBSERVERS FROM COOPERATING NON-CONTRACTING PARTIES, ENTITIES, FISHING ENTITIES

BOLIVIA

Alsina Lagos, Hugo Andrés

Director Jurídico, Campomarino Group, Calle Yanacocha No. 441 Efi. Arcoiris, piso 15, oficina 10, La Paz Tel: +1 321 200 0069, Fax: +507 830 1708, E-Mail: hugo@alsina-et-al.org

Cortez Franco, Limbert Ismael

Jefe de la Unidad Boliviana de Pesca Marítima (UBPM), Calle 20 de Octubre 2502, esq. Pedro Salazar, La Paz Tel: +591 6 700 9787, Fax: +591 2 291 4069, E-Mail: limbert.cortez@protonmail.ch; limbert.cortez@mindef.gob.bo; licor779704@gmail.com

CHINESE TAIPEI

Chou, Shih-Chin

Section Chief, Deep Sea Fisheries Division, Fisheries Agency, 8F, No. 100, Sec. 2, Heping W. Rd., Zhongzheng Dist., 10070 Tel: +886 2 2383 5915, Fax: +886 2 2332 7395, E-Mail: chou1967sc@gmail.com; shihcin@ms1.fa.gov.tw

Kao, Shih-Ming

Associate Professor, Graduate Institute of Marine Affairs, National Sun Yat-sen University, 70 Lien-Hai Road, 80424 Kaohsiung City

Tel: +886 7 525 2000 Ext. 5305, Fax: +886 7 525 6205, E-Mail: kaosm@mail.nsysu.edu.tw

Lee, Ching-Chao

Technical Specialist, Deep Sea Fisheries Division, Fisheries Agency, 8F., No.100, Sec. 2, Heping W. Rd., Zhongzheng Dist., 10060

Tel: +886 223 835 911, Fax: +886 223 327 395, E-Mail: chaolee1218@gmail.com; chinchao@ms1.fa.gov.tw

Yang, Shan-Wen

Secretary, Overseas Fisheries Development Council, 3F., No. 14, Wenzhou Street, Da'an Dist., 10648 Tel: +886 2 2368 0889 #151, Fax: +886 2 2368 6418, E-Mail: shenwen@ofdc.org.tw

OBSERVERS FROM NON-GOVERNMENTAL ORGANIZATIONS

MARINE STEWARDSHIP COUNCIL - MSC

Oloruntuyi, Oluyemisi

MSC, 1 Snow Hill, London EC1A 2DH, United Kingdom

Tel: +44 207 246 8900, E-Mail: oluyemisi.oloruntuyi@msc.org

ORGANIZATION FOR PROMOTION OF RESPONSIBLE TUNA FISHERIES - OPRT

Ota, Shingo

OPRT, 9F Sankaido Bldg. 9-13, Akasaka 1 Chome, Minato-ku, Tokyo 1070052, Japan Tel: +81 335 686 388, E-Mail: ota@oprt.or.jp

PEW CHARITABLE TRUSTS - PEW

Evangelides, Nikolas

5 Underwood Street, London N1 7LY, United Kingdom

Tel: +44 793 964 2615, E-Mail: nevangelides@pewtrusts.org

THE INTERNATIONAL POLE & LINE FOUNDATION - IPNLF

Edwards, Zacari

IPNLF, 55 Brunswick Place, Brighton BN3 1NE, United Kingdom Tel: +44 738 302 6457, E-Mail: zacari.edwards@ipnlf.org

EXTERNAL EXPERT

Akwetey, Moise

International Labour Organisation Ghana, Project Office, ILO, M 49 Accra, Ghana Tel: +233 541 076 084, E-Mail: akwetey@ilo.org

AD HOC WG ON LABOUR STANDARDS - ONLINE, 14-15 MARCH 2022

Bader, Christine

Maritime Specialist, ILO / OIT, Sectoral Policies Department (SECTOR), Route des Morillons 4, CH-1211, 1202 Geneva, Switzerland

Tel: +41 22 799 7887, E-Mail: bader@ilo.org

Cacaud, Philippe

ILO, 302 Guengaradec, 29380 Le Trevoux, Finistère, France Tel: +33 616 963 628, E-Mail: pcacaud06@gmail.com

Nasri, Alix

Global Coordinator, Accelerator Lab 8.7, ILO / OIT, FUNDAMENTALS Branch, Route des Morillons 4, CH-1211, 1247 Geneva, Switzerland

Tel: +41 786 496 925, E-Mail: nasri@ilo.org

Potter, Alison

ILO / OIT, Route des Morillons 4 Genève, 1211, Switzerland Tel: +41 787 822 673, E-Mail: pottera@iloguest.org

ICCAT Secretariat

C/ Corazón de María 8 – 6th floor, 28002 Madrid – Spain Tel: +34 91 416 56 00; Fax: +34 91 415 26 12; E-mail: info@iccat.int

Manel, Camille Jean Pierre Neves dos Santos, Miguel Cheatle, Jenny Parrilla Moruno, Alberto Thais Campoy, Rebecca Donovan, Karen García-Orad, María José Peyre, Christine Pinet, Dorothée Peña, Esther

ICCAT INTERPRETERS

Gelb Cohen, Beth Hof, Michelle Renée Liberas, Christine Linaae, Cristina Pinzon, Aurélie Sánchez del Villar, Lucía

Notional initial workplan of the ICCAT ad hoc Working Group on Labor Standards

(Presented by the Working Group Chair)

After initial discussions amongst Working Group members during the *First Meeting of the Ad Hoc Working Group on Labour Standards* on 14 March 2022, the following initial priority workplan actions were identified:

Information Sharing and CPC Cooperation

- Creation of an information repository
 - The ICCAT Secretariat, in consultation with the Working Group Chair, will establish on the ICCAT website a repository of voluntary information related, in particular, to labor abuses and safety issues affecting fisheries management. The repository should include:
 - o Relevant international instruments;
 - o Publicly available guides and training materials developed for use by the inspection personnel, observers, stakeholders, or others;
 - Report on relevant elements in domestic legislation, including references to such legislation, and information on domestic implementation (e.g. relevant agencies responsible for implementing; how legislation is enforced – criminal/civil – etc.), submitted by CPCs in an agreed format.
 - To facilitate information sharing and cooperation, CPCs should, as soon as possible, on a
 voluntary basis, provide to the ICCAT Secretariat for inclusion on the password protected
 portion of the ICCAT website, relevant information on issues/problems associated with labor
 conditions, in ICCAT fisheries including those detected through their monitoring, control, and
 surveillance programs, as appropriate and consistent with applicable confidentiality
 requirements.
- CPCs should make special efforts to begin populating the repository and providing their information in advance of the 15th Meeting of the Integrated Monitoring Measures (IMM) Working Group meeting scheduled for June 2022.

Research, training, and capacity building with the International Labour Organization (ILO)

- To inform potential future collaboration with the ILO, the Working Group requests that the Secretariat send a request to the ILO to develop a short paper outlining specific concepts for collaborative research and training in ICCAT fisheries.
- The Working Group will review the ILO's assessment of concepts for collaborative research and training and consider what possible actions CPCs could take individually and collectively, including in cooperation with other international organizations as appropriate, to fill identified gaps and improve labor conditions in ICCAT fisheries.
- The Secretariat will work with ILO to develop, if helpful, a future Memorandum of Understanding between ICCAT and ILO.

Review of updated ILO forced labor indicators for fisheries

 The Working Group will cooperate with the ILO to review and provide feedback on the fisheries sector from CPCs to inform the tailoring of the general forced labour indicators developed by ILO to provide guidance to ILO constituents. This review will be carried out with a view to providing ICCAT's knowledge and expertise into the
process of updating the forced labor indicators as well as for determining the indicators most
relevant to ICCAT fisheries.

Continuation of the ad hoc Working Group

The Working Group will recommend to the Commission that it continue its work in 2023 to further
develop these work areas. The Working Group will also provide an initial report to the IMM
Working Group meeting in June 2022 in order to facilitate transparency and seek additional input
and discussion, as appropriate.

Future Work

- The Working Group should consider identifying best practices on labour standards taking into account the relevant information available.
- The Working Group may consider making any additional efforts on this issue required in the future.