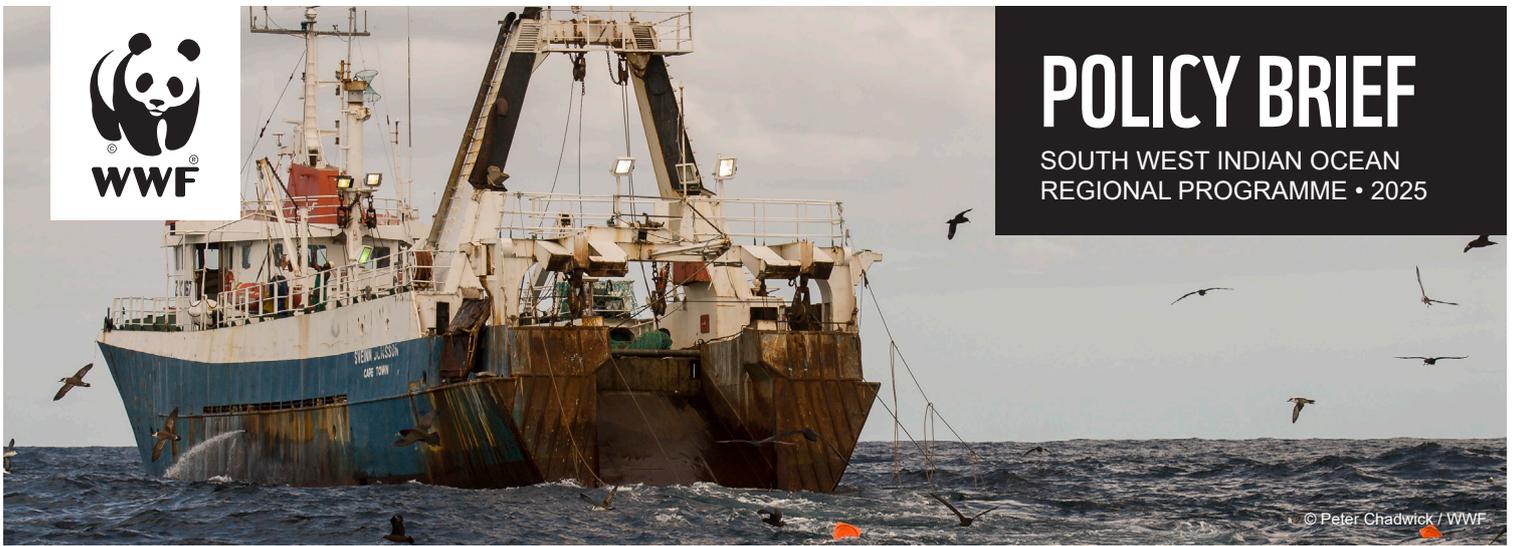




POLICY BRIEF

SOUTH WEST INDIAN OCEAN
REGIONAL PROGRAMME • 2025



WHY HUMAN RIGHTS SHOULD BE PRIORITIZED TO ENSURE SAFETY ONBOARD SOUTH WEST INDIAN OCEAN FISHING VESSELS



*The fisheries sector in the **South West Indian Ocean (SWIO)** is crucial for regional and international economies, food security and livelihoods. However, it faces several human rights challenges in ensuring fair labour practices, equitable access, gender equality and protection for marginalized communities. These issues permeate the sector, but concrete actions can be taken to prioritize human rights in fisheries management and, in this instance, protect crews onboard fishing vessels in SWIO.*

The work that takes place on fishing vessels is by its nature isolated, typically for long periods of time, and away from the oversight of national authorities and other regulatory entities. This places fishing crew at risk of exploitative working conditions, labour abuse and human trafficking, especially on illegal, unreported and unregulated (IUU) fishing vessels, which frequently engage in other illicit practices to obscure their activity such as changing their “call signs” for radio transmission or turning off their tracking systems. Although SWIO countries do not typically engage in these malpractices, vessels from distant water fishing nation (DWFN) in the region have also been known to reduce – or completely forego – payment for labour or ship maintenance to compensate for the fuel costs bound to long-distance fishing.¹ Indeed, fishermen from SWIO countries who had worked on vessels flagged under a DWFN have recently spoken out about abusive working and living conditions, excessive overtime and physical violence.²

Ultimately, human rights abuses on fishing vessels in the SWIO region can stem from both legal and illegal fishing activities. Legal oversight issues, such as weak regulations at the national level and a tendency for parties to avoid accountability or transparency in fishing operations, create loopholes for labour exploitation, including access agreements that fail to explicitly prioritise labour rights and social protections. Inadequate legal

oversight in DWFNs can also contribute to an increase in IUU vessels operating in the SWIO region, further exacerbating the instances of human rights abuses. Finally, the limited monitoring, control and surveillance capacities of affected coastal countries make it difficult to detect and prevent such violations.^{3,4}

Under the United Nations Convention on the Law of the Sea, each SWIO country should run a fisheries national observer programme with representatives from each programme sitting on regional working groups convened by the Indian Ocean Tuna Commission (IOTC) and South West Indian Ocean Fisheries Commission (SWIOFC). The presence of observers on fishing vessels is intended to ensure that fishing practices align with international and regional regulations by, for example, reporting illegal fishing activities and instances of human rights violations. Many observers have reported being pressured to misreport catch sizes or species, or to not disclose illegal activities such as overfishing and labour abuses. In extreme cases, observers have faced retaliation or disappeared at sea, presumably for threatening to expose illegal practices. However, official reports do not disclose the number of observers who have disappeared or died on board a fishing vessel in the SWIO region.⁵

A HUMAN RIGHTS-BASED APPROACH TO FISHERIES MANAGEMENT

Regional fisheries management organisations like the SWIOFC are well positioned to address social injustices in the fisheries sector by taking a human rights-based approach to fisheries management that incorporates international human rights norms in regional minimum terms and conditions (MTCs). The regional MTC guidelines were developed in 2012 through a collaboration between SWIOFC, WWF and the African Union. The aim: to provide a standardized framework for SWIOFC member states when negotiating fisheries access agreements with foreign fishing nations, with the ultimate objective being to ensure equitable benefits for member states, with a particular focus on marginalized local coastal communities. By establishing common standards, the MTC guidelines aim to balance economic gains from foreign fishing activities with sustainable resource management and protection of local livelihoods.

RECOMMENDATIONS

1. Urge that SWIOFC States adopt the Cape Town Agreement and ratify the ILO Work in Fishing Convention (C188)

As it stands, of the 12 SWIOFC states, only France, South Africa and Kenya have adopted the Cape Town Agreement, and only France and South Africa have ratified the ILO C188.



2. Integrate international standards and regulations into MTCs

The SWIOFC could enhance the MTC guidelines by integrating the standards and regulations laid out in the international frameworks of the Cape Town Agreement and the ILO C188 (see below).

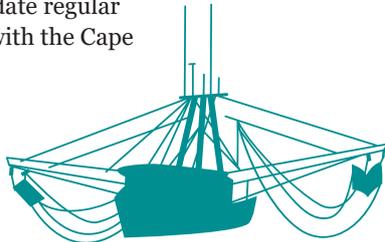


THE CAPE TOWN AGREEMENT

On vessel safety and working conditions

Construction and equipment standards: Require that foreign fishing vessels meet the Cape Town Agreement's standards for the construction and equipment of fishing vessels.

Regular inspections: Mandate regular vessel inspections to comply with the Cape Town Agreement's standards.



ILO WORK IN FISHING CONVENTION (C188)

On labour rights and social protection

Employment conditions: Require that all fishers have written work agreements and are provided with decent working and living conditions as stipulated by the C188 policy.

Health and safety: Mandate implementing the C188 standards for occupational safety, health protection and medical care on board vessels.

Social security: Ensure fishers receive social security benefits, including sickness, injury and unemployment protection.

3. Enhance transparent reporting

Under the MTC on vessel reporting requirements, SWIOFC should require vessel operators and fishery managers to provide fully transparent and accountable reports covering all aspects of fishing of public resources in general, with a specific focus on any investigations into human and labour rights violations.



4. Build capacity and provide training

Train stakeholders to integrate labour rights, gender equality and equity in fisheries governance, aligning policies with the ILO C188 and the Cape Town Agreement to ensure safe working conditions and protect marginalized communities.



1. ILO. 2013. Caught at sea: Forced labour and trafficking in fisheries.
2. EJF. 2024. Tide of Injustice: Exploitation and Illegal Fishing on Chinese Vessels in the Southwest Indian Ocean.
3. Stimson Centre. 2019. Shining a Light: The Need for Transparency across Distant Water Fishing.
4. Selig et al. 2022. Revealing global risks of labor abuse and illegal, unreported, and unregulated fishing. Nature Communications.
5. Ewell et al. 2020. An evaluation of Regional Fisheries Management Organization at-sea compliance monitoring and observer programs. Marine Policy.

For more information

Umair Shahid

Senior Indian Ocean Tuna Manager

WWF South West Indian Ocean Seascape Regional Programme

ushahid@wwf.org.pk



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WWF, 28 rue Mauverney, 1196 Gland, Switzerland. Tel. +41 22 364 9111

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