

**Statement made by Pradip Chatterjee, Secretary NFF at the
National Tripartite Workshop on Work in Fishing Convention No.188
Organised by Government of India and ILO**

Goa, 08-09 February, 2013

Respected members of Chair and participants –

First of all I wish to convey my thanks to the Government of India and International Labour Organisation for inviting NFF in this Government of India – ILO Tripartite Workshop on Work in Fishing Convention – 188.

In 2008, within a year of the passage of ILO Convention-188 on Work in Fishing, National Fishworkers' Forum under the leadership of our late Chairperson Harekrishna Debnath and in collaboration with ILO, ICSF, CEC and DISHA facilitated Consultative Meetings with fish workers on implementation of ILO Convention-188 on Work in Fishing in all the coastal states of India.

NFF has been demanding –

- Ratification of the ILO Convention-188 on Work in Fishing by the Government of India, and
- A Comprehensive Act to implement the ILO Convention-188 covering all fish workers.

Our late Chairperson Matanhy Saldanha was a member of the National Task Force on ILO Convention-188.

It makes us happy to note that the work on implementation of Convention-188 in India has progressed, that there has been a Gap Analysis on the statutes that we already have in our country and a draft Act has also been put up for discussion.

I think it was necessary to make the gap analysis address the real situation of the fish workers in India going beyond the confines of the statutes or acts. Some case studies or a few sample surveys would lay bare the yawning gap between the present situation of work in fishing and what ought to be. Sri Subesh Das, respected Secretary of Fisheries Department, Government of West Bengal raised this point yesterday. Mr. Praveen Kumar, respected Commissioner of Fisheries, Andhra Pradesh also cited some sordid examples yesterday. But such examples are at best the tip of the ice-berg.

No law exists in the mechanised sector for fish workers – no written agreement with the workers, no official crew list, and no statutory direction regarding working conditions on board or occupational hazards. Social security coverage is also very poor. – We need a change; the workers employed in the mechanised fishing boats need a change. So we look

forward to the ratification of Convention-188 and enactment of a law to implement it. The world has long rejected the argument that slavery should be retained to maintain viability of enterprises running on slave labour. The people who are against the change are knowingly or unknowingly serving the interests that benefit from this lawlessness.

But the benefits of ILO Convention-188 should not remain confined to the workers of mechanised fishing boats alone. NFF demands extension of the benefits of Convention-188 to all fish workers including fish workers on motorised and non-motorised boats and allied workers engaged in fish sorting, drying and vending.

If the goal is decent work then it is no less required in the vast non-mechanised sector employing about 5 million fishers who work in a very poor condition. In this I would draw your attention to the point that 'Subsistence Fishing' is excluded from the purview of ILO Convention-188 and the definition of 'Subsistence Fishing' provided in the draft law appended with the Executive Summary of GAP Analysis is confusing as it does not clearly indicate what is meant by 'small-profit trade' and 'for livelihood purposes' mentioned as criteria of 'Subsistence Fishing'. I strongly apprehend that this definition will put bulk of the small and traditional fishers, who are the most sufferer and needy in present situation, outside the ambit of Convention-188. I request a clarification in the matter from the ILO representatives present in this workshop.¹

In this context it will not be out of place to cite two examples of small scale fishing –

1. In the estuarine waters of Sundarban manual fishing boats with 4 to 8 fishers per boat stay on water for 7 to 8 days at a stretch.
2. The Thuthoor Fishermen of Tamil Nadu venture well beyond the territorial waters in their small boats fitted with small motors.

I repeat, keeping out the small and traditional fish workers from the purview of the ILO Convention-188 will fail the purpose of the convention. The small and traditional fishers working on motorised and non-motorised boats are in no less need to have some standardised work agreements, working conditions, occupational safety, social security etc. The lower income generation or less per capita catch in this sector calls for more government support to implement the benefits of ILO Convention-188.

Another issue of concern is the enactment and implementation of the proposed Act –

- A. Government of India in the Ministry of Labour should take the lead to mother the Act in consultation with the Division of Fisheries in the Department of Animal

¹ Mr. Brandt Wagner, Senior Maritime Specialist, ILO clarified that ILO stands by the definition of 'Subsistence Fishing' as laid down in the FAO Fisheries Glossary – Subsistence fishery is a fishery where the fish caught are shared and consumed directly by the families and kins of the fishers rather than being bought by the middle-(wo)men and sold at the next large market". To this Pradip Chatterjee requested that the draft Act should be amended accordingly. The request was admitted.

Husbandry, Dairying and Fisheries of the Ministry of Agriculture and the Labour and Fisheries Departments of the states and Union Territories.

- B. Finalisation of the draft Act should be preceded by wide consultations with all the stakeholders, preferably in every state and Union Territory, to take in all the variations, complexities and peculiarities in the sector.
- C. Given the requirement of various standards and the existence of wide variations in the situation suffice it to mention that the proposed Act will be inoperable without a set of Rules to address the requirements. Utmost care and diligence should be employed in the preparation of the set of Rules and the process can only succeed if it is participatory.

NFF will submit its detailed comments on the draft Act in due course.

ILO is an organisation of nations and labour organisations of the world. There is no point in rejecting Convention-188 by calling it a foreign initiative or something imposed from above. We must recognise that fish workers are suffering decades after decades and change is indispensable. ILO Convention-188 is an opportunity to move towards this change and we should make full use of it.

Also, in view of the existing lawlessness and fragmented state of social security and the occupational safety measures in the work in fishing sector a comprehensive Act is the need of the day.

NFF strongly demands immediate ratification of ILO Convention-188 on Work in Fishing by the Government of India and further necessary steps towards enactment of the law on the Work in Fishing Sector and offers its full cooperation towards the same.

Thank you.

**Pradip Chatterjee,
Secretary, NFF.**