

ANNEXES

Policy and stakeholder analysis to inform advocacy on drowning reduction among fishers in southern Lake Victoria, Tanzania: Technical report: ANNEXES

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Annex 1. Excerpts from Key National Regulatory and Policy Documents

A1-1. 2019: Tanzania Meteorological Authority Act

5.2. The functions of the Authority shall be to ... (d) provide weather and climate services for the safety of life and property and to various users of meteorological services; (e) issue severe weather-related warnings and advisories to ensure that there is a single authoritative voice in this regard; ... (l) cooperate with other national and international institutions in search and rescue relating to aviation and maritime accidents by providing relevant weather information.

12.1. Director General shall perform the following duties ... (b) to issue a warning and alert of flood, gale, storm, drought and any other weather condition likely to endanger life or property and determine when a warning and alert is to be lifted.

21.1. The Authority shall prescribe the weather and climatic requirements for sectoral activities.

21.2. Subject to subsection 21.1 the sectors include ... environment, ... marine, natural disaster, and relief management, water resources, health, ... natural resources.

31.1. The Authority shall issue weather and climate forecasts and warnings contents for publication through media for public consumption. ...

31.3 The media shall, arrange particular times or space every day for public meteorological forecasts or severe weather warnings and shall use the latest meteorological information and warnings provided by the Authority.

31.4. Media shall, upon receiving any severe weather warning that has a significant impact on the safety of people and their properties issued by the Authority, timely disseminate such warnings despite of ongoing programs.

31.5. Subject to the provisions of this Act, a person shall not publish or disseminate weather and climate forecasts and warnings to the public in respect of the United Republic without the permission of the Authority.

46.1. A person who unlawfully issues weather forecasts, climate forecasts and warnings to the public commits an offence, and upon conviction shall be liable to a fine of not less than fifty million shillings but not exceeding one hundred million shillings or to imprisonment for a term of five years but not exceeding ten years or to both.

46.2. A person who fails to use latest meteorological information provided by the Authority in disseminating to the public weather forecast and warning through media, including radio, newspaper or television, commits an offence and shall upon conviction be liable to a fine of not less than fifty million shillings but not exceeding one hundred million shillings or to imprisonment for a term of not less than five years but not exceeding ten years or to both.

A1-2. 2019 & 2014: Merchant Shipping Act: Accident Reporting and Investigation Rules & Distress Signals and Prevention of Collisions Regulations

***** 24 sets of Merchant Shipping Regulations or Rules are available at tasac.go.tz (e.g. registration of ships; dangerous goods; tonnage). The two sets that seem most relevant are summarized here. *****

Rules:

2. Application

(1) These Rules shall apply to all accidents involving or occurring on board to-

- (a) any United Republic ship;
- (b) any other ship within the United Republic or United Republic waters;
- (c) any ship, which in the opinion of the Registrar, involves the substantial interests of the United Republic.

4. Objective of safety investigation

-(1) The sole objective of a safety investigation into an accident under these Rules shall be the prevention of future accidents through the ascertainment of its causes and circumstances.

(2) It shall not be the purpose of such an investigation to determine liability nor, except so far as is necessary to achieve its objective, to apportion blame.

3. Interpretation

“accident” means-

(a) a marine casualty, which is an event or sequence of events that has resulted in any of the following and has occurred directly by or in connection with the operation of a ship-

- (i) the death of, or serious injury to, a person;
- (ii) the loss of a person from a ship; ...

(b) a very serious marine casualty, which is an event or sequence of events that has resulted in any of the following and has occurred directly by or in connection with the operation of a ship involving-

- (i) the total loss of a ship;
- (ii) loss of life; ...

(d) a marine incident, which is an event or sequences of events other than those listed in paragraphs (a) to (c) which has occurred directly in connection with the operation of a ship that endangered, or if not corrected would endanger the safety of a ship, its occupants or any other person or the environment;

(e) an accident which does not include a deliberate act or omission with the intention to cause harm to the safety of a ship, an individual or the environment;

7. Safety investigation

7.-(1) The Registrar shall, upon carrying out a preliminary assessment in accordance with rule 6, undertake a safety investigation in relation to a serious marine accident.

(2) The safety investigation in relation to a serious marine accident shall include-

- (a) collection and analysis of evidence;
- (b) identification of causal factors; and
- (c) where appropriate, the making of safety recommendations.

Regulations:

2. Application

These Regulations shall apply to the following vessels---(a) Tanzanian ships whether in Tanzania territorial waters or not; (b) other ships within Tanzania territorial waters.

3. Interpretation

“vessel” includes any ship, boat, sailing vessel, or other vessel of any description used in navigation.

4. Use of signals of distress

(2) A signal of distress shall not be used by any vessel unless by order of the master

(3) A master shall not order any signal of distress to be used unless he is satisfied that--- (a) the vessel, seaplane or a person is in serious or imminent danger and cannot send that signal; and (b) the vessel or that person, requires immediate assistance;

(4) The master of vessel which sends any signal of distress shall revoke that signal as soon as satisfied that the vessel or seaplane to which or the person to whom the signal relates is no longer is no longer in need of assistance.

(5) Any master who orders the use of a distress signal shall, where appropriate, record the incident and report to the Registrar of Ships within 24 hours.

A1-3. 2018 & 2017: 2017 Tanzania Shipping Agencies Act, 2018 regulations

Regulation of maritime and inland water transport

The TASAC Act No 14 of 2017 established the Tanzania Shipping Agencies Corporations (TASAC) with the mandate of regulating maritime transport. TASAC took over the responsibility of regulation of maritime transport from Surface and Marine Transport Regulatory Authority (**SUMATRA**), a multi-sectoral agency established under the SUMATRA Act of 2001. Apart from maritime transport regulation, SUMATRA was also responsible for regulation of rail, and road transport in Tanzania.

Minor amendments regarding the regulation of the maritime sector in 2019 extended TASAC's regulatory control to cover prevention of pollution from ships and maritime activities.

In the same amendments application of the Act was widened to apply to all matters of maritime administration, maritime environment, safety and security and maritime transport services, not just those “at sea ports and inland waterways ports”.

2. This Act shall apply to matters of maritime administration, maritime environment, safety and security and maritime transport services at sea ports and inland waterways ports in Mainland Tanzania. 5. It shall be the underlying objective of the Corporation in carrying out its functions and exercising its powers provided for under this Act, to enhance the benefits of maritime transport in Mainland Tanzania by ... (d) promoting and maintaining maritime environment, safety and security.

10.1. The Corporation shall regulate maritime transport services, maritime environment, safety and security matters in accordance with the provisions of this Act.

11.1. The functions of the Corporation in relation to regulation of maritime administration, maritime environment, safety and security shall be to: ... (c) regulate and approve marine services safety equipment's and marine services providers; ... (e) coordinate maritime search and rescue operations; ... (g) disseminate information and create awareness on matters related to maritime environment, safety and security.

31.1. There shall be a Registrar who shall be responsible for ships, seafarers, wrecks, maritime environment, safety and security matters of the Corporation.

60.1. Where the United Republic of Tanzania is a party to an international or regional agreement or convention relating to maritime transport services, maritime environment, safety and security the Minister shall, in consultation with the Corporation:- (a) initiate and prepare legislative proposals for purposes of implementing the agreements; and (b) identify appropriate measures necessary for the implementation of the agreements.

60.2. Where the Government is involved in negotiation of an international agreement or convention on matters relating to maritime transport services, maritime environment, safety and security, the Minister shall, prior to submission for ratification of agreement or convention by the National Assembly, communicate to the other relevant institutions with a view to assessing the likely impact on the other sectors.

60.3. The Minister may, from time to time by notice in the Gazette, publish ratified international agreements or conventions relating to maritime transport services, maritime environment, safety and security including amendments and other international instruments which apply to the United Republic of Tanzania, the reservations, if any, entered by the United Republic of Tanzania as well as international convention including amendments and replacements or other international instruments which ceases to apply to the United Republic of Tanzania.

60.4. The Corporation shall keep a register of all international agreements or conventions relating to the maritime transport services, maritime environment, safety and security to which the United Republic of Tanzania is a party.

60.5. International or regional agreements or conventions related to maritime administration, maritime environment, safety and security shall apply to the United Republic of Tanzania.

61.2. ... the Minister may in consultation with the Corporation make regulations: ... (g) prescribing procedures for regulation of: (i) maritime safety, security and Environment.

2018 Regulations: These detail specific changes from previous Regulations, e.g. different categories of shipping license; broader range of offenses, and stricter punishment and higher fees for offenses.

2.12. Injuries have been becoming an important contributor to the national disease burden due to rapidly transforming socioeconomically from rural-agrarian to urban-industrial and commercial economy. [This includes] *unintentional injuries* resulting from motor traffic accidents, occupational causes, sporting activities, domestic activities and violence, criminal violence and related causes. In this regard, injuries has been differentiated from emergency disasters which occur incidentally.

5.12. Injuries

Provision of health care services to people injured has been effective in most of health facilities although there are some deviances. Pre-hospital care has been almost non-existent and health care service deliveries at the health facilities has been inadequate. Furthermore, the requirement of case notification to police station before a victim is sent to hospital delays patients further and defeat the concept of golden hour in emergency management of trauma patient. It has been logical to believe therefore, that significant proportion of patients with severe injuries is dying without medical care in Tanzania. There are limited capacities for both pre-hospital and health care facilities to manage accidents.

5.12.1. Policy Objective

Reduced burden of intentional and unintentional injuries

5.12.2. Policy Statements

The government will;

- i. Recognize traumatic injuries (intentional and unintentional) as a disease entity which requires due attention.
- ii. Establish joint national injuries prevention system and surveillance
- iii. Enhance pre-hospital injuries care system which will be incorporated in the national health referral system.
- iv. Improve injuries care and management in all levels of health facilities.
- v. Strengthen injury care and rehabilitation services in all tertiary (zone hospitals) levels and at the national hospital

A1-5. 2017: Education Sector and Development Plan (2016/17-2020/21)

2: Quality of Basic and Secondary Education

Objective: Improved and equitable learning outcomes for all in Basic Education and Advanced Secondary

Component 5 – Learning Environment ...

Strategy 3:

Provide schools with necessary guidelines and resources to facilitate girls' and boys' participation in their own development through extra-curricular activities (e.g. games, sports and school clubs that are both subject-focused and crosscutting).

Result:

Schools have necessary guidance and resources and learners participate in extra-curricular activities

6.2.6 School Management Team

The School Management Team is responsible for ensuring proper implementation of the ESDP by:

... Ensuring a conducive teaching and learning environment, including integrating of sports and games in the school timetable

A1-6. 2015: National Fisheries Policy

2.4.2 Specific Objectives

The specific objectives of the National Fisheries Policy are to:

- (vi) Promote investment in fisheries and aquaculture infrastructure and facilities for production, processing and marketing;
- (ix) Achieve decent work in fisheries, aquaculture and related activities for sustainable development;
- (xiv) Strengthen capacity for effective participation in regional and international obligations;

3.7 Fisheries and Aquaculture Infrastructures

The most important infrastructure and facilities for fisheries and aquaculture development include fishing harbors ... boat yards and transport facilities.

Policy Objective

To develop and improve fisheries and aquaculture infrastructure facilities.

Policy Statement

The Government shall put in place conducive environment for Public Private Partnerships investment and management of fisheries and aquaculture infrastructure.

3.10 Employment and Decent Work in Fisheries

Policy Objective

To promote decent work in fisheries, aquaculture and related activities for sustainable fisheries development.

Policy Statements

- (iv) Employment and decent work in fisheries and aquaculture shall be mainstreamed and integrated into the sector development strategies and programmes

3.14 Fisheries and Aquaculture Inputs

Fisheries and aquaculture inputs, among others include fishing gears, boats, boat engines, fish feeds, fingerlings, chemicals, ropes and packaging materials.

Policy issues

Constraints facing the use of fisheries and aquaculture inputs include their availability and quality, high costs, poor distribution network and low awareness among stakeholders.

Policy Objective

To ensure adequate supply, accessibility and affordability of safe and quality fisheries and aquaculture inputs.

Policy Statements

- (i) The Government shall encourage and support private sectors for domestic manufacturing, importation and distribution of quality fisheries and aquaculture inputs;
- (ii) The Government shall strengthen technical support services to fishers and aqua farmers;
- (iii) Fishers and aqua farmers shall be supported to access appropriate inputs

3.15 Regional and International Cooperation

Policy Objective

To strengthen national capacity for active and efficient participation in regional and international cooperation.

Policy Statement

The Government shall strengthen capacity to meet regional and International obligations and timely act on emerging issues.

A1-7. 2015: Health Sector Strategic Plan, July 2015 – June 2020 (HSSP IV)

Strategic Objectives

The overall objective of HSSP IV is to reach all households with essential health and social welfare services, meeting, as much as possible, the expectations of the population, adhering to objective quality standards, and applying evidence-informed interventions through efficient channels of service delivery. ...

Strategic Objective 2: *The health and social welfare sector will improve equitable access to services in the country by focusing on geographic areas with higher disease burdens and by focusing on vulnerable groups in the population with higher risks.*

Priority setting based on epidemiological analysis will become standard, targeting under-served populations and vulnerable groups, and responding to high priority health needs.

Strategic Objective 3: *The health and social welfare sector will achieve active community partnership through intensified interactions with the population for improvement of health and social wellbeing.*

... Strengthening communities will improve health literacy and health seeking behaviors of the population. ... The health and social welfare sector will engage with the population in modern interactive communication via e-health platforms to establish partnerships between the government and citizens.

Strategic Objective 5: *To address the social determinants of health, the health and social welfare sector will collaborate with other sectors, and advocate for the inclusion of health promoting and health protecting measures in other sectors' policies and strategies.*

The sector will mobilise non-governmental and private partners to promote health and wellbeing through their strategies. Improved health and social wellbeing of the nation are essential towards realising the Nation's Vision 2025. Investing in health is therefore a necessity for the country to meet its development objectives. The health and welfare sector alone cannot achieve optimal health and wellbeing for all individuals. **Social determinants of health and wellbeing**, like nutrition, housing, safe water, safe and hygienic environment, individual behaviours and security are crucial. For addressing the social determinants of health, economic development, housing, education, roads and communication are of great importance.

5.5.2 Occupational health

Workplace health programmes focus on occupational safety and health. The Ministry will advise on safety measures to prevent injuries and diseases and will perform workplace inspections to enforce legislation. The MOHSW will prioritise high-risk industries, where exposure to hazardous situations and substances is high, e.g., the mining industry. ... Healthy lifestyles will be promoted, including enhancing the growing interest to invest in sports among employers.

Executive Summary

Tanzania Mainland’s existing Policy Guidelines for School Health promotion embrace the “Health Promoting Schools” approach and emphasizes that school children are provided effective school health education in the context of healthy and safe school environments and basic health and caring services.

... This Strategic Plan for Strengthening the Health Promoting Schools National Initiative in Tanzania Mainland during the period 2013 to 2017 is the result of a strong partnership of the MoHSW and MoEVT through National School Health Programme coordinators and other members within Health Promotion and Education Section (HPES) as well as Environmental Health Section (EHS) in Preventive Health Services Department. It is also a product of valuable inputs from PMO-RALG.

1.5.1. ... Advantages of Health Promoting School

Utilizes a holistic model of health, which includes the interrelationships between the physical, mental, social and environmental aspects of health

... Addresses the significance of the physical environment (e.g. buildings, sanitation, safe water and recreational areas) in contributing to the health of children.

... Principles/qualities of a Health Promoting School

Implements actions to evaluate and improve the health of students, the educational community, families, and members of the community in general, and works with community leaders to ensure access to nutrition, physical activity, counseling, and health and referral services;

4.1.7. Strategic Objective Seven: To strengthen safe and healthy school environment in all schools in the country

... Main activity

Promote improved sanitation and waste disposal; security measures; safe and adequate water supply; positive psychosocial relationships; gardening; and recreational facilities in all schools. ...

[Gardening] should be accompanied with provision of recreational facilities for physical and pleasure among school children.

A1-9. 2009: Fisheries Regulations

4. Application, inspection and registration of fishing vessels

- (1) A person who applies for a registration of a fishing vessel shall lodge with the Licensing Officer an application in duplicate, duly completed, in appropriate Form 1 set out in the First Schedule.
- (2) The Licensing Officer on receipt of the application shall, inspect the vessel for purposes of verifying its compliance.
- (3) The Licensing Officer shall, subject to receiving of appropriate fees as provided in the Second Schedule and other conditions as may be provided, register the vessel and issue a Certificate of Registration of the Fishing Vessel as prescribed in QA/APP/09 set out in the Fifth Schedule.
- (4) Notwithstanding sub-regulation (1), every fisher owning a vessel whose overall length is less than 11.0 metres shall lodge his application to the Licensing Officer through a Beach Management Unit, or through a Village Authority.
- (5) The Beach Management Unit or Village Authority, shall recommend to the Licensing Officer whether to register a fishing vessel or not.
- (6) A fishing vessel of length more than 11 metres shall not be registered for fishing without prior approval in writing by the Director.

5. Effect of registration

- (1) A person shall not use, employ, cause or permit any person to use any fishing vessel for fishing purposes unless such a vessel has been registered in accordance with these regulations.

12. Essentials for a fishing vessel

- (1) A fishing vessel licensed under these Regulations shall not proceed on a fishing voyage unless it has-
 - (a) sufficient quantity of food and number of utensils for holding water and food;
 - (b) serviceable horn or trumpet;
 - (c) at least two life rings, one life jacket or any other approved life saving equipment for each crew; and
 - (d) fire extinguishing devices, for purpose of compliance to any other written law.
- (2) A Licensing Officer shall, where any vessel is detained under sub-regulation (1), before releasing such vessel, require the owner or the master to rectify any observed defects.

18. Duration of license

- (2) Every renewal of fishing licence referred to under sub-regulation (1) shall be done between 1st January and 30th March of every year, and a penalty of fifty percent of the value of the licence fee shall be imposed on any licence issued thereafter.

25. Beach Management Unit

- (1) Every fishing community shall, in collaboration with relevant village government, form Beach Management Units to provide for Collaborative Fisheries Management for the purposes of managing, protecting and conserving fishery resources, biodiversity and the environment.
- (2) Any fisher-folk who meets the conditions prescribed in Regulation 133 (4) shall be registered as a member of the Unit.

128. Offences where no specific penalty is provided

Any person who contravenes any of the provisions of these Regulations other than those with specified penalties, upon conviction shall-

- (a) in case of first offence be liable to a fine of not less than two hundred thousand shillings and not exceeding one million shilling or to imprisonment for a term of not less than two years and not exceeding five years or to both.
- (b) in case of a second and subsequent offences, be liable to a fine of not less than three hundred thousand shillings and not more than two million shillings or to imprisonment for a term of not less than three years and not more than six years or to both.

134. Functions of the Beach Management Unit

- (1) The functions of the Beach Management Unit shall include, but not limited to- ...

- (d) in collaboration with village council shall develop by-laws and engage in monitoring, control and surveillance in such a way as to reduce the incidence of illegal fishing and fish trading practices and environmental degradation within the Beach Management Unit areas; ...
- (g) participate in selection processes for the issuance of fishing vessels licence and fishing within the Beach Management Unit jurisdictional area to ensure equitable access to resources;
- (h) ensure fisheries licence fees are paid by Beach Management Unit members in a timely manner to the officer in charge of fisheries in the local government authority;

PRE-LICENSE INSPECTION OF AN INDUSTRIAL FISHING VESSEL, GN No. 308, Form 2b, includes the following:

- 8. Fire Safety equipment available/not available
- 9. Telecommunication equipment on board available/not available; if available specify
Functional/ non functional
- 10. Navigation equipment available/not available; if available specify
Functional/ non functional
- 11. Life saving appliances:-
Life rings available/not available; if available how many
Life jackets available/not available; if available how many
Life raft available/not available; if available how many
- 12. Accommodation
Number of Crew .
- 17. First aid kit Available/Not available
- 18. Availability of the following documents
(i) Valid Certificate of seaworthy
(ii) Valid ship surveyors certificate
- 21. Approval/disapproval (To be filled by the Director)

PRE-LICENSE INSPECTION OF AN ARTISANAL FISHING VESSEL, GN No. 308, Form 2c, includes the following:

- 6. Fire safety equipment Available/Not available
- 7. Life saving equipment Available/Not available
- 8. Sea worthiness
- 14. Approval/Disapproval (To be filled in by Authorized Officer)

COMPOUNDING OFFENCE, GN No. 308, Form 11, includes arrest and/or fees for the following:

- (i) Artisanal fisher fishing without valid licence
 - (ii) Collecting or trading fish or fishery products without a valid licence
 - (iii) Artisanal fisher using unregistered vessel
 - (iv) Permitting others to use unregistered vessel for fishing
 - (v) Possession of immature fish, sea shells, shell products, aquarium fish for trade or for public display and commercial purposes without a valid document
- [Nothing about safety equipment]

APPLICATION FOR REGISTRATION OF BEACH MANAGEMENT UNIT, GN No. 308, Form 22, includes the following:

PART ONE

3. Particulars of the Beach Management Unit

- (a) Name of the Beach Management Unit
- (b) Total number of members: (Men).....(Women).....
 - i. Fishers
 - ii. Boat builders.....
 - iii. Fish processors

- iv. Fish net mending.....
- v. Food vendors.....
- vi. Others

PART THREE

Approval by the Director

Ref. Std: QA/RS/02
ELEMENT TO INSPECT

Pre Licence Inspections for Fishing Vessels
(100) OK, (80) minor, (40) Major, (20) Serious, (0) Critical

9 Personnel Standards (100) OK, (80) minor, (40) Major, (20)

9.1 Are workers medically examined? [O], [m], [M], [S], [C] Evidence:

9.2 Is the first aid kit available? Is it locked? [O], [m], [M], [S], [C] Evidence:

9.1 Are there enough and appropriate protective gears for all workers? [O], [m], [M], [S], [C] Evidence:

(mouth covers, aprons, overalls, freezer jackets, boots, gloves and hairnets) [O], [m], [M], [S], [C] Evidence:

9.4 Is the vessels sea worthiness certificate in place?

Ref. Std: QA/RS/03

Routine Monitoring for Vessels
100) OK, (80) minor, (40) Major, (20) Serious, (0) Critical

8 Personnel Health

8.1 Have all workers have undergone medical examination? [O], [m], [M], [S], [C] Evidence:

8.2 Is the first aid kit available? Is it locked? [O], [m], [M], [S], [C] Evidence:

8.6 Are records kept? [O], [m], [M], [S], [C] Evidence:

Ref.Std: QA/RS/25

Pre License Inspections for Collection and Fishing boats

4 Personnel Standards (100) OK, (80) minor, (40) Major, (20)

4.1 Are workers medical certificate in place? [O], [m], [M], [S], [C] Evidence:

4.2 Is the first aid kit available? Is it locked? [O], [m], [M], [S], [C] Evidence:

4.3 Are there enough and appropriate protective gears for all workers? [O], [m], [M], [S], [C] Evidence:

(mouth covers, aprons, overalls, freezer jackets, boots, gloves and hairnets) [O], [m], [M], [S], [C] Evidence:

4.4 Is the vessels sea worthiness certificate in place?

4.5 Are packing materials made from a suitable material? [O], [m], [M], [S], [C] Evidence

4.6 Is supplies certificate in place? [O], [m], [M], [S], [C] Evidence

4.7 Is the location in relation to processing area appropriate? [O], [m], [M], [S], [C] Evidence:

Ref. Std: QA/RS/27 Routine Sanitary Inspection of Fishing and Collection Boats

3 Personnel Standards (100) OK, (80) minor, (40) Major, (20)

3.1 Are workers' medical certificate in place? [O], [m], [M], [S], [C] Evidence:

3.2 Is the first aid kit available, equipped and lockable? [O], [m], [M], [S], [C] Evidence:

3.3 Are there enough and appropriate protective gears for all workers? [O], [m], [M], [S], [C] Evidence:

(mouth covers, aprons, overalls, freezer jackets, boots, gloves and hairnets) [O], [m], [M], [S], [C] Evidence:

3.4 Is the vessels sea worthiness certificate in place?

3.5 Are packing materials made from a suitable material? [O], [m], [M], [S], [C] Evidence

3.6 Is supplies certificate in place? [O], [m], [M], [S], [C] Evidence

3.7 Is the location in relation to processing area appropriate? [O], [m], [M], [S], [C] Evidence:

3.8 Are workers adhered to Good Hygiene Practice [O], [m], [M], [S], [C] Evidence

A1-10. 2009: Public Health Act

3. In this Act, ... "**Authority**" means a district authority or an urban authority; "authorized officer" –
(a) in relation to the Authority, means a Medical Officer of Health, District Medical Officer, Environmental Health Practitioner or any appointed public officer; and
(b) in relation to the Ministry, means a Medical Officer of Health, District Medical Officer, Regional Medical Officer, Environmental Health Practitioner or any public officer appointed by the Minister;
... "**public health**" means a national health, community health and individual health which is primarily aimed at increasing the well-being of the population by providing essential public health services to all citizens of Mainland Tanzania;
... "**nuisance**" means anything which is in such a condition, used, disposed of, situated, constructed or is unclean as to be-
(a) dangerous to human life and limb;
(b) injurious to human health or animal

39. Where there is a danger to public health [in this section generally described as infectious or communicable disease], the Port Health Officer may, in consultation with other related authorities, order the detention of passengers animals, cargo, storage, goods, maintenance or cessation of other operations at any port or section.

40.1. The Port Health Officer may at any time- (a) board any vessel and inspect any part or anything in that vessel;

54. A person shall not cause or suffer from a nuisance, likely to be of nuisance injurious or dangerous to health, existing on any land, premises, air or water.

55.1. Every Authority shall have the duty to-
... (b) prevent and remedy the cause and occurrence of any nuisance likely to be injurious, hazardous or dangerous to health;
(c) take legal proceedings and act against any person causing or responsible for the continuance of any nuisance or condition;
(d) regularly inspect its area by using the Environmental Health Practitioners;
(e) detect whether or not a nuisance is likely to occur, recur or exist;
(f) detect the cause of such nuisance;
(g) make follow up on implementation of measures ordered to abate nuisance;
(h) make an order for temporary or permanent closure of activities causing that nuisance;
(i) prevent over crowding;
(j) prevent illegal construction, condition or manner of any factory or trade premises; and
(k) take proceedings against any person causing or responsible for the continuance of such condition.

57.1. Whenever a nuisance exists or has existed on any land or Notice to premises and is likely to recur whether on that land, air, premises, water abatement or on any other land the Authority or the authorized officer may serve a notice on the person by whose act, default or sufferance the nuisance exists or is likely to recur.

A1-11. 2009: National Occupational Health and Safety Policy

1.3 Challenges The promotion of occupational health and safety at enterprise and national level faces a number of challenges. The challenges to be addressed by the National Policy include; ... ii) Low awareness of occupational health and safety matters amongst workers, employers and general public at large iii) Low compliance to OHS standards; iv) Poor work environment in the informal sector; v) Inadequate OHS training and skills development; ... viii) Inadequate OHS information; and ix) Inadequate programmes to address cross cutting and sectoral issues like gender, HIV and AIDS, migrant workers, disabled people and people living in abject poverty.

2.1 Scope The National Occupational Health and Safety policy will focus on ... setting OHS standards including enactment of laws, promotion of occupational health and safety at work; ... strengthening of workers' participation through their health and safety committees at workplaces; occupational health and safety awareness creation among workers and employers encouraging of OHS researches; collection and recording of OHS data; promotion of OHS in SMEs and informal sectors; and addressing cross cutting issues of gender, vulnerable groups, and HIV and AIDS.

2.2.1. Vision Sustainable safe and healthy working conditions and environment at all workplaces for the entire diversity of the workforce contributing to broad based economic growth.

2.2.2. Mission Prevention and control of hazards at workplaces and adaptation of work processes and environment to workers so as to increase their productivity.

2.3 OBJECTIVES

2.3.1 Main Objectives

The main objectives of OHS Policy are to reduce the number of work-related accidents and diseases in Tanzania. This required the adoption and implementation of a culture to prevent OHS hazards by Government, Employers and Employees. The effective prevention of work - related accidents and ill- health will have enormous social and economic benefits. These include improvements in productivity and competitiveness and the quality of life of the working population. The effective management of many safety hazards will contribute to improved levels of public health and safety. The effective control at source in workplaces of hazardous substances will improve levels of public health and minimize environmental pollution.

2.3.2 Specific Objectives

The Policy will accomplish the following specific objectives;

i) Appropriate Institutional arrangements for efficient and effective OHS services delivery developed. ii) A clear and comprehensive legal and regulatory framework in place. iii) Reliable system for collection, recording, notification and reporting and dissemination of OHS information in place. iv) Adequate funding arrangements to fund OHS activities established. v) Existing research capacity most effectively used and in addition capacity developed. vi) Occupational health and safety skills and resources in public and private sector improved. vii) Education and training on occupational health and safety at all levels enhanced. viii) Cross– cutting and cross sectoral issues mainstreamed.

3.1. Policy Issue: Framework to Enhance Commitment of Stakeholders

Policy objective: Develop an appropriate institutional arrangement for efficient and effective OHS service delivery

Policy Statements

i) The Government in collaboration with other stakeholders will put in place an Occupational Health and Safety Council with representative from the Government, Employers and Employees and, The Government in collaboration with occupational safety and health service providers shall promote the maintenance of occupational health and safety standards.

3.2. Policy Issue: Occupational Health and Safety Legal Framework

There is no clear and comprehensive legal and regulatory framework for occupational health and safety. The prevention and control of workplace risks is governed by the Occupational Health and Safety Act 5 of 2003. However, there are other regulations promulgated under difference laws which also administer OHS in specific sectors, furthermore military installations shall use general and specific procedure as spelled out in the

national, regional and international treaties. International best practice shows that, there is a general trend towards a single national OHS statute covering all sectors of the economy. These statutes define the responsibilities of employer to provide a healthy and safe workplace, set out the rights and duties of workers, provide for worker participation and establish the enforcement powers of the inspectorate. Furthermore, there is lack of specific Occupational Health and Safety national standards consistent with regional and international conventions and treaties for the purposes of enforcement and compliance.

Policy objective: Enact a clear, comprehensive and harmonized legal and regulatory framework consistent with this policy applying to all sectors of the economy.

Policy Statements

i) The Government in collaboration with other stakeholders will make regular review of the OHS legislation and its enforcement. ii) The Government in collaboration with stakeholders will develop national OHS standards in harmony with regional and international standards. iii) The Government with other stakeholders shall ensure OHS compliance in all workplaces with special arrangements for military installations.

3.5. Policy Issue: Education and Training

Policy objective: Enhance awareness, education and training programmes on occupational health and safety at all levels.

Policy statements:

i) All stakeholders will conduct awareness creation campaigns to develop Safety Culture among workers and employers.
ii) The Government in collaboration with other stakeholders shall ensure education and training on issues related to OHS to employer's workers and community at large are conducted.
iii) The Government shall develop a programme for developing OHS skills and competences in both public and private sectors.

3.6. Policy Issue: Arrangements to fund OHS activities

Social partners are responsible for creating a conducive working environment which will lead to prevention of injuries at workplaces. Programmes and activities for injury prevention require human and financial resources. Currently there is no adequate financial commitment for running injury prevention programmes. This will be possible if legal framework would include creation of a common fund to promote injury prevention. Legal framework will establish funding arrangements that will cater for the following: a) set OHS standards and codes of practices; b) collection, storage, analyses and disseminate OHS information on accidents and related human sufferings and losses; c) practices that would minimize injuries at workplace; d) enhance inspection; e) run mass occupational injuries prevention programmes through mass media, and; f) provide outreach services to the community at large. These injuries prevention programmes are focusing on creating an injury free working environment.

3.7. Policy Issue: SMEs and Informal Sector

Informal sector workers face all the occupational health and safety challenges that confront larger enterprises, but they do not value promotional activities to improve safety and health at work. They are not interested in learning more about it, not interested in spending their very scarce capital to improve working conditions and eliminate hazards. The same is true, although in a less extreme way, for SMEs. However, when SMEs understand the positive connection between working conditions and productivity, and understand, moreover, that action to improve conditions need not be out of their reach either financially or technically, they are quick to respond. This is contributed to a certain extent by lack of awareness.

Policy Objective: Put in place programmes to raise OHS awareness and produce OHS technical guidance that will improve working conditions and increase workplace productivity at the same time in SMEs and informal sector.

Policy Statements

i) The Government in collaboration with stakeholders shall initiate and implement awareness raising programmes to increase interest dealing with OHS problems in SMEs and informal sector. ii) The Government in collaboration with stakeholders shall produce technical guidance that is adapted to the situation, problems and needs of SMEs, and informal sector workers or particular groups of SMEs and informal sector workers.

4.1. Legal Framework ... Occupational Health and Safety Act, 2003 has widened the scope of understanding, coverage and recognition of roles played by the responsibilities of other public and private institutions. This, in

turn, will ensure compliance licenses issued to all business enterprises prior to commencing operation according to requirements of laws and regulations as being complemented

6.1. Central Government

The Government shall create enabling environment for the implementation of occupation health and safety policy, put in place regulatory and legal framework and facilitate resource mobilization for provision of effective occupation health and safety services.

6.2. Employers

Employers will ensure health and safety at work, establishment of health and safety committees at workplaces conduct training and report accidents, diseases and other dangerous occurrences to relevant authorities.

6.3. Workers

Workers will form and participate in occupational health and safety committees at workplace, report any hazardous situation to respective authorities and comply with occupational health and safety requirements at work.

6.4. Local Government and Regional Administration

Local Government and Regional Administration will complement efforts of central Government and other stakeholders in the promotion of occupational health and safety.

6.5. Development partners

Development partners will collaborate and compliment Government efforts of promotion of occupational health and safety.

6.6. Private Sector

Private Sector will compliment the efforts of the Government in the promotion and provision of occupational health and safety services.

6.7. Civil Organizations

Community – based organizations, non- Governmental organizations, religious institutions, will collaborate and compliment Government efforts in sensitization and awareness creation on issue of occupational health and safety.

A1-12. 2008: National Employment Policy

Glossary

Decent Work: Productive and remunerative employment for men and women in an environment providing respect for labour rights, dialogue and social protection.

Informal Sector: Means non- farm, small scale and self-employed income generating activities based on low level of organization, low capital and low technology.

Youth: The definition of the Youth varies considerably according to national conditions and definitions. While the usual international definition refers to persons aged between 15 and 24 years, in Tanzania, the Youth refers to persons aged between 15 and 35 years

3.21. [Policy Issue] Improving Employment Conditions and respect for Labour Rights

National adherence to conducive labour standards including satisfactory working conditions including living income, health and safety, and adequate Social Protection which greatly depend on effective and efficient factory and labour inspection and labour administration machinery, is a prerequisite for effective and smooth growth of the national economy.

Policy Statement 4. The Government will continue to provide guidelines and enforce legislation on health and safe working environments that are conducive to physical, psychological and social well-being of the workforce

A1-13. 2007: National Youth Development Policy

1.1. The Status of Youth in Tanzania

Economic situation

In Tanzania, many youth are engaged in sectors of agriculture, fishing, mining, animal husbandry and small-scale industries like carpentry and black smith, petty businesses like selling second-hand clothes, fruits and various foodstuffs. Despite the fact that these youth are self-employed they face a lot of problems in implementing their activities. Such problems include the lack of working capital, equipment and technical know how or necessary skills.

3.1 Common Definition of Youth

Universally, there is no agreed upon age definition of youth. There are various definitions of youth relating to different policies and legislations. ... There is need to harmonize the definition of youth in Tanzania so that different programs for youth empowerment can be developed systematically to meet the needs of youth.

Policy Statements.

- Youth in Tanzania shall be defined as young men and women from the age group of 15 to 35.

3.5 Youth in Hazardous Working Environment

A sizeable number of youth are unskilled and work under hazardous conditions for example in the mining sector, agriculture, and factories. They operate in great risk with poor infrastructure without social security protection and protective gear. These hazardous conditions bring problems to their health and welfare. **Policy**

Statements:

- The Government shall continue to take stern measures to ensure that employers comply with laws and regulations regarding Occupation Health and Safety.
- The Government shall enforce laws and regulations regarding health and safety.
- Stakeholders such as NGOs and CBOs shall educate youth on protective measures.

14. 2004: Employment and Labour Relations Act

4. Interpretation ...

"child" means a person under the age of 14 years; provided that for the employment in hazardous sectors, child means a person under the age of 18 years;

PART II

FUNDAMENTAL RIGHTS AND PROTECTIONS

Sub-Part A - Child Labour

5.-(1) No person shall employ a child under the age of fourteen.

(2) A child of fourteen years of age may only be employed to do light work, which is not likely to be harmful to the child's health and development; and does not prejudice the child's attendance at school, participation in vocational orientation or training programmes approved by the competent authority or the child's capacity to benefit from the instruction received.

(3) A child under eighteen years of age shall not be employed in a mine, factory or as crew on a ship or in any other worksite including non-formal settings and agriculture, where work conditions may be considered hazardous by the Minister. For the purpose of this subsection, "ship" includes a vessel of any description used for navigation. ...

(5) Notwithstanding the provisions of subsection (3), any written law regulating the provisions of training may permit a child under the age of eighteen to work- (a) on board a training ship as part of the child's training; ...

(c) in any other worksites on condition that the health, safety and morals of the child are fully protected and that the child has received or is receiving adequate specific instruction or vocational training in the relevant work or activity.

(6) The Minister shall make regulations- (a) to prohibit, or place conditions on the employment of children under eighteen years of age; (b) to determine the forms of work referred to in sub-section (4) of this Act and to make provision for the regular revision and updating of the list of hazardous forms of work.

PART III

EMPLOYMENT STANDARDS

... the provisions of this Part apply to seafarers who work on fishing vessels and shall be to the extent that in the event there is any conflict between the provisions of this Act and the Merchant Shipping Act and its regulations, the provisions of this Act shall prevail.

62. Trade union representation ...

(4) Trade union representatives shall perform the following functions- (a) to represent members in grievance and disciplinary hearings; (b) to make representations on behalf of members in respect of rules; health and safety and welfare.

98.-(1) The Minister may, in consultation with the Council, make Regulations and prescribe forms for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters- (q) occupational safety and health standards and the working environment secured by an appropriate system of inspection.

A1-15. 2003: Merchant Shipping Act

2. Interpretation

"dangerous goods" or "goods of a dangerous nature" shall carry the same meaning as contained in the Safety of Life at Sea Convention; ...

"fishing vessel" means a vessel for the time being used or, intended to be used for or in connection with fishing other than a vessel used or intended to be used for fishing otherwise than for profit or a vessel for the time being used or intended to be used wholly for the purpose of conveying persons wishing to fish for pleasure. ...

"Safety Convention" means the International Convention for the Safety of Life at Sea, 1974 as affected by any amendment made thereunder, and includes protocol 1978; ...

"seafarer", includes every person (except a master, pilot or apprentice duly contracted or indentured and registered) employed or engaged in any capacity on board a ship;

4. Power of Minister to establish maritime safety and security body

(1) In the exercise of powers vested in him under this Act, the Minister may, by Order published in the *Gazette*, designate a public authority to undertake, regulatory function to maritime safety and security. ...

(3) Without prejudice to subsection (1), pending the designation of any public authority to perform regulatory functions, all regulatory functions and powers relating to maritime safety and security shall be performed and exercised by the Minister.

15. Refusal of registration

Notwithstanding any ship with respect of which an application for registration has been made is entitled to be registered, the Registrar of Ships may not register such a ship where he is satisfied that having regard to -

- (a) the condition of the ship in so far as is relevant to safety or to any risk of pollution; or
- (b) the safety, health and welfare of persons employed or engaged in any capacity on board the ship; or
- (c) the possibility that the ship is being used for criminal purposes, it would be detrimental to the interests of Tanzania or of international shipping for the ship to be registered.

(2) Where it appears to the Registrar of Ships that a ship in respect of which an application for registration has been made is not entitled to be registered, having regard to the provisions of paragraphs (a), (b) or (c) of subsection (1), he shall inform the applicant, or any representative for the time being appointed in relation to the ship, and the Registrar of Ships shall not register the ship.

43. Identity marks for fishing vessels

(1) On the registration of a fishing vessel the Registrar of Ships shall allocate to it a combination and sequence of letters and numerals (hereinafter called the "identity mark") which he shall cause to be entered in the register book and such identity mark shall not be allocated to any other fishing vessel.

(2) Every registered fishing vessel shall display the identity mark allocated to it under this section on each side of its bow and shall show its port of registry on the stem.

55. Regulations regarding licensing of ships

(1) The Minister may make Regulations regarding licensing of foreign ships and licensed Tanzanian ships and in particular may provide for the following matters - (a) the manning of and the life-saving, safety and fire-fighting equipment to be carried on such ships;

Part VII: Engagement and Welfare of Seafarers

123. Regulations for condition of service

(1) The Minister may make regulations to provide for:

- (a) appropriate social security measures;
- (b) terms and the conditions of service of persons serving in Tanzanian ships and of Tanzanian nationals serving in foreign ships including hours of work and leave;
- (c) matters relating to –
 - (i) apprenticeship to the sea service;
 - (ii) engagement on board foreign ships of Tanzanian nationals;
 - (iii) articles of agreement;

- (iv) the implementation of any convention relating to the employment, welfare, security, certification and status of seafarers;
- (v) medical care, sickness and injury benefits for seafarers;
- (vi) the avoidance of agreements made contrary to such regulations as shall be prescribed;
- (vii) wages in general, and the rights related thereto of persons employed in Tanzanian ships and Tanzanian nationals employment in foreign ships, securing safe working conditions, health and welfare for seafarers and apprentices on board;
- (viii) the accommodation to be provided for seafarers and apprentices on board ships, the locations and standard of accommodation and all questions in relation to accommodating seafarers and apprentices on board;
- (ix) food and catering for ships crew; and
- (x) repatriation of seafarers.

155. Obligation of ship owners as to seaworthiness

(1) In every contract of employment between the owner of a Tanzanian ship and the master of or any seafarer employed in the ship there shall be implied an obligation that the owner of the ship, the master of the ship and every agent charged with-

- (a) the loading of the ship;
- (b) the preparing of the ship for sea; or
- (c) the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences and to keep the ship in a seaworthy condition during the voyage.

162. Training, Manning and Certification

(7) ... the Minister may make Regulations prescribing the qualifications, manning and welfare of crew on board fishing vessels.

172. Conduct endangering ship and persons

In this section – "duty" means –

- (a) in relation to a master or seafarer, any duty falling to be discharged by him in his capacity as such; and
- (b) in relation to a master, includes his duty with respect to the good management of his ship and his duty with respect to the safety of operation of his ship, its machinery and equipment;

Part VIII: Prevention of Collisions and Safety of Navigation

201. Master to proceed moderately in danger area

(1) The master of a Tanzanian ship, when ice is reported on or near his course, shall at night either proceed at a safe speed adapted to the prevailing circumstances or change his course so as to keep amply clear of the ice reported and of the area of danger.

209. Notices to Mariners and Navigational Warnings

(1) The Registrar of Ships shall take appropriate steps to advise the seafaring community and the public of any developing or existing situations which may adversely affect maritime safety.

211. Establishment and management of aids

(1) There shall be established in Tanzania such navigational aids as are necessary to facilitate safe navigation of ships within the waters of Tanzania.

218. Ships' navigational equipment and nautical publications

(1) The Minister may make regulations specifying such navigation equipment, nautical publications or charts, directions or information as appear to him to be necessary or expedient for the safe operation of ships.

[219-250 not detailed here as they are specific to Part IX, i.e. Safety of Life at Sea. Note however that they include: 220. Application of Safety Convention and exceptions thereto; and 250. Regulations for local safety certificates including fishing vessels]

Part XII: Unsafe Ships

- 292. Power to detain unsafe ships.**
- 293. Power to pay compensation and require security for compensation.**
- 294. Owner and master liable in respect of unsafe ship.**
- 295. Use of unsafe lighters.**
- 296. owner liable for unsafe operation of ship.**

Part XIV: Inland Water Transport

303. Interpretation in Part XIV

In this Part-"inland waters" means Lake Victoria

305. Regulations relating to inland waters

- (1) The Minister may by Regulations make provisions for and in relation to, or confer powers on any named authority to make orders or give directions in relation to
- (a) the manner of survey or inspection of ships;
 - (b) the period or periods within which ships shall be surveyed or inspected;
 - (c) the circumstance in which, at the request of the owner of a ship, a survey or inspection may be carried out;
 - (d) the issue of certificates of registration and their cancellation;
 - (e) any matter of which provision may be made in regulations in relation to a ship registered under Part IV; giving effect to Treaty, Agreement or Convention; and for the general operation of ships under this Part.
 - (f) giving effect to Treaty, Agreement or Convention;
 - (g) and for the general operation of ships under this Part.
- (2) Regulations made under subsection (1) shall apply in relation to-
- (a) a ship registered under this Act; ...
 - (d) a fishing vessel registered under the law for the time being in force requiring the registration of any such vessels.

383. Power require production of ships' documents

- (2) ... the powers of surveyor of ships, Tanzanian consular officer, Registrar of Ships or Registrar of Seafarers include –
- (a) to require the owner, master, or any of the crew to produce any official log books or other documents relating to the crew or any member of the crew in their possession or control;
 - (b) to require the master to produce a list of all persons on board his ship, and take copies of or extracts from the official log books or other such documents;
 - (c) to muster the crew; and to require the master to appear and give any explanation concerning the ship or her crew or the official log books or documents produced or required to be produced.

384. Power to inspect ships and their equipment

- (1) ... a surveyor of ships, may at any reasonable times go on board a ship and inspect the ship and its equipment or any part thereof, any articles on board and any document carried in the ship in pursuance of this Act, or regulations made under this Act. ...
- (3) A person exercising powers under this section shall not without good cause detain or delay a ship but may, if he considers it necessary in consequence of an accident or for any other reason, require a ship to be taken into dock for a survey of its hull or machinery.

385. Power of inspectors in relation to premises and ships

- (2) An inspector who is referred under sub section (1) may-
- (a) at any time in a situation which in his opinion is or may be dangerous, enter any premises, or board any ship, if he has reason to believe that it is necessary for him to do so;
 - (b) on entering any premises or on boarding a ship by virtue of paragraph (a), take with him any other person authorised for the purpose by the Registrar of Ships , and any equipment or materials he requires;
 - (c) make such examination and investigation as he consider necessary;
 - (d) give a direction requiring that the premises or ship or any part of the premises or ship or an thing in the premises or ship or such a part thereof be left undisturbed, whether generally or in particular respects, for so long as is reasonably necessary for the purposes of any examination or investigation under paragraph (c);
 - (e) take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (c);

- (f) take samples of any articles or substances found in the premises or ship and of the atmosphere in or in the vicinity of the premises or ship;
- (g) in the case of any article or substance which he finds in the premises or ship and which appears to him to have caused or to be likely to cause danger to health or safety, cause it to be dismantled or subjected to any process or test, but not so as to damage or destroy it unless that is in the circumstances necessary;
- (h) in the case of any such article or substance as is mentioned in paragraph (g), take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely-
 - (i) to examine it and do to it anything which he has power to do under that paragraph;
 - (ii) to ensure that it is not tampered with before his examination of it is completed;
 - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under this Act or any instrument made under it;
- (i) require any person who he has reasonable cause to believe is able to give any information relevant to any examination or investigation under paragraph (c)
 - (i) to attend at a place and time specified by the inspector; and
 - (ii) to answer, in the absence of persons other than any persons whom the inspector may allow to be present and a person nominated to be present by the person on whom the requirement is imposed, such questions as the inspector thinks fit to ask; and
 - (iii) to sign a declaration of the truth of his answers;
- (j) require the production of, and inspect and take copies of any entry in - any books or documents which by virtue of any provision of this Act are required to be kept;
 - (i) and any other books or documents which he considers it necessary for him to see for the purposes of any examination or investigation under paragraph (c);
 - (ii) require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities, as the inspector considers are necessary to enable him to exercise any of the powers conferred on him by this subsection.

386. Provisions supplementary to section 385

- (1) A person who -
 - (a) intentionally obstructs an inspector in the exercise of any power conferred to him under section 385; or
 - (b) without reasonable excuse, does not comply with a requirement imposed in pursuance of section 385 or prevents another person from complying with such a requirement; or
 - (c) makes a statement or signs a declaration which he knows is false, or recklessly makes a statement or signs a declaration which is false, in purported compliance with a requirement made in pursuance of subsection (2)(i) of section 385, commits an offence and is liable upon conviction, to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars five thousand or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

388. Prohibition notices

- (1) Where, as regards to any relevant activities which are being or are likely to be carried on board any ship by or under the control of any person, an inspector is of the opinion that, as so carried on or as likely to be carried on, the activities involved or will involve the risk of serious personal injury to any person, whether on board the ship or not, the inspector may serve on the first-mentioned person a notice under this Part referred to as a "prohibition notice"
- (2) Subject to subsection (1), "relevant activities" means activities to or in relation to which any of the relevant statutory provisions apply or will, if the activities are carried on as mentioned in that subsection, apply.
- (3) A prohibition notice shall-
 - (a) state that the inspector is of the opinion that the activity will involve risk of serious personal injury to any person;
 - (b) specify the matters which in his opinion give or, as the case may be, will give rise to the risk;
 - (c) where in his opinion any of those matters involve or, as the case may be, will involve a contravention of any of the relevant statutory provisions, state that he is of that opinion, specify the provision or provisions as to which he is of that opinion, and give particulars of the reasons why he is of that opinion; and
 - (d) direct-
 - (i) that the activities to which the notice relates shall not be carried on by or under the control of the person on whom the notice is served, or

(ii) that the ship shall not go to sea unless the matters specified in the notice in pursuance of paragraph (b), and any associated contravention of any provision so specified in pursuance of paragraph (c), have been remedied.

Part XXI: Inquiries and investigations into marine casualties

393. Investigations of shipping

(1) Where any of the following casualties occur, that is to say

- (a) the loss or presumed loss, stranding, grounding, abandonment of, or damage to a ship;
- (b) a loss of life or serious injury to any person, caused by fire on board, or by any accident to a ship or ship's boat, or by any accident occurring on board a ship or ship's boat; or
- (c) any damage caused by a ship, and, at the time it occurs, the ship was a Tanzanian ship or the ship or ship's boat was in Tanzanian waters, the Minister shall cause a preliminary inquiry into the casualty to be held by a person appointed for the purpose by the Registrar of Ships who shall have the powers conferred on an Inspector by section 383.

(2) Where a preliminary inquiry into the casualty has been held under subsection (1), the Minister may cause a formal investigation to be held by a Board appointed for that purpose.

397. Inquiries into and reports on deaths and injuries

(1) Subject to the provisions of subsection (6), where

- (a) any person dies in a Tanzanian ship or in a boat or life-raft from such a ship; or
- (b) the master of, or a seafarer employed in, such a ship dies in a country outside Tanzania, an inquiry into the cause of the death shall be held by the Registrar of Seafarers or a proper officer at the next port where the ship calls after the death, or at such other place as the Minister may direct.

(2) Subject to the provisions of subsection (6), where it appears to the Minister that-

- (a) in consequence of an injury sustained or a disease contracted by a person when he was the master of, or a be employed in the ship and subsequently died; and
- (b) the death occurred in a country outside Tanzania during the period of one year beginning with the day on which he so ceased, the Minister may arrange for an inquiry into the cause of the death to be held by the Registrar of Seafarers or a proper officer.

(3) Subject to subsection (6), where it appears to the Minister that a person may

- (a) have died in a Tanzanian ship or in a boat or life-raft from a ship; or
- (b) have been lost from a ship, boat or life-raft and have died in consequence of being so lost, the minister may arrange for inquiry, to be held by the Registrar of Seafarers or proper officer.

A1-16. 2003: Fisheries Act

4.- (1) Any person who applies for a registration of a fishing vessel shall lodge with the licensing officer an application in duplicate, duly completed, in appropriate form set out in the First Schedule to these Regulations.
(2) On receipt of the application, the licensing officer shall inspect the vessel for purposes of compliance.
(3) The licensing officer shall, subject to payment of appropriate fees set out in the Second Schedule to these Regulations and other conditions, register the vessel and shall issue a certificate of registration in the form set out in the Fifth Schedule to these Regulations.

11.- (1) No fishing vessel licensed under these Regulations shall proceed on a fishing voyage unless it has:
(c) at least two life rings, one life jacket for each crew and one inflated vehicle tube; and
(d) fire extinguishing devices, for purpose of compliance to any other written law.

Establishment, functions and management of Beach Management Units

(4) The functions of the BMU shall include, but not limited to:
(a) develop a BMU fisheries management and landing station development plan in consonance with higher level fisheries management plans;
(b) develop annual and quarterly work plans and budgets to implement the management and development plans;
(c) collaborate in the collection of fisheries catch, effort and value information;
(d) engage in monitoring, control and surveillance in such a way to reduce the incidence of illegal gears, fishing and fish trading practices within the BMU area;
(e) ensure hygienic, health and safe conditions at the landing stations within the BMU area, in accordance with standards set by the Government;
(f) conflict resolution;
(g) participate in selection processes for the issue of fishing vessels licence and fishing permits within the BMU jurisdictional area to ensure equitable access to resources by BMU members;
(h) ensure fisheries licences and permits fees are paid by BMU members in a timely manner; and
(i) arbitrate to settle fisheries disputes amongst BMU members, between BMUs and between the BMU and other institutions;

A1-17. 2003: National Occupational Health and Safety Act

5. Appointment of inspectors

(5) An inspector shall treat as absolutely confidential the source of any complaint bringing to his notice a contravention of the provisions of this Act, and shall give no intimation to the occupier or his representative that a visit of inspection was made in consequence of that complaint.

6. Powers of inspectors

1) An inspector shall, for the purpose of the performance of this Act have powers to do all or any of the following - Powers of inspectors (a) without prior notice, to enter, inspect and examine, by day or night, a factory or workplace, and every part thereof, when he has reasonable cause to believe that any person is employed therein.

7. Investigations

(1) An inspector may investigate the circumstances of any incident which has occurred at or originated from a factory or workplace in connection with the use of a plant or machinery which resulted, or in the opinion of the inspector could have resulted, in the injury, illness or death of any person in order to determine whether it is necessary to hold a formal investigation.

8. Formal inquiries

(1) The Chief Inspector, upon receipt of a complaint may direct an inspector to conduct a formal inquiry into any incident which has occurred at or originated from a factory or workplace or in connection with the use of plant or machinery which has resulted, or in the opinion of the Chief Inspector could have resulted, in the injury, illness or death of any person.

11. Safety and health representatives ... every employer who has more than twenty employees in his employment at and any factory or Workplace shall—

- (a) within four months after the commencement of this Act;
- (b) after commencing business; or
- (c) from such time as the number of employees exceeds four designate in writing for a specified period, a health and safety representatives for that factory or workplace, or for the different sections thereof.

12. Functions of the safety and health representative

- 1) The functions of a health and safety representative appointed for the factory or workplace under this Act shall include -
- (a) to review the effectiveness of health and safety measures;
 - (b) to identify potential hazards and major incidents at a factory or workplace;
 - (c) to collaborate with his employer, examine the causes of incidents at the factory or workplace;
 - (d) to investigate complaints by any employee relating to that employee's health or safety at work;
 - (e) to make representations to the employer or a health and safety committee or where such representations are unsuccessful, to an inspector;
 - (f) to inspect any document which the employer is required to keep in terms of this Act in so far as is reasonably necessary to perform his functions;
 - (g) to accompany an inspector on any inspection;
 - (h) to participate in any internal health or safety audit;
 - (i) to report accidents near-misses, injuries, illnesses, deaths and non-compliance to the inspector.

43. Safe means of access and safe working place

- (1) The owner or occupier of the factory or workplace shall have the duty to ensure that:
- (a) all floors, steps, stairs, ladders, covers and gangway are constructed of sound material and properly maintained;
 - (c) there are maintained and safe means of access to every place at which any person has at any time to work;
 - (e) sufficient clear and unobstructed space shall be maintained at every machine or plant while in motion to enable the work to be carried out without unnecessary risk.

50. Prevention of fire –

- (1) The employer shall have the duty to ensure that

- (a) factories or workplaces are provided and maintained in an accessible position, and there is a supply of fire extinguishing equipment which shall be adequate and suitable having regard to the fire risk involved;
- (b) all stocks of inflammable materials shall be kept in either a fire resistant store or in a safe place outside any building;
- (c) that the store not placed as to endanger the means of escape from the place of work or any part thereof in an event of a fire occurring in the store;
- (d) adequate means of escape in case of fire for the persons employed therein having regard to the fire risk involved in each case and all means of escape shall be properly maintained and kept free from obstruction;

51. Powers of inspectors to make orders ...

(6) Where an inspector is of the opinion that, the health or safety of any person at a workplace or factory or in the course of his employment or in connection with the use of plant or machinery is threatened on account of the refusal or failure of an employer or a user, as the case may be, to take reasonable steps in the interest of that person's health or safety, the inspector may in writing direct that employer or user to take such steps as are specified in the direction within a specified period by serving him with an improvement notice.

Part VI: Safety Special Provisions

60. Risk assessment Every factory or workplace where activities carried out involve hazardous processes or hazardous equipment or use of hazardous chemical substances, likely to result in adverse health effects to people or serious damage to property or environment in case of accidents, the employer shall ensure that - (a) risk assessment annually or any other time when the need for the risk assessment deems necessary is done by an approved inspection authority; (b) evidence of the risk assessment is furnished to the Chief Inspector or an inspector when requested.

62. Provision of protective equipment Where in any factory or workplace, workers are employed in any process involving exposure to any injurious or offensive substance or environment, effective protective equipment shall be provided and maintained by employer for the use of the persons employed.

PART IX: Offences, Penalties and Legal Proceedings

77. Acts or omissions by employees or agents

- (1) Where an employee does or omits to do any act which it would be an offence for the employer or a user in terms of this Act, unless it is proved that
- (a) in doing or omitting to do that act the employee was acting without the connivance or permission of the employer or any such user;
 - (b) it was not under any condition or in any circumstance within the scope of the authority of the employee to do or omit to do any act, whether lawful or unlawful, of the character of the act or omission charged; and
 - (c) all reasonable steps were taken by the employer or any such user to Prevent any act or omission of the kind in question, the employer or any such user shall be presumed to have done or omitted to do that act, and shall be liable to be convicted and sentenced in respect thereof, and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, in itself, be accepted as sufficient Proof that he took all reasonable steps to Prevent the act or omission.

81. Penalty in case of death or injury

- (1) Where any person is killed, or suffers serious bodily injury, in consequence of the occupier or owner of a factory or workplace having contravened any provision of this Act or of any regulation, rule or Order made thereunder, the occupier or owner of the factory or workplace shall without Prejudice to any other penalty, be liable to a fine of not less than ten Million shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.
- (2) In the case Of injury to health, the Occupier or owner shall not be liable to a Penalty under this section unless the injury was caused directly by the contravention.
- (3) The Occupier or owner shall not be liable to a Penalty under this section if a charge against him under this Act in respect of the act or default by which the death or Injury was caused has been heard and dismissed before the death or the Injury Occurred.

PART X: Miscellaneous Provisions

89. Posting of Abstract of Act, Rules and Notices

- (1) There shall be kept or posted in a prominent position in Posting every factory or workplace of abstract

- (a) the prescribed abstract of this Act; of Act,
- (b) a notice of the address of the Chief Inspector and of the nearest Rules and labour office;
- (c) printed copies of any rules made under this Act which are in force in the factory or workplace, or the prescribed abstracts of such rules;
- (d) every other notices and document required by this Act to be posted in the factory or workplace.

93. Duties of employed persons

- (1) Every person employed in a factory or workplace to which any Provisions of this Act apply shall be required to use the means or appliance Provided for securing of health, safety or welfare. Duties of employed persons
- (2) No Person employed in any factory or workplace to which any Provisions of this Act apply shall –
 - (a) willfully interfere with or misuse any means, appliance, convenience or other things Provided for securing the health, safety or welfare of the person employed therein;
 - (b) willfully and without any reasonable cause do anything likely to endanger himself or any other person.
- (3) Any person who contravenes the Provisions of this section commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings or imprisonment for a term not exceeding three months.
- (6) Every self-employed person shall conduct his undertaking in such a manner as to ensure that, himself and any other person who may be directly affected by his activities are not exposed to hazards that affect their health or safety.

A1-18. 2003: National Transport Policy

1.2 Mission

..., the mission is to:

Develop safe, reliable, effective, efficient and fully integrated transport infrastructure and operations which will best meet the needs of travel and transport at improving levels of service at lower costs in a manner, which supports government strategies for, socio-economic development whilst being economically and environmentally sustainable.

8.1.3 Maritime and Inland Water Infrastructure for International Traffic

8.1.3.1 Objective

8.1.3.1 Improve seaports infrastructure e.g. jetty, terminals and berths to cater for large international vessels of up to 250,000 DWT.

Policy issue

8.1.3.2.3 Port facilities and navigation aids need improvement, particularly for inland water transport where smooth flow of traffic from landlocked countries is constrained.

Moreover, adherence to meteorological forecasts, advisory and warnings is of critical importance to maritime transport safety.

Policy statement

8.1.3.2.6 In order to improve port capacity, the policy directions to be followed include:

- i) ensure the provision of accessible, viable and productive landside infrastructure.
- ii) continue with economic and institutional reform to improve port operations in view of maximising efficiency in freight and passenger movement.
- iii) continue to involve private sector in the provision of adequate infrastructure.
- iv) incorporate meteorological information in maritime transport planning.
- v) development of basic infrastructure such that the government continue to play the leading role.

Annex 2. Excerpts from Key International Regulatory, Policy, and Voluntary Guiding Documents

A2-1. 2019: EAC EALA Lake Victoria Basin Commission Bill

6. Functions of the Commission.

(1) The Commission shall –

(a) co-ordinate the harmonisation of policies, laws, regulations and standards concerning the Lake Victoria Basin; ...

(c) provide guidance on the implementation of sectoral projects and programmes;

(d) provide capacity building and institutional development within the Lake Victoria Basin;

(e) facilitate and co-ordinate security and safety of navigation on Lake Victoria; ...

(g) monitor evaluate and ensure compliance with policies and agreed actions, concerning the Lake Victoria Basin; ...

(j) initiate and promote programmes that target poverty eradication.

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A2-2. 2018: Preventing Disease through a Healthier and Safer Workplace *[Report with interventions]*

Certain occupational activities are at increased risk [of drowning], e.g. fishing. Waterway transportation on overcrowded or unsafe vessels that lack safety equipment or have insufficiently trained personnel, also increases drowning risks. Strategies to prevent drowning in the workplace include increased awareness and appropriate policies and legislation (WHO, 2014a; 2017i).

Examples of interventions

Occupations at increased risk include fishermen and workers on boats, ships and ferries (NIOSH, 1994; WHO, 2017x).

- Safe boating, shipping and ferry regulations, such as establishing systems that ensure vessel safety, availability of flotation devices in boats, avoidance of overcrowding, and appropriate travel routes and rules.
- Flood risk management and resilience.
- Engineering controls, such as guard rails on fishing vessels.
- Worker education and training on swimming skills and water safety.
- Personal protective equipment, such as personal flotation devices.

The development of national water safety plans, and the involvement of other sectors, can further ensure the systematic implementation of sound preventive action.

A2-3. 2017: Preventing Drowning: An Implementation Guide

At national or community level, drowning can be prevented through implementing six selected interventions and four “cross-cutting” implementation strategies that underpin them. These are:

Interventions: [3 of 6 total]

- Teach school-age children swimming and water safety skills.
- Train bystanders in safe rescue and resuscitation.
- Set and enforce safe boating, shipping and ferry regulations.

Strategies:

- Strengthen public awareness of drowning through strategic communications.
- Promote multisectoral collaboration:
- Develop a national water safety plan.
- Advance drowning prevention through data collection and well-designed studies.

-- A programme to teach school-age children swimming and water safety skills can benefit from collaboration with the education sector, which can provide venues for safe training and teachers trained to provide swim skills training.

-- A national effort to strengthen enforcement of safe boating, shipping and ferry regulations is far more likely to be successful if it engages a multisectoral range of stakeholders, is accompanied by communication efforts to raise public awareness, and is part of a regulatory framework referred to in national water safety plans.

Implementing the teaching of swimming and water safety skills:

Step one: Assess the swim skills and water safety situation

Schools are the preferred entry points for swim skills and water safety training because they can provide training venues with teachers already experienced in classroom management and who have credibility with parents; on-site health staff; and (potentially) access to secure, access-controlled, fenced sites for pools.

Benefits of school-based training in low- and middle-income countries Where possible, school-based training provides the optimal combination of factors in low- and middle-income countries:

-- Children of the same grade are of similar ages and physical development, making teaching more efficient.

-- Teachers trained in classroom management are skilled in avoiding disruptions and distractions while teaching swimming.

-- Schools maintain daily attendance registers to detect potential injuries and investigate dropouts.

-- Meetings with parents for permission, risk-screening of the child and teaching water safety and supervision are easy to hold in schools.

-- Many schools have a school nurse who can screen children for conditions that place them at risk, and other trained first-aid and CPR providers are often available from school health facilities.

-- Many schools have security guards and provide increased security and fencing for pools.

-- School grounds can be training sites if the school has a pool; portable pools can be used if not.

-- Swimming classes before and after school, as well as during summer vacations, have been successful.

Step two: Define target group

The target group should be restricted to children aged 6 years or older who have been screened and found not to have underlying conditions that place them at increased risk. Protocols relating to teaching children who are at increased risk are still being researched and defined; in the absence of these, school-based programmes that use medically trained staff for screening, and with certified swim teachers using a curriculum designed for children at increased risk, are pre-requisites.

Risk management and teaching procedures to safely allow children under 6 years of age to participate in the SwimSafe curriculum are being tested at the time of writing. Evidence available to date from SwimSafe suggests that successful completion of training in the SwimSafe programme does not exceed 80% until 8 years of age.

Step three: Select training site

Teaching swimming and water safety skills in a school setting has many advantages and provides the greatest measure of child protection (see Box 5). In settings with high levels of drowning, natural water bodies tend to be abundant. The SwimSafe programme itself was developed for use in different water bodies: in-ground pools, portable pools, ponds, reservoirs, lakes and beaches. All sites must be adapted for safety and risk management. Ponds and reservoirs require fenced, subsurface platforms to provide safe, uniform depths. Unbounded water bodies such as lakes also require subsurface platforms, as well as physical boundaries to ensure safe instructor-student separation is not exceeded. Beaches require floating boundaries to contain students, strategic site placement to avoid strong currents and other hazards, and attention to tidal conditions to ensure safe depth is not exceeded.

While microbial hazards can be an issue, especially in rural ponds, the major safety concern is poor water visibility – if a child has a seizure, falls or loses consciousness in cloudy water, they cannot be seen when submerged. Without clear water, risk management relies on screening out children at increased risk,⁸ minimizing instructor distraction, ensuring the presence of safety monitors and maintaining small class sizes. Waterborne diseases may be an issue in some low- and middle-income countries. For example, schistosomiasis may be a significant barrier to implementing large-scale, freshwater swimming programmes in Africa.

Step four: Select and train instructors

Swimming should be taught by adults who are native speakers; come from the local culture; and are trained and certified in both swim teaching and maintaining concentration and discipline with groups of children – school teachers (ideally both male and female) are ideal. Swimsafe – the largest scale, best studied and evaluated programme – indicates that instructor-student ratios must not exceed 1:5 and may be lower (e.g. 1:1, 1:2, 1:3 or 1:4)⁹ depending on supervision needs, particularly with children aged 6–9 years. In low- and middle-income countries where background checks are not robust or possible, community involvement in trainer selection may be useful for child protection. “Good character” references and ongoing monitoring from community leaders may be the only alternative to the background screening system used in high-income countries (see Box 6 on concerns around using volunteer teachers from high-income countries).

Step five: Engage parents

Parents should participate in the assessment and screening of their children for swim teaching programmes, and attend information sessions. They should give informed consent and receive information about the programme – adapted for low literacy where appropriate. Information provided to parents should focus on water safety, the importance of active supervision and how to safely rescue a drowning child. Parental involvement is key in SwimSafe – often parental permission requires meeting cultural norms (e.g. same-sex instructors) and parents are the main source of knowledge for risk screening as they know most about current illnesses and previous episodes of seizures, asthma etc.

Step six: Monitor and evaluate

Process and output measures that should be recorded include personal information for all children participating (e.g. age, sex, name of child, name of parents, and addresses); the skill level obtained (e.g. dates of enrollment and date of graduation, failure or dropout); and any injuries or adverse events.

Training bystanders in safe rescue and resuscitation

Table 2: Elements to consider in a situational assessment to prepare rescue and resuscitation training

Target groups:

- **Easily accessible:** school children (aged 12 years, or possibly younger depending on circumstances) ...
- **High risk:** ... fishermen. ...
- **High impact:** parents, teachers, community leaders, health professionals, vessel operators

Small vessels

The number of deaths related to small vessels worldwide is unknown as very few data are collected on boating-related drowning, which mainly occurs during occupational fishing and water transport in low- and middle-income countries

... Major modifiable risk factors for all boating deaths in high-income countries are non-use of lifejackets, use of alcohol by boat operators and passengers, and lack of on-board safety equipment (93, 94). Some high-

income countries have established national or state recreational boating incident and injury data collection systems, and each year report the number of boating-related deaths and contributing factors.

Setting and enforcing safe boating regulations

Step one: Assess the situation

As part of your situational assessment (see Situational assessment), remember that responsibility for boating legislation, licensing and regulation enforcement may be the responsibility of more than one ministry, or the sector may be entirely unregulated or unsupervised.

Step two; Train operators to competent and professional standards

Aspects of human error were among the top five contributing factors to recreational boating accidents in the USA in 2014 (95). Governments can combat human error as a cause of drowning by improving operator and crew training and certification processes, and properly enforcing robust safety regulations. Training is one element of improving safety (see examples in Box 7), and helps fisherfolk and other small-boat operators to manage risks, including human and mechanical factors, tides, currents and weather conditions. Measures include:

- education – vessel operator licensing schemes (knowledge and practical tests including retrieval of man overboard);
- regulation – safe vessel operation regulations, including mandatory carrying of safety equipment appropriate for vessel and waterway type – e.g. torch, bailer, bucket and lanyard, lifebuoy, distress beacon, flares, marine radio etc.;
- enforcement – spot checks of operator licences.

Step three: Limit alcohol and illicit drug use among small boat operators

Reducing or eliminating alcohol and illicit drug use by boaters addresses a key drowning risk factor. This can be done through:

- public awareness campaigns around drowning risk and prevention, and boater/small boat operator education about existing regulations (see Strengthen public awareness);
- regulations that limit or ban alcohol and drug use in watersports and fishing environments;
- enforcement of laws through random breath checks on the water at launch sites and policing local regulations banning public alcohol use in watersports and fishing environments (96).

Step four: Promote regulations for proper loading of vessels

A recent study in Uganda revealed improper loading and/or overloading was one of three most frequently mentioned factors linked to capsizing and drowning (97). Measures to reduce the risk of improper loading or overloading include:

- educating operators on safe vessel loading and stability;
- establishing rules on safe loading and maximum carrying capacity of vessels (based on vessel length/manufacturers' recommendations);
- spot checks of compliance with manufacturers' and operators' guidelines.

Step five: Ensure vessels are fit for purpose

Governments must develop and enforce safety standards for the manufacture of small vessels (including measures to improve buoyancy and stability) and promote regular vessel maintenance and pre-trip checks by the operator. Measures include:

- educating operators on routine maintenance, training them to perform pre-trip checks and vessel maintenance tasks;
- developing and enforcing safety standards for the manufacture of small vessels that include measures to improve buoyancy and stability;
- vessel safety checks at launch sites.

Step six: Improve detection and dissemination of information about the weather

A key measure to prevent drowning is to reduce vessel operation in hazardous weather conditions and equip vessels to respond to sudden adverse weather conditions. Measures include:

- developing weather alert systems to inform vessel operators of local weather forecasts and sudden changes in conditions;
- increasing boat operator and passenger access to weather reports and alerts.

Step seven: Regulate and enforce mandatory wearing of lifejackets in high-income countries and encourage and support expansion of their use in low- and middle-income countries

Recent studies estimate that wearing a lifejacket may at least halve recreational boating drowning deaths in high-income countries (98, 99) (similar studies have not been conducted in low- and middle-income countries). Educational campaigns promoting lifejacket use have produced limited and short-term effects but mandatory lifejacket-wearing regulations combined with boater education and enforcement have resulted in large and sustained increases in lifejacket wearing among both child and adult boaters on small boats (100, 101). When designing interventions to increase lifejacket wearing, barriers to their use and to community and boater acceptance of mandatory regulations should be researched and addressed. For example, the cost of approved lifejackets is a major barrier in low-resource communities living close to water in high-income countries, and to fisherfolk and the general population using small boats for transport in low- and middle-income countries (97). Solutions include subsidized lifejackets, lifejacket loan schemes and free lifejacket distribution programmes. Design and technology innovations can also increase comfort, ease of use and acceptance of lifejackets (102, 103). Low-cost, locally made designs have also been trialled in some communities.

Socio-cultural factors in high-income countries contributing to poor or inconsistent lifejacket use among boaters include low perception of drowning risk (especially in calm conditions), the perception that lifejackets are uncomfortable and unattractive (104) and the belief that wearing a lifejacket indicates user inexperience or poor swimming ability (104). These factors can be addressed through education.

Establish a national water safety (drowning prevention) plan

A national water safety (or drowning prevention) plan sets out the main principles, goals, objectives, actions and coordination mechanisms for reducing and preventing fatal and nonfatal drowning (110). These plans (sometimes called strategies or policies) may focus on drowning generally – or if data, political and/or community pressure dictates, on a specific aspect of drowning, for example swimming pool drowning deaths.

Benefits of a national water safety plan

Developing, implementing and evaluating a national water safety plan helps to:

- identify priority areas of drowning risk;
- identify and align efforts of stakeholders, including those not yet engaged in the issue; -- identify and allocate resources to areas of greatest need;
- raise awareness at political, policy and community levels;
- inform research agendas, including identifying gaps in data and interventions;
- provide a platform to engage government and develop additional laws, policy and regulations.

2003:

Glossary

Fishing means all activities directly related to the exploitation of living aquatic resources and includes transshipment.

3.4.7. FISHERIES

3.4.7.1. Review of Current Policies and Strategies

The goal of the Sector is to promote responsible and sustainable use of the living aquatic resources and aquatic ecosystems in order to enhance food security and human health. The specific policy objectives are to promote effective management of fish stocks, protect and preserve fish resources, promote aquaculture and mariculture development and promote trade in fish. The strategies of the Sector include establishing a regional stock assessment and fisheries management system; promoting regional trade; and building capacity for better fisheries management.

3.4.7.3. Challenges in Current Policies and Strategies

... • Absence of policies to promote aquaculture (fish grown in inland ponds) and mariculture (fish in offshore ponds);

4.12.4. Strategies

Food Availability

... • Promoting access to appropriate technologies for handling, processing and conservation of fish by artisan fishermen.

2017:

- Social & Human Development Codes of Conduct to guide Member States in addressing challenges on child labour, safe use of chemicals, including Occupational Safety and Health (OSH) standards and HIV and AIDS in the workplace, and the respective monitoring and evaluation tools have been formulated and are under implementation.

A2-5. 2016: EAC, LVFO: Fisheries Management Plan III (FMP III) for Lake Victoria Fisheries, 2016-2020

The lake's fisheries also have significant inequalities. For example in the Nile perch fishery many agents (middlemen) are also boat owners. Landing site or camp managers employ supervisors and laborers to operate full fleets and arrange credits and loans to ensure a constant fish supply. In general, the socio economic dynamics of the lake sees greater financial benefits to big owners, and much less financial benefit reaches fishers and laborers.

INTRODUCTION

... many fishers are generally part of the “informal labour sector”, unrepresented and non-unionized. They are often self-employed or engaged as casual labour and not regarded as skilled labour. As a result, they are frequently not sufficiently protected by social or labour legislation, nor are they regarded as a significant grouping by political forces. Indeed, one of the definitions of small-scale fishers (who account for perhaps 90 percent of the 20 million fishers in the marine capture sector alone) describes them as being very much subject to the control of those persons and groups holding power in the community, such as religious and political leaders, moneylenders and others in economically strong positions. In this situation, their needs for adequate protection and improved safety may go unanswered and, thus, highlight the necessity for fisher representation and community empowerment.

Safety issues are multisectoral but they are often addressed on an impromptu basis. Furthermore, safety issues on fishing vessels are of a different nature from those on merchant ships, where, for example, the majority of hazardous operations are carried out in the safety of the port, unlike operations of fishing vessels and vessels used in support of aquaculture activities, particularly aboard small fishing vessels, where crews have to work at sea, on deck, in all weathers, frequently with their hatches open, locating and gathering their cargo from the sea. It is evident that in many countries there is an overlap of responsibilities for the implementation of safety regulations and, indeed, the provisions of international conventions to which a State is a party. It is important, therefore, to ensure that legislation clearly addresses the question of responsibility, be it under a maritime administration, a fisheries administration or a combination of both. The safety of fishers and fishing vessels has been an integral part of the programme of work of FAO since the recruitment of its first naval architect in 1946 and, in particular, through the design and construction of fishing vessels, as well as safety training in developing countries. On matters of conditions of work and service in the fishing industry, FAO has worked closely with the ILO through its Committee on Conditions of Work and Service in the Fishing Industry. Cooperative arrangements were also established with IMCO which later became the International Maritime Organization (IMO), following the entry into force of the convention to establish the IMO.³ The cooperation between the three organizations continues to the present day.

The long-standing cooperation between FAO, ILO and IMO has resulted in the development or revision of a number of binding and non-binding instruments that address the safety of fishers and fishing vessels, and many of these are referred to and expanded on in greater detail within these guidelines. Recent developments have witnessed even greater levels of collaboration between these United Nations organizations in recognition of the need to address the safety problem in a more holistic manner. This collaboration should also be reflected

GENERAL PROVISIONS

2. Definitions

“sea” means **all** marine waters, rivers and inland waters;

2.3. Data required

... initial reports of an incident or accident should include as much of the following information as possible: 1. name and identification number of vessel; 2. name and address of owners; 3. name of the master, skipper or person in charge; 4. date and time of the accident; 5. where from and where bound; 6. latitude and longitude or geographical position at which the accident occurred; 7. part of vessel where accident occurred if it happened on board; 8. weather conditions at time of accident; 9. name and port of registry of any other vessel involved; 10. number of lives lost or persons injured, together with their names, addresses and gender; and 11. brief details of the accident, including sequence of events leading to the accident, the extent of damage and whether the accident caused pollution or a hazard to navigation.

2.3.3. In the case of the “total loss” of a vessel and crew, data collection becomes more difficult, if no “mayday” signals had been received and it had not been sighted from another vessel and no vessel position monitoring had been operational. Such a situation becomes extremely difficult should the vessel sink in deep water or on the high seas (even if the approximate position

is known).

3.1 Long-term objective

The principal objective of these guidelines is improved safety and health of those persons working in the fisheries sector, achieved through the development of national strategies and their implementation. Thus, the guidelines adopt a holistic approach to ensure that all factors influencing safety are comprehensively covered.

3.2 Immediate objectives

The immediate objectives include, but need not be limited to, the attainment of:

- a decrease in the incidence of accidents and loss of life in capture fisheries and in aquaculture activities, with particular reference to vessel operations;
- higher levels of professionalism within the fisheries and aquaculture sectors;
- decent and productive working conditions, equity, security and human dignity for women and men; as well as
- safe and healthy work practices that contribute positively to food security and economic growth.

CHAPTER 3 – PROBLEMS, SOLUTIONS AND SAFETY STRATEGY DEVELOPMENT

1.3. Fisheries management

because fisheries management policies may have wide-ranging direct and indirect effects on safety in fishing operations, there are valid arguments for fisheries resource managers to consider that their decisions may have an adverse impact on safety. For example, by affecting fishers' options for how, when and where they may fish, such options (where they exist) could cause fishers to be faced with a choice between safety and earning a living. In addition, without effective control, the number of fishers and/or vessels participating in a fishery may increase and, thus, the numbers of fishers and fishing vessels may be at risk.

Furthermore, if fishery resources are depleted or competition for limited resources becomes more intense, fishers may be forced to fish farther offshore or in inclement weather to seek a living. In this regard, fisheries managers, following a review of stock distribution and the identification of sea areas that can be open to fishing, should ensure that no fishing vessel should be allowed to operate in such areas if its navigational warranties exclude such an area.

CHAPTER 4. MANAGING CHANGE

1.5 Operational aspects

1.5.1. Levels of certification for vessel personnel

Ideally, all persons in charge of a vessel and its machinery should be required to hold a certificate of competency. The internationally accepted standards are set out in the IMO Conventions on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F). Nevertheless, it has to be acknowledged that a great number of fishers, for example, may not meet basic education standards that would allow them to sit a written 40 Fishing operations – Best practices to improve safety at sea in the fisheries sector examination and the same could apply to those working in aquaculture activities. Consequently, in promulgating legislation, it would be necessary to provide for alternative means for a person to satisfy an examiner.

APPENDIX 2

ACCIDENT INVESTIGATION AND ANALYSIS

2. ACCIDENT INVESTIGATIONS

Those charged with the responsibility for accident investigation should demonstrate by example a commitment to safety, reliability and ethical conduct through the professional management of risk. They should clearly demonstrate the standards by which they expect risks to be managed, thus setting an example for others. In addition, because the factors that give rise to risk are interdependent and, therefore, cannot be examined in isolation, a systematic and holistic approach should be adopted. Some factors that give rise to risks may appear to be readily identifiable at first glance, for example:

1. vessel-related factors, such as:

- vessel and equipment (poor design and construction, inadequate crew facilities and medical supplies, poor maintenance, lack of quality boat builders);
- operational factors, including vessel management, aids to navigation, etc; and

- lack of access to communication networks (very high frequency [VHF]), shortwave, mobile and satellite phone, satellite/VHF distress system, emergency position-indicating radio beacon (EPIRB);

2. general factors, such as:

- human element (navigational error, fatigue, stress, lack of training, risk-taking behaviour, drug abuse, lack of a safety culture and demographic issues);
 - equally, the human element also applies to shore-based controllers, ship repairers, surveyors, etc.;
 - fisheries management regimes (overcapacity, excessive competition);
 - regulatory measures (unclear, inappropriate or out-of-date regulations, or gaps or contradictions among applicable regulations, in particular regarding registration and fishing authorization procedures);
 - lack of enforcement, resulting from a lack of trained human resources; and
 - lack of financial resources and/or inadequate sanctions;
3. natural environmental factors, such as:
- fog, poor visibility, winds, high seas (waves), storms, lightning
- tempests and tsunamis.

5. ACCIDENTS AND MAJOR AND SERIOUS INJURIES

5.1 “Accident” means any occurrence on board a vessel or involving a vessel whereby:

(a) there is loss of life or major injury to any person on board, or any person is lost or falls overboard from the vessel or one of its boats;

(b) a vessel: (i) causes any loss of life, major injury or material damage; (ii) is lost or presumed to be lost; (iii) is abandoned; (iv) is materially damaged by fire, explosion, weather or other cause; (v) goes aground; (vi) is in collision; (vii) is disabled; or (viii) causes significant harm to the environment.

(c) any of the following occur: (i) a collapse or bursting of any pressure vessel, pipeline or valve; (ii) a collapse or failure of any lifting equipment, access equipment, hatch-cover, staging or boatswain’s chair or any associated load-bearing parts; (iii) a collapse of cargo,2 unintended movement of cargo or ballast sufficient to cause a list, or loss of cargo overboard; (iv) a snagging of fishing gear, which results in the vessel heeling to a dangerous angle; (v) a contact by a person with loose asbestos fibre, except when full protective clothing is worn; or (vi) the escape of any harmful substance or agent, if the occurrence, taking into account its circumstances, might have been liable to cause serious injury or to cause damage to the health of any person.

5.2 “Major injury” means:

(a) any fracture, other than to a finger, thumb or toe;

(b) any loss of a limb or part of a limb;

(c) dislocation of the shoulder, hip, knee or spine;

(d) loss of sight, whether temporary or permanent;

(e) penetrating injury to the eye; or (

f) any other injury: (i) leading to hypothermia or to unconsciousness; or (ii) requiring resuscitation, or requiring admittance to a hospital or other medical facility as an inpatient for more than 24 hours.

5.3 “Serious injury” means any injury, other than a major injury, to a person employed or carried on a vessel, which occurs on board or during access, which results in incapacity for more than three consecutive days, excluding the day of the accident, or as a result of which the person concerned is put ashore and the vessel sails without that person, unless the incapacity is known or advised to be of three consecutive days or less, excluding the day of the accident.

APPENDIX 10 – TRAINING – A SMALL-SCALE FISHERIES APPROACH 2. THE FRAMEWORK FOR A TRAINING PROGRAMME ON SAFETY AT SEA

For small-scale fishers and those working from small vessels in the aquaculture sector, the legal provisions for vessel safety, where they exist, would dictate the framework within which a training programme should be conducted. However, where such legal provisions do not exist, most available standards and guidelines are likely to fall short of meeting the needs of this target group, although some of the standards may be applicable to fisheries officers and those involved in search and rescue (SAR). Similarly, formal requirements for certification are hardly applicable where the trainees have not had an adequate level of education.

6. CURRICULA

Small-vessel personnel The curriculum should be related to the local situation and the level at which instruction can be assimilated by those to be trained. It should be kept in mind that although many of the trainees might be illiterate, they are seldom innumerate, and in safety matters common sense is of much more

use than literacy. As stated above, small vessels predominate in the fisheries and aquaculture sectors, therefore, the curriculum should be based with such vessels, their operations and equipment, particularly safety equipment, in mind. Space is a valuable commodity on small vessels, and bulky items of equipment should be avoided. In addition, the everyday work of those on board these vessels should be taken into account in specifying the items of safety equipment to be carried on board for the simple reason that if the ability of the crew to work in safety were compromised, non-compliance with safety regulations would be the order of the day! However, items of equipment that can have several uses are readily acceptable and include the sail which can be used as a sea anchor or provide shade, and the radar reflector, which can also be a heliograph.

Fisheries officers With regard to small-scale operations in the fisheries and aquaculture sectors, fisheries officers need to have a clear understanding of their role with regard to safety at sea and the implications of fisheries management objectives. In particular, in cases where they act as extension officers, they need to undergo a “training of trainers” course and be well equipped to interact with individuals and groups owning/operating small vessels in the capture fisheries and aquaculture sectors.

Fisheries protection officers Given the possibility that fisheries management decisions may have an impact on safety at sea, particularly safety in capture fisheries, these officers should undergo training related to the art of communication and interaction with the small-scale operators in the fisheries sector. They should also be given an understanding of the operational aspects of capture fisheries and the possible effects of enforcement of management objectives in relation to safety at sea.

Maritime safety officers Maritime safety officers, who are responsible for the implementation of maritime legislation, may also have a wide mandate as regards fishing vessel safety and the examination of fishers for certificates of competency.¹ Boat designers and boatbuilders Training should be offered at the appropriate levels, recognizing that the qualification of instructors in boatbuilding and boat design should be equal to, and preferably higher than, the level of the qualification to be offered to course participants. Furthermore, it is stressed that a training institution should be prepared to supplement the skills of the instructor through additional inputs on electronics, engineering, welding and electrical technology.

SAR officers SAR officers should be given instruction on the way fishing vessels and aquaculture support vessels operate. With regard to fishing vessels, the different types of operations should be covered, putting emphasis on the composition of the fleet and the areas of operations. The officers should be made aware of the safety equipment required on board by law. In addition, they should be made aware of the existence of industry organizations and responsible contact points in their area of operations. Furthermore, the officers should be encouraged to meet with those working in the capture fisheries and aquaculture sectors.

- Offshore and onshore fishing is identified as a work sector/task that involves working in or around water, and one that poses unique OSH risks that must be assessed and mitigated to protect worker safety and health, e.g. drowning is identified as a significant concern.
- States that appropriate workplace measures should be taken, according to the Hierarchy of Controls, to reduce water-related risks and hazards such as drowning. Appropriate warning signs should be posted, and safety equipment such as life jackets should be provided.

Module 1: Training Guide: Water

3. Water-related risks

Some work sectors or work tasks require that workers work in or around water sources.

Examples include: Offshore and onshore fishing

Working in or around water poses unique OSH risks that must be assessed and mitigated to protect worker safety and health. Examples may include: drowning.

Drowning

While it is not often considered, the risk from drowning is a significant concern for workers working over and alongside water sources. ... In work sectors where there is a risk of drowning, appropriate warning signs should be posted, and safety equipment such as life jackets should be provided.

Module 1: Action Manual: Water

Water-related OSH risks:

Ensure that appropriate workplace measures are taken, according to the Hierarchy of Controls, to reduce water-related risks and hazards, such as: Drowning

Checkpoint W.1.3.

Comply with workplace rules on water drainage, vector control and working safely in and around water. Stay informed of, and follow, the specific workplace rules on working safely in or around water. This may include special precautions based on your work activity or work sector. Risks may include: Drowning

A2-8. 2015: FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication

Preface

Small-scale fisheries represent a diverse and dynamic subsector, often characterized by seasonal migration. The precise characteristics of the subsector vary depending on the location; indeed, small-scale fisheries tend to be strongly anchored in local communities, reflecting often historic links to adjacent fishery resources, traditions and values, and supporting social cohesion. For many small-scale fishers and fish workers, fisheries represent a way of life and the subsector embodies a diverse and cultural richness that is of global significance. Many small-scale fishers, fish workers and their communities – including vulnerable and marginalized groups – are directly dependent on access to fishery resources and land. Tenure rights to land in the coastal/waterfront area are critical for ensuring and facilitating access to the fishery, for accessory activities (including processing and marketing), and for housing and other livelihood support. The health of aquatic ecosystems and associated biodiversity are a fundamental basis for their livelihoods and for the subsector's capacity to contribute to overall well-being ... Where poverty exists in small-scale fishing communities, it is of a multidimensional nature and is not only caused by low incomes but also due to factors that impede full enjoyment of human rights including civil, political, economic, social and cultural rights. Small-scale fishing communities are commonly located in remote areas and tend to have limited or disadvantaged access to markets, and may have poor access to health, education and other social services. Other characteristics include low levels of formal education, existence of ill health (often including above-average incidences of HIV/AIDS) and inadequate organizational structures. The opportunities available are limited, as small-scale fishing communities face a lack of alternative livelihoods, youth unemployment, unhealthy and unsafe working conditions, forced labour, and child labour. Pollution, environmental degradation, climate change impacts and natural and human-induced disasters add to the threats facing small-scale fishing communities. All these factors make it difficult for smallscale fishers and fish workers to make their voices heard, defend their human rights and tenure rights, and secure the sustainable use of the fishery resources on which they depend.

6. Social development, employment and decent work

6.12 States should address occupational health issues and unfair working conditions of all small-scale fishers and fish workers by ensuring that the necessary legislation is in place and is implemented in accordance with national legislation and international human rights standards and international instruments to which a State is a contracting party, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) and relevant conventions of the International Labour Organization (ILO). All parties should strive to ensure that occupational health and safety is an integral part of fisheries management and development initiatives.

6.16 All parties should recognize the complexity that surrounds safety-at-sea issues (in inland and marine fisheries) and the multiple causes behind deficient safety. This applies to all fishing activities. States should ensure the development, enactment and implementation of appropriate national laws and regulations that are consistent with international guidelines of FAO, the ILO and the International Maritime Organization (IMO) for work in fishing and sea safety in small-scale fisheries.³ **6.17** States should recognize that improved sea safety, which includes occupational health and safety, in small-scale fisheries (inland and marine) will best be achieved through the development and implementation of coherent and integrated national strategies, with the active participation of the fishers themselves and with elements of regional coordination, as appropriate. In addition, safety at sea of smallscale fishers should also be integrated into the general management of fisheries. States should provide support to, among other things, maintenance of national accident reporting, provision of sea safety awareness programmes and introduction of appropriate legislation for sea safety in small-scale fisheries.

A2-9. 2014: FAO, ILO, & IMO: Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations

Comment: *This 217-page guidance provides implementation guidelines for the 2005 FAO Code of Safety for Fishermen and Fishing Vessels, e.g. capacity building, ensuring compliance with national requirements, operational safety, and human elements on board. Its objectives include decreasing the incidence of accidents and loss of life, with particular reference to vessel operations; and achieving higher levels of professionalism and more productive working conditions and safe and healthy work practices. Towards that end it provides detailed information on many relevant topics, e.g. accident investigation and analysis; self-assessments of vessel conditions and fishing vessel safety; search and rescue service; and training of stakeholders in small-scale fisheries approach. This document essentially repeats the content in earlier and later FAO/ILO/IMO excerpted in this Annex, so details are not repeated here.*

A2-10. 2013: SADC: Decent Work Programme, 2013-2019

1.1.8 Occupational Safety and Health

Health and Safety at work remains a major challenge across the SADC region. Too many workers continue to be maimed and die at the workplace due to less than adequate OSH policies, regulations and practices. Promotion of a preventative safety and health culture and the relevant OSH Conventions is a useful starting point in enhancing OSH performance in the SADC region.

During the implementation of the SADC Programme on Work and Health in Southern Africa (WAHSA) (2004-2008) which was in collaboration with Sida, and operated more on the SADC principle of subsidiarity, a number of OSH needs and challenges in SADC were identified and these included the need:

- (i) for formulation and implementation of systematic and detailed occupational safety and health programmes at national level, beginning with a policy commitment to specific, time-bound objectives;
- (ii) to produce and use data to direct interventions, monitor occupational health and safety problems;
- (iii) to develop a strategy for, and commit resources to, the establishment of occupational safety and health programmes for the informal sector;
- (iv) to train and educate professionals to improve capacity in enforcement and monitoring as well as occupational health service delivery;
- (v) to develop adequate and effective systems to ensure the management, rehabilitation and social security of workers with occupational illness and injury;
- (vi) to ensure access to information for all stakeholders- employers, workers, professionals, inspectors, worker representatives, politicians and the media;
- (vii) to raise public awareness of workers' health and safety issues through strategies that harness and enable public media.

The SADC DWP [Decent Work Programme] will support the systematic implementation of these needs and addressing related challenges in the Region. As a start, the SADC DWA will support the piloting of the Assessment Tool on Occupational Safety and Health in SADC which will facilitate collection of OSH data and the development of a coherent recording and notification system for occupational accidents and diseases in the Region.

A2-11. 2011: FAO, ILO, & IMO: Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels

Comment: *This document outlines safety recommendations related to protection of a fishing crew; emergency procedures; safety training; and manning, training and competence. Specific to boats, it also outlines recommendations related to: construction, watertight integrity and equipment; stability and associated seaworthiness; machinery and electrical installations; fire protection and fire-fighting; life-saving appliances; radio communications; and navigational equipment. It essentially repeats the content in earlier and later FAO/ILO/IMO excerpted in this Annex, so details are not repeated here.*

A2-12. 2005: FAO, ILO, & IMO: Code of Safety for Fishermen and Fishing Vessels (Parts A and B)

Comment: *Part A provides skippers and crews with information to promote the safety and health of crew members on board fishing vessels. Part B provides fishing vessel builders and owners with information on the design, construction, and equipment of fishing vessels to promote the safety of fishing vessels and safety and health of the crew. The Code is not a substitute for national laws and regulations nor is it a substitute for the provision of international instruments in relation to safety of fishing vessels and crew, although it may serve as a guide to those concerned with framing such national laws and regulations. NB: These documents were not available online so are only mentioned here, and not excerpted here.*

A2-13. 2005: FAO: Increasing the Contribution of Small-Scale Fisheries to Poverty Alleviation and Food Security: FAO Technical Guidance for Responsible Fisheries 10

2.3 Fisheries policy in support of the poor

2.3.3 Specifying appropriate objectives

... appropriate policy objectives for small-scale fisheries may be numerous. There is a need to consider, inter alia, the following policy components for their relevance and applicability: involvement of small-scale fishers and fisherworkers in policy, legislation and management processes (i.e. legislation which supports co-management);

- the ability to make local bylaws which can support particular local circumstances;
- processes for redress by small-scale fishers and fishworkers – e.g. the appeals process;
- inclusion of small-scale fishers and fishworkers in social security schemes and ensuring that labour rights apply in the sector;
- safety at sea. Small-scale fishers may be especially at risk of accidents due to the type of vessels used, low levels of profits hindering appropriate maintenance of vessels and the purchase of sea safety equipment.

A2-14. 2004: LVFO: LVFO Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing on Lake Victoria and its Basin

3.7 Implementation of Agreed Management Measures

The Partner States shall implement the following agreed and adopted management measures to facilitate the RPOA-IUU [Regional Plan of Action (RPOA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing] for Lake Victoria.

- i. Implement the FAO International Code of Conduct for Responsible Fisheries, (CCRF) and the accompanying Technical Guidelines. ...
- xx. Strengthen collaboration between policy makers, researchers, fishers and other stakeholders
- xxi. Encourage and promote fisheries associations, cooperative s and credit schemes

A2-15. 2001: SADC: Protocol on Fisheries

OBJECTIVE

The objective of this Protocol is to promote responsible and sustainable use of the living aquatic resources and aquatic ecosystems of interest to State Parties in order to:

- a) promote and enhance food security and human health;
- b) safeguard the livelihood of fishing communities;
- c) generate economic opportunities for nationals in the Region;
- d) ensure that future generations benefit from these renewable resources; and
- e) alleviate poverty with the ultimate objective of its eradication.

ARTICLE 12: ARTISANAL, SUBSISTENCE FISHERIES AND SMALL SCALE COMMERCIAL FISHERIES

1. State Parties shall seek a rational and equitable balance between social and economic objectives in the exploitation of living aquatic resources accessible to artisanal and subsistence fishers. ...

3. State Parties shall take measures to facilitate the provision of physical and social infrastructure and support services for the development of artisanal, subsistence and small-scale fisheries. ...

5. State parties shall work towards the development, acquisition and dissemination of tested means and methods of promoting education, empowerment and upliftment of artisanal and subsistence fisheries communities.

ARTICLE 15: HUMAN RESOURCES DEVELOPMENT

3. State Parties shall actively work towards the enhancement of training in fisheries.

4. State Parties shall comply with the International Maritime Organisation standards for certification of seamen, marine engineers, masters of vessels, and other seagoing professionals.

5. State Parties shall:

- a) encourage and guide the fishing industry to promote the welfare and working conditions of all employees
- b) adopt standards, not less favourable than minimum requirements of relevant international agreements, on conditions of work.

6. State Parties shall encourage national and regional programmes for skills transfer from locations and institutions of best practice to all levels of practitioners and policy-makers.

7. State Parties shall promote national and regional professional associations and encourage their involvement in the pursuit of the objective of this Protocol.

A2-16. 2001: FAO, ILO, & IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel

Comment: *This 307-page document details general training standards and programmes for small and larger fishing vessels, e.g. navigation, fire prevention, personal survival and life saving, first aid, and search and rescue. NB: This document was not available online so is not excerpted here.*

A2-17. 1999: SADC: Protocol on Health

Article 3: Objectives

g) To develop common strategies to address the needs of women, children and other vulnerable groups.

Article 8: Health Promotion and Education

State Parties shall –

- a) Co-ordinate efforts to prevent diseases and promote well-being;
- b) Formulate and implement appropriate policies with respect to:
 - i. Mechanisms to co-ordinate regional health promotion and education;
 - ii. Appropriate guidelines and material for health promotion and education; and
 - iii. Guidelines on health lifestyle and reduction of substance abuse.

Article 24: Occupational Health

In order to cater to the cross-sectoral nature of occupational health, State Parties shall assist each other in the development and delivery of integrated occupational health services and cooperate in reducing the prevalence of occupational injuries and disease.

Article 25: Emergency Health Services and Disaster Management

State Parties shall:

- a) Co-operate and assist each other in the co-ordination and management of disaster and emergency situations
- b) Collaborate and facilitate regional efforts in developing awareness, risk reduction, preparedness and management plans for natural and man-made disasters; and
- c) Develop mechanisms for co-operation and assistance with emergency services.

Article 23: Environmental Health

State Parties shall collaborate, co-operate and assist each other in a cross-sectoral approach to addressing regional environmental health issues and other concerns, including ... port health services.

A2-18. 1997: FAO: Inland Fisheries: FAO Technical Guidance for Responsible Fisheries 6

While the Code of Conduct for Responsible Fisheries stipulates actions to be taken by States, it is also meant to address persons, interest groups or institutions, public or private, who are involved in, or concerned with, inland fisheries. Government authorities will increasingly have a key role to play in enhancing effective collaboration with and among many players, in order to promote sustainable development, management, conservation or rehabilitation of inland aquatic resources. Responsibilities for the sustainability of inland fisheries development will need to be shared within the sector among government authorities, fishers, processors and traders of inland fishery products, financing institutions, researchers, special interest groups, professional associations, non-governmental organizations, and others.

ARTICLE 6 - GENERAL PRINCIPLES

6.1 States and users of living aquatic resources should conserve aquatic ecosystems. The right to fish carries with it the obligation to do so in a responsible manner so as to ensure effective conservation and management of the living aquatic resources.

Participation of fishers in the policy making process: Fishers or their representatives should participate in the setting of priorities for basin use representing the interests of the fishery and contributing to the mitigation of any undesirable effects of their own activities.

6.13 States should cooperate in order to prevent disputes. All disputes relating to fishing activities and practices should be resolved in a timely, peaceful and co-operative manner, in accordance with applicable international agreements or as may otherwise be agreed between the parties. Pending settlement of a dispute, the States concerned should make every effort to enter into provisional arrangements of a practical nature which should be without prejudice to the final outcome of any dispute settlement procedure.

Disputes: Most disputes in inland water fisheries derive from conflicts between the fishery and other interests such as farming, flood control and land drainage, navigation, power generation etc. Disputes can also arise among different groups of fishers one of the most fundamental of which is that between recreational and commercial fishers. However, differences also arise between subsistence and professional fishers, between resident and migrant fishers or between groups using different types of gear. In the past such conflicts have tended to have been resolved within the traditional framework of the fishing communities but as such frameworks have broken down mechanisms for conflict resolution have declined. States can contribute to the resolution of such differences by making clear regulations and decisions as to resource allocation among the various interested parties within the fishery.

6.14 States, recognising the paramount importance to fishers and fishfarmers of understanding the conservation and management of the fishery resources on which they depend, should promote awareness of responsible fisheries through education and training. They should ensure that fishers and fishfarmers are involved in the policy formulation and implementation process, also with a view to facilitating the implementation of the Code.

Education and training: Training and extension in inland water fisheries is universally important to allow the fishers to participate more fully in the negotiation and decision making processes that are a feature of modern inland fisheries management especially under devolved and co-management regimes. It also becomes more important as the sophistication of management increases with the adoption of enhanced systems where the costeffectiveness of practices like stocking and fertilization become critical. Where appropriate, States should therefore establish training and extension schemes to assist fishers in making the transition from centrally administered capture fisheries to locally managed enhanced systems.

ARTICLE 7 – FISHERIES MANAGEMENT

7.1.2 Within areas under national jurisdiction, States should seek to identify relevant domestic parties having a legitimate interest in the use and management of fisheries resources and establish arrangements for consulting them to gain their collaboration in achieving responsible fisheries.

... decision makers should recognize those groups having a legitimate call on the aquatic resource and seek to involve them in the consultation process. Where users groups (often the fishers themselves) have no organized voice, mechanisms should be set up to adequately reflect their views.

7.2 Management objectives

7.2.1 Recognizing that long-term sustainable use of fisheries resources is the overriding objective of conservation and management, States and subregional or regional fisheries management organizations and arrangements should, inter alia, adopt appropriate measures, based on the best scientific evidence available, which are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing countries.

7.2.2 Such measures should provide inter alia that: c) the interests of fishers, including those engaged in subsistence, small-scale and artisanal fisheries, are taken into account

Inland fisheries are essentially small-scale, subsistence or artisanal in nature. It is not unusual for small-scale commercial, artisanal and subsistence fisheries to co-exist in the same area although with some degree of conflictuality. Major impacts on fishers usually derive from outside the fisheries sector when large scale projects involving alternative uses of water can alter the whole nature of the resource.

7.6.3 Where excess fishing capacity exists, mechanisms should be established to reduce capacity to levels commensurate with the sustainable use of fisheries resources so as to ensure that fishers operate under economic conditions that promote responsible fisheries. Such mechanisms should include monitoring the capacity of fishing fleets.

The basic fishing unit: The major fishing unit in inland waters centres around the fishers who is the licence holder in most fisheries and who is assigned rights either by Government or by acquisition through auction in others. Except in a few major fisheries, such as the Amazon, fishing vessels are small and fishing is often carried out from structures other than boats such as the shore, barrier traps or fixed rafts. Control of effort in inland fisheries is best achieved through the establishment of clear access rights among inland water fishers and fishing communities and the setting up of appropriate mechanisms for ensuring that such access is respected.

7.6.5 States and fisheries management organizations and arrangements should regulate fishing in such a way as to avoid the risk of conflict among fishers using different vessels, gear and fishing methods.

Conflicts within food fisheries: Fisheries in inland waters are technically and socially complex. The wide variety of gears current in rivers and in many lakes have been developed to catch a wide variety of species and life stages and to be used in different localities and seasons. These various types of gear are usually confined to distinct groups of fishers with the most affluent using the most effective, costly and sophisticated, such as large barrier traps, beach seines or brush parks. Poorer fishers are usually confined to simpler gears such as dip nets, hooks and simple traps. The various categories of fishers may be organized into a harmonious social hierarchy but in other areas they are in direct competition. Care has to be taken in defining fishing policies so that social equity is maintained and that the poorer fishers are not victimized by gear restrictions.

Chapter 8: Maritime and Inland Waterway Transport

Article 8.1. Objectives

Member States shall promote economic and social development of the region by developing and implementing harmonized international and regional transport policies in respect of the seas and inland waterways which ... promote a safe and clean marine, maritime and inland waterway environment.

Article 8.6. Human Resource Development

Member States shall provide training in conformity with the STCW 1978 to which a party shall provide for –

- (a) regional co-operation and harmonization of the training and certification of seafarers based on an optimal use of available resources ...
- (c) optimizing training resources and exchange of personnel.

A2-20. 1995: FAO: Code of Conduct for Responsible Fisheries

ARTICLE 1 - NATURE AND SCOPE OF THE CODE

1.1 This Code is voluntary. However, certain parts of it are based on relevant rules of international law, including those reflected in the United Nations Convention on the Law of the Sea of 10 December 1982. The Code also contains provisions that may be or have already been given binding effect by means of other obligatory legal instruments amongst the Parties, such as the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993, which, according to FAO Conference resolution 15/93, paragraph 3, forms an integral part of the Code.

1.2 The Code is global in scope, and is directed toward members and nonmembers of FAO, fishing entities, sub regional, regional and global organizations, whether governmental or non-governmental, and all persons concerned with the conservation of fishery resources and management and development of fisheries, such as fishers, those engaged in processing and marketing of fish and fishery products and other users of the aquatic environment in relation to fisheries.

ARTICLE 6 - GENERAL PRINCIPLES ...

6.17 States should ensure that fishing facilities and equipment as well as all fisheries activities allow for safe, healthy and fair working and living conditions and meet internationally agreed standards adopted by relevant international organizations.

ARTICLE 8 - FISHING OPERATIONS

8.1 Duties of all States ...

8.1.5 States should ensure that health and safety standards are adopted for everyone employed in fishing operations. Such standards should be not less than the minimum requirements of relevant international agreements on conditions of work and service. ...

8.2 Flag State duties

8.2.5 Flag States should ensure compliance with appropriate safety requirements for fishing vessels and fishers in accordance with international conventions, internationally agreed codes of practice and voluntary guidelines. States should adopt appropriate safety requirements for all small vessels not covered by such international conventions, codes of practice or voluntary guidelines. ...

8.3 Port State duties

8.3.2 Port States should provide such assistance to flag States as is appropriate, in accordance with the national laws of the port State and international law, when a fishing vessel is voluntarily in a port or at an offshore terminal of the port State and the flag State of the vessel requests the port State for assistance in respect of non-compliance with subregional, regional or global conservation and management measures or with internationally agreed minimum standards for the prevention, of pollution and for safety, health and conditions of work on board fishing vessels.

8.4 Fishing operations

8.4.1 States should ensure that fishing is conducted with due regard to the safety of human life and the International Maritime Organization International Regulations for Preventing Collisions at Sea, as well as International Maritime Organization requirements relating to the organization of marine traffic, protection of the marine environment and the prevention of damage to or loss of fishing gear.

Annex 3. Excerpts from a Relevant International Regulatory Document that the URT has not Ratified

A3-1. 2007: ILO: Working in Fishing Convention

Comment: *These excerpts are included for background as they are highly relevant; however, by 2016 this Convention had only been ratified by 10 countries – and NOT the URT; it went into force in 2017.*

Preamble

Recognizing that the International Labour Organization considers fishing as a hazardous occupation when compared to other occupations.

Taking into account the need to revise the following international Conventions adopted by the International Labour Conference specifically concerning the fishing sector, namely the Minimum Age (Fishermen) Convention, 1959 (No. 112), the Medical Examination (Fishermen) Convention, 1959 (No. 113), the Fishermen's Articles of Agreement Convention, 1959 (No. 114), and the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), to bring them up to date and to reach a greater number of the world's fishers, particularly those working on board smaller vessels.

Noting that the objective of this 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,

Part I. Definitions and scope

Definitions

- (a) **commercial fishing** means all fishing operations, including fishing operations on rivers, lakes or canals, with the exception of subsistence fishing and recreational fishing;
- (d) **fishing vessel owner** means the owner of the fishing vessel or any other organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the vessel from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on fishing vessel owners in accordance with the Convention, regardless of whether any other organization or person fulfils certain of the duties or responsibilities on behalf of the fishing vessel owner;
- (e) **fisher** means every person employed or engaged in any capacity or carrying out an occupation on board any fishing vessel, including persons working on board who are paid on the basis of a share of the catch but excluding pilots, naval personnel, other persons in the permanent service of a government, shore-based persons carrying out work aboard a fishing vessel and fisheries observers;
- (f) **fisher's work agreement** means a contract of employment, articles of agreement or other similar arrangements, or any other contract governing a fisher's living and working conditions on board a vessel;
- (g) **fishing vessel** or **vessel** means any ship or boat, of any nature whatsoever, irrespective of the form of ownership, used or intended to be used for the purpose of commercial fishing;
- (k) **recruitment and placement service** means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting fishers on behalf of, or placing fishers with, fishing vessel owners;
- (l) **skipper** means the fisher having command of a fishing vessel.

Scope

1. Except as otherwise provided herein, this Convention applies to all fishers and all fishing vessels engaged in commercial fishing operations.
3. Any Member, after consultation, may extend, in whole or in part, to fishers working on smaller vessels the protection provided in this Convention for fishers working on vessels of 24 metres in length and over.

Article 3

1. Where the application of the Convention raises special problems of a substantial nature in the light of the particular conditions of service of the fishers or of the fishing vessels' operations concerned, a

Member may, after consultation, exclude from the requirements of this Convention, or from certain of its provisions:

- (a) fishing vessels engaged in fishing operations in rivers, lakes or canals;
- (b) limited categories of fishers or fishing vessels.

2. In case of exclusions under the preceding paragraph, and where practicable, the competent authority shall take measures, as appropriate, to extend progressively the requirements under this Convention to the categories of fishers and fishing vessels concerned.

3. Each Member which ratifies this Convention shall:

(a) in its first report on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation:

- (i) list any categories of fishers or fishing vessels excluded under paragraph 1;
- (ii) give the reasons for any such exclusions, stating the respective positions of the representative organizations of employers and workers concerned, in particular the representative organizations of fishing vessel owners and fishers, where they exist; and
- (iii) describe any measures taken to provide equivalent protection to the excluded categories; and

(b) in subsequent reports on the application of the Convention, describe any measures taken in accordance with paragraph 2.

Article 4

1. Where it is not immediately possible for a Member to implement all of the measures provided for in this Convention owing to special problems of a substantial nature in the light of insufficiently developed infrastructure or institutions, the Member may, in accordance with a plan drawn up in consultation, progressively implement all or some of the following provisions:

Part II. General principles

Implementation

2. Nothing in this Convention shall affect any law, award or custom, or any agreement between fishing vessel owners and fishers, which ensures more favourable conditions than those provided for in this Convention.

Responsibilities of fishing vessel owners, skippers and fishers

Article 8

1. The fishing vessel owner has the overall responsibility to ensure that the skipper is provided with the necessary resources and facilities to comply with the obligations of this Convention.

2. The skipper has the responsibility for the safety of the fishers on board and the safe operation of the vessel, including but not limited to the following areas:

- (a) providing such supervision as will ensure that, as far as possible, fishers perform their work in the best conditions of safety and health;
- (b) managing the fishers in a manner which respects safety and health, including prevention of fatigue;
- (c) facilitating on-board occupational safety and health awareness training; and
- (d) ensuring compliance with safety of navigation, watchkeeping and associated good seamanship standards.

3. The skipper shall not be constrained by the fishing vessel owner from taking any decision which, in the professional judgement of the skipper, is necessary for the safety of the vessel and its safe navigation and safe operation, or the safety of the fishers on board.

4. Fishers shall comply with the lawful orders of the skipper and applicable safety and health measures.

Part III. Minimum requirements for work on board fishing vessels

Minimum age

Article 9

1. The minimum age for work on board a fishing vessel shall be 16 years. ...

2. The competent authority, in accordance with national laws and practice, may authorize persons of the age of 15 to perform light work during school holidays. ...
3. The minimum age for assignment to activities on board fishing vessels, which by their nature or the circumstances in which they are carried out are likely to jeopardize the health, safety or morals of young persons, shall not be less than 18 years.
6. The engagement of fishers under the age of 18 for work at night shall be prohibited.

Medical examination

Article 10

1. No fishers shall work on board a fishing vessel without a valid medical certificate attesting to fitness to perform their duties.

Article 19

Articles 16 to 18 and Annex II do not apply to a fishing vessel owner who is also single-handedly operating the vessel.

Article 20

It shall be the responsibility of the fishing vessel owner to ensure that each fisher has a written fisher's work agreement signed by both the fisher and the fishing vessel owner or by an authorized representative of the fishing vessel owner (or, where fishers are not employed or engaged by the fishing vessel owner, the fishing vessel owner shall have evidence of contractual or similar arrangements) providing decent work and living conditions on board the vessel as required by this Convention.

Part VI. Medical care, health protection and social security

Medical care

Article 29

Each Member shall adopt laws, regulations or other measures requiring that:

- (a) fishing vessels carry appropriate medical equipment and medical supplies for the service of the vessel, taking into account the number of fishers on board, the area of operation and the length of the voyage;
- (b) fishing vessels have at least one fisher on board who is qualified or trained in first aid and other forms of medical care and who has the necessary knowledge to use the medical equipment and supplies for the vessel concerned, taking into account the number of fishers on board, the area of operation and the length of the voyage;
- (c) medical equipment and supplies carried on board be accompanied by instructions or other information in a language and format understood by the fisher or fishers referred to in subparagraph (b);
- (d) fishing vessels be equipped for radio or satellite communication with persons or services ashore that can provide medical advice, taking into account the area of operation and the length of the voyage; and
- (e) fishers have the right to medical treatment ashore and the right to be taken ashore in a timely manner for treatment in the event of serious injury or illness.

Article 30

For fishing vessels of 24 metres in length and over, taking into account the number of fishers on board, the area of operation and the duration of the voyage, each Member shall adopt laws, regulations or other measures requiring that:

- (a) the competent authority prescribe the medical equipment and medical supplies to be carried on board;
- (b) the medical equipment and medical supplies carried on board be properly maintained and inspected at regular intervals established by the competent authority by responsible persons designated or approved by the competent authority;

- (c) the vessels carry a medical guide adopted or approved by the competent authority, or the latest edition of the International Medical Guide for Ships;
- (d) the vessels have access to a prearranged system of medical advice to vessels at sea by radio or satellite communication, including specialist advice, which shall be available at all times;
- (e) the vessels carry on board a list of radio or satellite stations through which medical advice can be obtained; and
- (f) to the extent consistent with the Member's national law and practice, medical care while the fisher is on board or landed in a foreign port be provided free of charge to the fisher.

Occupational safety and health and accident prevention

Article 31

Each Member shall adopt laws, regulations or other measures concerning:

- (a) the prevention of occupational accidents, occupational diseases and work-related risks on board fishing vessels, including risk evaluation and management, training and on-board instruction of fishers;
- (b) training for fishers in the handling of types of fishing gear they will use and in the knowledge of the fishing operations in which they will be engaged;
- (c) the obligations of fishing vessel owners, fishers and others concerned, due account being taken of the safety and health of fishers under the age of 18;
- (d) the reporting and investigation of accidents on board fishing vessels flying its flag; and
- (e) the setting up of joint committees on occupational safety and health or, after consultation, of other appropriate bodies.

Article 32

1. The requirements of this Article shall apply to fishing vessels of 24 metres in length and over normally remaining at sea for more than three days and, after consultation, to other vessels, taking into account the number of fishers on board, the area of operation, and the duration of the voyage.

2. The competent authority shall:

- (a) after consultation, require that the fishing vessel owner, in accordance with national laws, regulations, collective bargaining agreements and practice, establish on-board procedures for the prevention of occupational accidents, injuries and diseases, taking into account the specific hazards and risks on the fishing vessel concerned; and
- (b) require that fishing vessel owners, skippers, fishers and other relevant persons be provided with sufficient and suitable guidance, training material, or other appropriate information on how to evaluate and manage risks to safety and health on board fishing vessels.

3. Fishing vessel owners shall:

- (a) ensure that every fisher on board is provided with appropriate personal protective clothing and equipment;
- (b) ensure that every fisher on board has received basic safety training approved by the competent authority; the competent authority may grant written exemptions from this requirement for fishers who have demonstrated equivalent knowledge and experience; and
- (c) ensure that fishers are sufficiently and reasonably familiarized with equipment and its methods of operation, including relevant safety measures, prior to using the equipment or participating in the operations concerned.

Article 33

Risk evaluation in relation to fishing shall be conducted, as appropriate, with the participation of fishers or their representatives.

Protection in the case of work-related sickness, injury or death

Article 38

1. Each Member shall take measures to provide fishers with protection, in accordance with national laws, regulations or practice, for work-related sickness, injury or death.
2. In the event of injury due to occupational accident or disease, the fisher shall have access to:

- (a) appropriate medical care; and
 - (b) the corresponding compensation in accordance with national laws and regulations.
3. Taking into account the characteristics within the fishing sector, the protection referred to in paragraph 1 of this Article may be ensured through:
- (a) a system for fishing vessel owners' liability; or
 - (b) compulsory insurance, workers' compensation or other schemes.

Article 39

1. In the absence of national provisions for fishers, each Member shall adopt laws, regulations or other measures to ensure that fishing vessel owners are responsible for the provision to fishers on vessels flying its flag, of health protection and medical care while employed or engaged or working on a vessel at sea or in a foreign port. Such laws, regulations or other measures shall ensure that fishing vessel owners are responsible for defraying the expenses of medical care, including related material assistance and support, during medical treatment in a foreign country, until the fisher has been repatriated. 2. National laws or regulations may permit the exclusion of the liability of the fishing vessel owner if the injury occurred otherwise than in the service of the vessel or the sickness or infirmity was concealed during engagement, or the injury or sickness was due to wilful misconduct of the fisher.

Annex II

Fisher's work agreement

The fisher's work agreement shall contain the following particulars, except in so far as the inclusion of one or more of them is rendered unnecessary by the fact that the matter is regulated in another manner by national laws or regulations, or a collective bargaining agreement where applicable:

- (a) the fisher's family name and other names, date of birth or age, and birthplace;
- (b) the place at which and date on which the agreement was concluded;
- (c) the name of the fishing vessel or vessels and the registration number of the vessel or vessels on board which the fisher undertakes to work;
- (d) the name of the employer, or fishing vessel owner, or other party to the agreement with the fisher;
- (e) the voyage or voyages to be undertaken, if this can be determined at the time of making the agreement;
- (f) the capacity in which the fisher is to be employed or engaged;
- (g) if possible, the place at which and date on which the fisher is required to report on board for service;
- (h) the provisions to be supplied to the fisher, unless some alternative system is provided for by national law or regulation;
- (i) the amount of wages, or the amount of the share and the method of calculating such share if remuneration is to be on a share basis, or the amount of the wage and share and the method of calculating the latter if remuneration is to be on a combined basis, and any agreed minimum wage;
- (j) the termination of the agreement and the conditions thereof, namely:
 - (i) if the agreement has been made for a definite period, the date fixed for its expiry;
 - (ii) if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the fisher shall be discharged;
 - (iii) if the agreement has been made for an indefinite period, the conditions which shall entitle either party to rescind it, as well as the required period of notice for rescission, provided that such period shall not be less for the employer, or fishing vessel owner or other party to the agreement with the fisher;
- (k) the protection that will cover the fisher in the event of sickness, injury or death in connection with service;
- (l) the amount of paid annual leave or the formula used for calculating leave, where applicable;
- (m) the health and social security coverage and benefits to be provided to the fisher by the employer, fishing vessel owner, or other party or parties to the fisher's work agreement, as applicable;
- (n) the fisher's entitlement to repatriation;
- (o) a reference to the collective bargaining agreement, where applicable;
- (p) the minimum periods of rest, in accordance with national laws, regulations or other measures; and

- (q) any other particulars which national law or regulation may require.