



ILO input to the report of the Secretary-General on Oceans and the Law of the Sea, to the Fifty-eighth Session of the General Assembly

ILO activities in 2002

High Level Tripartite Working Group on Maritime Labour Standards

On the recommendation of the Joint Maritime Commission at its 29th Session in December 2000, and as approved by the ILO Governing Body, in March 2001, a major exercise has been undertaken to consolidate over 60 international maritime labour instruments into one single instrument, a framework Convention. This new instrument will integrate as much as possible of the relevant elements of the existing body of standards. A process for the elaboration of the new instrument has been put into place to achieve these objectives. A High-level Tripartite Working Group was established, as well as a Sub-Group of the High-level Group. The High-Level Group held its first meeting in December 2001.

The second session of the High Level Tripartite Working Group (HLTWG) on Maritime Labour Standards was held in Geneva from 14 to 18 October 2002, and has begun a review of the concrete draft provisions of the new consolidated instrument. The outcome of this meeting showed that the future maritime instrument will be based on the existing body of ILO maritime labour standards, but will seek to set out standards that are clear, simple, easy to ratify and easy to implement. The provisions will be grouped into major families dealing with various aspects. The proposed structure of the new instrument will have four levels of provisions. The first level, the Articles, will form the introductory part and, in particular, list the fundamental principles and rights. The second level, the Regulations, will deal with specific principles and rights. As such, it will be composed of five families: Pre-Requisites for going to sea and related provisions; Conditions of Employment and Manning; Working and Living Conditions; Social Security; and Enforcement. Each part will be composed of Regulations and of a Code. The Code itself will comprise a Part A and a Part B. Each ratifying Member will undertake to respect the principles and rights set out in the Regulations, and to implement each such Regulation in the manner set out in the corresponding provisions of Part A of the Code. In addition, the Member will give full consideration to implementing the provisions of Part B of the Code. In other terms, the 'Articles', 'Regulations' and 'Part A' of the Code will be mandatory, while 'Part B' of the Code will be recommendatory. Another session of the HLTWG is scheduled for July 2003. The new instrument will be reviewed by a Preparatory International Labour Conference in 2004 and should be adopted by a full Maritime Session of the International Labour Conference in 2005.

The second session of the HLTWG was preceded by a first meeting of the Sub-Group, which was also held in Geneva, from 24 to 28 June 2002. The Sub-Group had been established by the HLTWG at its first meeting, held in Geneva from 17 to 21 December 2001, and tasked with the drafting of the future instrument. At the end of this meeting, significant progress was made on certain important and

substantive issues, namely, on enforcement mechanisms, simplified amendment procedures and the structure of the new instrument.

The text of the reports prepared for the first and second session of the HLTWG, as well as for the first meeting of the Sub-Group are available at:

<http://www.ilo.org/public/english/dialogue/sector/sectors/mariti.htm> ;

<http://www.ilo.org/public/english/dialogue/sector/sectors/mariti/shipping-iloact.htm>.

Enhanced security of seafarers' identification

Following the terrorists attacks of 11 September 2001 and the measures being pursued in the IMO, at its 265th Session (March 2002) the Governing Body of the ILO placed an urgent item on the agenda of the 91st Session (June 2003) of the International Labour Conference, concerning improved security of seafarers' identification with a view to the adoption of a protocol to the Seafarers' Identity Documents Convention, 1958 (No. 108). The International Labour Conference will consider the new instrument, with a view to adoption, in June 2003. The International Labour Office has prepared a Report, containing a questionnaire including a preliminary draft of possible provisions of the new instrument on seafarers' identification. This questionnaire has been sent to member States for their responses and comments, prior to the consideration by the International Labour Conference of the draft provisions of the new instrument in June 2003. It can be found on the ILO website at the following address:

<http://www.ilo.org/public/english/standards/relm/ilc/ilc91/pdf/rep-vii-1-qu.pdf>

A Consultation Meeting on Improved Security of Seafarer's Identification was held in Geneva from 9 to 10 May 2002. The purpose of this tripartite consultation on seafarers' identity documents was to guide the International Labour Office on the possible content of the new instrument that should be adopted by the International Labour Conference at its 91st Session in June 2003. A briefing paper was prepared to help focus the discussion. This paper, together with other submissions and the report of the meeting are available on the ILO website, at the following address: <http://www.ilo.org/public/english/dialogue/sector/sectors/mariti/shipping-iloact.htm>

Two information meetings on this issue were also held in conjunction with the HLTWG Sub-Group and HLTWG sessions, respectively in June and October 2002. The opinions expressed in these various meetings have shown the necessity to reconcile different points of view, such as concerns for security, trade facilitation and granting facilities to seafarers. It was recognised that a credible international seafarers' identity document would be in the interest of all governments, shipowners and seafarers, since in the absence of such a document, States would impose unilateral measures according to their perception of national security concerns.

Fisheries

At its 283rd Session, the Governing Body of the International Labour Office decided to place on the agenda of the 92nd (June 2004) Session of the International Labour Conference an item concerning a comprehensive standard (a Convention supplemented by a Recommendation) on work in the fishing sector. This new standard would revise the seven existing ILO instruments (five Conventions and two Recommendations) specifically concerning the fishing sector – covering such issues as minimum age, medical examination, competency certificates, vocational training, hours of work, articles of agreement and accommodation – and may address other issues, such as occupational safety & health and social security. The aim is to have a second and final discussion of the new fishing standard(s) in 2005.

To assist in the preparation for the Conference discussion in 2004, the ILO will hold a Meeting of Experts on Labour Standards for the Fishing Sector in Geneva from 2 to 4 September 2003. The Meeting will be attended by eight representatives from governments, eight from employers' and eight from workers' organizations. It will discuss issues to be included in the comprehensive standard.

For more information, see –
<http://www.ilo.org/public/english/dialogue/sector/sectors/mariti/fishing-iloact.htm>

Suggested recommendations

The preambular paragraph of the General Assembly resolution beginning “Recalling article 200 of the Convention” refers to the request by the World Summit for Sustainable Development for a “regular process ... UN global reporting and assessment of the state of the marine environment, including socio-economic aspects”. In this regard the ILO is concerned with the increasingly important socio-economic aspects of the state of the environment, and especially the employment and social implications for workers and their communities affected by environmental change in ocean and coastal areas – especially workers in fisheries and tourism.

The report of the Secretary-General should hence in our view include assessments of the possible scenarios regarding the consequences for workers and their communities of the “state of the marine environment”. This should cover the challenges faced by fisheries and other sectors that suffer significant consequences in terms of employment and other socio-economic issues, such as tourism, and the action taken in industries and communities to prevent the land-based pollution of coastal zones

As regards the operative part of the resolution, we offer the following comments for the paragraphs indicated:

14-16: We draw attention to the value of including, within this discussion of regulations for prospecting and exploration related to seabed mining, a consideration of relevant labour and social issues, such as training and the certification of workers' skills, occupational safety and health and aspects of working conditions, as the ILO has done in the case of the offshore petroleum sector.

40. We trust that the Secretary-General's report will have full regard for the ILO's capacity for training, advice, expertise and technological services, on issues concerning the world of work.

45. We would ask that the ILO be included among the agencies listed here.

46. We draw attention to current ILO activities concerning pollution from ships, in particular our initiatives related to ship-breaking, which advocate a full, life-cycle approach to these issues.