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# INTERNATIONAL LABOUR ORGANIZATION

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## **ILO inputs to the Secretary-General on Oceans and the Law of the Sea Fifty-ninth Session of the Governing Body**

### **ILO activities in 2003 and early 2004**

#### **Follow up to the adoption of the Seafarers' Identity Documents Convention (Revised), 2003**

The Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) has already been mentioned in the Addendum to the Report of the Secretary-General on Oceans and the Law of the Sea (Document A/58/65/Add.1, 29 August 2003). In addition to the information contained in that report, the ILO notes that, at its 288th Session (November 2003), the Governing Body of the ILO considered an item entitled "Effect to be given to resolutions adopted by the International Labour Conference at its 91st Session (2003). In doing so, it approved a plan presented by the Office for the preparation of a global interoperable standard for the biometric template for the seafarers' identity document; requested the Director-General to give due priority, in the use of resources allocated to the Organization's technical cooperation programme, to assisting countries with respect to the technology, expertise and processes required; endorsed the proposal by the Director-General to send a communication to the governments of Members of the Organization, inter alia, encouraging Members to begin their national process for the ratification of the Convention as a matter of

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contained in two resolutions adopted by the meetings, are reproduced in a single report (SJMC/2003/6).<sup>1</sup>

The Subcommittee on Wages of Seafarers adopted a resolution concerning the ILO minimum wage for able seamen. It decided to recommend to the Governing Body to maintain the current list of countries and areas and the formula used as a basis for the calculations to assist the revision of the wage figure. It also decided to recommend the updating of the current ILO minimum wage for an AB of US\$465 to US\$500 as of 1 January 2005. Considering that it was essential that the basic pay or wages of able seamen be updated every two years, and in accordance with the decision taken at the 280th Session of the Governing Body, the Subcommittee invited the Governing Body to convene in two years' time the Subcommittee on Wages of Seafarers and, where appropriate, to enable it to report back directly to the Governing Body. The resolution concerning minimum wages is appended to the above report.

The Joint Working Group adopted a resolution concerning the interpretation of the ILO minimum wage of able seamen. It agreed on the interpretation of the total monthly minimum wage of able seamen, which is contained in the appendix to the resolution. This interpretation will provide guidance to the indunterp180.(rWn )5.8(ntgrWn )(-)6(rn)4767 dunyo7(u.9.6(e.9.ica0162 Tw.9(.).3.8(oThis)7.5struc

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## **Progress in the preparation of the Consolidated Maritime Labour Convention: Meetings of the High-level Tripartite Working Group on Maritime Labour Standards**

Information on the two previous meetings of the High-level Tripartite Working Group on Maritime Labour Standards (HLTWG) has been provided in earlier reports to the Secretary-General on Oceans and the Law of the Sea to the General Assembly.

The Third Meeting of the HLTWG was held in Geneva from 30 June to 4 July 2003.<sup>4</sup>

At that meeting there was general agreement on the basic structure and content of the Convention, which implements the innovative solutions endorsed by the HLTWG at its first meeting in 2001. Agreement had still not been reached, however, on certain elements of the structure, and there were important and sometimes difficult areas in the four titles of the Convention setting out the maritime labour standards themselves that had not yet been fully discussed. It was therefore considered essential that a fourth meeting of the HLTWG be held before submission of a draft to the Preparatory Technical Maritime Conference scheduled for September 2004. The Government of France offered to host this meeting in Nantes from 19 to 23 January 2004.

### **Fourth Meeting of the High-level Tripartite Working Group on Maritime Labour Standards (Nantes, 19 to 23 January 2004)**

At this fourth meeting of the HLTWG, a compromise was reached on the precise status to be given to provisions in the non-mandatory part of the Convention, namely those in Part B of the Code. On some other difficult questions of a general nature, it was suggested that the Office make the necessary contacts for consultations between interested parties with a view to the formulation of appropriate provisions for consideration in due course.

The discussions in the fourth meeting mainly related to the content of the five titles of the Convention and were entrusted to four working parties, which reported to the plenary of the HLTWG. The first four titles set out the maritime labour standards in the various subject areas. Most of the provisions in those titles were discussed: with the exception of social protection, a consensus was reached on them and the aspects needing further discussion were noted. While it was generally agreed that the right to social protection should be covered in the Convention, the discussions indicated that a radical change of approach was necessary, as there was a sharp difference of opinion on the basic ways of achieving that right. Considerable progress was made in reaching agreement on the fifth title of the Convention, relating to compliance and enforcement with respect to the standards in the four other titles. There was however insufficient time to cover the whole of that title.

Although it was not possible for the fourth meeting to deal with the entire Convention, the general result of its discussions has been to greatly narrow the areas of potential disagreement and consequently to facilitate the work of the Preparatory Technical Maritime Conference to be held from 13 to 24 September 2004. In order to enable the preparatory technical conference to concentrate on settling points of disagreement and to avoid any unjustified discussion of provisions that have matured over years of discussion in the HLTWG and its Subgroup, the HLTWG has adopted a resolution recommending to the Governing Body the general lines of an appropriate procedure. In the resolution, the Committee recommended that:

<sup>4</sup> <http://www.ilo.org/public/english/dialogue/sector/techmeet/twgmls03/twgmls-r-8.pdf>.

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- (1) the Office be requested to submit to the Preparatory Technical Conference a draft instrument based on the results of the important preparatory work undertaken in the framework of the High-Level Tripartite Working Group;
  - (2) the draft instrument be considered as containing mature provisions on which consensus has been reached on a significant number of provisions;
  - (3) the Preparatory Technical Conference deal in the first place with the provisions included in the draft instrument which are placed inside square brackets;
  - (4) the Preparatory Technical Conference, in the second stage, deal with proposals concerning the draft instrument which have sufficient support.

The High-level Tripartite Working Group also recommended that the Governing Body take the necessary measures for the consequential adjustment of the Model Standing Orders for Technical Tripartite Conferences.

In addition, two Government representatives raised the matter of the prolonged detention of crew members and a salvage master, as they have been denied exit from Pakistan after the accidental

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- (b) the revised circular containing the questionnaire on monitoring the implementation of the guidelines on provision of financial security in case of abandonment of seafarers adopted by IMO Resolution A.930(22) should be resent;
  - (c) it was necessary to remind Member Governments of the importance of a rapid and comprehensive answer, to be received at the latest by a date to be determined by the Joint Secretariat in accordance with the guidelines;
  - (d) it review, at its next session in spring 2005, the preliminary determination regarding the implementation of the resolution and of the Guidelines in the light of all the answers to the questionnaire and data relating to abandonment available at that time;
  - (e) it take its final decision at its next session on the recommendation to be made to the ILO Governing Body and to the IMO Legal Committee.

Regarding the development of a longer-term sustainable solution to address the problems of financial security with regard to compensation in case of death and personal injury, the Working Group agreed:

- (a) that the time had come for the Governing Body of the ILO and the IMO Legal Committee to authorize the Group to proceed with the development of such a longer-term sustainable solution;
- (b) to advise and seek the concurrence of the ILO Governing Body and the IMO Legal Committee on the following:
  - (i) bearing in mind the reservation expressed by the social partners on the text of resolution A.931(22) and of the associated Guidelines, neither resolution A.931(22) nor the associated Guidelines should prejudice, or serve as a precedent constraining, in any way whatsoever, the eventual mandatory solutions, and

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- (b) approve the communication of the revised circular letter of the report to member States and non-governmental organizations concerning reporting on incidents of abandonment;
  - (c) approve the communication to member States of the revised questionnaire as part of the monitoring process of the resolution and related guidelines on the abandonment of seafarers;
  - (d) approve the revised terms of reference for the Working Group;
  - (e) decide on certain recommendations of the Working Group;
  - (f) further pursue the establishment of a database on incidents of abandonment of seafarers.