

Review of relevant ILO maritime instruments

Report for discussion at the
29th Session of the Joint Maritime Commission

Geneva, 2001

Contents

Executive summary.....	vi
Part I. Summary of the examination and decisions of the Governing Body concerning the revision of maritime standards	1
Decisions concerning maritime labour Conventions.....	2
Decision to revise maritime Conventions.....	2
Decision to maintain the status quo.....	6
Promotion of up-to-date maritime Conventions	8
Maritime Conventions proposed for denunciation upon ratification of more up-to-date Conventions	10
Shelving, abrogation and withdrawal of maritime Conventions.....	11
Decisions concerning international labour Recommendations.....	12
Decision to revise maritime Recommendations.....	12
Up-to-date maritime Recommendations	13
Requests for additional information.....	13
Maritime Recommendations expressly “replaced”	13
Decision to maintain the status quo.....	14
Withdrawal of maritime Recommendations.....	14
Part II. Examination of maritime social security Conventions and Recommendations	16
Conventions on social security.....	16
Five Conventions call for examination under this heading.....	16
Three Recommendations call for examination under this heading.....	20
Part III. A way forward on maritime labour standards: A possible maritime “Decent work” Convention.....	22
The issues.....	22
The options	26
The framework approach.....	27
The first option: Revision of seven instruments	27
The second option: One framework instrument.....	27
The third option: Five framework instruments	29
Facilitating mechanisms for updating standards.....	29
Possible value added of the new framework instrument(s)	30
Possible disadvantages of the new approach.....	31
An enhanced role for the JMC.....	31
Conclusion	32
Points for discussion.....	32

Appendix I. Summary of decisions taken by the Governing Body concerning maritime Conventions and Recommendations for discussion	35
Appendix II. Up-to-date list of ratifications of international labour Conventions	37
Appendix III. The tacit amendment procedure in treaties deposited with the International Maritime Organization (IMO).....	57

Executive summary

This review of relevant ILO maritime instruments is divided into three parts. Parts I and II contain a summary of the examination and decisions to date of the Governing Body concerning the revision of maritime standards and an examination of maritime social security instruments. They are submitted to the Joint Maritime Commission (JMC) for information and, as detailed below, for further consideration in the light of the proposals presented in Part III of this document on a way forward on maritime labour standards.

Part III proposes an integrated approach to future standard setting in the maritime field. It suggests the development of one or possibly five framework instruments to replace the existing body of 30 Conventions and 23 Recommendations. The main proposal in Part III is for one flagship instrument which would represent the “bill of rights” for the industry and seek to ensure progress towards sectoral universality of obligations. The framework Convention would be complemented by annexes to which facilitated amendment procedures would apply. An effective monitoring of the instrument based on article 19 of the ILO Constitution would create a certain dynamism to encourage progress in meeting the objectives contained in the instrument. Part III also makes a case for an enhanced role for the JMC and for a tripartite subcommittee. These proposals seek to ensure that any future standard-setting activity would respond to the rapid changes, needs and technological developments being experienced by a truly global industry – shipping.

The relevant points for discussion are consolidated at the end of the document. Annexed to this document are two tables containing a summary of decisions taken by the Governing Body concerning maritime instruments and an up-to-date list of ratifications of maritime Conventions.

Part I

Summary of the examination and decisions of the Governing Body concerning the revision of maritime standards

The purpose of this part of the document is to provide a summary of the examination and decisions taken by the Governing Body concerning maritime labour standards which were examined by the Working Party on Policy regarding the Revision of Standards of the Committee on Legal Issues and International Labour Standards of the Governing Body.

Following the discussion on standard-setting policy at the 81st Session of the International Labour Conference in 1994, the Governing Body, at its 262nd Session (March-April 1995), decided to set up a Working Party on Policy regarding the Revision of Standards (the Working Party) under the Committee on Legal Issues and International Labour Standards (LILS). It was decided that the Working Party would examine the need for revision of all Conventions and Recommendations adopted before 1985 with a view to rejuvenating and strengthening the standard-setting system. Proposals were not to have the effect of reducing the protection already afforded to workers by ratified Conventions.¹

Since it was set up, the Working Party has met ten times and examined almost all of the Conventions and Recommendations falling under its remit. The Working Party conducted a case-by-case examination of each of the instruments. It formulated proposals which were approved by the LILS Committee and the Governing Body to revise outdated instruments, to promote ratification of up-to-date Conventions, to invite member States to give up-to-date Recommendations due effect and to propose the shelving, abrogation or withdrawal of obsolete instruments as appropriate.

The Working Party initiated its examination of maritime instruments during the 273rd Session (November 1998) of the Governing Body. It applied the same criteria and methodology for the examination of maritime instruments as it did for other instruments.² It examined 23 maritime Conventions and 22

¹ For the terms of reference of the Working Party, see GB.262/9/2, para. 52.

² The details of the criteria and methodology are contained in GB.264/9/2, para. 16; GB.265/8/2, para. 24; and GB.273/LILS/WP/PRS/4, paras. 2-3.

Recommendations as part of that process.³ The work of the Working Party concerning the maritime instruments was facilitated by the recommendations of the constituent members of the JMC made at the Working Party's request. A Joint Working Group of shipowners' and seafarers' representative organizations met in Geneva in July 1998 (hereinafter referred to as the Joint Working Group) and formulated recommendations, most of which were approved by the Governing Body.⁴

The following summarizes the proposals of the Working Party, the LILS Committee and the decisions of the Governing Body, including decisions taken at the 277th Session (March 2000) of the Governing Body.

Decisions concerning maritime labour Conventions

Decision to revise maritime Conventions

This section contains a summary of the examination relating to each of the seven Conventions retained by the Governing Body for revision.

The Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)

The Medical Examination (Seafarers) Convention, 1946 (No. 73)

In addition to the ratifications (including declarations of applications to non-metropolitan territories (NMTs)),⁵ Convention No. 73 is contained in the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) – and, by virtue of Article 2(a) of Convention No 147, it applies to 11 additional countries based on the “substantial equivalence” provision. Convention No. 73 has not received as many ratifications as Convention No. 16.

³ Detailed information on the examination of the maritime instruments by the Working Party, the LILS Committee and the Governing Body can be found in the following documents: GB.273/LILS/WP/PRS/4; GB.273/LILS/4(Rev.1); GB.274/LILS/WP/PRS/2; GB.274/LILS/4; GB.274/10/2; GB.276/LILS/WP/PRS/4; GB.276/LILS/5.

⁴ While most of the recommendations made by the Joint Working Group were approved by the Governing Body, different decisions were approved in respect of four Conventions, viz., the Placing of Seamen Convention, 1920 (No. 9); the Officers' Competency Certificates Convention, 1936 (No. 53); the Minimum Age (Sea) Convention (Revised), 1936 (No. 58), and the Accommodation of Crews (Revised) Convention, 1949 (No. 92). Although the Joint Working Group had recommended the shelving of Convention No. 53, the Governing Body decided to maintain its status quo. In the case of Convention No. 92, the Joint Working Group proposed its revision, while the Governing Body decided to maintain its status quo. In the case of Conventions Nos. 9 and 58, the Joint Working Group had proposed to maintain their status quo, but the Governing Body decided to invite member States to ratify the more up-to-date Conventions concerned and to re-examine the status of the two Conventions in due course.

⁵ See Appendix II.

In the course of the examination of Convention No. 16 and Convention No. 73, it was noted that one of the problems concerning their implementation was that fitness standards for seafarers varied widely.⁶ A set of Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers was developed jointly by the ILO and WHO in 1997 in order to seek to remedy this situation.

The Joint Working Group proposed that both these instruments be revised.

Member States were invited to express their views on whether a revision of these Conventions should be considered as separate items or jointly. A majority of 21 countries and one workers' organization of those responding were in favour of joint revision of the two Conventions.⁷ Five countries emphasized the common object of the two instruments and expressed the view that the medical examination of young persons should be considered within the medical examination requirements for seafarers generally. Three countries specified that the revision of the two instruments should result in the adoption of a single Convention. Among the eight countries in favour of separate consideration, two underlined the need to ensure special protection for young persons. In addition, four countries were of the view that the provisions of the two Conventions should be revised to reflect current technology and normative developments such as the IMO's Convention on Standards of Training, Certification and Watchkeeping for Seafarers (IMO-STCW convention).

The Working Party emphasized that a joint revision of these two Conventions would not in itself be an obstacle to ensuring special protection for young persons if such provisions were to be considered.

Based on the recommendation of the LILS Working Party, *the Governing Body decided* that Conventions Nos. 16 and 73 should be revised jointly.

Seamen's Articles of Agreement Convention, 1926 (No. 22)

In addition to the ratifications registered for Convention No. 22, this Convention applies to 12 additional countries based on the "substantially equivalent" provision in Article 2(a) in Convention No. 147.

The Joint Working Group recommended that this Convention be revised.

Following a Governing Body request for information, seven countries indicated that they saw no obstacles or difficulties that might point to a need for full or partial revision of Convention No. 22, and two additional countries were not in favour of revision of Convention No. 22 as it was contained in the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), to

⁶ As pointed out by the Joint ILO/WHO Committee on the Health of Seafarers (Seventh Session, May 1993).

⁷ For further details see, GB.277/LILS/WP/PRS/1/2, paras. 6-13.

which they were parties.⁸ A majority of 14 countries and one workers' organization of those responding were in favour of a revision of Convention No. 22. These countries considered that the Convention should be adapted to the changes that had taken place in the shipping sector since its adoption. The Convention was based on ship-specific articles of agreement, while current practice and legislation seemed to be evolving towards shipowner-specific articles of agreement. There was a need for a comprehensive review and formulation of Conventions more appropriate to current conditions in the light of changes in the maritime industry. It was also suggested that the Convention should be revised to maximize flexibility and minimize administrative problems.

The International Shipping Federation (ISF) expressed the view that Convention No. 22 no longer reflected modern employment practice. In their view, there was an assumption of supervision and control over the contract by public administration which did not currently exist in many flag States; they felt that the articles of agreement should be signed between the shipowner and the seafarer. The International Transport Federation (ITF) considered for its part that while this Convention should be revised, extreme caution should be exercised to ensure that allowing for modern employment practices would not detract from the flag State's ultimate responsibility in this matter.

Based on the recommendation of the LILS Working Party, *the Governing Body decided* that Convention No. 22 should be revised.

***Food and Catering (Ships' Crews)
Convention, 1946 (No. 68)***

***Certification of Ships' Cooks
Convention, 1946 (No. 69)***

In addition to the ratifications registered for these Conventions, Article 5 of Convention No. 68 is contained in the Appendix to Convention No. 147. This article therefore applies to 22 additional countries based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

In the course of examination of both these Conventions, it was noted that they related to an issue that had become increasingly important, namely the need to ensure that seafarers received adequate and well-prepared food. At present seafarers often spent weeks or months on board a ship without any alternative food supply. The health aspects of handling food and catering arrangements had developed considerably on shore, and deficiencies detected in recent years relating to these issues on board ships pointed to the need to revise Conventions Nos. 68 and 69.

The Joint Working Group recommended that both Convention No. 68 and Convention No. 69 be revised.

⁸ For further details see, *ibid.*, paras. 15-20.

In written consultations held, 15 countries among those responding were in favour of the revision of both these Conventions. Many countries stressed that Convention No. 68 was dated and was not likely to reflect recent practice, technological developments or legislative provisions in the maritime sector. Some countries emphasized the complementarity between Conventions Nos. 68 and 69 and suggested that they should be revised jointly.

It was also considered that the corresponding International Maritime Organization (IMO) instruments should be taken into account in the context of the revision of these Conventions.

Based on the recommendation of the LILS Working Party, *the Governing Body decided* that these Conventions should be revised jointly, taking into account relevant IMO instruments.

Certification of Able Seamen Convention, 1946 (No. 74)

In the examination of this Convention it was noted that the IMO-STCW convention, as revised, had introduced a new and modern approach to the training and certification of seafarers which might point to a need for revision of Convention No. 74.

The Joint Working Group recommended a revision of this Convention.

In written consultations held, a majority of the countries responding were in favour of revision. Some of them emphasized the need to modernize this Convention which did not reflect current practice, technological developments and legislative provisions in the maritime sector. Others stated that a future revision should be undertaken in order to harmonize the provisions of this Convention with the IMO-STCW convention. Yet other countries took the view that the IMO standard should be the only applicable requirement and that a revision of this Convention should be avoided in order to prevent overlapping with the IMO-STCW convention.

The Working Party considered that although the IMO-STCW convention was the modern international instrument on the training and certification of seafarers, it did not deal with all issues of relevance to labour standards. In addition, different supervisory mechanisms were applicable to IMO and ILO Conventions.

The Governing Body therefore decided that Convention No. 74 should be revised either separately or as part of any framework Convention, taking into account corresponding IMO instruments.

Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)

The Joint Working Group recommended a revision of this Convention.

The majority view in the consultations was clearly in favour of revision, taking into account the modern IMO-STCW convention.

Based on the recommendation by the Working Party, *the Governing Body decided* that Convention No. 134 should be revised and that the corresponding IMO instruments should be taken into account in this context.

Decision to maintain the status quo

The Governing Body decided to maintain the status quo of the following Conventions, considering that no other type of decision was appropriate.

Officers' Competency Certificates Convention, 1936 (No. 53)

In addition to the ratifications registered for this Convention, Articles 3 and 4 of this Convention are listed in the Appendix to Convention No. 147; they therefore apply to 20 additional countries based on the "substantial equivalent" provision in Article 2(a) of Convention No. 147.

The Joint Working Group recommended that Convention No. 53 be shelved.

The Ventejol Working Parties of 1979 and 1987 both classified Convention No. 53 in the category of "instruments to be promoted on priority basis". The IMO-STCW convention and Convention No. 53 apply with some exceptions, to the same type of ships and same officers. The IMO-STCW convention provides for a modern approach and gives more detailed requirements regarding training, certification and watchkeeping of seafarers than Convention No. 53. Furthermore, the IMO-STCW convention has been ratified by 130 of the member States of the IMO. As regards the Joint Working Group's recommendation, the Governing Body considered that Convention No. 53 still played a role in some situations: firstly, it was fully applicable for States parties to Convention No. 53 which were not parties to the IMO-STCW convention; secondly, the IMO-STCW convention did not cover some of the officers on very small vessels; and thirdly, Convention No. 53 (Articles 3 and 4 only) was listed in the Appendix to Convention No. 147, thus requiring that ratifying States had minimum provisions concerning certificates to officers and an efficient system of inspection in this regard. Furthermore, a decision to shelve this Convention might, due to the inclusion of Convention No. 53 in the Appendix to Convention No. 147, affect the purpose and the obligations arising from this Convention.

Based on the recommendation of the LILS Working Party, *the Governing Body therefore decided* to maintain the status quo for this Convention and to re-examine its status in due course.

Accommodation of Crews (Revised) Convention, 1949 (No. 92)

In addition to the ratifications registered for Convention No. 92, this Convention applies to ten additional countries based on the “substantially equivalent” provision in Article 2(a) in Convention No. 147.

Since the adoption of this Convention, the shipping sector has undergone profound technical developments. There is a close link between Convention No. 92 and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133).⁹ The latter is included in the Protocol of 1996 to Convention No. 147¹⁰ and supplements Convention No. 92.

The Joint Working Group recommended that this Convention be revised.

In the written consultations held, 15 countries among those responding were in favour of revision. Five countries stressed that Convention No. 92 was dated and was not likely to reflect current practice, technological developments or legislative provisions in the maritime sector. It was also specifically stated that the Convention should be updated to ensure that it reflected, but did not overlap with, current IMO standards.

The Working Party noted that Conventions Nos. 92 and 133 were closely related. Considering the decision taken with respect to Convention No. 133, *the Governing Body decided* to maintain the status quo with respect to Convention No. 92 and to re-examine its status in due course.

Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)

Convention No. 133 supplements the provisions of Convention No. 92 and pursuant to its Article 3, countries ratifying Convention No. 133 must also comply with the provisions of Parts II and III of Convention No. 92.

The Joint Working Group recommended that the status quo be maintained for Convention No. 133.

Based on the recommendation of the LILS Working Party, *the Governing Body decided* to maintain the status quo of Convention No. 133.

⁹ See below in the text, paras. 43-45.

¹⁰ The Protocol of 1996 to Convention No. 147 has not yet entered into force. When it does so, States ratifying the Protocol which are not already bound by Conventions listed in its Supplementary Appendix will be bound by the “substantial equivalence” provisions with respect to the Conventions in Part A of the Supplementary Appendix, and – with respect to the Conventions in Part B of the Supplementary Appendix – to any of the Conventions which the State may accept in accordance with Article 3 of the Protocol.

Promotion of up-to-date maritime Conventions

In the case of the following Conventions, the Governing Body considered that their ratification should be encouraged because they continued to respond to current needs and that their ratification should be promoted. However, in a few instances, the Governing Body also considered it appropriate to request additional information on possible obstacles to ratification. These requests for information are still pending.

The Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) and its Protocol of 1996

As requested by the Working Party, the Office provided information on the background and contents of Convention No. 147, as well as an analysis of the possible implications of proposals to revise, shelve or abrogate the Conventions in its Appendix.¹¹

Based on the recommendation of the LILS Working Party, *the Governing Body decided* to invite member States to contemplate ratifying Convention No. 147 and the Protocol of 1996.¹² It also decided that the list of Conventions in its Appendix be re-examined in due course, in the light of developments in the industry and the adoption of new instruments.

Seafarers' Identity Documents Convention, 1958 (No. 108)

In addition to the ratifications registered for this Convention, its current relevance is demonstrated by its inclusion in Part B of the Supplementary Appendix to the Protocol of 1996 to Convention No. 147.¹³

¹¹ The revision of one or more of the Conventions listed in the Appendix to Convention No. 147 cannot of itself constitute a revision of Convention No. 147. Neither can the revision of Conventions listed in the Appendix affect the obligations of States which have ratified Convention No. 147.

Modification of the list of Conventions in the Appendix in issue may be of two kinds:

(1) Adoption of the 1996 Protocol to Convention No. 147 effected a partial revision of Convention No. 147. It left intact obligations under Convention No. 147 and simply enabled the acceptance of additional obligations by way of the supplementary Appendix. States bound by Convention No. 147 have the option of accepting or not accepting the obligations under the Protocol.

(2) The second kind of modification possible could be a total revision of Convention No. 147 which would close it to new ratifications and establish a new list of minimum standards in merchant shipping. But even this would not affect the existing obligations under Convention No. 147, and States having ratified it would continue to be bound until they ratified the revising Convention and it came into force. In other words, this approach would retain the "capital" of ratifications of existing Conventions.

¹² The ratification and implementation of this Convention have been given priority within the maritime programme of the ILO.

¹³ See footnote 10, *supra*.

Based on the recommendation of the Joint Working Group, as well as that of the Working Party, *the Governing Body decided* to invite member States to contemplate ratifying Convention No. 108.

Continuity of Employment (Seafarers) Convention, 1976 (No. 145)

The Joint Working Group recommended that Convention No. 145 be promoted.

The Working Party noted that this Convention had received a relatively modest number of ratifications. Based on the recommendation by the Working Party, *the Governing Body decided* that the ratification of this Convention be promoted and that member States be requested to inform the Office of obstacles and difficulties encountered, if any, that might prevent or delay the ratification of Convention No. 145. This request is still pending.

Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)

The Joint Working Group recommended that Convention No. 146 be promoted.

The Working Party noted that this Convention had received a relatively modest number of ratifications. Based on the recommendation by the Working Party, *the Governing Body decided* that the ratification of this Convention be promoted. It should also be noted that in the context of the examination of Conventions Nos. 54, 72 and 91,¹⁴ the States parties to these Conventions were invited to contemplate ratifying Convention No. 146.

Conventions adopted after 1985

Under this rubric, account should also be taken of the maritime labour Conventions adopted after 1985 which were not within the terms of reference of the Working Party. The Governing Body considered that all these instruments were up-to-date. These Conventions were adopted at the 1987 and 1996 Maritime Sessions of the International Labour Conference. They are the following: Seafarers' Welfare Convention, 1987 (No. 163); Health Protection and Medical Care (Seafarers) Convention, 1987(No. 164); Social Security (Seafarers) Convention (Revised), 1987 (No. 165); Repatriation of Seafarers Convention (Revised), 1987 (No. 166); Labour Inspection (Seafarers) Convention, 1996 (No. 178); Recruitment and Placement of Seafarers Convention, 1996 (No. 179); and Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180).

¹⁴ The Governing Body decided to withdraw Conventions Nos. 54 and 72 and to shelve Convention No. 91 with immediate effect. For details see: GB.274/LILS/WP/PRS/2, pp. 31-33.

Maritime Conventions proposed for denunciation upon ratification of more up-to-date Conventions ¹⁵

Revising Conventions have not always attracted a large number of ratifications, and in certain cases the older Conventions have remained in force. The Working Party has made proposals aimed at reactivating the ratification of revising Conventions and the denunciation, at the same time, of such older Conventions.

The following Conventions were revised by more recent Conventions. Member States concerned are being invited to contemplate ratifying the relevant up-to-date Conventions and, at the same time, to denounce the outdated Conventions. For the Conventions listed below, the ratification of the more up-to-date Conventions would result in the automatic denunciation of the older instruments.

- (1) Minimum Age (Sea) Convention, 1920 (No. 7) (Revised by Convention No. 56);
- (2) Placing of Seamen Convention, 1920 (No. 9) (Revised by Convention No. 179);
- (3) Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15) (Revised by Convention No. 138);
- (4) Repatriation of Seamen Convention, 1926 (No. 23) (Revised by Convention No. 166);
- (5) Holidays with Pay (Sea) Convention, 1936 (No. 54) (Revised by Convention No. 72);
- (6) Hours of Work and Manning (Sea) Convention, 1936 (No. 57) (Revised by Convention No. 76);
- (7) Minimum Age (Sea) Convention (Revised), 1936 (No. 58) (Revised by Convention No. 138);
- (8) Paid Vacations (Seafarers) Convention, 1946 (No. 72) (Revised by Convention No. 91);
- (9) Accommodation of Crews Convention, 1946 (No. 75) (Revised by Convention No. 92);

¹⁵ Conventions Nos. 54, 57, 72, 75, 76 and 93 have also been proposed for withdrawal as they did not obtain sufficient ratifications for entry into force. See below, para. 62. Conventions Nos. 15 and 91 have also been shelved. These decisions are not necessarily incompatible as the emphasis is put for the time being on encouraging States parties to these Conventions to ratify the more modern ones. In the meantime, Article 22 reports will not be requested from countries which are parties to them.

-
- (10) Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76) (Revised by Convention No. 93);
 - (11) Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91) (Revised by Convention No. 146);
 - (12) Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93) (Revised by Convention No. 109);
 - (13) Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109) (Revised by Convention No. 180).

Shelving, abrogation and withdrawal of maritime Conventions

Decision to shelve

The Governing Body considered that certain Conventions no longer corresponded to current needs, and that they had become outmoded or obsolete. The Office no longer requests member States to report on these Conventions to the ILO supervisory bodies. However, the right to invoke provisions relating to representations and complaints under articles 24 and 26 of the Constitution remains intact. In addition, employers' and workers' organizations may still submit observations in accordance with the regular supervisory procedures, for the review by the Committee of Experts on the Application of Conventions and Recommendations resulting, where necessary, in requests for detailed reports. Finally, shelving has no impact on the status of these Conventions in the legal systems of member States that have ratified them.

The Governing Body decided to shelve, with immediate effect, the Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91), and the Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15).¹⁶

Proposals for abrogation or withdrawal of maritime Conventions

The Constitution has been amended to enable the Conference to abrogate any Convention that has lost its purpose (including cases in which their objective has been fully met), or that no longer makes a useful contribution to attaining the objectives of the Organization.¹⁷

¹⁶ Member States parties to Convention No. 15 are being invited to denounce it. Those parties to Convention No. 91 are being invited to contemplate ratifying Convention No. 146, the ratification of which would involve the automatic denunciation of Convention No. 91.

¹⁷ The Constitution of the International Labour Organization Instrument of Amendment, 1997. The constitutional amendment had been ratified as at 1 August 2000 by 56 member States, including three countries of chief industrial importance. The amendment will enter into force when it has been ratified or accepted by two-thirds of the Members of the Organization, including five of the ten Members which are represented on the Governing Body as Members of chief industrial importance.

Since the amendment to the Standing Orders, the Conference may withdraw Conventions which have not entered into force or which are no longer in force as a result of denunciations or of ratifications. It also enables the Conference to withdraw Recommendations. Withdrawals do not depend on the entry into force of the constitutional amendment.

The Governing Body decided to propose in due time to the Conference the withdrawal of the following Conventions:¹⁸

- Holidays with Pay (Sea) Convention, 1936 (No. 54);
- Hours of Work and Manning (Sea) Convention, 1936 (No. 57);
- Paid Vacations (Seafarers) Convention, 1946 (No. 72);
- Accommodation of Crews Convention, 1946 (No. 75);
- Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76);
- Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93).

Decisions concerning international labour Recommendations

Recommendations are non-binding instruments which define the Organization's objectives in a specific sphere and at a given time, and which establish guidelines to be used by member States in the area of social policy. Unlike Conventions, Recommendations are not subject to ratification.

A distinction has been made between Recommendations which accompany or supplement a Convention and those which are autonomous. The Governing Body decisions concerning Recommendations linked to a Convention tend to follow the decisions taken for the corresponding Convention.

Decision to revise maritime Recommendations

No Recommendations concerning seafarers were included in a list for revision.

The Standing Orders of the Conference were also amended in 1997 at the 85th Session of the Conference and came into effect at that session. At its 88th Session, May-June 2000, the Conference withdrew a first series of five Conventions.

¹⁸ These Conventions are also listed under those proposed for denunciation, as ratifications have been registered in respect of them, but these ratifications did not meet the required number for entry into force of the Conventions concerned.

Up-to-date maritime Recommendations

When a Recommendation has been considered up to date, the Governing Body has invited the member States to give it effect, in accordance with the provisions of article 19(6) of the Constitution. The Governing Body decided accordingly in the cases of the following three Recommendations:

- (1) Protection of Young Seafarers Recommendation, 1976 (No. 153);
- (2) Continuity of Employment (Seafarers) Recommendation, 1976 (No. 154);
- (3) Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155).

As in the case of Conventions adopted after 1985, the following Recommendations are also, in addition to the above Recommendations, considered up to date:

- (1) Seafarers' Welfare Recommendation, 1987 (No. 173);
- (2) Repatriation of Seafarers Recommendation, 1987 (No. 174);
- (3) Recruitment and Placement of Seafarers Recommendation, 1986 (No. 186);
- (4) Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187).

Requests for additional information

The Joint Working Group recommended the revision of the Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78), and the Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142); it recommended maintaining the status quo for the Vocational Training (Seafarers) Recommendation, 1970 (No. 137) and the Employment of Seafarers (Technical Developments) Recommendation, 1970 (No. 139).

The Governing Body decided to invite member States to provide information to the Office on the need to revise¹⁹ these four maritime Recommendations.

Maritime Recommendations expressly "replaced"

In practice, the Conference had tended to "replace" Recommendations rather than revise them pursuant to article 45 of its Standing Orders. *The Governing Body decided* to take note of the replacement of four Recommendations by subsequent instruments:

¹⁹ The word used in the Governing Body documents is "replace". However, like Conventions, Recommendations are replaced when they have been revised by a later instrument.

-
- (1) Vocational Training (Seafarers) Recommendation, 1946 (No. 77), has been replaced by Vocational Training (Seafarers) Recommendation, 1970 (No. 137);
 - (2) Repatriation (Ship Masters and Apprentices) Recommendation, 1926 (No. 27), has been replaced by Repatriation of Seafarers Recommendation, 1987(No. 174).
 - (3) Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109), has been replaced by Seafarers' Wages and Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187);
 - (4) Labour Inspection (Seamen) Recommendation, 1926 (No. 28), has been replaced by Labour Inspection (Seafarers) Recommendation, 1996 (No. 185).

Decision to maintain the status quo

Based on the recommendation by the Joint Working Group and the Working Party *the Governing Body decided* to maintain the status quo with regard to the following five Recommendations:

- (1) National Seamen's Codes Recommendation, 1920 (No. 9);
- (2) Seafarer's Engagement (Foreign Vessels) Recommendation, 1958 (No. 107);
- (3) Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108);
- (4) Crew Accommodation (Air Conditioning) Recommendation, 1970 (No 140);
- (5) Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141).

Withdrawal of maritime Recommendations

As noted above concerning the withdrawal of Conventions, the Standing Orders of the Conference was amended to permit the withdrawal of Recommendations. The procedure to be followed for the withdrawal of Recommendations is the same as that for the withdrawal of Conventions.

In the context of their examination by the Working Party, the Joint Working Group had proposed the withdrawal of Hours of Work and Manning (Sea) Recommendation, 1936 (No. 49); the shelving of Ships' Medicine Chest Recommendation, 1958 (No. 105) and Medical Advice at Sea Recommendation, 1958 (No. 106); and the shelving and abrogation of Seamen's Welfare in Ports Recommendation, 1936 (No. 48) and Seafarers' Welfare Recommendation, 1970 (No. 138). In view of the adoption of the constitutional amendment and the amendment to the Conference Standing Orders concerning abrogation and withdrawal, the appropriate legal procedure for Recommendations which are considered obsolete is that of withdrawal.

The Governing Body decided to note that these five Recommendations were obsolete and that their withdrawal be proposed to the Conference in due time. The

intent of the Joint Working Group's recommendations concerning these Recommendations can be considered to have been endorsed by the above decision of the Governing Body.

Part II

Examination of maritime social security Conventions and Recommendations

Based on a recommendation by the Working Party, the Governing Body decided to invite the JMC to undertake a case-by-case examination of Conventions and Recommendations concerning social security for seafarers and submit its conclusions to the Governing Body at a forthcoming session.²⁰ In accordance with the terms of reference of the Working Party, this decision concerns the instruments adopted before 1985.

The Governing Body was able to benefit from expert advice from the social partners in the maritime sector on its examination of the other maritime instruments. The JMC may wish to make recommendations concerning the Conventions and Recommendations examined below.

Conventions on social security

Five Conventions call for examination under this heading

- (1) Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8);
- (2) Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55);
- (3) Sickness Insurance (Sea) Convention, 1936 (No. 56);
- (4) Social Security (Seafarers) Convention, 1946 (No. 70);
- (5) Seafarers' Pensions Convention, 1946 (No. 71).

Two Conventions, Nos. 56 and 70, have been revised by the Social Security (Seafarers) Convention (Revised), 1987 (No. 165). In the case of the other Conventions, Convention No. 165 contains substantive provisions on the branches of social security covered by them. While Convention No. 165 has entered into force, it has only received two ratifications to date.²¹ It should be recalled that the Joint Working Group, when it met in July 1998 to review the maritime instruments, had noted the low rate of ratification of that Convention and had expressed a preliminary view that "Convention No. 165 was unlikely to attract widespread

²⁰ See GB.274/LILS/WP/PRS/2; GB.274/LILS/4, para. 73; and GB.274/10/2.

²¹ Hungary (1989) and Spain (1991).

ratification in the near future and could not therefore be regarded as an adequate replacement for the previously adopted instruments”.²²

The scope of Convention No. 165 and its relationship to the other social security instruments not revised by Convention No. 165 would need to be borne in mind. In particular, while the Convention is comprehensive and covers all of the subject-matter dealt with by the above five instruments, a ratification of this Convention may not necessarily mean that there would be automatic coverage for seafarers of all the benefits provided by Conventions Nos. 8, 55 and 71. A member State which ratifies Convention No. 165 is only obliged to provide coverage in respect of a minimum of three out of a possible ten branches of social security. Furthermore, as noted, only two of the Conventions are expressly revised, Conventions Nos. 56 and 70.

The Governing Body has placed on the agenda of the 89th Session of the International Labour Conference in June 2001, the question of *Social security – Issues, challenges and prospects* as an item for general discussion. It should also be noted that at a forthcoming meeting of the Governing Body, the Working Party is due to examine the results of written consultations with the member States requesting information concerning a series of non-maritime social security instruments.

Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)

(1) *Ratifications:*

- (a) Number of current ratifications: 59.
- (b) Latest ratification: Lebanon (1993).
- (c) Ratification prospects: Uncertain. Over the last ten years, this Convention has attracted a slow rate of ratifications. Since 1990, it has received six additional ratifications or confirmations of existing ratifications following accession to independence of States.²³

(2) *Denunciations:* None

(3) *Comments by the Committee of Experts:* Comments are pending for 26 countries and non-metropolitan territories (NMTs).

(4) *Need for revision:* This Convention has not been revised.

(5) *Remarks:* The Ventejol Working Parties of 1979 and 1987 had classified Convention No. 8 in the category of instruments to be promoted on a priority basis. This Convention has not been revised and since it was adopted before

²² See GB.274/LILS/WP/PRS/2, Appendix I, p. 46.

²³ Bosnia and Herzegovina, Colombia, Costa Rica, Lebanon, Slovenia and The former Yugoslav Republic of Macedonia.

1929, it cannot be closed to further ratification. The number of member States parties to this Convention are relatively high in comparison to other maritime instruments.

- (6) *Proposals*: The Commission may wish to propose maintaining the status quo with respect to this Convention, considering the number of member States which are parties to it, to invite those States to ratify Convention No. 165 and to accept coverage of unemployment benefit as one of the branches of social security. These members States could then be invited to denounce Convention No. 8 at the time of ratification of Convention No. 165.

Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)

- (1) *Ratifications*:
- (a) Number of current ratifications: 16.
 - (b) Latest ratification: Luxembourg (1991).
 - (c) Ratification prospects: Uncertain. Over the last ten years, this Convention has attracted only one ratification.
- (2) *Denunciations*: None
- (3) *Comments by the Committee of Experts*: Comments are pending for two countries.
- (4) *Need for revision*: This Convention has not been revised.
- (5) *Remarks*: The Ventejol Working Parties of 1979 and 1987 had classified Convention No. 55 in the category of instruments to be promoted on a priority basis. Convention No. 55 is among the Conventions listed in the Appendix to Convention No. 147. Pursuant to the "substantially equivalent" provision in Article 2(a) in Convention No. 147, it therefore also applies to those 30 countries which have ratified Convention No. 147 but not Convention No. 55. Convention No. 165 contains provisions dealing with shipowners' liability, but it does not revise Convention No. 55. As noted previously, Convention No. 165 has, to date, only attracted two ratifications.
- (6) *Proposals*: In view of the above, the Commission may wish to recommend the maintenance of the status quo with respect to this Convention.

Sickness Insurance (Sea) Convention, 1936 (No. 56)

- (1) *Ratifications*:
- (a) Number of current ratifications: 19.
 - (b) Latest ratification: Bosnia and Herzegovina (1993).

-
- (c) Ratification prospects: Uncertain. Over the last ten years, this Convention has attracted a slow rate of ratifications. It has received five additional ratifications or confirmations of existing ratifications following accession to independence of States.²⁴
 - (2) *Denunciations*: One, following the ratification by Spain of Convention No. 165 in 1991.
 - (3) *Comments by the Committee of Experts*: Comments are pending for ten countries and NMTs.
 - (4) *Need for revision*: This Convention has been revised by Convention No. 165.
 - (5) *Remarks*: The Ventejol Working Party of 1979 classified Convention No. 56 in the category of instruments to be promoted on a priority basis. However, in 1987, Convention No. 56 was classified by the Ventejol Working Party in the category of instruments to be revised. As indicated above, it was revised by Convention No. 165. Convention No. 56 is among the Conventions listed in the Appendix to Convention No. 147 and covered by the “substantial equivalence” provisions in Article 2(a) of Convention No. 147. It therefore applies to 31 countries in addition to those which have ratified Convention No. 56.
 - (6) *Proposals*: The Commission may therefore wish to recommend inviting the States parties to Convention No. 56 to contemplate ratifying Convention No. 165. The ratification of the latter Convention will involve the automatic denunciation of Convention No. 56. The status of Convention No. 56 could be re-examined in due course.

**Social Security (Seafarers) Convention,
1946 (No. 70)**

- (1) *Ratifications*:
 - (a) Number of current ratifications: 7.
 - (b) Latest ratification: Algeria (1962).
 - (c) Ratification prospects: Uncertain. This Convention has not attracted any ratification since 1962.
- (2) *Denunciations*: One, following the ratification by Spain of Convention No. 165 in 1991.
- (3) *Comments by the Committee of Experts*: No comments pending.
- (4) *Need for revision*: This Convention has been revised by Convention No. 165.

²⁴ Bosnia and Herzegovina, Croatia, Luxembourg, Slovenia and The former Yugoslav Republic of Macedonia.

-
- (5) *Remarks:* Convention No. 70 never entered into force (it requires at least nine ratifications). The Ventejol Working Party of 1979 classified Convention No. 70 in the category of instruments to be promoted on a priority basis. However, in 1987, Convention No. 70 was classified by the Ventejol Working Party in the category of instruments to be revised.
 - (6) *Proposals:* The Commission may wish to recommend inviting member States parties to Convention No. 70 to contemplate ratifying Convention No. 165. The ratification of the latter Convention will involve the automatic denunciation of Convention No. 70. The status of Convention No. 70 could be re-examined in due course, including the possibility to consider its eventual withdrawal.

Seafarers' Pensions Convention, 1946 (No. 71)

- (1) *Ratifications:*
 - (a) Number of current ratifications: 13.
 - (b) Latest ratification: Lebanon (1993).
 - (c) Ratification prospects: Uncertain. Over the last ten years, this Convention has attracted only one ratification.
- (2) *Denunciations:* None.
- (3) *Comments by the Committee of Experts:* Comments are pending for four countries.
- (4) *Need for revision:* This Convention has not been revised.
- (5) *Remarks:* The Ventejol Working Parties of 1979 and 1987 classified Convention No. 71 in the category of instruments to be promoted on a priority basis. Convention No. 165 contains provisions dealing with seafarers' pensions, but it does not revise Convention No. 71. In addition, a ratification of Convention No. 165 places an obligation on a ratifying State to cover a minimum of three branches of social security – but such a State is not required to cover seafarers' pensions.
- (6) *Proposals:* In view of the above, the Commission may wish to recommend the maintenance of the status quo with respect to this Convention.

Three Recommendations call for examination under this heading

- (1) Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10);
- (2) Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75);
- (3) Seafarers' (Medical Care for Dependants) Recommendation, 1946 (No. 76).

**Unemployment Insurance (Seamen)
Recommendation, 1920 (No. 10)**

This Recommendation supplements Convention No. 8. The Commission may wish to adopt the same position on this Recommendation as that adopted for Convention No. 8. The Commission may therefore wish to recommend the maintenance of the status quo with respect to this Recommendation and that it be re-examined in due course.

**Seafarers' Social Security (Agreements)
Recommendation, 1946 (No. 75)**

Recommendation No. 75 contains no express provisions concerning its relation to Convention No. 70. However, it was adopted at the same time as Convention No. 70 and Recommendation No. 76. In addition, the preparatory work confirms that Recommendation No. 76 also supplemented Convention No. 70.²⁵ It should also be noted that Convention No. 165 contains substantive provisions on foreign seafarers, an issue dealt with by Recommendation No. 75.

Proposals: The Commission may wish to recommend that the status quo in respect of Recommendation No. 75 be maintained in view of its relationship to Convention No. 70 and that this Recommendation be re-examined in due course.

**Seafarers' (Medical Care for Dependants)
Recommendation, 1946 (No. 76)**

Recommendation No. 76 supplements the provisions of Convention No. 70. This Convention was revised by Convention No. 165. However, Convention No. 165 was not supplemented by any Recommendation. It is also to be noted that Convention No. 165 contains provisions concerning medical care.

Proposals: The Commission may wish to recommend that the status quo in respect of Recommendation No. 76 be maintained in view of its relationship to Convention No. 70 and that Recommendation No. 76 be re-examined in due course.

²⁵ The relevant text of the preparatory work states: "The text of the first Convention (i.e. Convention No. 70) would not, however, be complete in all respects unless there be read along with it the two ancillary or supplementary draft Recommendations contained in the report. You will notice that the draft Recommendation in one case provides for a certain form of implementation of the general Convention by recommending that there be agreements between governments and an extension of agreements between employers and employees, in order to carry more fully into effect the general purpose of the draft Convention. The second draft Recommendation relates to one phase of the social security of the seafarers and their dependants really as citizens more than as seafarers." See: ILO: *Record of Proceedings*, International Labour Conference, 28th Session, Seattle, 1946, p. 100.

Part III

A way forward on maritime labour standards: A possible maritime “Decent work” Convention

The issues

The report under agenda item 3: “The impact on seafarers’ living and working conditions of changes in the structure of the shipping industry”(hereinafter referred to as “the report”), highlights a number of developments which have taken place in the industry in recent times. These developments concern changes in ownership, the financing and management of shipping fleets, new forms of registers, dramatic shifts in the origin of labour supply, the growth of multinational and multicultural crew, and the developments in turnaround time of ships coupled with reduced crewing levels. They have all had an impact in various ways on the living and working conditions of seafarers. Although shipping has always been considered a global industry by virtue of its very special nature, globalization of the world economy has not left the industry unaffected. Outside the structural changes which have transformed the shipping industry in the last quarter of the twentieth century and to which the report refers, the emergence of a global labour market for seafarers has effectively transformed the shipping industry making it the world’s first genuinely global industry. This requires a global response, an international regulatory response of an appropriate kind – global standards applicable to the entire industry. It calls for standards which would ensure decent shipping fleets, decent safety standards and decent social standards for all seafarers as called for by the Director-General of the ILO in his report *Decent work*.²⁶

The report contains evidence that there has been a dramatic weakening of national regulatory regimes, with an accelerated shift from traditional maritime registers to other registers. The link between the flag State and the seafarer has become even more tenuous with the variety of forms of ownership, management and control of ships. The report refers to the growing avoidance of social regulations which have become the weakest link in the chain in the face of increased international competition and the requirement for mandatory compliance with technical standards. The report calls for breaking the vicious circle of low freight rates, extremely poor conditions and standards, weak national regulatory mechanisms and the reluctance to enforce internationally applicable labour standards. It does not make sweeping generalizations across the board concerning living and working conditions of seafarers. It recognizes that seafarers on board ships of some flag States or types of vessel do enjoy high standards. Poor

²⁶ ILO: *Decent work*, Report of the Director-General, International Labour Conference, Geneva, 87th Session, 1999.

conditions, some of which result from the developments to which reference is made, do however give rise to concern.

The report therefore recommends adopting minimum standards which should be neither standards reflecting the lowest common denominator nor those that are unrealistically high. These standards would respond to the primary role of the ILO today – which is to promote opportunities for men and women to obtain decent and productive work in conditions of freedom, equity, security and human dignity. And this is precisely what the Director-General calls for in his Report.²⁷ This overall goal was endorsed by the Conference to be pursued within the context of the global economy. “Decent work” is considered relevant for all countries, including the developed, developing and transition economies. It is equally applicable to all sectors of the global economy – not least the maritime industry.

The Director-General’s Report highlights the importance of enhancing the ILO’s work on standards and considers a number of actions to raise the profile of its work in this area.

These include:

- preparing the ground for new standards more thoroughly;
- exploring new methods of standard setting;
- engaging in deeper analysis of existing standards, their synergy, lacunae, and impact on various groups;
- accelerating the revision of outdated instruments to build on progress already made and promoting priority standards as problem-solving tools;
- enhancing the impact of supervision of standards; and
- reasserting the role of ILO standards in the broader world context.²⁸

The Director-General’s Report calls for: reasserting the usefulness of international standards; reinvigorating efforts to experiment with new approaches; encouraging closer consultation with constituents; analysing proposed standards in terms of their potential impact on economic and social policy and their complementarity with other international instruments; and reinvigorating promotional efforts to see that standards are ratified and applied. Reference is also made to the difficulties encountered with ratification, especially as parliaments all over the world often have a long list of items awaiting attention.²⁹ The Director-General specifically states that “in this competitive environment it is important that the ILO concentrate its attention on high-impact standards to make

²⁷ *ibid.*, p. 13.

²⁸ *ibid.*, p. 17.

²⁹ *ibid.*, pp. 17-20.

them stand out from the pack”.³⁰ He invited the social partners to single out instruments for special attention.

A number of these actions are pertinent to an assessment of the impact of maritime labour standards, particularly in the light of the report. The question arises as to what profile do these standards have. What has been the impact of these standards on the working and living conditions of seafarers, employment in the industry, and on the industry itself? What are the reasons for the low rates of ratification of maritime labour Conventions compared to IMO Conventions? The report has given us elements to arrive at certain conclusions.

The ILO compilation of maritime labour Conventions and Recommendations contains 30 Conventions, one Protocol and 23 Recommendations and has grouped them under major headings. Under the general part, there are three Conventions and six Recommendations. Four Conventions and two Recommendations deal with training and entry into employment. Four Conventions cover conditions for admission to employment and three Conventions provide for certificates of competency. Five Conventions and four Recommendations are concerned with general conditions of employment. Safety, health and welfare are dealt with under six Conventions and nine Recommendations. Social security issues are covered by five Conventions and one Recommendation, while labour inspection is dealt with by only one Convention and a Recommendation. This apparently fragmented approach may be explained by the fact that these instruments were all adopted at different times in response to a specific problem or specific needs – over a period of almost 80 years. They cover most of the essential issues which are relevant to seafarers’ working and living conditions. However, having them widely ratified and implemented as well as keeping them up to date, have proved to be a major challenge. In addition, treaty congestion makes it difficult for member States to engage in separate ratification processes for so many instruments. They may not now represent a manageable set of standards to govern a truly global industry.

Of the present 30 maritime Conventions and one Protocol, the ratification rates vary from 81 member States³¹ to none in some cases. Convention No. 147, which is the best known ILO maritime Convention, has been ratified to date by 40 member States³² representing about 60 per cent of the world shipping gross tonnage. Ratifications alone however do not give the full picture and there is no doubt that although the pertinent Conventions may not have been ratified, they have influenced national law and practice – and in some cases are actually applied though not ratified. As the report shows, port state control has also permitted extending compliance with the requirements under Convention No. 147 to third countries, particularly those which have not ratified the pertinent Conventions. The

³⁰ *ibid.*, p. 19.

³¹ Medical Examination of Young Persons (Sea) Convention, 1921, (No. 16). This is the most widely ratified maritime labour Convention.

³² This Convention has also been made applicable to 25 NMTs. These territories represent considerable registered tonnage. This accounts for the large coverage of world shipping fleet by Convention No. 147, despite the ratification figure of 40 member States.

low rate of ratifications of maritime Conventions is widespread. The report refers to the demands of competition as one reason. Another reason may be that social and labour issues are given lower priority than environmental and safety concerns. The situation may also be attributed to the highly fragmented nature of maritime labour standards. The fact that shipping issues are dealt with by ministries dealing with maritime matters or by maritime authorities and labour matters by ministries of labour, means problems of coordination and competence play a role in sustaining the interest for the ratification of maritime labour Conventions. The role of national social partners in promoting ratification of ILO Conventions is also important. The increasing shift to international registers and the fact that more and more seafarers are being employed on ships flying the flag of countries of which they are not nationals, have resulted in the weakening of the role of social partners at the national level in these countries. The general low rate of ratifications and the difficulty in putting labour issues on the maritime and legislative agendas at the national level may raise concerns as to whether the standards meet the needs of the industry today.

The review made by the Working Party on Policy regarding the Revision of Standards, a summary of which is contained in Part I of this report, has concluded that of the maritime Conventions examined,³³ seven of them are obsolete and should be revised;³⁴ 13 should be denounced,³⁵ six of which have also been identified for withdrawal³⁶ as they never entered into force – the more recent Conventions were proposed for ratification in the place of Conventions proposed for denunciation; and six were considered either up to date or were identified for promotion;³⁷ and maintaining the status quo was proposed for three Conventions.³⁸ Concerning the examination made of maritime Recommendations, 11 of them were considered up to date or that the status quo be maintained;³⁹ four

³³ Between 1920 and 1996, a total of 39 Conventions, 29 Recommendations and one Protocol were adopted by the International Labour Conference. The ILO current compilation only contains 30 Conventions, 23 Recommendations and one Protocol. Nine Conventions and six Recommendations are not included because, in the case of the Conventions, they have not received the number of ratifications for entry into force or are no longer open to ratification as a result of the entry into force of a revising Convention. The Recommendations which are not included are not considered to be of current interest. It is important to recall that the Working Party did not examine Conventions and Recommendations adopted after 1985, which the Governing Body considered were up to date.

³⁴ Conventions Nos. 16, 22, 68, 69, 73, 74 and 134.

³⁵ Conventions Nos. 7, 9, 15, 23, 54, 57, 58, 72, 75, 76, 91, 93 and 109.

³⁶ Conventions Nos. 54, 57, 72, 75, 76 and 93.

³⁷ Conventions Nos. 108, 145, 146, 147, 166 and 138 which is a general standard.

³⁸ Conventions Nos. 53, 92 and 133.

³⁹ Recommendations Nos. 9, 30, 89, 107, 108, 137, 140, 141, 153, 154 and 155.

were considered to have been replaced;⁴⁰ and five were considered obsolete and proposed for withdrawal.⁴¹

From the above, a total of 16 maritime labour Conventions in addition to the seven adopted since 1987 are considered up to date and relevant to the industry. To this figure of 23 must be added any of the maritime social security instruments which might be considered as up to date. In the case of the Recommendations, a total of ten of those examined have been considered up to date – to which must be added the five adopted since 1987 and any of the social security ones to be retained.

This part of the report has sought to take stock of the entire body of maritime labour standards against the background of the report and to assess whether they continue to meet the needs of the industry today. The following sections will seek to examine what possible responses might be considered to take account of these developments and to ensure the relevance and impact of maritime labour standards.

The options

It is critically important to obtain consensus or broad agreement on the way forward, the main lines of the approach and the objectives to be attained. The standards sought might, in particular, seek to create for the maritime industry a level playing field by providing a basic protection which all States would be invited to accept as a minimum and to promote within their own flag or territorial jurisdiction.

Three options may be explored of a possible way forward for future standard-setting activity in the maritime field.

The first option is to limit new standard-setting action to the revision of the outdated seven instruments which the Working Party on Policy regarding the Revision of Standards of the Governing Body identified for revision in the maritime sector and which were approved for revision by the Governing Body.⁴² These instruments, however, covered very different subject-matter and at most, it will only be possible to consider reducing the seven instruments to five revised ones. The seven do not have a common theme and some of the individual revisions do not provide attractive options for better ratification or implementation. The possibility of consolidating the seven instruments is therefore not considered practicable or attractive. It would not necessarily respond to the problems at present

⁴⁰ Recommendations Nos. 27, 28, 77 and 109.

⁴¹ Recommendations Nos. 48, 49, 105, 106 and 138.

⁴² The seven Conventions concerned are the following: Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16); Seamen's Articles of Agreement Convention, 1926 (No. 22); Food and Catering (Ships' Crews) Convention, 1946 (No. 68); Certification of Ships' Cooks Convention, 1946 (No. 69); Medical Examination (Seafarers), 1946 (No. 73); Certification of Able Seamen Convention, 1946 (No. 74); Prevention of Accidents (Seafarers) Convention, 1970 (No. 134).

but would at the same time provide the conditions under which new ratifications would be possible. The new Convention(s) would replace all existing Conventions when it/they had obtained the required number of ratifications to enter into force. Provision would be made, on entry into force, either to close the existing Conventions to future ratification or to keep them open indefinitely or for a limited period of time. In any event, the ratification of the new Convention(s) would imply the automatic denunciation of the pertinent existing Conventions. A member State which did not ratify the new Convention(s) would remain bound by the existing Conventions which it had ratified.

The first option: Revision of seven instruments

As indicated in paragraph 98, considering the extremely limited potential to regroup the seven instruments concerned into a coherent structure, this option does not lend itself to the articulation of the approach set out in paragraph 101.

The second option: One framework instrument

Under this option, there would be one major instrument, a framework Convention which would be structured along the following lines. It would be structured in parts. The first part would contain general provisions and integrate the relevant provisions of Convention No. 147. The other parts would deal with

specific subject areas containing the main principles which would fall under such headings as: general conditions of employment (including contracts of employment, repatriation and employment of foreign seafarers); health and safety; social benefits; welfare; and food and accommodation. The main substantive provisions of the appendices to Convention No. 147 would be covered under the various headings.

The framework Convention would be supplemented by a number of annexes which would contain detailed specifications. The annexes would specify the means of implementing the principles and main provisions of the Convention. Each annex would be linked to the corresponding part of the Convention. The significance of the annex would be the level of detail and the opportunity to keep it up to date. It would be conceivable that the updating of the provisions of the annexes could possibly involve the JMC through a tripartite subcommittee and the Governing Body.

The Convention would contain provisions on final clauses containing novel mechanisms of revision of the annexes, as well as a possible role for the JMC in the revision process. The challenge is to achieve a simple instrument – and to do so taking due account all major issues, concerns and difficulties.

The framework Convention and its annexes could be supplemented by a Recommendation, containing provisions which would provide guidance on matters dealt with in the Convention and its annexes or for matters not covered by either. Codes of practice and guidelines could also complement the instruments where appropriate. These could be adopted and revised by the JMC.

The possibility of having a single framework instrument could provide an excellent opportunity to keep the instrument under review and to supervise the progress made by member States towards meeting the objectives of the instrument. In this regard article 19 of the Constitution⁴³ could be fully utilized; it would enable a more regular monitoring of such an instrument using a new type of general survey undertaken at regular intervals to assess the effect given to the instrument, the difficulties encountered, the obstacles preventing ratification and the need for its revision.⁴⁴ Such surveys would cover member States which have ratified the instrument as well as those which have not done so. In addition, any conclusions

⁴³ Article 19(5)(b) requires member States to bring the Convention adopted by the Conference before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. Paragraph 5(c) requires Members to inform the Director-General of the measures taken to bring the Convention before the competent authority or authorities and of the action taken by them. If a member State does not ratify the Convention, article 19(5)(e) provides that the Member “shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.”

⁴⁴ At present, article 19, general surveys on selected Conventions and Recommendations are decided upon by the Governing Body and examined by the Committee of Experts on the Application of Conventions and Recommendations.

drawn could form the basis for technical assistance to be provided by the Office to enable countries to overcome any obstacles and to ratify and implement the Convention – and possibly to make proposals for any amendments.

The third option: Five framework instruments

The third option would represent five framework instruments dealing with general conditions of employment; health and safety; welfare; social benefits; and food and accommodation. They could also be complemented by annexes with facilitated amendment procedures along the lines examined below, which would apply to the second and third options.

Facilitating mechanisms for updating standards

Under the ILO Constitution, Conventions and Recommendations are adopted by the International Labour Conference by a two-thirds majority of the delegates present at the Conference and submitted to member States for ratification. Up to now, apart from a few exceptions, revisions of Conventions and in some cases Protocols have been adopted by the same procedure which means, in particular, that each amendment has to be formally accepted by the member State before it becomes applicable to that Member. There is however no legal impediment to a simpler procedure being adopted with respect to the amendment of provisions relating to the details of the application of the Convention concerned. As indicated above, the details would be set out in the annexes to the Convention(s) which would contain the substantive provisions. There are precedents for having a separate procedure for amending the details in Conventions. This is the case with the schedules and annex to the Employment Injury Benefits Convention, 1964, No. 121.⁴⁵

The annexes for the framework Convention would be provided for in the Convention, as would a procedure for their amendment. They would be mandatory, but could be revised under a facilitated mechanism, for instance a tacit acceptance procedure of the kind applicable to IMO instruments. Member States which have ratified the Convention could opt out of acceptance of the amendments adopted within a specified time frame. After the expiry of the time-period and on a date to be provided for, the amendment would enter into force for all member States which

⁴⁵ Concerning the Schedule to Convention No. 121, which contains a list of occupational diseases, Article 19(7), provides "... for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, as amended and reproduced in the Annex to this Convention, or such classification as at any time further amended, shall be used." Article 31(1) of that Convention provides as follows: "The International Labour Conference may, at any session at which the matter is included in the agenda, adopt by a two-thirds majority amendments to Schedule 1 to this Convention."

have not opted out.⁴⁶ The revision or amendment process would involve the social partners in the maritime sector.

Possible value added of the new framework instrument(s)

It is important to identify what would be the possible value added of this approach as well as of the content of the new instrument. This new framework instrument would address the concern expressed earlier of the fragmented nature of existing maritime instruments. It would instead represent an integrated approach. The following are the more specific elements of the added value:

- consolidation of the 30 Conventions and one Protocol along with the 29 Recommendations; they would be thematically and coherently regrouped into one more instruments;
- articulation of the basic principles applicable to the maritime industry to achieve progress towards sectoral universality of obligations or progress towards it;
- simplified content of the provisions of the Convention;
- no less favourable treatment provisions in the annexes;
- inclusion of the substantial equivalence concept⁴⁷ in the absence of acceptance of specific provisions, in respect of the provisions relating to Convention No. 147;
- facilitated mechanisms for the updating of annexes (amendment procedures different from that applicable to the Convention);
- enforcement procedures, including port state control;
- the possibility of a new type of general survey, conducted at regular intervals, enabling a closer monitoring of progress made towards meeting the objectives of the Convention;

⁴⁶ It might also be possible to envisage an amendment procedure which would not allow for opting out. Such a provision could for instance provide: “An amendment to the Annexe(s) shall be deemed to have been accepted at the end of (x) years if not more than one-third of the member States parties to the Convention have objected to the amendment.” Member States which became parties to the Convention after the entry into force of the amendment would ratify the Convention as amended.

⁴⁷ The concept of substantial equivalence in Article 2 of Convention No. 147 has been interpreted to mean that “national laws and regulations could be different in detail, but that the States should engage themselves to assure that the general goals intended by the [listed Conventions] should be respected”. ILO: *Labour standards on merchant ships*, General Survey by the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 77th Session, 1990, para. 69.

-
- inclusion of a new dynamic role for the maritime social partners through the JMC or an expanded JMC;
 - provisions for technical assistance to complement efforts of governments, shipowners and seafarers and to create incentives for compliance.

Possible disadvantages of the new approach

The elements of value added have attempted to demonstrate the possible advantages that the new approach might have. However, it would be appropriate to set out the possible disadvantages of this new approach, which include the following:

- To the extent to which the idea of a framework Convention would seek to extract the main elements and principles in existing Conventions, certain detailed provisions which are at present in the body of Conventions might henceforth be contained in the annexes, which would however be of a binding nature, or possibly in Recommendations.
- There is no guarantee that the new approach will meet with greater success than the existing instruments. There may be a fear that, if it were not successful, it might weaken the existing body of standards. However, the possibility of a regular monitoring of a single instrument through the new type of general survey may mitigate or even eliminate this risk. This new tool might well offer a guarantee for a success of the Convention.
- Convention No. 147 has become a generally recognized international standard and every attempt should be made to preserve it.⁴⁸

An enhanced role for the JMC

The JMC is the only remaining standing industrial committee with its own rules of procedure. The members of the JMC are nominated by the International Labour Conference and, as a consequence, derive significant legitimacy therefrom. The JMC has always played an important role in the preparation of standards. In addition, the JMC plays an important legislative role in the setting of the basic wage of able seamen, albeit in the framework of a Recommendation.⁴⁹ The amount set by the JMC, once approved by the Governing Body, becomes a decision of the Organization which the Director-General is required to notify to member States.

⁴⁸ It should be noted that the new framework Convention(s) would involve the automatic denunciation of the Conventions related thereto, which would include Convention No. 147. The wide acceptance of the new instrument(s) would eliminate any concerns about the status of Convention No. 147.

⁴⁹ Paragraph 10 of the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187).

In a joint letter of 15 July 1999, the secretaries of the shipowners' and seafarers' groups of the JMC wrote to the Director-General emphasizing the importance of having separate and distinct machinery for the preparation of instruments concerning seafarers. Such a machinery allows for the adoption of standards which respond to the industry's special requirements and permits both sides of the industry to work closely together with government representatives to develop labour standards that they can support. The letter of 15 July 1999 also referred to the importance of a possible enhanced role for the JMC as a mechanism for social dialogue. The JMC may wish to explore this further, considering the possibility for the JMC or a Working Group of the JMC to have ad hoc meetings to discuss and review any new draft instruments. Given the bipartite composition of the JMC and bearing in mind the possibility for it to recommend to the Governing Body the convening of tripartite subcommittees, the JMC may also wish to examine this option to ensure that the various proposals they may make, might be acceptable to governments.

Conclusion

The above analysis has sought to provide some guidance of a possible way forward. The body of maritime labour standards has stood the test of time – indeed some of these standards have had a far-reaching impact on the industry. Unlike IMO conventions, they have not however been seen as equally successful. With the increasing integration of the global economy not even the most global of industries can remain unaffected. The present maritime labour standards have proved their efficacy. They are as necessary today as ever before and every effort must be made to ensure that they maintain their relevance, serve the needs of the industry and provide all seafarers with decent work.

Points for discussion

The Commission may wish to consider, in the light of the information contained in this report and any other available information, what action or steps should be taken in advancing the debate on the future of maritime labour standards. The Commission may wish to consider in particular the following points for discussion:

1. Should present action on maritime labour standards be limited to the seven instruments which the Governing Body has identified for revision – and if so what approach should be taken?
2. What recommendations would the Commission consider appropriate to make with respect to the social security instruments examined in Part II?
3. Should a broader approach be adopted concerning the review of the standards and, if so, does the framework approach, as outlined above, represent an interesting option – and in what structure or format should it be pursued?
4. Bearing in mind the possible technical content of future instruments, to what extent would the Commission foresee that the instrument(s) should be

comprehensive covering basic principles and main substantive provisions, supplemented by more detailed annexes, Recommendations, codes of practice, guidelines, etc.?

5. What steps should be taken to ensure that the Commission is closely involved in all the preparatory work concerning the elaboration of any new instruments?
6. What steps should be taken to ensure the participation of governments at an early stage in the process?

Appendix I

Summary of decisions taken by the Governing Body concerning maritime Conventions and Recommendations*

Subject-matter	Conventions proposed for revision	Up-to-date instruments	Outdated instruments	Conventions proposed for denunciation	Shelving	Abrogation	Withdrawal	Request for additional information	Status quo
General		C.108 C.145 and R.154 C.147 Protocol 147 and R.155			C.91	C.91		R.139	R.9 R.107 R.108
Training and entry into employment	C.22	C.179 and R.186	C.9 R.77					R.137	
General conditions of employment	C.16 C.73	C.146 R.153 C.166 and R.174 C.180 R.187	C.23 and R.27 C.54 C.57 and R.49 C.72 C.76 C.91 C.93 C.109 and R.109				C.54 C.57 C.72 C.75 C.76 C.93 R.49		
Safety, health and welfare	C.68 C.134	C.163 and R.173 C.164	C.75 R.48 R.105 R.106 R.138				R.105 R.106 R.48 R.138	R.78 R.142	C.92 C.133 R.140 R.141

Subject-matter	Conventions proposed for revision	Up-to-date instruments	Outdated instruments	Conventions proposed for denunciation	Shelving	Abrogation	Withdrawal	Request for additional information	Status quo
Minimum age			C.7 C.15		C.15				
Labour inspection		C.178 and R.185	R.28						
Certificates of competency	C.69 C.74								C.53

* Certain Conventions and Recommendations appear under more than one heading. For instance, it was decided in the case of Convention No. 91 that it was outdated and should be shelved pending its eventual abrogation.

Appendix II

Up-to-date list of ratifications of international labour Conventions (as at 9 October 2000)

Minimum Age (Sea) Convention, 1920 (No. 7)

Date of entry into force: 27.09.1921

54 ratifications

Angola	4.06.1976	Jamaica	8.07.1963
Australia	28.06.1935	Latvia	3.06.1926
Bahamas	25.05.1976	Papua New Guinea	1.05.1976
Canada	31.03.1926	Saint Lucia	14.05.1980
Colombia	20.06.1933	Saint Vincent and the Grenadines	21.10.1998
Estonia	3.03.1923	Sierra Leone	15.06.1961
Grenada	9.07.1979	Singapore	25.10.1965
Guinea-Bissau	21.02.1977		

Denunciation (as a result of the ratification of Convention No. 138)

Argentina	30.11.1933	Luxembourg	16.04.1928
	Denounced on 11.11.1996		Denounced on 24.03.1977
Barbados	8.05.1967	Malaysia – Sarawak	3.03.1964
	Denounced on 4.01.2000		Denounced on 9.09.1997
Belgium	4.02.1925	Malta	4.01.1965
	Denounced on 19.04.1988		Denounced on 9.06.1988
Belize	15.12.1983	Mauritius	2.12.1969
	Denounced on 6.03.2000		Denounced on 30.07.1990
Bulgaria	16.03.1923	Nicaragua	12.04.1934
	Denounced on 23.04.1980		Denounced on 2.11.1981
Chile	18.10.1935	Norway	7.10.1927
	Denounced on 1.02.1999		Denounced on 8.07.1980
China	2.12.1936	Poland	21.06.1924
	Denounced on 28.04.1999		Denounced on 22.03.1978
Cuba	6.08.1928	Portugal	24.10.1960
	Denounced on 19.06.1976		Denounced on 20.05.1998
Denmark	12.05.1924	Romania	8.05.1922
	Denounced on 13.11.1997		Denounced on 19.06.1976
Dominican Republic	4.02.1933	Seychelles	6.02.1978
	Denounced on 15.06.1999		Denounced on 7.03.2000
Finland	10.10.1925	Spain	20.06.1924
	Denounced on 19.06.1976		Denounced on 16.05.1977
Germany	11.06.1929	Sri Lanka	2.09.1950
	Denounced on 19.06.1976		Denounced on 11.02.2000
Greece	16.12.1925	Sweden	27.09.1921
	Denounced on 14.03.1986		Denounced on 23.04.1990
Guyana	8.06.1966	Tanzania – Zanzibar	22.06.1964
	Denounced on 15.04.1998		Denounced on 16.12.1998
Hungary	1.03.1928	United Kingdom	14.07.1921
	Denounced on 28.05.1998		Denounced on 7.06.2000
Ireland	4.09.1925	Venezuela	20.11.1944
	Denounced on 22.06.1978		Denounced on 15.07.1987
Italy	14.07.1932	Yugoslavia	1.04.1927
	Denounced on 28.07.1981		Denounced on 6.12.1983
Japan	7.06.1924		
	Denounced on 5.06.2000		

Denunciation of this Convention and ratification of Convention No. 58

Brazil	8.06.1936	Netherlands	26.03.1925
	Denounced on 9.01.1974		Denounced on 8.07.1947
Mexico	17.08.1948	Uruguay	6.06.1933
	Denounced on 18.07.1952		Denounced on 17.10.1955

Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)**Date of entry into force: 16.03.1923****59 ratifications**

Argentina	30.11.1933	Malta	4.01.1965
Australia	28.06.1935	Mauritius	2.12.1969
Belgium	4.02.1925	Mexico	20.05.1937
Belize	15.12.1983	Netherlands	15.12.1937
Bosnia and Herzegovina	2.06.1993	New Zealand	11.01.1980
Bulgaria	16.03.1923	Nicaragua	12.04.1934
Canada	31.03.1926	Nigeria	16.06.1961
Chile	18.10.1935	Norway	21.07.1936
Colombia	20.06.1933	Panama	19.06.1970
Costa Rica	23.07.1991	Papua New Guinea	1.05.1976
Croatia	8.10.1991	Peru	4.04.1962
Cuba	6.08.1928	Poland	21.06.1924
Denmark	15.02.1938	Portugal	19.05.1981
Dominica	28.02.1983	Romania	10.11.1930
Estonia	3.03.1923	Saint Lucia	14.05.1980
Fiji	19.04.1974	Seychelles	6.02.1978
Finland	20.01.1950	Sierra Leone	15.06.1961
France	21.03.1929	Singapore	25.10.1965
Germany	4.03.1930	Slovenia	29.05.1992
Ghana	18.03.1965	Solomon Islands	6.08.1985
Greece	16.12.1925	Spain	20.06.1924
Grenada	9.07.1979	Sri Lanka	25.04.1951
Iraq	19.04.1966	Sweden	1.01.1935
Ireland	5.07.1930	Switzerland	21.04.1960
Italy	8.09.1924	The former Yugoslav Republic of Macedonia	17.11.1991
Jamaica	8.07.1963	Tunisia	14.04.1970
Japan	22.08.1955	United Kingdom	12.03.1926
Latvia	29.08.1930	Uruguay	6.06.1933
Lebanon	6.12.1993	Yugoslavia	30.09.1929
Luxembourg	16.04.1928		

Placing of Seamen Convention, 1920 (No. 9)**Date of entry into force: 23.11.1921****39 ratifications**

Argentina	30.11.1933	Latvia	3.06.1926
Belgium	4.02.1925	Lebanon	6.12.1993
Bosnia and Herzegovina	2.06.1993	Luxembourg	16.04.1928
Bulgaria	16.03.1923	Mexico	1.09.1939
Cameroon	25.05.1970	Netherlands	9.01.1948
Chile	18.10.1935	New Zealand	29.03.1938
Colombia	20.06.1933	Nicaragua	12.04.1934
Croatia	8.10.1991	Panama	19.06.1970
Cuba	6.08.1928	Peru	4.04.1962
Denmark	23.08.1938	Poland	21.06.1924
Djibouti	3.08.1978	Romania	10.11.1930
Egypt	4.08.1982	Slovenia	29.05.1992
Estonia	3.03.1923	Spain	23.02.1931
France	25.01.1928	Sweden	27.09.1921
Germany	6.06.1925	The former Yugoslav Republic of Macedonia	17.11.1991
Greece	16.12.1925	Uruguay	6.06.1933
Israel	19.06.1969	Yugoslavia	30.09.1929
Italy	8.09.1924		
Japan	23.11.1922		

Denunciation

Australia 3.08.1925
Denounced on 31.08.1998

Denunciation (as a result of the ratification of Convention No. 179)

Finland 7.10.1922 Norway 23.11.1921
Denounced on 25.05.1999 Denounced on 11.06.1999

Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)**Date of entry into force: 20.11.1922****70 ratifications**

Australia	28.06.1935	Lebanon	1.06.1977
Bangladesh	22.06.1972	Mauritania	8.11.1963
Cameroon	3.09.1962	Myanmar	20.11.1922
Canada	31.03.1926	New Zealand	26.11.1959
Colombia	20.06.1933	Nigeria	17.10.1960
Djibouti	3.08.1978	Pakistan	20.11.1922
Estonia	8.09.1922	Panama	19.06.1970
Ghana	20.05.1957	Saint Lucia	14.05.1980
Grenada	9.07.1979	Sierra Leone	13.06.1961
India	20.11.1922	Singapore	25.10.1965
Jamaica	26.12.1962	Trinidad and Tobago	24.05.1963
Latvia	9.09.1924		

Denunciation (as a result of the ratification of Convention No. 138)

Argentina	26.05.1936	Malaysia – Sabah	3.03.1964
	Denounced on 11.11.1996		Denounced on 9.09.1997
Belarus	6.11.1956	Malaysia – Sarawak	3.03.1964
	Denounced on 3.05.1979		Denounced on 9.09.1997
Belgium	19.07.1926	Malta	4.01.1965
	Denounced on 19.04.1988		Denounced on 9.06.1988
Belize	15.12.1983	Mauritius	2.12.1969
	Denounced on 6.03.2000		Denounced on 30.07.1990
Bulgaria	6.03.1925	Morocco	14.03.1958
	Denounced on 23.04.1980		Denounced on 6.01.2000
Chile	18.10.1935	Netherlands	17.06.1931
	Denounced on 1.02.1999		Denounced on 14.09.1976
China	2.12.1936	Nicaragua	12.04.1934
	Denounced on 28.04.1999		Denounced on 2.11.1981
Cuba	7.07.1928	Norway	7.10.1927
	Denounced on 19.06.1976		Denounced on 8.07.1980
Cyprus	23.09.1960	Poland	21.06.1924
	Denounced on 2.10.1997		Denounced on 22.03.1978
Denmark	12.05.1924	Romania	18.08.1923
	Denounced on 13.11.1997		Denounced on 19.06.1976
Finland	10.10.1925	Russian Federation	10.08.1956
	Denounced on 19.06.1976		Denounced on 3.05.1979
France	16.01.1928	Seychelles	6.02.1978
	Denounced on 13.07.1990		Denounced on 7.03.2000
Germany	11.06.1929	Spain	20.06.1924
	Denounced on 19.06.1976		Denounced on 16.05.1977
Greece	14.06.1930	Sri Lanka	25.04.1951
	Denounced on 14.03.1986		Denounced on 11.02.2000
Guatemala	13.06.1989	Sweden	14.07.1925
	Denounced on 27.04.1990		Denounced on 23.04.1990
Guyana	8.06.1966	Switzerland	21.04.1960
	Denounced on 15.04.1998		Denounced on 17.08.1999
Hungary	1.03.1928	United Republic of Tanzania	30.01.1962
	Denounced on 28.05.1998		Denounced on 16.12.1998
Iceland	21.08.1956	Turkey	29.09.1959
	Denounced on 6.12.1999		Denounced on 30.10.1998
Iraq	19.04.1966	Ukraine	14.09.1956
	Denounced on 13.02.1985		Denounced on 3.05.1979
Ireland	5.07.1930	United Kingdom	8.03.1926
	Denounced on 22.06.1978		Denounced on 7.06.2000
Italy	8.09.1924	Uruguay	6.06.1933
	Denounced on 28.07.1981		Denounced on 2.06.1977
Japan	4.12.1930	Yemen	14.04.1969
	Denounced on 5.06.2000		Denounced on 15.06.2000
Kenya	13.01.1964	Yugoslavia	1.04.1927
	Denounced on 9.04.1979		Denounced on 6.12.1983
Luxembourg	16.04.1928		
	Denounced on 24.03.1977		

Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)**Date of entry into force: 20.11.1922****81 ratifications**

Albania	3.06.1957	Latvia	9.09.1924
Argentina	26.05.1936	Luxembourg	16.04.1928
Australia	28.06.1935	Malaysia – Sabah	3.03.1964
Azerbaijan	19.05.1992	Malaysia – Sarawak	3.03.1964
Bangladesh	22.06.1972	Malta	4.01.1965
Belarus	6.11.1956	Mauritius	2.12.1969
Belgium	19.07.1926	Mexico	9.03.1938
Belize	15.12.1983	Myanmar	20.11.1922
Bosnia and Herzegovina	2.06.1993	Netherlands	9.03.1928
Brazil	8.06.1936	New Zealand	5.12.1961
Bulgaria	6.03.1925	Nicaragua	12.04.1934
Cameroon	3.09.1962	Nigeria	17.10.1960
Canada	31.03.1926	Norway	5.12.1980
Chile	18.10.1935	Pakistan	20.11.1922
China	2.12.1936	Panama	19.06.1970
Colombia	20.06.1933	Poland	21.06.1924
Costa Rica	23.07.1991	Romania	18.08.1923
Croatia	8.10.1991	Russian Federation	10.08.1956
Cuba	7.07.1928	Saint Lucia	14.05.1980
Cyprus	23.09.1960	Saint Vincent and the Grenadines	21.10.1998
Denmark	23.04.1938	Seychelles	6.02.1978
Djibouti	3.08.1978	Sierra Leone	13.06.1961
Dominica	28.02.1983	Singapore	25.10.1965
Estonia	8.09.1922	Slovenia	29.05.1992
Finland	10.10.1925	Solomon Islands	6.08.1985
France	22.03.1928	Somalia	18.11.1960
Germany	11.06.1929	Spain	20.06.1924
Ghana	20.05.1957	Sri Lanka	25.04.1951
Greece	28.06.1930	Sweden	14.07.1925
Grenada	9.07.1979	Switzerland	21.04.1960
Guatemala	13.06.1989	Tajikistan	26.11.1993
Guinea	12.12.1966	United Republic of Tanzania	30.01.1962
Hungary	1.03.1928	The former Yugoslav Republic of Macedonia	17.11.1991
India	20.11.1922	Trinidad and Tobago	24.05.1963
Iraq	19.04.1966	Tunisia	14.04.1970
Ireland	5.07.1930	Ukraine	14.09.1956
Italy	8.09.1924	United Kingdom	8.03.1926
Jamaica	26.12.1962	Uruguay	6.06.1933
Japan	7.06.1924	Yemen	14.04.1969
Kenya	9.02.1971	Yugoslavia	1.04.1927
Kyrgyzstan	31.03.1992		

Seamen's Articles of Agreement Convention, 1926 (No. 22)**Date of entry into force: 4.04.1928****57 ratifications**

Argentina	14.03.1950	Liberia	21.06.1977
Australia	1.04.1935	Luxembourg	16.04.1928
Bahamas	25.05.1976	Malta	4.01.1965
Bangladesh	22.06.1972	Mauritania	8.11.1963
Barbados	8.05.1967	Mexico	12.05.1934
Belgium	3.10.1927	Morocco	14.03.1958
Belize	15.12.1983	Myanmar	31.10.1932
Bosnia and Herzegovina	2.06.1993	Netherlands	15.12.1937
Brazil	18.06.1965	New Zealand	29.03.1938
Bulgaria	29.11.1929	Nicaragua	12.04.1934
Canada	30.06.1938	Norway	29.03.1940
Chile	18.10.1935	Pakistan	31.10.1932
China	2.12.1936	Panama	19.06.1970
Colombia	20.06.1933	Papua New Guinea	1.05.1976
Croatia	8.10.1991	Peru	4.04.1962
Cuba	7.07.1928	Poland	8.08.1931
Djibouti	3.08.1978	Portugal	23.05.1983
Dominica	28.02.1983	Sierra Leone	15.06.1961
Egypt	4.08.1982	Singapore	25.10.1965
Estonia	10.05.1929	Slovenia	29.05.1992
Finland	8.04.1947	Somalia	18.11.1960
France	4.04.1928	Spain	23.02.1931
Germany	20.09.1930	The former Yugoslav Republic of Macedonia	17.11.1991
Ghana	18.03.1965	Tunisia	14.04.1970
India	31.10.1932	United Kingdom	14.06.1929
Iraq	4.10.1966	Uruguay	6.06.1933
Ireland	5.07.1930	Venezuela	20.11.1944
Italy	10.10.1929	Yugoslavia	30.09.1929
Japan	22.08.1955		

Repatriation of Seamen Convention, 1926 (No. 23)**Date of entry into force: 16.04.1928****45 ratifications**

Argentina	14.03.1950	Mauritania	8.11.1963
Azerbaijan	19.05.1992	Mexico	12.05.1934
Belgium	3.10.1927	Netherlands	5.05.1948
Bosnia and Herzegovina	2.06.1993	New Zealand	11.01.1980
Bulgaria	29.11.1929	Nicaragua	12.04.1934
China	2.12.1936	Panama	19.06.1970
Colombia	20.06.1933	Peru	4.04.1962
Croatia	8.10.1991	Philippines	17.11.1960
Cuba	7.07.1928	Poland	8.08.1931
Cyprus	19.09.1995	Portugal	23.05.1983
Djibouti	3.08.1978	Russian Federation	4.11.1969
Egypt	4.08.1982	Slovenia	29.05.1992
Estonia	9.07.1928	Somalia	18.11.1960
France	4.03.1929	Spain	23.02.1931
Germany	14.03.1930	Switzerland	21.04.1960
Ghana	18.03.1965	Tajikistan	26.11.1993
Greece	6.05.1981	The former Yugoslav Republic of Macedonia	17.11.1991
Iraq	23.09.1976	Tunisia	14.04.1970
Ireland	5.07.1930	Ukraine	17.06.1970
Italy	10.10.1929	United Kingdom	3.06.1985
Kyrgyzstan	31.03.1992	Uruguay	6.06.1933
Liberia	21.06.1977	Yugoslavia	30.09.1929
Luxembourg	16.04.1928		

Officers' Competency Certificates Convention, 1936 (No. 53)**Date of entry into force: 29.03.1939****33 ratifications**

Argentina	17.02.1955	Liberia	9.05.1960
Belgium	11.04.1938	Libyan Arab Jamahiriya	15.11.1974
Bosnia and Herzegovina	2.06.1993	Luxembourg	15.02.1991
Brazil	12.10.1938	Mauritania	8.11.1963
Bulgaria	29.12.1949	Mexico	1.09.1939
Croatia	8.10.1991	New Zealand	29.03.1938
Cuba	5.02.1971	Norway	7.07.1937
Denmark	13.07.1938	Panama	19.06.1970
Djibouti	3.08.1978	Peru	4.04.1962
Egypt	20.05.1939	Philippines	17.11.1960
Estonia	20.06.1938	Slovenia	29.05.1992
Finland	8.04.1947	Spain	5.05.1971
France	19.06.1947	Syrian Arab Republic	26.07.1960
Germany	18.11.1988	The former Yugoslav Republic of Macedonia	17.11.1991
Ireland	10.06.1985	United States	29.10.1938
Israel	19.06.1969	Yugoslavia	26.05.1961
Italy	22.10.1952		

Holidays with Pay (Sea) Convention, 1936 (No. 54)**Convention not in force****6 ratifications**

Bulgaria	29.12.1949	United States	29.10.1938
Mexico	12.06.1942	Uruguay	18.03.1954

Denunciation (as a result of the ratification of Convention No. 91)

Belgium	11.04.1938	France	19.06.1947
	Denounced on 14.09.1967		Denounced on 14.09.1967

Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)**Date of entry into force: 29.10.1939****16 ratifications**

Belgium	11.04.1938	Luxembourg	15.02.1991
Bulgaria	29.12.1949	Mexico	15.09.1939
Djibouti	3.08.1978	Morocco	14.03.1958
Egypt	4.08.1982	Panama	4.06.1971
France	19.06.1947	Peru	4.04.1962
Greece	19.06.1968	Spain	30.11.1971
Italy	22.10.1952	Tunisia	14.04.1970
Liberia	9.05.1960	United States	29.10.1938

Sickness Insurance (Sea) Convention, 1936 (No. 56)**Date of entry into force: 9.12.1949****19 ratifications**

Algeria	19.10.1962	Mexico	1.02.1984
Belgium	3.08.1949	Norway	6.06.1966
Bosnia and Herzegovina	2.06.1993	Panama	4.06.1971
Bulgaria	29.12.1949	Peru	4.04.1962
Croatia	8.10.1991	Slovenia	29.05.1992
Djibouti	3.08.1978	The former Yugoslav Republic of Macedonia	17.11.1991
Egypt	4.08.1982	United Kingdom	30.09.1944
France	9.12.1948	Yugoslavia	13.10.1958
Germany	12.12.1956		
Luxembourg	15.02.1991		

Denunciation (as a result of the ratification of Convention No. 165)

Spain	30.11.1971
	Denounced on 2.07.1991

Hours of Work and Manning (Sea) Convention, 1936 (No. 57)**Convention not in force****4 ratifications**

Australia	24.09.1938	Bulgaria	29.12.1949
Belgium	11.04.1938	United States	29.10.1938

Minimum Age (Sea) Convention (Revised), 1936 (No. 58)**Date of entry into force: 11.04.1939****52 ratifications**

Argentina	17.02.1955	Liberia	9.05.1960
Australia	11.06.1992	Mauritania	8.11.1963
Belize	15.12.1983	Mexico	18.07.1952
Brazil	12.10.1938	New Zealand	7.06.1946
Canada	10.09.1951	Nigeria	16.06.1961
Djibouti	3.08.1978	Panama	19.06.1970
Fiji	19.04.1974	Peru	4.04.1962
Ghana	20.05.1957	Sierra Leone	13.06.1961
Grenada	9.07.1979	Sri Lanka	18.05.1959
Guatemala	30.10.1961	United Republic of Tanzania – Zanzibar	22.06.1964
Jamaica	26.12.1962	United States	29.10.1938
Lebanon	6.12.1993	Yemen	14.04.1969

Denunciation (as a result of the ratification of Convention No. 138)

Albania	3.06.1957	Kenya	13.01.1964
	Denounced on 16.02.1998		Denounced on 9.04.1979
Algeria	19.10.1962	Mauritius	2.12.1969
	Denounced on 30.04.1984		Denounced on 30.07.1990
Belarus	6.11.1956	Netherlands	8.07.1947
	Denounced on 3.05.1979		Denounced on 14.09.1976
Belgium	11.04.1938	Norway	7.07.1937
	Denounced on 19.04.1988		Denounced on 8.07.1980
Bulgaria	29.12.1949	Russian Federation	10.08.1956
	Denounced on 23.04.1980		Denounced on 3.05.1979
Cuba	20.07.1953	Seychelles	6.02.1978
	Denounced on 19.06.1976		Denounced on 7.03.2000
Cyprus	10.01.1995	Spain	5.05.1971
	Denounced on 2.10.1997		Denounced on 16.05.1977
Denmark	4.06.1955	Sweden	6.01.1939
	Denounced on 13.11.1997		Denounced on 23.04.1990
France	9.12.1948	Switzerland	21.04.1960
	Denounced on 13.07.1990		Denounced on 17.08.1999
Greece	9.10.1963	Tunisia	14.04.1970
	Denounced on 14.03.1986		Denounced on 19.10.1995
Iceland	21.08.1956	Turkey	29.09.1959
	Denounced on 6.12.1999		Denounced on 30.10.1998
Iraq	30.12.1939	Ukraine	14.09.1956
	Denounced on 13.02.1985		Denounced on 3.05.1979
Italy	22.10.1952	Uruguay	18.03.1954
	Denounced on 28.07.1981		Denounced on 2.06.1977
Japan	22.08.1955	Yugoslavia	5.05.1958
	Denounced on 5.06.2000		Denounced on 6.12.1983

Food and Catering (Ships' Crews) Convention, 1946 (No. 68)**Date of entry into force: 24.03.1957****23 ratifications**

Algeria	19.10.1962	Italy	22.10.1952
Angola	4.06.1976	Luxembourg	15.02.1991
Argentina	24.09.1956	Netherlands	17.06.1958
Belgium	5.12.1951	New Zealand	31.05.1977
Bulgaria	29.12.1949	Norway	28.01.1957
Canada	19.03.1951	Panama	4.06.1971
Egypt	10.08.1982	Peru	4.04.1962
Equatorial Guinea	23.04.1996	Poland	13.04.1954
France	9.12.1948	Portugal	13.06.1952
Greece	28.08.1981	Spain	14.07.1971
Guinea-Bissau	21.02.1977	United Kingdom	6.08.1953
Ireland	12.06.1956		

Certification of Ships' Cooks Convention, 1946 (No. 69)**Date of entry into force: 22.04.1953****36 ratifications**

Algeria	19.10.1962	Kyrgyzstan	31.03.1992
Angola	4.06.1976	Luxembourg	15.02.1991
Australia	29.08.1995	Netherlands	23.02.1951
Azerbaijan	19.05.1992	New Zealand	11.01.1980
Belgium	5.12.1951	Norway	6.03.1952
Bosnia and Herzegovina	2.06.1993	Panama	4.06.1971
Bulgaria	29.12.1949	Peru	4.04.1962
Canada	19.03.1951	Poland	13.04.1954
Croatia	8.10.1991	Portugal	13.06.1952
Djibouti	3.08.1978	Russian Federation	4.11.1969
Egypt	4.08.1982	Slovenia	29.05.1992
France	9.12.1948	Spain	5.05.1971
Ghana	18.03.1965	Tajikistan	26.11.1993
Greece	9.10.1963	The former Yugoslav Republic of Macedonia	17.11.1991
Guinea-Bissau	21.02.1977	Ukraine	17.06.1970
Indonesia	30.03.1992	United Kingdom	29.07.1949
Ireland	16.06.1951	Yugoslavia	6.03.1961
Italy	22.10.1952		
Japan	29.07.1975		

Social Security (Seafarers) Convention, 1946 (No. 70)**Convention not in force****7 ratifications**

Algeria	19.10.1962	Peru	4.04.1962
France	9.12.1948	Poland	8.10.1956
Netherlands	22.12.1961	United Kingdom	20.05.1953

Denunciation (as a result of the ratification of Convention No. 165)

Spain	8.05.1973
	Denounced on 2.07.1991

Seafarers' Pensions Convention, 1946 (No. 71)**Date of entry into force: 10.10.1962****13 ratifications**

Algeria	19.10.1962	Italy	10.04.1962
Argentina	17.02.1955	Lebanon	6.12.1993
Bulgaria	29.12.1949	Netherlands	27.08.1957
Djibouti	3.08.1978	Norway	4.07.1949
Egypt	4.08.1982	Panama	4.06.1971
France	9.12.1948	Peru	4.04.1962
Greece	2.12.1986		

Paid Vacations (Seafarers) Convention, 1946 (No. 72)**Convention not in force****5 ratifications**

Bulgaria	29.12.1949
----------	------------

Denunciation (as a result of the ratification of Convention No. 91)

Algeria	19.10.1962	Finland	23.08.1949
	Denounced on 14.09.1967		Denounced on 14.09.1967
Cuba	13.01.1954	France	9.12.1948
	Denounced on 14.09.1967		Denounced on 14.09.1967

Medical Examination (Seafarers) Convention, 1946 (No. 73)**Date of entry into force: 17.08.1955****43 ratifications**

Algeria	19.10.1962	Kyrgyzstan	31.03.1992
Angola	4.06.1976	Lebanon	6.12.1993
Argentina	17.02.1955	Lithuania	19.11.1997
Australia	29.08.1995	Luxembourg	15.02.1991
Azerbaijan	19.05.1992	Malta	18.05.1990
Belgium	5.12.1951	Netherlands	17.06.1958
Bosnia and Herzegovina	2.06.1993	Norway	17.02.1955
Bulgaria	29.12.1949	Panama	4.06.1971
Canada	19.03.1951	Peru	4.04.1962
Croatia	8.10.1991	Poland	13.04.1954
Denmark	28.07.1980	Portugal	13.06.1952
Djibouti	3.08.1978	Russian Federation	4.11.1969
Egypt	10.08.1982	Slovenia	29.05.1992
Finland	15.05.1956	Spain	14.07.1971
France	9.12.1948	Sweden	9.01.1962
Germany	8.10.1976	Tajikistan	26.11.1993
Greece	6.05.1981	The former Yugoslav Republic of Macedonia	17.11.1991
Guinea-Bissau	21.02.1977	Tunisia	14.04.1970
Ireland	6.06.1986	Ukraine	17.06.1970
Italy	22.10.1952	Uruguay	18.03.1954
Japan	22.08.1955	Yugoslavia	25.11.1966
Republic of Korea	9.12.1992		

Certification of Able Seamen Convention, 1946 (No. 74)**Date of entry into force: 14.07.1951****27 ratifications**

Algeria	19.10.1962	Luxembourg	15.02.1991
Angola	4.06.1976	Mauritius	2.12.1969
Barbados	8.05.1967	Netherlands	14.07.1950
Belgium	5.12.1951	New Zealand	5.12.1961
Bosnia and Herzegovina	2.06.1993	Panama	4.06.1971
Canada	19.03.1951	Poland	13.04.1954
Croatia	8.10.1991	Portugal	13.06.1952
Egypt	30.03.1967	Slovenia	29.05.1992
France	9.12.1948	Spain	5.05.1971
Ghana	18.03.1965	The former Yugoslav Republic of	
Guinea-Bissau	21.02.1977	Macedonia	17.11.1991
Ireland	21.06.1957	United Kingdom	13.05.1952
Italy	23.06.1981	United States	9.04.1953
Lebanon	6.12.1993	Yugoslavia	22.12.1961

Accommodation of Crews Convention, 1946 (No. 75)**Convention not in force****5 ratifications**

Bulgaria	29.12.1949
----------	------------

Denunciation (as a result of the ratification of Convention No. 92)

Finland	23.08.1949	Norway	4.07.1949
	Denounced on 29.01.1953		Denounced on 29.01.1953
France	9.12.1948	Sweden	21.10.1947
	Denounced on 29.01.1953		Denounced on 29.01.1953

Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)**Convention not in force****1 ratification**

Australia	25.01.1949
-----------	------------

Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)**Date of entry into force: 14.09.1967****24 ratifications**

Algeria	19.10.1962	Israel	30.03.1953
Angola	4.06.1976	Mauritania	8.11.1963
Belgium	30.08.1962	Norway	29.06.1950
Bosnia and Herzegovina	2.06.1993	Poland	8.10.1956
Croatia	8.10.1991	Slovenia	29.05.1992
Cuba	29.04.1952	The former Yugoslav Republic of Macedonia	17.11.1991
Djibouti	3.08.1978	Tunisia	14.04.1970
Guinea-Bissau	21.02.1977	Yugoslavia	11.08.1967
Iceland	15.07.1952		

Denunciation (as a result of the ratification of Convention No. 146)

Brazil	18.06.1965	Netherlands	22.12.1961
	Denounced on 24.09.1998		Denounced on 12.11.1980
Finland	22.12.1951	Portugal	29.07.1952
	Denounced on 15.01.1990		Denounced on 25.06.1984
France	26.10.1951	Spain	5.05.1971
	Denounced on 15.06.1978		Denounced on 9.03.1979
Italy	5.05.1971		
	Denounced on 28.07.1981		

Accommodation of Crews Convention (Revised), 1949 (No. 92)**Date of entry into force: 29.01.1953****42 ratifications**

Algeria	19.10.1962	Israel	21.08.1980
Angola	4.06.1976	Italy	23.06.1981
Australia	11.06.1992	Kyrgyzstan	31.03.1992
Azerbaijan	19.05.1992	Liberia	21.06.1977
Belgium	30.08.1962	Luxembourg	15.02.1991
Bosnia and Herzegovina	2.06.1993	Netherlands	17.06.1958
Brazil	8.06.1954	New Zealand	31.05.1977
Costa Rica	2.06.1960	Norway	29.06.1950
Croatia	8.10.1991	Panama	4.06.1971
Cuba	29.04.1952	Poland	13.04.1954
Cyprus	19.09.1995	Portugal	29.07.1952
Denmark	30.09.1950	Russian Federation	4.11.1969
Egypt	4.08.1982	Slovenia	29.05.1992
Equatorial Guinea	23.04.1996	Spain	14.07.1971
Finland	22.12.1951	Sweden	18.07.1950
France	26.10.1951	Tajikistan	26.11.1993
Germany	14.08.1974	The former Yugoslav Republic of Macedonia	17.11.1991
Ghana	18.03.1965	Ukraine	17.06.1970
Greece	2.12.1986	United Kingdom	6.08.1953
Guinea-Bissau	21.02.1977	Yugoslavia	25.11.1966
Iraq	1.12.1977		
Ireland	21.07.1952		

Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)**Convention not in force****6 ratifications**

Australia	3.03.1954	Iraq	15.08.1985
Brazil	18.06.1965	Philippines	29.12.1953
Cuba	29.04.1952	Uruguay	18.03.1954

Seafarers' Identity Documents Convention, 1958 (No. 108)

Date of entry into force: 19.02.1961

60 ratifications

Algeria	13.08.1991	Kyrgyzstan	31.03.1992
Angola	4.06.1976	Latvia	8.03.1993
Antigua and Barbuda	2.02.1983	Liberia	8.07.1981
Azerbaijan	19.05.1992	Lithuania	19.11.1997
Barbados	8.05.1967	Luxembourg	15.02.1991
Belarus	28.02.1994	Malta	4.01.1965
Belize	15.12.1983	Mauritius	2.12.1969
Brazil	5.11.1963	Mexico	11.09.1961
Bulgaria	26.01.1977	Republic of Moldova	23.03.2000
Cameroon	29.11.1982	Norway	26.10.1970
Canada	31.05.1967	Panama	19.06.1970
Cuba	30.12.1975	Poland	15.03.1993
Czech Republic	6.08.1996	Portugal	3.08.1967
Denmark	26.10.1970	Romania	20.09.1976
Djibouti	3.08.1978	Russian Federation	4.11.1969
Dominica	28.02.1983	Saint Lucia	14.05.1980
Estonia	11.12.1996	Saint Vincent and the Grenadines	21.10.1998
Fiji	19.04.1974	Seychelles	6.02.1978
Finland	26.10.1970	Solomon Islands	6.08.1985
France	8.06.1967	Spain	5.05.1971
Ghana	19.02.1960	Sri Lanka	24.11.1995
Greece	9.10.1963	Sweden	26.10.1970
Grenada	9.07.1979	Tajikistan	26.11.1993
Guatemala	28.11.1960	United Republic of Tanzania –Tanganyika	26.11.1962
Guinea-Bissau	21.02.1977	Tunisia	26.10.1959
Guyana	8.06.1966	Ukraine	17.06.1970
Honduras	20.06.1960	United Kingdom	18.02.1964
Iceland	26.10.1970	<i>In conformity with Article 1, paragraph 2, of the Convention, fishermen shall not be regarded as seafarers for the purpose of this Convention.</i>	
Islamic Republic of Iran	13.03.1967		
Iraq	23.09.1986		
Ireland	17.06.1961	Uruguay	28.06.1973
Italy	12.08.1963		

Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)

Convention not in force

16 ratifications

Australia	15.06.1972	Italy	23.06.1981
Bosnia and Herzegovina	2.06.1993	Lebanon	6.12.1993
Brazil	30.11.1966	Mexico	11.09.1961
<i>Excluding Part II</i>		Portugal	9.01.1981
Croatia	8.10.1991	Slovenia	29.05.1992
France	8.06.1967	Spain	14.07.1971
<i>Excluding Part II</i>		The former Yugoslav Republic of	
Guatemala	2.08.1961	Macedonia	17.11.1991
Iraq	23.09.1986	Yugoslavia	14.01.1966

Conditional ratification

Norway	30.08.1966		
<i>Excluding Part II</i>			

Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)**Date of entry into force: 27.08.1991****25 ratifications**

Australia	11.06.1992	Liberia	8.05.1978
Azerbaijan	19.05.1992	Netherlands	8.01.1985
Brazil	16.04.1992	New Zealand	31.05.1977
Côte d'Ivoire	19.06.1972	Nigeria	12.06.1973
Finland	22.11.1974	Norway	14.03.1975
France	24.03.1972	Poland	9.10.1975
Germany	14.08.1974	Russian Federation	27.08.1990
Greece	24.09.1986	Sweden	17.02.1972
Guinea	26.05.1977	Tajikistan	26.11.1993
Israel	21.08.1980	Ukraine	24.08.1993
Italy	23.06.1981	United Kingdom	26.03.1981
Kyrgyzstan	31.03.1992	Uruguay	2.06.1977
Lebanon	6.12.1993		

Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)**Date of entry into force: 17.02.1973****27 ratifications**

Azerbaijan	19.05.1992	Kyrgyzstan	31.03.1992
Brazil	25.07.1996	Mexico	2.05.1974
Costa Rica	8.06.1979	New Zealand	31.05.1977
Denmark	28.07.1980	Nigeria	12.06.1973
Egypt	4.08.1982	Norway	9.03.1976
Finland	22.11.1974	Poland	26.06.1980
France	27.02.1978	Romania	28.10.1975
Germany	14.08.1974	Russian Federation	5.10.1987
Greece	8.06.1977	Spain	30.11.1971
Guinea	26.05.1977	Sweden	17.02.1972
Israel	21.08.1980	Tajikistan	26.11.1993
Italy	23.06.1981	United Republic of Tanzania	30.05.1983
Japan	3.07.1978	Uruguay	2.06.1977
Kenya	6.06.1990		

Minimum Age Convention, 1973 (No. 138)

Date of entry into force: 19.06.1976

100 ratifications

Albania <i>Minimum age specified: 16 years</i>	16.02.1998	Dominican Republic <i>Minimum age specified: 14 years</i>	15.06.1999
Algeria <i>Minimum age specified: 16 years</i>	30.04.1984	Ecuador <i>Minimum age specified: 14 years</i>	19.09.2000
Antigua and Barbuda <i>Minimum age specified: 16 years</i>	17.03.1983	Egypt <i>Minimum age specified: 14 years</i>	9.06.1999
Argentina <i>Minimum age specified: 14 years</i>	11.11.1996	El Salvador <i>Minimum age specified: 14 years</i>	23.01.1996
Austria <i>Minimum age specified: 15 years</i>	18.09.2000	Equatorial Guinea <i>Minimum age specified: 14 years</i>	12.06.1985
Azerbaijan <i>Minimum age specified: 16 years</i>	19.05.1992	Eritrea <i>Minimum age specified: 14 years</i>	22.02.2000
Barbados <i>Minimum age specified: 15 years</i>	4.01.2000	Ethiopia <i>Minimum age specified: 14 years</i>	27.05.1999
Belarus <i>Minimum age specified: 16 years</i>	3.05.1979	Finland <i>Minimum age specified: 15 years</i>	13.01.1976
Belgium <i>Minimum age specified: 15 years</i>	19.04.1988	France <i>Minimum age specified: 16 years</i>	13.07.1990
Belize <i>Minimum age specified: 14 years</i>	6.03.2000	Georgia <i>Minimum age specified: 15 years</i>	23.09.1996
Bolivia <i>Minimum age specified: 14 years</i>	11.06.1997	Germany <i>Minimum age specified: 15 years</i>	8.04.1976
Bosnia and Herzegovina <i>Minimum age specified: 15 years</i>	2.06.1993	Greece <i>Minimum age specified: 15 years</i>	14.03.1986
Botswana <i>Minimum age specified: 14 years</i>	5.06.1997	Guatemala <i>Minimum age specified: 14 years</i>	27.04.1990
Bulgaria <i>Minimum age specified: 16 years</i>	23.04.1980	Guyana <i>Minimum age specified: 15 years</i>	15.04.1998
Burkina Faso <i>Minimum age specified: 15 years</i>	11.02.1999	Honduras <i>Minimum age specified: 14 years</i>	9.06.1980
Burundi <i>Minimum age specified: 16 years</i>	19.07.2000	Hungary <i>Minimum age specified: 16 years</i>	28.05.1998
Cambodia <i>Minimum age specified: 14 years</i>	23.08.1999	Iceland <i>Minimum age specified: 15 years</i>	6.12.1999
Central African Republic <i>Minimum age specified: 14 years</i>	28.06.2000	Indonesia <i>Minimum age specified: 15 years</i>	7.06.1999
Chile <i>Minimum age specified: 15 years</i>	1.02.1999	Iraq <i>Minimum age specified: 15 years</i>	13.02.1985
China <i>Minimum age specified: 16 years</i>	28.04.1999	Ireland <i>Minimum age specified: 15 years</i>	22.06.1978
Congo <i>Minimum age specified: 14 years</i>	26.11.1999	Israel <i>Minimum age specified: 15 years</i>	21.06.1979
Costa Rica <i>Minimum age specified: 15 years</i>	11.06.1976	Italy <i>Minimum age specified: 15 years</i>	28.07.1981
Croatia <i>Minimum age specified: 15 years</i>	8.10.1991	Japan <i>Minimum age specified: 15 years</i>	5.06.2000
Cuba <i>Minimum age specified: 15 years</i>	7.03.1975	Jordan <i>Minimum age specified: 16 years</i>	23.03.1998
Cyprus <i>Minimum age specified: 15 years</i>	2.10.1997	Kenya <i>Minimum age specified: 16 years</i>	9.04.1979
Denmark <i>Minimum age specified: 15 years</i>	13.11.1997	Republic of Korea <i>Minimum age specified: 15 years</i>	28.01.1999
Dominica <i>Minimum age specified: 15 years</i>	27.09.1983	Kuwait <i>Minimum age specified: 15 years</i>	15.11.1999
Kyrgyzstan	31.03.1992	Slovakia	29.09.1997

Minimum Age Convention, 1973 (No. 138)

<i>Minimum age specified: 16 years</i>		<i>Minimum age specified: 15 years</i>	
Libyan Arab Jamahiriya	19.06.1975	Slovenia	29.05.1992
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 15 years</i>	
Lithuania	22.06.1998	South Africa	30.03.2000
<i>Minimum age specified: 16 years</i>		<i>Minimum age specified: 15 years</i>	
Luxembourg	24.03.1977	Spain	16.05.1977
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 15 years</i>	
Madagascar	31.05.2000	Sri Lanka	11.02.2000
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 14 years</i>	
Malaysia	9.09.1997	Sweden	23.04.1990
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 15 years</i>	
Malta	9.06.1988	Switzerland	17.08.1999
<i>Minimum age specified: 16 years</i>		<i>Minimum age specified: 15 years</i>	
Mauritius	30.07.1990	Tajikistan	26.11.1993
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 16 years</i>	
Republic of Moldova	21.09.1999	United Republic of Tanzania	16.12.1998
<i>Minimum age specified: 16 years</i>		<i>Minimum age specified: 14 years</i>	
Morocco	6.01.2000	The former Yugoslav Republic of Macedonia	17.11.1991
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 15 years</i>	
Nepal	30.05.1997	Togo	16.03.1984
<i>Minimum age specified: 14 years</i>		<i>Minimum age specified: 14 years</i>	
Netherlands	14.09.1976	Tunisia	19.10.1995
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 16 years</i>	
Nicaragua	2.11.1981	Turkey	30.10.1998
<i>Minimum age specified: 14 years</i>		<i>Minimum age specified: 15 years</i>	
Niger	4.12.1978	Ukraine	3.05.1979
<i>Minimum age specified: 14 years</i>		<i>Minimum age specified: 16 years</i>	
Norway	8.07.1980	United Arab Emirates	2.10.1998
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 15 years</i>	
Philippines	4.06.1998	United Kingdom	7.06.2000
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 16 years</i>	
Poland	22.03.1978	Uruguay	2.06.1977
<i>Minimum age specified: 15 years</i>		<i>Minimum age specified: 15 years</i>	
Portugal	20.05.1998	Venezuela	15.07.1987
<i>Minimum age specified: 16 years</i>		<i>Minimum age specified: 14 years</i>	
Romania	19.11.1975	Yemen	15.06.2000
<i>Minimum age specified: 16 years</i>		<i>Minimum age specified: 14 years</i>	
Russian Federation	3.05.1979	Yugoslavia	6.12.1983
<i>Minimum age specified: 16 years</i>		<i>Minimum age specified: 15 years</i>	
Rwanda	15.04.1981	Zambia	9.02.1976
<i>Minimum age specified: 14 years</i>		<i>Minimum age specified: 15 years</i>	
San Marino	1.02.1995	Zimbabwe	6.06.2000
<i>Minimum age specified: 16 years</i>		<i>Minimum age specified: 14 years</i>	
Senegal	15.12.1999		
<i>Minimum age specified: 15 years</i>			
Seychelles	7.03.2000		
<i>Minimum age specified: 15 years</i>			

Continuity of Employment (Seafarers) Convention, 1976 (No. 145)**Date of entry into force: 3.05.1979****17 ratifications**

Brazil	18.05.1990	Morocco	7.03.1980
Costa Rica	16.06.1981	Netherlands	10.01.1979
Cuba	9.02.1979	New Zealand	11.01.1980
Egypt	17.03.1983	Norway	24.01.1979
Finland	2.10.1978	Poland	10.10.1979
France	3.05.1978	Portugal	23.05.1983
Hungary	8.06.1978	Spain	28.04.1978
Iraq	14.11.1979	Sweden	6.10.1981
Italy	23.06.1981		

Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)**Date of entry into force: 13.06.1979****13 ratifications**

Brazil	24.09.1998	Morocco	10.07.1980
<i>Length of annual leave specified: 30 days</i>		<i>Length of annual leave specified: 30 days</i>	
Cameroon	13.06.1978	Netherlands	12.11.1980
<i>Length of annual leave specified: 60 consecutive days for officers and 3 consecutive days per month for seamen</i>		<i>Length of annual leave specified: 30 days</i>	
Finland	15.01.1990	Nicaragua	1.10.1981
<i>Length of annual leave specified: 30 days</i>		<i>Length of annual leave specified: 30 days</i>	
France	15.06.1978	Portugal	25.06.1984
<i>Length of annual leave specified: 116 days for officers and seamen employed on board French merchant vessels and a minimum of 111 days for crews of tugboats and port vessels</i>		<i>Length of annual leave specified: 30 days</i>	
Iraq	15.02.1985	Spain	9.03.1979
<i>Length of annual leave specified: 36 days</i>		<i>Length of annual leave specified: 37, 40 or 60 days according to the different types of navigation and 44, 60 or 64 days for special leave according to the cargoes carried by the different types of ships</i>	
Italy	28.07.1981	Sweden	7.06.1978
<i>Length of annual leave specified: 30 days</i>		<i>Length of annual leave specified: 5 weeks</i>	
Kenya	14.09.1990		
<i>Length of annual leave specified: 30 days</i>			

Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)**Date of entry into force: 28.11.1981****40 ratifications**

Azerbaijan	19.05.1992	Japan	31.05.1983
Barbados	16.05.1994	Kyrgyzstan	31.03.1992
Belgium	16.09.1982	Latvia	12.11.1998
Brazil	17.01.1991	Lebanon	6.12.1993
Canada	25.05.1993	Liberia	8.07.1981
Costa Rica	24.06.1981	Luxembourg	15.02.1991
Croatia	19.07.1996	Morocco	15.06.1981
Cyprus	19.09.1995	Netherlands	25.01.1979
Denmark	28.07.1980	Norway	24.01.1979
Egypt	17.03.1983	Poland	2.06.1995
Finland	2.10.1978	Portugal	2.05.1985
France	2.05.1978	Russian Federation	7.05.1991
Germany	14.07.1980	Slovenia	21.06.1999
Greece	18.09.1979	Spain	28.04.1978
Iceland	11.05.1999	Sweden	20.12.1978
India	26.09.1996	Tajikistan	26.11.1993
Iraq	15.02.1985	Trinidad and Tobago	3.06.1999
Ireland	16.12.1992	Ukraine	17.03.1994
<i>Has ratified the Protocol of 1996</i>		United Kingdom	28.11.1980
Israel	6.12.1996	United States	15.06.1988
Italy	23.06.1981		

Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)**Date of entry into force: 10.02.1983****7 ratifications**

Ecuador	20.05.1988	Switzerland	4.05.1981
Iraq	17.04.1985	Uruguay	19.06.1989
Mexico	10.02.1982	Venezuela	5.07.1983
Spain	7.02.1985		

Collective Bargaining Convention, 1981 (No. 154)**Date of entry into force: 11.08.1983****30 ratifications**

Argentina	29.01.1993	Netherlands	22.12.1993
Azerbaijan	12.08.1993	Niger	5.06.1985
Belarus	8.09.1997	Norway	22.06.1982
Belgium	29.03.1988	Romania	15.12.1992
Belize	22.06.1999	San Marino	1.02.1995
Brazil	10.07.1992	Spain	11.09.1985
Cyprus	16.01.1989	Suriname	5.06.1996
Finland	9.02.1983	Sweden	11.08.1982
Gabon	6.12.1988	Switzerland	16.11.1983
Greece	17.09.1996	United Republic of Tanzania	14.08.1998
Guatemala	29.10.1996	Uganda	27.03.1990
Hungary	4.01.1994	Ukraine	16.05.1994
Latvia	25.07.1994	Uruguay	19.06.1989
Lithuania	26.09.1994	Uzbekistan	15.12.1997
Republic of Moldova	14.02.1997	Zambia	4.02.1986

Occupational Safety and Health Convention, 1981 (No. 155)

Date of entry into force: 11.08.1983

33 ratifications

Belarus	30.05.2000	Republic of Moldova	28.04.2000
Belize	22.06.1999	Mongolia	3.02.1998
Bosnia and Herzegovina	2.06.1993	Netherlands	22.05.1991
Brazil	18.05.1992	Nigeria	3.05.1994
Cape Verde	9.08.2000	Norway	22.06.1982
Croatia	8.10.1991	Portugal	28.05.1985
Cuba	7.09.1982	Russian Federation	2.07.1998
Cyprus	16.01.1989	Slovakia	1.01.1993
Czech Republic	1.01.1993	Slovenia	29.05.1992
Denmark	10.07.1995	Spain	11.09.1985
Ethiopia	28.01.1991	Sweden	11.08.1982
Finland	24.04.1985	The former Yugoslav Republic of Macedonia	17.11.1991
Hungary	4.01.1994	Uruguay	5.09.1988
Iceland	21.06.1991	Venezuela	25.06.1984
Ireland	4.04.1995	Viet Nam	3.10.1994
Kazakhstan	30.07.1996	Yugoslavia	15.12.1987
Latvia	25.07.1994		
Mexico	1.02.1984		

Social Security (Seafarers) Convention (Revised), 1987 (No. 165)

Date of entry into force: 2.07.1992

2 ratifications

Hungary	13.12.1989	Spain	2.07.1991
<i>Has accepted the obligations of Article 9 of the Convention in respect of the branches mentioned in Article 3(b), (d) and (e)</i>		<i>Has accepted the obligations of Article 9 of the Convention in respect of the branches mentioned in Article 3(a) and (c) and those of Article 11 in respect of the branches mentioned in Article 3(b), (e) and (g)</i>	

Recruitment and Placement of Seafarers Convention, 1996 (No. 179)

Date of entry into force: 22.04.2000

4 ratifications

Finland	25.05.1999	Norway	11.06.1999
Ireland	22.04.1999	Philippines	13.03.1998

Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)

Convention not in force

1 ratification

Ireland	22.04.1999
---------	------------

Appendix III

The tacit amendment procedure in treaties deposited with the International Maritime Organization (IMO)

The question of accelerating the bringing into force of amendments to Conventions for which IMO is depository was first raised in the late 1960s, as a reaction to the fact that a number of important amendments to treaties deposited with the IMO had failed to attract a sufficient number of acceptances to meet the conditions for entry into force.

In early Conventions, amendments entered into force after a percentage of States Parties, usually two-thirds, had deposited an instrument of acceptance. This normally meant that considerably more acceptances were required to amend a Convention than were originally required to bring it into force, particularly when the number of Parties was very large.

To remedy this situation a new amendment procedure was devised in IMO.

Strictly speaking, the procedure should be called “tacit acceptance procedure” since it provides for the normal, explicit adoption of the amendment (for instance, two-thirds of the delegations of States present and voting) and the bringing into force by tacit acceptance.

In practice, instead of requiring that an amendment shall enter into force after being accepted by the prescribed number of States Parties, the new procedure provides that an amendment adopted by the IMO competent body in a session open to participation by all States Parties to the Convention to be amended shall be deemed to have been accepted at a particular date, with exception for those Parties which have objected to the amendment, and shall enter into force at a particular subsequent date, unless, before the first date, objections to the amendment are received from a specified number of Parties, usually one-third.

While for technical treaties the tacit amendment procedure has been used for amending the technical annexes, for legal treaties the procedure has been used to amend the limits of compensation contained therein.

The following IMO technical Conventions contain the tacit amendment procedure: the International Convention on Load Lines 1966 (LL1966); the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969); the International Convention for Safe Containers, 1972 (CSC 1972); the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 1972); the International Convention for Safe Containers, 1972 (CSC 1972); the International Convention for Prevention of Pollution from Ships (MARPOL73/78); the International Convention on Safety of Life at Sea (SOLAS 1974); the International Convention on Standards of Training and Watchkeeping for Seafarers, 1978 (STCW 1978); and the Torremolinos International Convention for Safety of Fishing Vessels, 1977 (TORREMOLINOS 77/93).

Among the legal treaties, the following contain the tacit amendment procedure: the Protocols of 1992 to the International Convention on Civil Liability for Oil Pollution Damage, 1969 (1992 Protocol to the 1969 CLC) and to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1961 (1992 Protocol to the 1971 Fund Convention) and the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS 1996). As stated above, the tacit amendment procedure is used here to amend the limits of compensation.

It has to be recognized that the tacit amendment procedure has greatly speeded up the amendment process of IMO treaties.

The following is an example of tacit amendment to SOLAS 1974:

1999 (Chapter VII) Amendments

A. Adoption

The Maritime Safety Committee (MSC) at its seventy-first session (May 1999) adopted by resolution MSC.87(71), in accordance with article VIII of the Convention, amendments to Chapter VII of the Convention.

B. Entry into force

In accordance with article VIII(b)(vii)(2) of the Convention, and as determined by the MSC, the amendments shall enter into force on 1 January 2001 unless, prior to 1 July 2000, more than one-third of the Contracting Governments, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have notified their objection to the amendments.

...