

International Shipping Federation

Submission to Tripartite Meeting Attendees

April 2005

1. As all delegates will appreciate, the consolidation exercise has been based on the supposition that the new convention will be widely ratified. The production of a comprehensive, up to date and enforceable international labour standards convention that clearly sets out seafarers' employment rights and obligations is fully supported by the Shipowners' group. However, this objective will not be achieved unless the Convention is widely ratified by all significant maritime nations, including flag states, port states and labour supply countries. Therefore a prime test to be applied to the acceptability of the draft provisions is whether they will encourage or discourage wide ratification.
2. The draft convention still contains some obligations that are too detailed, unnecessary and undesirable that will discourage widespread ratification.
3. The Shipowners' group has reviewed all of its amendments submitted at the PTMC and can advise that ILO has been notified of ones now considered redundant. Therefore, any remaining Shipowner group amendments have been duly considered by the Shipowners' group in light of the PTMC discussions and continue to be included to assist in producing a more robust convention.
4. In certain cases governments might be discouraged from ratification because specific provisions are too onerous or contrary to national law and practice; an example being provisions concerning social protection, in that no state can entertain requirements in the social protection area that differ from national law. In other cases it might simply be that the scale of the task for an administration to undertake may appear daunting, as the provisions of some 60 instruments have been incorporated into the text,. Therefore it is essential that efforts are made to ensure a user-friendly document is produced that meets the requirements of national laws, is formatted in such a way to be simple to adopt into national law, and is written in clear language that is easy to understand.
5. Although there have been commendable efforts to improve the text, the Shipowners' group is deeply concerned that there remain several issues of principle within the Articles and Title 5 where no consensus has been reached. The Shipowners' group will look at each unresolved issue to determine where there might be a possibility that consensus can be reached, although the key test will be to ensure the production of a well ratified convention with clear obligations and defined responsibilities. If proposals are made that are likely to cause governments difficulty, the Shipowners' group will strongly consider these to be unacceptable for inclusion.
6. The Shipowners' group will review any proposed changes to the text on Social Protection to ensure that the principles upon which the current text is based are maintained.
7. The mechanisms introduced for Compliance and Enforcement must be practical to apply, the responsibilities must be clear and the measures required must be appropriate to the issues identified. For example, complaints to be handled by a port state should be restricted to those deemed a serious threat to the health or safety or welfare of the

seafarers concerned. The Shipowners' group will carefully listen to the debate to see how it can assist the governments and our social partners to achieve a mutually beneficial outcome.

8. The Shipowners' group recognises that the Government group must take key decisions in order for the meeting to progress. Therefore, whilst time is short ,if governments feel that more time is required to reach common agreement on key issues we would support appropriate time being allocated.
9. The Shipowners' Group believes that the scope of application of the Convention relating to ships, their trade and the definition of seafarer must be resolved. Repair or service personnel sent out by yards, equipment suppliers or other specialists should not be defined as seafarers even if they perform repairs during a ship's voyage. Pilots, Dockers and longshoremen should likewise not be deemed to be seafarers.