
INTERNATIONAL LABOUR ORGANIZATION
Sectoral Activities Programme

**High-level Tripartite Working Group
on Maritime Labour Standards
(Second meeting)**

**Simplified amendment procedure for the proposed
new maritime labour Convention**

Geneva, 2002



INTERNATIONAL LABOUR OFFICE GENEVA

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Background

1. At its first meeting in December 2001, the High-level Tripartite Working Group on Maritime Labour Standards discussed whether a simplified amendment procedure should be provided for to allow the annexes to the proposed new maritime labour instrument to be rapidly updated when necessary, without having to go through the lengthy process of adoption of a revised Convention by the International Labour Conference, followed by ratification in accordance with the constitutional processes of each of the parties to the Convention. As stated in the Chairperson's summary "there was full agreement on the need for simplified amendment procedures" and "several speakers favoured a tacit acceptance procedure".¹ The first part of this paper seeks to identify the main issues that would need to be considered in the design of simplified procedures appropriate for the ILO. Some of these issues raise important questions of a constitutional nature. The Office's suggestions based on the considerations and models discussed in this paper are outlined in paragraph 25 below. While the suggestions are, in the Office's view, fully compatible with both the letter and the spirit of the ILO Constitution, they embody innovations, as far as the ILO is concerned, which are intended as an appropriate response to the specific needs of the maritime industry. As has been pointed out in the Governing Body,² the solutions envisaged for this sector might not be fully applicable in other contexts. At the same time, the acceptability of the procedures suggested will depend to a great extent on the precise way in which they would be used. This is the subject of the second part of this paper.

¹ ILO: *Final report*, High-level Tripartite Working Group on Maritime Labour Standards, doc. TWGMLS/2001/10 (Geneva, 2002), p. 24.

² See doc. GB.280/LILS/5, para. 44.

Part I: The simple amendment procedure

2. Simplified amendment provisions already exist in a number of international instruments. The nature of such procedures can vary considerably. It may, for example, be sufficient for the amendment to be adopted within the organization concerned, by a specified majority, without circulation to the parties for acceptance. This is the case under the Patent Cooperation Treaty (PCT) of the World Intellectual Property Organization (WIPO), which provides (article 58) that the Regulations annexed to it may be amended by the Assembly of the Organization.³ Under other provisions, an amendment adopted within the Organization will enter into force for new parties to the Convention (unless decided otherwise), but not for existing parties unless their governments individually notify their express acceptance of it. A provision (Article 31(1)) of the ILO's Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121), lays down this procedure for the amendment of a schedule to it. An intermediate solution is to have a "tacit acceptance" procedure under which the amendments are circulated for consideration by the parties and all parties that have not objected to them within a prescribed period are treated as if they had expressly accepted the amendments. Provisions of this kind are to be found in the World Health Regulations and in several Conventions of the International Maritime Organization (IMO), for example the IMO's Conventions on Hazardous and Noxious Substances (HNS Convention), Civil Liability for Oil Pollution Damage (CLC 1992) and Limitation of Liability for Maritime Claims (LLMC 1996); they may also be found in the IMO's International Convention for the Safety of Life at Sea (SOLAS), International Convention for the Prevention of Pollution from Ships (MARPOL) and International Convention on Standards, Certification and Watchkeeping for Seafarers (STCW).
3. A Convention or treaty can be amended especially where there are provisions in that treaty enabling its amendment or revision. Those enabling provisions must, in the case of an international labour Convention, be consistent with the ILO's Constitution. Under article 19 of the Constitution, international labour Conventions are adopted by the International Labour Conference, following procedures set out in the Constitution and in the Conference's Standing Orders, and are subject to the national ratification processes. The Conference is however free to include in a Convention different procedures for the establishment or amendment of details relating to the manner in which the obligations laid down in the Convention are to be implemented. Indeed, the Employment Injury Benefits Convention, 1964 (No. 121), referred to above (Article 19(7)), provides for a determination under the Convention to be made by reference to a classification adopted by the Economic and Social Council of the United Nations "or such classification as at any time further amended". In other words, the Convention refers to an instrument whose future amendment is completely outside the control of the ILO.

IMO amendment procedures

4. In the Chairperson's summary referred to in paragraph 1 above, it was indicated that "IMO Conventions should be closely reviewed as a source of inspiration" and that "modifications

³ The recently adopted List of Occupational Diseases Recommendation, 2002 (No. 194), provides an interesting ILO example; although such Recommendations are not binding they are intended for application by all ILO Members. Under Paragraph 3 of the Recommendation, the List of Occupational Diseases is to be updated through tripartite meetings of experts and the amended lists will take effect upon approval by the ILO Governing Body.

of IMO solutions may be suggested where appropriate". There are differences in the various rules and procedures provided for in those Conventions, reflecting their different purposes and content. The HNS Convention, CLC 1992 and LLMC 1996, on the one hand, and SOLAS, MARPOL and STCW on the other, constitute two distinct categories of Conventions similar in some ways, but different in others. One provision from each category is reproduced in Appendix I to this paper: the general procedure under Article VIII of the SOLAS Convention and the special procedure, for the amendment of limits, under Article 48 of the HNS Convention. The following are the main features:

- amendments are proposed by the parties to the Convention concerned and, in the case of the HNS category of Conventions, must be supported by at least half the Contracting governments;⁴
- they are circulated to Members of the Organization and are then referred, for consideration, to a committee in which all Contracting Governments are represented⁵ or to a conference of the Contracting Governments;⁶
- a two-thirds majority of Contracting Governments present and voting is required for the adoption of amendments;⁷
- adopted amendments are communicated to the Contracting Governments either for express acceptance or, in the case of the amendment of specified provisions, for tacit acceptance; the latter provisions are those of the annexes (with the exception of the first) in the case of the SOLAS Convention⁸ as well as to the special subject matter covered by HNS, Article 48;
- under the tacit amendment procedure, amendments are deemed to have been accepted unless the number of Contracting Governments that object to them (within a certain period) exceeds a specified level;⁹
- amendments that are deemed to have been accepted enter into force after a specified period, for all future Contracting Governments, as well as for the current parties except:
 - in the case of SOLAS,¹⁰ governments that have objected to the amendments within the specified period, and have not withdrawn their objection;
 - in the case of HNS,¹¹ governments that do not denounce the Convention within a specified period;

⁴ IMO: International Convention for the Safety of Life at Sea (SOLAS) 1974, Art. VIII(b)(i); IMO: Convention on Hazardous and Noxious Substances (HNS), Art. 48(2).

⁵ SOLAS, Art. VIII(b)(i)-(iii); HNS, Art. 48(2)-(4).

⁶ SOLAS, Art. VIII(a) and (c)(i).

⁷ SOLAS, Art. VIII(b)(iv) and (c)(ii); HNS, Art. 48(5).

⁸ SOLAS, Art. VIII(b)(vi).

⁹ SOLAS, Art. VIII(b)(vi)(2); HNS, Art. 48(8).

¹⁰ SOLAS, Art. VIII(b)(vii)(2).

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- parties to the SOLAS category of Conventions are also given the possibility of delaying entry into effect for their countries; one year's delay is permitted or longer in certain circumstances.¹²

5. It may also be of interest to note that Conventions in the HNS category (where an amendment relates to monetary amounts and enters into effect for all parties save those which object to it and denounce the instrument concerned) set out certain parameters preventing amendment at too short intervals as well as increases exceeding a certain proportion.¹³

Normal revision procedures in the ILO

6. Through the IMO's tacit acceptance procedures indicated above, it would be normal for amendments to technical provisions of the annex to a Convention to enter into force, in principle for all contracting parties, within three-and-a-half years from the initiation of the proposal for the amendments. In the ILO it is possible, provided that there has been full agreement on the acceleration of normal procedures, for the proposal to reach the Conference in the form of a revising Convention for discussion at a single annual session (rather than the normal two sessions)¹⁴ within two years from the communication of the proposal to the Director-General. However, in the absence of special campaigns to secure ratifications, several years and sometimes decades might be needed for full entry into force due to the fact that in most cases even simple and uncontroversial changes need national acceptance by acts of Parliament. In a paper prepared for the first meeting of the High-level Tripartite Working Group, the example was cited of technical changes requiring more than 30 years to enter into force for about half the number of contracting parties to the Convention concerned.

7. As indicated in the preceding paragraph, the ILO's normal practice is to adopt a new revising Convention, rather than to leave the current Convention in its place and simply amend parts of it, as is the case in other organizations, including the IMO. The ILO's much longer procedures for adoption and entry into force are inherent in the proper preparation and consideration of new standards on a tripartite basis. Before the adoption of a new standard is placed on the Conference's agenda, there is first a careful consideration by the Governing Body, generally requiring two sessions, for which the Office normally provides a report on the law and practice in the various countries related to the item under consideration.¹⁵ A report and a questionnaire is then sent to governments for their observations.¹⁶ Each government is expected to prepare its reply after consulting the most representative organizations of employers and workers in the country. A Member is in fact obliged to do so if it has ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) (Article 5.1(a)). Alternatively, the question may be submitted to a preparatory technical conference for consideration. But in all cases, the draft

¹¹ HNS, Art. 48(10) and (11).

¹² SOLAS, Art. VIII(b)(vii)(2).

¹³ See HNS, Art. 48(7).

¹⁴ ILO: Standing Orders of the Governing Body, art. 10.4.

¹⁵ *ibid.*, art. 10.1 and 10.2.

¹⁶ ILO: Standing Orders of the International Labour Conference, arts. 38 and 39.

of the instrument or instruments concerned is prepared by the Office on the basis of the replies of governments and their social partners.¹⁷ After adoption, Conventions are (in accordance with article 19, paragraph 5, of the Constitution) transmitted to governments for consideration (within one year or, in exceptional cases, 18 months at the latest from the close of the Conference) with a view to ratification. Again, governments are expected, or required (if they have ratified Convention No. 144), to consult their social partners.

8. Thus the present lengthy procedures, and the submission to national parliaments, appear fully justified for the adoption of new standards. What may be much less justified in many cases is to follow the same procedures when a Convention (which has already been adopted by the Conference and has passed through national ratification processes) is simply being updated; and it is in this respect that a simplified amendment procedure has been proposed. In this case, it would be appropriate for the Organization to depart from its normal practice of adopting a new Convention, as it has already done in the provision cited above (see paragraph 2) of Convention No. 121, by establishing an amendment procedure in the Convention itself.
9. Such procedures would, however, have to take account of two special features, in particular, if they are to fit into the ILO context: first, there must be provision for thorough – though not time-consuming – consideration on a tripartite basis. Second, in the IMO the decision on amendment lies exclusively with the parties to the instrument concerned; this would probably be considered inconsistent with the philosophy of the ILO, under which international labour standards are adopted and amended within the Organization; they have not been treated as the property of the parties to Conventions. At the same time, it may seem reasonable that the initiative for proposing amendments should be left with the parties and extended to representatives of the Shipowners and Seafarers. The parties – again on a tripartite basis – might also be entrusted with the task of agreeing on amendments, subject to the overall approval of the Organization itself and without prejudice to the prerogative of the Conference to revise the Convention in accordance with article 19 of the ILO Constitution.

The simplified amendment procedure in an ILO context

10. Consequently, with the necessary adaptations to fit in with the ILO's particular philosophy and tripartite structure, the IMO procedures and especially tacit acceptance could be imported into the ILO to the extent considered acceptable to its Members, particularly the governments as it is essentially governments which would be concerned by the new procedures. In this connection, the decisions of governments as to the acceptability of a tacit acceptance procedure may largely depend upon the nature of the provisions that could be amended in this way: the basic proposal jointly put forward by the Shipowners and Seafarers and endorsed by Governments at the first meeting of the High-level Tripartite Working Group is that the new instrument should contain parts devoted to principles and rights, with detailed provisions being set out in corresponding annexes. As shown in the illustration in paragraph 28 below, the proposed consolidated Convention would have four levels of provisions, the first two levels consisting of "Articles" and "Regulations"; at the third level there would be "Rules" setting out the details for the implementation of each set

¹⁷ *ibid.*, art. 38.2 and 38.4; and art. 39.3 and 39.7.

of Regulations.¹⁸ The fourth level would consist of “Recommendations” containing non-mandatory provisions and guidelines.

11. As at present conceived, the Articles, Regulations and Rules would all be binding, but the simplified amendment procedure would be applicable only to the details contained in the Rules. However, there could be differing interpretations or approaches as to what constitutes principles and what constitutes details. This is the subject of Part II of this paper.

Amendment of the mandatory parts of the Convention

12. The following paragraphs will explore the possible content of the provisions in the new instrument covering amendment. The provisions might first deal with the manner of amending the mandatory parts of the instrument, particularly the Articles and Regulations (just referred to), which would not be covered by the tacit acceptance procedure.
13. In view of the constitutional considerations outlined in paragraph 3 above, it is proposed that there should be no simplification as far as the requirement of ratification of amendments to these basic provisions is concerned. It is, however, also proposed that the concept of a revising Convention (see paragraph 7 above) should be abandoned in favour of an amendment procedure. The revision procedure provided for in international labour Conventions since 1929 is not suited to a consolidated Convention of the kind envisaged. One of its main disadvantages is that the drafters of the new Convention are often faced with a choice between schism or confusion: with the amendment procedure, the parties will often be bound by different versions of the Convention, but they remain parties to a single instrument and are accountable to each other party for the implementation of provisions that have been mutually accepted. In the case of revision, the parties accepting the changes become bound by a new, revised instrument and, “unless the new Convention otherwise provides”, they break away from the old one (through “*ipso jure* denunciation”). Even though the parties to the old and new Conventions may in many cases be bound by identical provisions, they will no longer be parties to the same Convention; a party to one Convention could therefore no longer lodge a complaint under article 26 of the ILO Constitution against a party to the other Convention, for example, or claim treatment due only to the parties to the Convention concerned. This has not mattered much in the past as such reciprocity is not normally¹⁹ an element of international labour Conventions, but the emphasis given in the maritime sector to the need for a “level playing field” indicates the importance of each party remaining accountable to the others. The disadvantage referred to above can be avoided if the new Convention provides for continued participation in the old Convention, but in this case confusion can arise from possibly conflicting provisions. The new instrument should therefore establish a general procedure under which amendments to the Articles and Regulations as well as (optionally) the Rules would be adopted by the Conference, in accordance with the present procedures for the consideration of texts, and transmitted to Members for ratification or other express acceptance.

¹⁸ The “parts” and “annexes” referred to above are now termed, respectively, “Regulations” and “Rules”.

¹⁹ The Seafarers’ Identity Documents Convention, 1958 (No. 108), is an important exception.

Special procedure for amendment of the Rules

14. It is suggested that, for the Rules, it should still be within the Governing Body's discretion, in appropriate cases, to follow the more formal amendment procedure outlined in the preceding paragraph (there is a similar discretion in the case of the SOLAS Convention).²⁰ However the normal procedure would be through tacit acceptance.

Initiation of proposals for amendment

15. The first stage in such a procedure would be the submission of a proposal for particular amendments. If the IMO solution placed in a tripartite context were adopted, proposals could emanate from Members that had ratified the instrument or from the representatives of the Shipowners or Seafarers. But there should perhaps be a requirement for support from the governments of other ratifying Members or from a group. An automatic right to have a proposal considered in accordance with the amendment procedure could cause unnecessary expense. There would also be a risk of inconsistency and inconvenience to governments and shipowners (despite provisions preventing retroactivity or allowing delays in implementation) if there was a continual stream of disparate amendments. If the idea of a standing committee referred to in paragraph 18 below was accepted, it would seem reasonable for the new instrument to require the support of at least half of the ratifying Members or half of any of the other two groups which would be represented on the committee.

Circulation of proposals

16. The proposed amendments would then be circulated to the Members of the Organization for their observations after national tripartite consultations of the kind that take place at present with respect to proposed new instruments (see paragraph 7 above). The amount of time needed for these consultations, and the kind of information to be provided to governments by the Office, would vary greatly – basically depending upon whether the proposal related to an isolated amendment to meet a specific and perhaps urgent development or to a series of amendments resulting from a periodic review of the instrument. A flexible solution would be for the ILO's Governing Body to decide upon the necessary arrangements, including the fixing of the deadline for the receipt of observations from governments.

Consideration and adoption by an ILO body

17. At the end of the deadline, the Office would prepare a report on the basis of the replies received for submission to the ILO tripartite body or bodies in charge of considering and adopting amendment proposals. Perhaps the principal issue that needs to be considered is to determine which body that would be. The only appropriate forum in place at present is the International Labour Conference itself. However, to have the whole procedure take place in the Conference would be time-consuming (see paragraph 6 above) and costly as Members would presumably wish to have the question dealt with at a maritime session at which they would normally be represented by delegates and advisers from the maritime or transport departments of government and the most representative organizations of shipowners and seafarers. The Governing Body of course has the necessary tripartite

²⁰ SOLAS, Art. VIII(c), especially subpara. (iii).

structure but is hardly a forum for discussing more detailed provisions of a technical nature. The shipowners and seafarers have their own forum, the Joint Maritime Commission (JMC), which is however not open to government representatives (although it has the power to set up tripartite subcommittees).

- 18.** Indeed, one of the conclusions in this context summarized by the Chairperson at the first meeting of the High-level Tripartite Working Group (see paragraph 1 above) was that “there should be a specific maritime tripartite body charged with continuously reviewing the operation of the instrument to ensure rapid updating”. A committee of this kind could be set up by the ILO’s Governing Body and given the task not only of carrying out the continuous review of the operation of the new instrument with a view to updating, but also of considering and agreeing on amendments proposed in the framework of the tacit acceptance procedure. Such a committee would, in addition, facilitate the formulation and endorsement of the initial proposals (see paragraph 15 above) and advise the Governing Body on appropriate arrangements for their consideration (see paragraph 16). Given the overall aim of a tacit acceptance procedure and the advantages to be derived from its inclusion in the new instrument, the need to institutionalize a new body consisting of governments and representatives from shipowners and seafarers would be compensated for by the creation of a flexible and generally acceptable instrument. The idea would, in fact, not be to have a completely new institution, but rather to establish a tripartite forum consisting of the government representatives of the parties together with the members of the JMC and taking place just before or after JMC meetings.
- 19.** Accordingly, if, as suggested in paragraph 9 above, it were decided to introduce the IMO practice of giving the parties to the Convention concerned the power to decide upon amendments – but subject to the overall approval of the Organization – the instrument could establish a procedure on the following lines: it would, in the first place, provide for amendments to be agreed, by a two-thirds majority, in a committee established by the Governing Body and consisting of the Government representatives of the parties to the instrument (as well as those of Members that have just ratified the instrument) and representatives of the Shipowners and Seafarers appointed by the Governing Body, who would in practice be the members of the JMC. In line with the procedure for Conference committees, the voting could be weighted to ensure that the three groups had equal voting power. A consequence would, however, be that an amendment might be adopted without any vote in favour from any of the Governments, which had actually ratified the instrument being amended. It might therefore be appropriate for the Convention to stipulate that the two-thirds majority must include the vote in favour of at least half the Governments represented in the Committee. The IMO Conventions also have a requirement for the presence of at least one-third²¹ or half²² of the parties to the Convention concerned.

Submission to the Conference for approval

- 20.** The amendments agreed in the Committee could then be submitted, through the Governing Body, to the International Labour Conference for approval by the customary two-thirds majority. The Conference would be the appropriate forum in this respect. As the body which adopted the instrument itself and the guardian of the ILO’s social values, it alone would have the authority to give the confirmation that the amendments were in line with the principles laid down in the instrument and with relevant constitutional requirements

²¹ SOLAS, Art. VIII(b)(iv).

²² HNS, Art. 48(5).

(see, in particular, paragraph 22 below). In this connection, a maritime session of the Conference would not appear necessary and the discussions could be relatively short, since the Conference would not be entrusted with the negotiation of the amendments, but simply with providing or withholding the Organization's approval. A short committee meeting might be necessary in the case of any controversy; but it should normally be possible for the questions to be directly handled in a plenary sitting of the Conference as is permitted in the case of proposals for the abrogation or withdrawal of instruments.²³ If approval were not obtained, the amendments could be referred back to the parties for reconsideration.

Submission for tacit acceptance

21. If approved by the Conference, the amendments would be submitted to the Members that had ratified the instrument, with a view to their (tripartite) consideration. They might also be submitted to the other Members for information. The ratifying Members would be informed that they would be deemed to have accepted the amendments unless they notified the Director-General of their disagreement within the prescribed period. The period needed will obviously vary depending upon such factors as the complexity and urgency of the amendments. The instrument could prescribe the normal period of perhaps two years and allow it to be varied by the Conference by a two-thirds majority, subject to an appropriate minimum, for example "at least one year".²⁴

Entry into effect

22. At the end of the prescribed period, the amendments would enter into effect unless the number of ratifying Members which had notified their disagreement exceeded one-third of the total number of ratifying Members. The figure of one-third would correspond to two-thirds of express ratifications, required for example to bring amendments to the ILO Constitution into effect. Six months (for example, provided for in the SOLAS Convention) after the deemed acceptance, the amendments would enter into force for Members that had not objected to them and it would be the instrument, as amended, that would be open to further ratifications. An issue to be considered – although hopefully an academic one – concerns how the amendments would affect ratifying Members that had notified their disagreement and decided not to withdraw it when they saw that the overwhelming majority of the relevant governments were in favour. Under the HNS Convention²⁵ and similar ones, the objecting Member is still bound unless it actually denounces the instrument concerned before a prescribed date. While such a solution is understandable in view of the importance of the provision concerned, such an extreme measure would clearly not be justified in the case of many amendments that might be made to the new instrument. It would also be difficult to reconcile this approach with the ILO's Constitution and traditions. While the importance of achieving a level playing field is recognized (third preambular paragraph of the Constitution), the principle that ILO Members are only bound by the obligations that they have freely accepted (Constitution, article 19(5)(e)) has always been fully respected. In addition, the Constitution recognizes that some countries may not yet be in a position to attain the minimum standards laid down for other countries. Indeed, under paragraph 3 of article 19 of the Constitution, in framing standards of general

²³ ILO: Standing Orders of the Conference, art. 45bis.

²⁴ SOLAS, Art. VIII(b)(vi)(2).

²⁵ HNS, Art. 48(10).

application, the Conference is required to have due regard to the special situations of countries with substantially different industrial conditions.

23. On the other hand, the SOLAS solution of allowing Members to delay the entry into effect of amendments²⁶ would seem to fit in well with the ILO context. Indeed, a possibility for Members to phase in amendments in this way could be turned into an incentive for them to withdraw any objection made and, in general, tend to increase the attractiveness of the new instrument: this could be done by a provision that would require all parties, including port States, to exempt the Member concerned from implementing the amended provision during the period permitted by the instrument.

Amendment of non-mandatory provisions

24. Only amendments of the provisions of a mandatory nature would require acceptance by the parties. Provisions in the new instrument that relate to principles and rights covered by the Articles and Regulations could, as now in the case of international labour Recommendations, come into effect after adoption by the International Labour Conference. Provisions in the new instrument that relate to details covered by the Rules could be subject to amendment procedures similar to those applicable to the amendment of the Rules themselves except that there would be no need to submit them to the parties for acceptance. In particular cases, the instrument might make provisions for different procedures to be followed, as in the case of amendment of Recommendations relating to the fixing of wage levels.

Elements for Articles in the new instrument

25. In the light of the various considerations set out above, the proposed new instrument might provide for amendment procedures with the following elements:

Article AA

Committee on Maritime Labour Standards

1. Continuous review of the operation of the instrument, to ensure its rapid updating, in a committee established by the Governing Body with special competence in the area of maritime labour standards [see paragraph 18 above].

2. Tripartite composition of the Committee: ratifying Governments and representatives of Shipowners and Seafarers appointed by the Governing Body [see paragraph 19].

3. Equal voting power of the Government, Shipowner and Seafarer groups in the Committee [see paragraph 19].

4. Participation without vote of the Government representatives of non-ratifying Members and of observers from other organizations or entities.

²⁶ SOLAS, Art. VIII(b)(vii)(2).

Article XX

Amendment of mandatory provisions

1. Possibility of amendments to the Articles, Regulations and Rules being adopted and communicated to Members for ratification, in accordance with the rules and procedures for the adoption of international labour Conventions, as set out in the Constitution and the relevant Standing Orders of the Conference and the Governing Body [see paragraph 13].
2. Continued application of the Articles, Regulations and Rules, in their actual form and content for those Members which had ratified the Convention prior to entry into force of the amendments and have not ratified the amendments (see, for example, Convention No. 180, Article 23(2)).

Article YY

Special procedure for amendment of Rules

1. Possibility (unless provided otherwise in the relevant part of the Convention) of amending the Rules through the tacit acceptance procedure.
2. Right to propose amendments: the Government of any Member that had ratified the instrument and any representative of the Shipowners or Seafarers appointed to the Committee on Maritime Labour Standards, provided the proposal is supported by at least half the group concerned [see paragraph 15].
3. Circulation of proposals to all ILO Members for their observations and suggestions [see paragraph 16].
4. Consideration of the amendments by the Committee on Maritime Labour Standards with a view to adoption [see paragraph 17]. Adoption requiring two-thirds majority or higher, plus presence of one-half/one-third of the number of ratifying Members. The two-thirds majority must include the votes in favour of at least half the Governments represented at the meeting [see paragraph 19].
5. Submission of adopted amendments to the International Labour Conference for approval, by a two-thirds majority of the delegates present and voting. Referral back to the Committee if the amendments are not approved [see paragraph 20].
6. Notification of approved amendments to the governments of all Members that had ratified the instrument, with a copy to the other Members of the Organization [see paragraph 21 above].
7. Deemed acceptance unless, at the end of a period of two years after notification (or other period decided by the Conference, which must be at least one year), more than one-third of the parties have notified the Director-General of their disagreement [see paragraph 22].
8. Entry into force of amendments deemed to have been accepted, six months after the date of the deemed acceptance, with respect to all Members who subsequently ratify the Convention, as well as for the current Members, except those which have notified their disagreement with the amendment and have not withdrawn the disagreement; possibility, before the date set for entry into force, for any ratifying Member to exempt itself for a certain period from giving effect to the amendments [see paragraph 23].

Article ZZ

Amendment of non-mandatory provisions

1. Amendment of Recommendations relating to principles and rights covered by the Articles and Regulations: this could be done in accordance with the rules and procedures for the adoption of international labour Recommendations, as set out in the Constitution and the relevant Standing Orders of the Conference and the Governing Body.

2. Amendment of Recommendations relating to details covered by the Rules: this could be subject to procedures similar to those for the amendment of the Rules unless provided otherwise in particular cases. [See paragraph 24.]

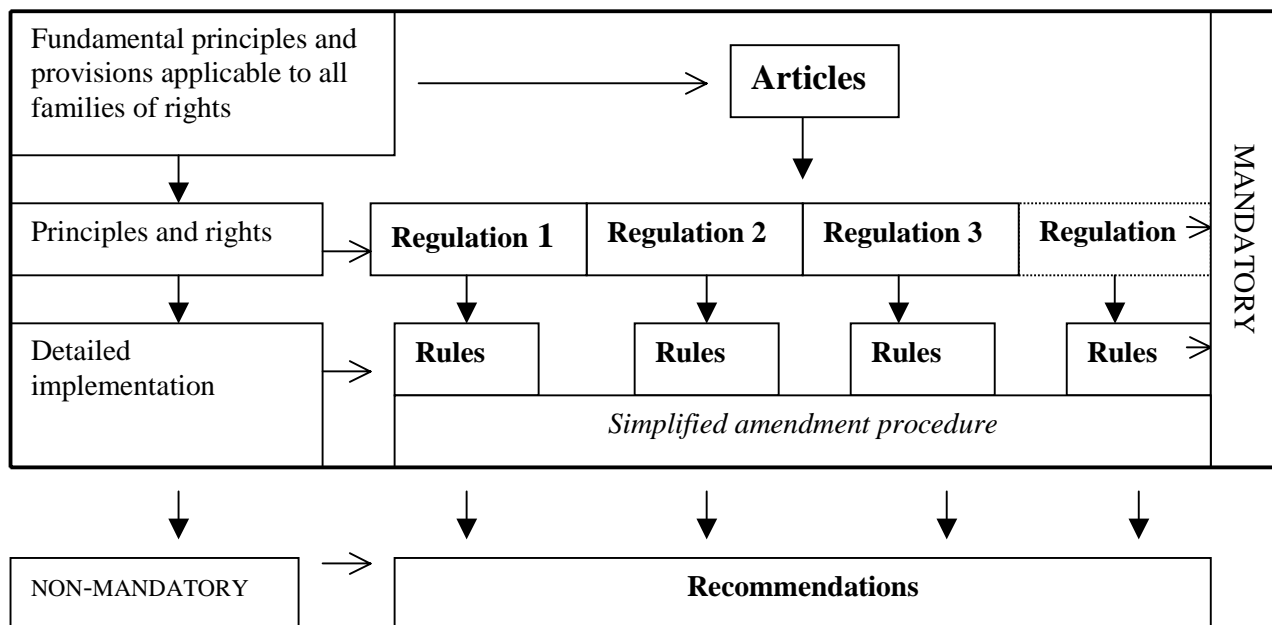
26. A flowchart illustrating the simplified amendment procedure is reproduced in Appendix III to this paper.

Point for discussion

27. The High-level Tripartite Working Group may wish to give its views on the extent to which a simplified amendment procedure, along the lines set out above, appears appropriate and adequate and, above all, acceptable to governments. It may also wish to consider the various options indicated as well as additional ones.

Part II: How the procedure would be applied

28. Following a suggestion as to terminology made by the Subgroup at its meeting last June, the proposed structure of the consolidated Convention would be as follows:



By giving the term “Rule” to a particular provision, rather than the term “Article” or “Regulation”, the International Labour Conference would be deciding that that provision relates to a detail of the principle in a Regulation and may accordingly be the subject of a simplified amendment procedure, rather than of the formal procedures set out in article 19 of the ILO Constitution and the relevant provisions of the Conference and Governing Body Standing Orders.

General approach

29. But how does one determine whether any given provision of an existing Convention should be considered as relating to a principle or a detail? One approach would be to agree on a clear demarcation between what constitutes a principle and what constitutes a detail. Such an approach might however not be very helpful; first, because definitions of this kind might be difficult to agree; and, second, because a preliminary survey of existing maritime Conventions has shown that few provisions actually appear as principles.

30. A pragmatic approach on the following lines appears preferable: the drafters of the new instrument would first examine the substance of the “family” of Conventions to be included in a particular set of Regulations, rather than the wording used, and agree on the key principles that flow from the Conventions concerned. They would then draft the respective Regulations on the basis of the principles that have been identified and applying the following criteria, which are derived from the rationale for the simplified amendment procedure, referred to in paragraph 3 above:

- (a) the Regulations would be drafted in terms that are sufficiently general and comprehensive as to be likely to obviate the need for any amendment or additions over the coming decades;

(b) at the same time, the text of the Regulations would be sufficiently specific with respect to the intentions of the International Labour Conference and the objectives to be achieved, so as to provide clear parameters for each implementing provision to be included in the Rules and for any future amendments of the Rules.

- 31.** The Rules would in fact contain more or less the same text as that contained in the existing Conventions to which they relate, with the deletion of any material that coincides with text in the Regulations being implemented by the Rules concerned.
- 32.** The above approach is illustrated in Appendix II to this paper. Part A of that appendix contains the text of a hypothetical existing Convention (so as not to prejudge the actual work on the new instrument) relating to the promotion of leisure activities. Part B shows how the substance of that same Convention might appear in the new instrument. It consists of Regulations and corresponding Rules.
- 33.** In the first place, the Regulations take over the Preamble to the existing Convention without change. The Preamble is an important element for making clear the general intention behind the provisions. The main obligation, set out in Article 3 of the Convention (see Part A), is for the shipowner to provide facilities for the sports and games listed in that Article. In Part B, this obligation appears as a principle in Regulation 6.3, without the actual list of sports and games (which is transferred as a detail to Rule 6.1), but with extra wording (in bold type) to set parameters inherent in the list. Thus, any addition to the list, made in accordance with a simplified amendment procedure, must be a sport or game of skill which is generally accessible and affordable and be in keeping with the intention of developing seafarers' proficiencies as set out in the Preamble. Article 4 of Part A appears without change as Regulation 6.4 of Part B, since it relates to general principles which are unlikely to need updating. Articles 5 to 11 of the Convention in Part A appear to relate to matters of detail and are covered in the Rules component in Part B as Rules 6.2 to 6.6. The parameters for these details are set out in a new Regulation 6.5 of Part B. Each of the detailed Rules is based on a general provision of the Regulations. This basis is indicated in square brackets after the Rule or Rules concerned.

Point for discussion

- 34.** The High-level Tripartite Working Group may wish to review the above general approach – in the context of a simplified amendment procedure. When the Subgroup discussed the subject last June, the Shipowners' representatives considered that the equivalent of Part B of Appendix II in the present paper contained too many principles: in the hypothetical case dealt with, the Regulations could consist simply of what now appears as Regulation 6.3, the provisions of the other Regulations being included in the Rules, where necessary. A similar view was expressed by the Seafarers' representatives in the Subgroup.
- 35.** The hypothetical Regulation 6 would certainly read much better if it were restricted to the basic principle, but it also contains parameters for possible amendments through a simplified procedure of the kind described in this paper. The purpose of the parameters is to enable the International Labour Conference and national Parliaments to maintain control over the scope of such amendments – the International Labour Conference, as the international constitutional body responsible for adopting international labour standards, and the Parliaments, as the national constitutional bodies normally involved in the process of ratification of Conventions communicated to Members in accordance with article 19 of the ILO Constitution.

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- 36.** This is a matter on which the High-level Tripartite Working Group must have the advice of the legal experts of the governments concerned. Among the questions that might be relevant in this connection are the following:
- Do the hypothetical Rules in Appendix II, Part B, exemplify the kinds of details which, in the legal experts' countries, might be included in subsidiary legislation that could be updated whenever necessary without resort to an Act of Parliament?
 - Would there be any problem about using the simplified procedure to amend the Rules in Appendix II in ways that were consistent with the provisions of the Regulations?
 - Would there be any problem about using the simplified procedure if the Regulations simply consisted of Regulation 6.3, with Regulation 6.4 being transferred to the Rules?
 - If the approach in the present paper would not be acceptable to governments, what approach should be adopted?
- 37.** In order to facilitate the task of drafting provisions for the proposed consolidated Convention on international maritime labour standards, it is hoped that the High-level Tripartite Working Group will be in a position to provide the necessary expert guidance at its forthcoming meeting in October 2002.

Appendix I

IMO examples of simplified amendment procedures

International Convention for the Safety of Life at Sea (SOLAS) 1974

Article VIII

Amendments

- (a) The present Convention may be amended by either of the procedures specified in the following paragraphs.
 - (b) Amendments after consideration within the Organization:
 - (i) Any amendment proposed by a Contracting Government shall be submitted to the Secretary-General of the Organization, who shall then circulate it to all Members of the Organization and all Contracting Governments at least six months prior to its consideration.
 - (ii) Any amendment proposed and circulated as above shall be referred to the Maritime Safety Committee of the Organization for consideration.
 - (iii) Contracting Governments of States, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.
 - (iv) Amendments shall be adopted by a two-thirds majority of the Contracting Governments present and voting in the Maritime Safety Committee expanded as provided for in subparagraph (iii) of this paragraph (hereinafter referred to as “the expanded Maritime Safety Committee”) on condition that at least one-third of the Contracting Governments shall be present at the time of voting.
 - (v) Amendments adopted in accordance with subparagraph (iv) of this paragraph shall be communicated by the Secretary-General of the Organization to all Contracting Governments for acceptance.
 - (vi)
 - (1) An amendment to an Article of the Convention or to Chapter I of the annex shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Contracting Governments.
 - (2) An amendment to the annex other than Chapter I shall be deemed to have been accepted:
 - (aa) at the end of two years from the date on which it is communicated to the Contracting Governments for acceptance; or
 - (bb) at the end of a different period, which shall not be less than one year, if so determined at the time of its adoption by a two-thirds majority of the Contracting Governments present and voting in the expanded Maritime Safety Committee.
- However, if within the specified period either more than one-third of Contracting Governments, or 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, notify the Secretary-General of the Organization that they object to the amendment, it shall be deemed not to have been accepted.
- (vii)
 - (1) An amendment to an Article of the Convention or to Chapter I of the annex shall enter into force with respect to those Contracting Governments which have accepted it, six months after the date on which it is deemed to have been accepted,

and with respect to each Contracting Government which accepts it after that date, six months after the date of that Government's acceptance.

- (2) An amendment to the annex other than Chapter I shall enter into force with respect to all Contracting Governments, except those which have objected to the amendment under subparagraph (vi)(2) of this paragraph and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Contracting Government may give notice to the Secretary-General of the Organization that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Contracting Governments present and voting in the expanded Maritime Safety Committee at the time of the adoption of the amendment.
- (c) Amendment by a Conference:
- (i) Upon the request of a Contracting Government concurred in by at least one-third of the Contracting Governments, the Organization shall convene a Conference of Contracting Governments to consider amendments to the present Convention.
- (ii) Every amendment adopted by such a Conference by a two-thirds majority of the Contracting Governments present and voting shall be communicated by the Secretary-General of the Organization to all Contracting Governments for acceptance.
- (iii) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in subparagraphs (b)(vi) and (b)(vii) respectively of this Article, provided that references in these paragraphs to the expanded Maritime Safety Committee shall be taken to mean references to the Conference.
- (d) (i) A Contracting Government which has accepted an amendment to the annex which has entered into force shall not be obliged to extend the benefit of the present Convention in respect of certificates issued to a ship entitled to fly the flag of a State the Government of which, pursuant to the provisions of subparagraph (b)(vi)(2) of this Article, has objected to the amendment and has not withdrawn such an objection, but only to the extent that such certificates relate to matters covered by the amendment in question.
- (ii) A Contracting Government which has accepted an amendment to the annex which has entered into force shall extend the benefit of the present Convention in respect of certificates issued to a ship entitled to fly the flag of a State the Government of which, pursuant to the provisions of subparagraph (b)(vii)(2) of this Article, has notified the Secretary-General of the Organization that it exempts itself from giving effect to the amendment.
- (e) Unless expressly provided otherwise, any amendment to the present Convention made under this Article, which relates to the structure of a ship, shall apply only to ships the keels of which are laid or which are at a similar stage of construction, on or after the date on which the amendment enters into force.
- (f) Any declaration of acceptance of, or objection to, an amendment or any notice given under subparagraph (b)(vii)(2) of this Article shall be submitted in writing to the Secretary-General of the Organization, who shall inform all Contracting Governments of any such submission and the date of its receipt.
- (g) The Secretary-General of the Organization shall inform all Contracting Governments of any amendments which enter into force under this Article, together with the date on which each such amendment enters into force.

**Convention on Liability and Compensation for Damage
in connection with the carriage of Hazardous and
Noxious Substances by Sea (HNS) 1996**

Article 48

Amendment of limits

- (1) Without prejudice to the provisions of Article 47, the special procedure in this Article shall apply solely for the purposes of amending the limits set out in Article 9, paragraph 1, and Article 14, paragraph 5.
- (2) Upon the request of at least one-half, but in no case less than six, of the State Parties, any proposal to amend the limits specified in Article 9, paragraph 1, and Article 14, paragraph 5, shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.
- (3) Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization (the Legal Committee) for consideration at a date at least six months after the date of its circulation.
- (4) All Contracting States, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.
- (5) Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided in paragraph 4, on condition that at least one-half of the Contracting States shall be present at the time of voting.
- (6) When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and, in particular, the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance. It shall also take into account the relationship between the limits established in Article 9, paragraph 1, and those in Article 14, paragraph 5.
- (7)
 - (a) No amendment of the limits under this Article may be considered less than five years from the date this Convention was opened for signature nor less than five years from the date of entry into force of a previous amendment under this Article.
 - (b) No limit may be increased so as to exceed an amount which corresponds to a limit laid down in this Convention increased by 6 per cent per year calculated on a compound basis from the date on which this Convention was opened for signature.
 - (c) No limit may be increased so as to exceed an amount which corresponds to a limit laid down in this Convention multiplied by three.
- (8) Any amendment adopted in accordance with paragraph 5 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of 18 months after the date of notification, unless within that period no less than one-fourth of the States which were Contracting States at the time of adoption of the amendment have communicated to the Secretary-General that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.
- (9) An amendment deemed to have been accepted in accordance with paragraph 8 shall enter into force 18 months after its acceptance.
- (10) All Contracting States shall be bound by the amendment, unless they denounce this Convention in accordance with Article 49, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.
- (11) When an amendment has been adopted but the 18-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 8. In

the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Convention enters into force for that State, if later.

Appendix II – Part A

Hypothetical existing Convention

Promotion of leisure at sea Convention

The General Conference of the International Labour Organization,

...

Recognizing the right of all seafarers to maintain contact, while at sea, with the leisure activities available to workers onshore,

Noting the considerable increase in the spare time of seafarers that has arisen over the past years on account of the mechanization of numerous aspects of seafaring,

Considering that all seafarers should be given full opportunities to constantly develop their physical and intellectual proficiencies while at sea,

Having decided upon the adoption of certain proposals with regard to the promotion of leisure activities for seafarers while at sea,

...

Having determined that these proposals shall take the form of an international Convention; adopts, this [date], the following Convention, which may be cited as the Promotion of Leisure at Sea Convention [year]:

Article 1

[Definitions]

Article 2

Effect shall be given to this Convention by national laws or regulations, collective agreements, works rules, arbitration awards or court decisions or other means appropriate to national conditions.

Article 3

1. Each Member shall by national laws or regulations make shipowners responsible for maintaining free of charge onboard ship the necessary facilities for traditional shipboard games, as well as such sports or games as football, baseball, basketball, hockey, tennis, table tennis, gymnastics, bridge, whist, chess, draughts and backgammon, modified where necessary to take account of the special conditions onboard ship.

2. The specific sports and games for which facilities shall be maintained on any given ship to which this Convention applies shall be prescribed by the competent authority taking into account such factors as the type of vessel, the number and nationalities of the persons onboard and the nature, destination and duration of voyages.

Article 4

Each Member shall ensure that measures providing for leisure activities for seafarers onboard ship are adopted which –

- (a) aim at providing seafarers with facilities that are as comparable as possible to those which are generally available to workers ashore;
- (b) guarantee seafarers the right, subject to the overriding needs of the ship, to take part in international and national competitions in sports or games in which they are particularly proficient;

-
- (c) devote particular attention to the development of the seafarers' fitness and proficiency in sports and games, encouraging them to play an active part in enhancing not only their own abilities and skills but also those of the other seafarers onboard.

Article 5

1. Every ship to which this Convention applies shall carry the necessary material and equipment for the sports and games for which facilities are to be provided.

2. The material and equipment shall be properly maintained and inspected at regular intervals, not exceeding 12 months, by responsible persons designated by the competent authority, who shall ensure that the material and equipment is complete and in good order and shall pay particular attention to defects, whether due to wear and tear or malfeasance, that could give players an advantage over others.

3. The ship shall ensure that the material and equipment for each activity is kept separately from that for the other activities and shall maintain a list itemizing the material and equipment and indicating its location for each activity.

Article 6

1. Every ship to which this Convention applies shall be required to carry a compendium of the rules of all common sports and games, written in the principal languages spoken on the ship.

2. In addition to the rules, the compendium shall provide information on the principal variants of the rules as well as on the best practices and tactics during play.

3. In adopting or reviewing the ship's compendium, the competent authority shall, after consultation with the most representative organizations of shipowners and seafarers, make such modifications to the rules as are necessary to take into account conditions onboard ship.

4. The laws and regulations shall empower the master, and any member of the crew to whom the latter has delegated this power, to officially recognize any sporting or gaming prowess constituting a record.

Article 7

1. All ships to which this Convention applies carrying 100 or more seafarers and ordinarily engaged on international voyages of more than three days' duration shall carry, as members of the crew, at least one professional coach for an outdoor game for which facilities are to be provided and at least one professional coach for an indoor game for which facilities are to be provided.

2. National laws or regulations shall determine which other ships shall be required to carry coaches as members of the crew, taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers onboard.

Article 8

1. All ships to which this Convention applies shall, to the extent that they do not carry a coach versed in the particular sport or game, make arrangements to provide the necessary knowledge and expertise to one or more members of the crew in charge of providing training and advice to the other seafarers as part of their regular duties.

2. Persons in charge of sports and games onboard who are not professional coaches shall have satisfactorily completed a course approved by the competent authority of theoretical and applied training in at least one sport or game, as well as training in first aid for sports injuries.

3. Persons referred to in paragraph 2 of this Article and such other seafarers as may be required by the competent authority shall undergo refresher courses to enable them to maintain and increase their knowledge and skills and to keep abreast of new developments, at approximately five-year intervals.

4. All seafarers, during their maritime vocational training, shall receive instruction on the most common sports and games, especially with a view to ensuring that there are sufficient numbers of persons to make up the required teams or to allow the game concerned to take place.

Article 9

1. In any ship of 500 or more gross tonnage, carrying 15 or more seafarers and engaged in a voyage of more than three days' duration, at least one separate location shall be made exclusively available for sports or games. The competent authority may relax this requirement in respect of ships engaged in coastal trade.

2. The area made available shall be sufficient in size, solidity, lighting and ventilation to enable each of the sports and games for which facilities are to be provided to be played properly, safely, comfortably and in all weathers. On the occasion of competitions and, in general, for sports and games requiring particular concentration, special measures shall be taken to protect the players from outside distractions.

3. Changing rooms and showers, whose number shall be prescribed by the competent authority, shall be provided for the exclusive use of the players, either as part of the area made available or in close proximity thereto.

Appendix II – Part B

Convention in Part A restructured for the purposes of the consolidated Convention

Regulation 6: Promotion of leisure at sea

Recognizing the right of all seafarers to maintain contact, while at sea, with the leisure activities available to workers onshore,

Noting the considerable increase in the spare time of seafarers that has arisen over the past years on account of the mechanization of numerous aspects of seafaring,

Considering that all seafarers should be given full opportunities to constantly develop their physical and intellectual proficiencies while at sea,

Regulation 6.1

[Definitions adding to or varying from the definitions in the main part of the instrument.]

Regulation 6.2

[Effect shall be given to this Convention by national laws or regulations, collective agreements, works rules, arbitration awards or court decisions or other means appropriate to national conditions.] *This Article, valid for all ILO Conventions, would be in the main Part of the new instrument.*

Regulation 6.3

1. Shipowners shall be responsible for providing free of charge onboard ship the necessary facilities for all traditional shipboard games, as well as such sports or games of skill, modified where necessary to take account of the special conditions onboard ship, as are generally accessible and affordable to workers on shore.

2. The specific sports and games for which facilities shall be provided on any given ship covered by this Convention shall be prescribed by the competent authority taking into account such factors as the type of vessel, the number and nationalities of the persons onboard and the nature, destination and duration of voyages.

Regulation 6.4

Each Member shall ensure that measures providing for leisure activities for seafarers onboard ship are adopted which –

- (a) aim at providing seafarers with facilities that are as comparable as possible to those which are generally available to workers ashore;
- (b) guarantee seafarers the right, subject to the overriding needs of the ship, to take part in international and national competitions in sports or games in which they are particularly proficient;
- (c) devote particular attention to the development of the seafarers' fitness and proficiency in sports and games, encouraging them to play an active part in enhancing not only their own abilities and skills but also those of the other seafarers onboard.

Regulation 6.5

The facilities to be made available for the sports and games shall include:

- (a) **the necessary material and equipment, properly maintained;**

-
- (b) the text of appropriate rules and relevant reference material; and**
 - (c) in so far as possible having regard to such factors as the duration, nature and conditions of the voyage concerned and the number of seafarers onboard:**
 - (i) professional training provided to seafarers individually; and**
 - (ii) appropriately constructed, furnished and equipped premises for the exercise of the leisure activities concerned.**

Rules under Regulation 6

Rule 6.1

In prescribing the games for which facilities are to be provided onboard ship, in accordance with Regulation 6.3, the competent authority shall give particular attention to traditional shipboard games, as well as such sports or games as football, baseball, basketball, hockey, tennis, table tennis, gymnastics, bridge, whist, chess, draughts and backgammon, modified where necessary to take account of the special conditions onboard ship. [Basis: Reg. 6.3]

Rule 6.2

1. Every ship shall carry the necessary material and equipment for the sports and games for which facilities are to be provided.

2. The material and equipment shall be properly maintained and inspected at regular intervals, not exceeding 12 months, by responsible persons designated by the competent authority, who shall ensure that the material and equipment is complete and in good order and shall pay particular attention to defects, whether due to wear and tear or malfeasance, that could give players an advantage over others.

3. The ship shall ensure that the material and equipment for each activity is kept separately from that for the other activities and shall maintain a list itemizing the material and equipment and indicating its location for each activity. [Basis: Reg. 6.5(a)]

Rule 6.3

1. Every ship shall be required to carry a compendium of the rules of all common sports and games, written in the principal languages spoken on the ship. [Basis: Reg. 6.5(b)]

2. In addition to the rules, the compendium shall provide information on the principal variants of the rules as well as on the best practices and tactics during play. [Basis: Reg. 6.5(b)]

3. In adopting or reviewing the ship's compendium, the competent authority shall, after consultation with the most representative organizations of shipowners and seafarers, make such modifications to the rules as are necessary to take into account conditions onboard ship. [Basis: Reg. 6.5(b) read with Reg. 6.3(1)]

4. The laws and regulations shall empower the master, and any member of the crew to whom the latter has delegated this power, to officially recognize any sporting or gaming prowess constituting a record. [Basis: Reg. 6.4(a)]

Rule 6.4

1. All ships carrying 100 or more seafarers and ordinarily engaged on international voyages of more than three days' duration shall carry, as members of the crew, at least one professional coach for an outdoor game for which facilities are to be provided and at least one professional coach for an indoor game for which facilities are to be provided.

2. National laws or regulations shall determine which other ships shall be required to carry coaches as members of the crew, taking into account, inter alia, such factors as the duration, nature and conditions of the voyage and the number of seafarers onboard. [Basis: Reg. 6.5(c)(i)]

Rule 6.5

1. All ships to which this Convention applies shall, to the extent that they do not carry a coach versed in the particular sport or game, make arrangements to provide the necessary knowledge and expertise to one or more members of the crew in charge of providing training and advice to the other seafarers as part of their regular duties.

2. Persons in charge of sports and games onboard who are not professional coaches shall have satisfactorily completed a course approved by the competent authority of theoretical and applied training in at least one sport or game, as well as training in first aid for sports injuries.

3. Persons referred to in paragraph 2 of this Rule and such other seafarers as may be required by the competent authority shall undergo refresher courses to enable them to maintain and increase their knowledge and skills and to keep abreast of new developments, at approximately five-year intervals.

4. All seafarers, during their maritime vocational training, shall receive instruction on the most common sports and games, especially with a view to ensuring that there are sufficient numbers of persons to make up the required teams or to allow the game concerned to take place. [Basis: Reg. 6.5(c)(i)]

Rule 6.6

1. In any ship of 500 or more gross tonnage, carrying 15 or more seafarers and engaged in a voyage of more than three days' duration, at least one separate location shall be made exclusively available for sports or games. The competent authority may relax this requirement in respect of ships engaged in coastal trade.

2. The area made available shall be sufficient in size and solidity and lighting and ventilation to enable each of the sports and games for which facilities are to be provided to be played properly, safely, comfortably and in all weathers. On the occasion of competitions and, in general, for sports and games requiring particular concentration, special measures shall be taken to protect the players from outside distractions.

3. Changing rooms and showers, whose number shall be prescribed by the competent authority, shall be provided for the exclusive use of the players, either as part of the area made available or in close proximity thereto. [Basis: Reg. 6.5(c)(ii)]

Appendix III - Simplified amendment procedure

