

**High-level Tripartite Working Group on Maritime  
Labour Standards (second meeting)**Geneva  
14-18 October 2002

---

**Final report****Introduction**

1. The High-level Tripartite Working Group on Maritime Labour Standards (hereafter referred to as the “High-level Group”) met in its second session at the International Labour Office from 14 to 18 October 2002. The High-level Group continued its work in accordance with a decision taken by the Governing Body of the International Labour Office at its 280th Session (March 2001) and in accordance with a proposal made unanimously by the Joint Maritime Commission at its 29th Session (January 2001) calling for a single, coherent international maritime labour standard incorporating, as far as possible, the substance of all the various international maritime labour standards that are sufficiently up to date.

**Composition of the High-level Group**

2. This meeting of the High-level Group was attended by 48 Government delegations, with a total of 112 participants, and 22 Shipowners’ and 28 Seafarers’ delegates and advisers. A number of non-governmental delegations were also present.
3. The High-level Group, on the proposal of its Government group, elected Mr. Tatsuya Teranishi (Government member, Japan) as Vice-Chairperson to replace Mr. Takeshi Nishikawa, who was unable to continue in office due to his transfer to another position in his Government. The Officers of the High-level Group are therefore:

*Chairperson:* Mr. Jean-Marc Schindler (Government member, France)

*Vice-Chairpersons:* Mr. Tatsuya Teranishi (Government member, Japan)

Mr. Lachlan Payne (Shipowner member, Australia)

Mr. Brian Orrell (Seafarer member, United Kingdom)

The Officers of the groups were as follows:

*Government group*

*Chairperson:* Mr. C.H.G. Schlettwein (Namibia)

*Vice-Chairperson:* Mr. Young-Moon Park (Republic of Korea)

---

*Secretary:* Mr. Georg Smeffjell (Norway)

*Shipowners' group*

*Chairperson and  
spokesperson:* Mr. Dierk Lindemann (Germany)

*Vice-Chairperson:* Mr. Joe Cox (United States)

*Secretary:* Mr. David Dearsley (International Shipping Federation)

*Seafarers' group*

*Chairperson and  
spokesperson:* Mr. Brian Orrell (United Kingdom)

*Vice-Chairperson:* Mr. Thomas Tay (Singapore)

*Secretary:* Mr. Jon Whitlow (International Transport Workers' Federation)

## Opening statements

4. The Chairperson of the Subgroup of the High-level Group reported on the outcome of the meeting held in Geneva from 24 to 28 June 2002, report of which is contained in document TWGMLS/2002/12. She recalled the discussions on four issues which required decisions by the High-level Group, namely strengthening the enforcement and control mechanisms including how the Group could put more teeth in port state control, flag state certification, structure of the instrument and seafarers' training. She reminded the High-level Group of the conclusions of the Subgroup on enforcement conditions, scope of application, structure and a simplified amendment procedure. She stressed the need to maintain the capital of ratifications of Convention No. 147, which was one of the most important ILO instruments, that a vast number of States had ratified.
5. The Deputy Secretary-General introduced the reports prepared by the Office. A complete list of the documents before the High-level Group is contained in the appendix of this report. The main document (TWGMLS/2002/3) provided a preliminary draft illustrating a possible structure for the new Convention. This text needed to be developed in the light of the decisions of the High-level Group in many areas, such as on definitions and scope of application. Substantial documentation was also available on enforcement and control (TWGMLS/2002/4) and the simplified amendment procedure (TWGMLS/2002/2). She also drew attention to recent ratifications and recent or forthcoming entry into force of certain ILO maritime labour instruments, namely the Protocol to Convention No. 147 and Convention No. 180.
6. The Chairperson of the Government group reported on the discussions which had taken place in his group's previous meetings. On method of work, his group preferred that work should be done in plenary so as to take decisions which provide the necessary drafting instructions. His group agreed with a four-layered approach with Articles, Regulations, Rules and Recommendations. Terms could vary but the first three would be binding and the last one non-binding. The Rules and the Recommendations would be the equivalent of Codes A and B in the IMO's STCW Convention. Some in his group favoured the MARPOL approach of "pick and choose" upon ratification. However, flexibility should not erode impact. Articles should be amended through an explicit amendment procedure. Tacit amendment could be envisaged for levels 3 and 4, and possibly also level 2, provided

---

that there was no back-door introduction of principles which were outside the scope of the Articles. The body tasked with the amendment of the Convention should have the relevant technical skills. There should be safeguards preventing the Government members from being overruled in the amendment process. There was also broad agreement on the need to have effective enforcement and control but discussions were continuing on these issues.

7. The Shipowner spokesperson was impressed by the progress achieved in less than a year since the High-level Group's first meeting. Already a preliminary text was before the High-level Group. He was confident that the goals fixed at the time would be reached. Difficult decisions needed to be taken in order to allow further drafting.
8. The secretary of the Shipowners' group introduced the paper presented by the ISF. It first dealt with the organization of work drawing attention to technically complex decisions which had to be taken in a relatively short period. The Shipowners felt it could be beneficial to establish small groups since it would not be possible to deal with all matters in plenary. On the enforcement issue, the Shipowners had identified three points, which they considered to be important and needing further discussion: (a) the issue to ships of a certificate concerning compliance with agreed labour standards; (b) the auditing procedures adopted prior to the issue of such certificates; and (c) the procedures for dealing with crew complaints. Moreover, the ISF also drew attention to the scope of application and definitions. Finally, amendment procedures were also examined. The secretary of the Shipowners' group concluded by insisting on the fact that the preoccupations of his group were of a practical, and not of a political nature.
9. The Seafarer spokesperson complimented the Office on the quality of the documents provided to the meeting. He remarked, however, that the first HLTWG meeting had agreed that the future instrument should be "clear, simple, easy to ratify, easy to implement". He thought that the High-level Group should stick to these objectives, and the fact that some documents were complex and not easy to understand showed that simple and clear information was needed. If the aim of the exercise was simply to consolidate existing texts, as was the case with the initial compilation of maritime labour standards (ConMarCon), this would be easy to achieve. He stressed that it would be necessary to completely revise the existing text, using clear and simple language which was easy to understand.
10. He then commented on the Seafarers' submission to the present meeting, the need to produce a widely ratifiable instrument. He referred to the Meeting on International Registers that took place in May this year and the Consensual Statement which should provide guidance to the High-level Group, central to which was addressing the decent work deficit in the shipping industry. The Seafarers were of the opinion that the new instrument should result in improvements for seafarers on board ships around the world. In other terms, it should help to eradicate substandard shipping. It should constitute a real and unambiguous Seafarers' Bill of Rights, making decent work a reality on all ships. He advised that the Seafarers were proposing a radical approach, which was a package, and which would remove a lot of the prescriptive details. Regarding the structure of the future instrument, the first layer would be the Articles. The second layer, the Regulations, should consist of the principles and rights of seafarers. The rest of the instrument should comprise a mandatory Part A and a recommendatory Part B. He agreed that large portions of existing Conventions might need to be left out in order to have a coherent, modern and clear text.
11. Regarding the enforcement issues, the Seafarer spokesperson indicated that his group strongly supported the concept of linking flag State inspection with the issuance of a certificate, based on a labour inspection, but could not support the inclusion of working conditions within the ISM Code which he felt was primarily self-regulation. The Seafarers wanted certified compliance rather than certification of the procedures. The fact that many

---

member States did not sufficiently act after having received complaints indicated the necessity to define an appropriate complaints system. The so-called MARPOL-type approach would, according to the Seafarers, undermine the whole process, whilst the exclusion of certain groups of seafarers working on certain ships was clearly unacceptable and would be incompatible with the Declaration of Philadelphia and would be akin to institutionalizing a system of maritime apartheid. On the other hand, an examination of the scope of application on a case-by-case basis for each family of detailed requirements could be an alternative way forward. The Seafarers, whilst agreeable to the substantial equivalence concept, suggested that guidance on the interpretation of this concept should be provided in the new text. In conclusion, the Seafarer spokesperson underlined the importance of looking for the identification of objective criteria which would permit verification, since the inspection of social conditions, as opposed to safety defects, was said to be more difficult to perform correctly, however, the Seafarers believed that the difficulties were over-stated. The interest of having a Bill of Rights would be that breaches of social regulations should lead to detention of a ship, just as is the case for safety considerations. The Seafarer spokesperson also indicated that his group was ready to work together with the Shipowners during part of the group meetings, if need be, to define clearly principles and rights. Otherwise, it was clear that the plenary was the only place to take decisions.

12. The Shipowner spokesperson agreed to this proposal, and expressed his satisfaction to see the good coordination existing within the Government group.
13. The representative of the Government of the United Kingdom drew the attention of the meeting to the necessary vigilance to be observed when dealing with principles and rights, so that the tacit amendment procedure that was supposed to be applied to this particular tier of the instrument should not be used to introduce regulations which are outside the scope of the Articles. He suggested that Shipowners and Seafarers should also look into the possible contents of the Articles to ensure that their scope would be appropriate.

## Structure of the instrument

14. The Secretary-General made a presentation on the structure of the consolidated instrument as proposed in the Office documents.
15. The Shipowner spokesperson confirmed that his group agreed with the instrument being divided into four levels as proposed by the Office. At this stage he was inclined to avoid complicated terminology of rules and regulations, which could be confusing to those not familiar with the subject matter. The choice of terms could be made later. He wanted to know, however, at which levels would “substantial equivalence” be inserted.
16. In response to a question from the Shipowners, the Office clarified that “substantial equivalence” and “no more favourable treatment” were tentatively in Article V, at level 1 of the preliminary provisions. Concerning the application of substantial equivalence, i.e. at which level it would apply, it would be for the High-level Group to determine for each family and level whether “substantial equivalence” would apply and to what extent there was a need for flexibility. Substantial equivalence would not apply to the entire Convention but rather to the details.
17. The Seafarer spokesperson explained that his group was concerned that the rights of seafarers and principles of enforcement should be clearly identified. Conditions of employment and manning, for example, implied rights as did working and living conditions. Prerequisites for going to sea and related provisions would be principles. However, there remained the question of how any amendments to the instrument would be

---

dealt with. There was a need to have the ability to deal with some future unforeseen problem which had to be balanced against the maintenance of enshrined basic rights. One avenue would be to entrust such amendments to a Maritime Session of the International Labour Conference, which would require the allocation of considerable resources and a compelling reason for amending the regulations. But there was also the question of building in the possibility of using the simplified amendment procedure by a qualified majority so that the instrument could be flexible and modernized as needed, while maintaining basic rights.

18. The representative of the Government of the United Kingdom was satisfied with the explanation that the Convention could not be modified at a “whim”. The Office explanation of the levels and differentiating between *fundamental* and *basic* rights and principles was also acceptable. The situation would become clearer as to what would go into each level, and what might need to be amended and how.
19. Both the Shipowner and Seafarer spokespersons stated that after considering various proposals as to the structure of the instrument, including the one made by the representative of the Government of Norway, they preferred the one suggested in the Office paper.
20. The representative of the Government of the Bahamas said that his delegation had no strong views on this issue but recalled that certain governments had suggested a MARPOL-type approach. He felt that no final decision should be taken until a more extensive discussion had taken place.
21. The representative of the Government of Namibia explained that the incorporation of further elements of the Decent Work Agenda in the future instrument was needed. He noted that the current list of families did not include anything in this respect. He felt that social dialogue and employment should be more prominent. He also foresaw a necessity to incorporate definitions, not only at the beginning of the instrument, but further down in the various levels.
22. The Deputy Secretary-General explained that, for drafting reasons, the present text had been taken from existing Conventions, but this did not mean that the social dialogue aspect would be neglected. For instance, elements of the Declaration had been incorporated in the preambular part. Concerns about social dialogue could be taken into account by references to Convention No. 144. Various provisions would take care of concerns regarding employment.
23. The representative of the Government of the United States stated that the Government group had already identified potential overlapping in the various families. At the current stage, his delegation’s recommendation was not to take a final decision on the families issue.
24. The representative of the Government of the Republic of Korea agreed and remarked that various options would have to be considered, in particular at level 3, since there were proposals to adopt a MARPOL-type approach to allow flexibility.
25. The Seafarer spokesperson agreed that a final decision should not be taken too hastily. He also said that his group appreciated the concerns voiced by the representative of the Government of Namibia regarding the importance of social dialogue. Too often, governments only paid lip service to this concept. In particular, there were cases where there were no representative social partners in some flag States and multinational crews observed difficulties in this respect. He stressed the need for the inclusion of a mechanism

---

which would deliver real social dialogue in the new instrument and suggested that this aspect required detailed consideration.

26. The Chairperson observed that there was an apparent agreement that non-binding provisions should be limited to the fourth level, with the three higher levels being binding. He stressed, however, that decisions, at this stage, were not final and could be re-examined in the light of future discussions.
27. A joint paper of the Seafarers' and Shipowners' groups was presented to the plenary on the principles and rights which should be included in levels 1 and 2 of the Convention. A representative of the Shipowners' group remarked that the identified principles reflected a summary of many years of debate, but that the presented document was intended as a working paper. Further discussions would be needed as a number of issues were not fully agreed between the social partners and remained between square brackets.
28. A representative of the Seafarers' group added that they had tried to make a simple document that would hopefully be useful for the Office. Regarding the square brackets, those around the equality issue reflected differences with the Shipowners, whilst those around the social security issue indicated that something had to be listed regarding social security, but that it had been very difficult to draft, and the one-line principle had not met with agreement from both parties. He added that the one-liner did in no way prevent the establishment of bilateral agreements on social security between member States.
29. The Chairperson of the Government group reported the discussions that had taken place in his group on this paper. Regarding level 1, his group's opinion was that it was not appropriate to include core Conventions at this level; they should be in the preamble. The group agreed in general with the Office text in level 1 of document TWGMLS/2002/3. It felt that many of the provisions at level 2 of the joint paper (especially those in Part I) were more suitable for level 1. Moreover, if the text should be left in the present form, it implied that the tacit amendment procedure could not be applied to level 2. Still in level 1, a definition of the seafarer was needed, as well as a reference to the Decent Work Agenda. In level 2, there were ambiguities regarding training, whilst the reference to the identity document should appear as a right of the seafarer and not as an obligation. Equality had been considered by most Governments as a controversial issue, with possible impact on job security and costs. Level 2, III, had encountered general agreement, whilst Level 2, IV, could not be fully accepted by many Governments. Some Governments suggested a MARPOL-type arrangement to accommodate Level 2, IV. Level 2, V, regarding access to justice, was also considered as difficult and not precise enough. More generally, it was felt that the paper should be taken back home for national tripartite consultation.
30. The representative of the Government of the United Kingdom considered that an STCW-type structure was needed. He suggested that the Articles and Regulations should provide the legal framework within which Part A (the equivalent of which is level 3 in the document) of the instrument could be applied. It followed from this that level 2 should provide the legal framework, defining the bodies or institutions upon which responsibilities would be placed. The representative finally remarked that one could not legislate for mere aspirations.
31. The spokesperson of the Seafarers' group reiterated that their position on the amendment procedure had not changed, and was as described in their own document.
32. The spokesperson of the Shipowners' group agreed with the United Kingdom's position regarding the amendment of levels 1 and 2 by a Conference, with an explicit procedure.

- 
33. The representative of the Government of Denmark observed that the group now had a document to look into. Her Government would consult the national industry on these issues. Her initial remarks were, in addition to those of the Chairperson of the Government group, which she in general supported, that there would be a need, inter alia, for further precisions on the enforcement procedures. Her delegation already had expressed its preference for an STCW approach. She noted, as for the principle of work hours, her Government would regulate rest hours in accordance with ILO Convention No. 180, which needed to be taken into account. As for the policy on unemployment, one might need to take into consideration that for some persons employment at shore would be a relevant alternative.

## Structure of the Convention

34. The High-level Group decided to use the terminology suggested by the secretariat with some modifications: the terms used will include Articles (level 1) Regulations (level 2), Code, Part A (level 3) and Code, Part B (level 4).

## Enforcement and control

35. The Office introduced the paper TWGMLS/2002/1 whose contents had already been reviewed in June by the subgroup. It discussed various elements which could form part of enforcement and control under the proposed Convention, identifying the responsibilities of States regarding conditions of work on board ship. It also dealt with enforcement from the national to the international level. The document took its inspiration from current enforcement and supervisory practices, both within and outside the ILO. The paper highlighted how a certification process and the verification of its validity would be dealt with by the Convention.
36. The Chairperson of the Subgroup stressed that the Subgroup had a substantial discussion on this priority issue, which had resulted in some amendments in the Office text. The Subgroup had found a need for including the role of the labour-supplying States based on a discussion on the manning agencies. It had discussed a need for a certificate but had not reached a consensus on this item.
37. The Shipowner spokesperson stressed that enforcement was a crucial part of the new Convention in order to establish a level playing field and provide a solid social dimension. Nevertheless, there were a number of existing systems which could be considered and it was necessary to avoid duplication. The secretary of the Shipowners' group said that enforcement should apply to each party which would be expected to assume obligations under the Convention whether they be flag States, labour-supplying, or port States, employers or seafarers and the system should be transparent. While the suggestion to have some kind of certificate for labour standards could be attractive to shipowners, port States and others, it was not clear how this would work in practice or whether governments would be able to meet the obligations that would be involved, particularly with regard to the number of labour inspectors that would be needed. It was also unclear whether such certification would confirm that standards on board were actually in compliance with the requirements or merely, as with the ISM Code, that the company had procedures in place which should ensure that the standards were complied with. Questions could also be posed about the period of validity of such certificates after crew changes and who would issue the certificate. Another key question was whether the ISM Code auditing system should apply to labour standards as proposed by Norway. On this issue the Shipowners' group was very sceptical about the application of the ISM Code as an appropriate vehicle for dealing with

---

social issues. If these questions could not be satisfactorily resolved the issue of certificates to ships might create more problems than they solved.

38. Another area where the Shipowners had questions was with respect to crew complaints. The Shipowners' group was aware that Convention No. 147 already incorporated a mechanism for dealing with crew complaints and in general they were sympathetic to the proposal that the new Convention should have a mechanism for dealing with crew complaints. However this was a sensitive issue and unless the procedure was considered properly and carefully it might simply create an administrative nightmare for employers and government officials in port and flag States.
39. The Seafarer spokesperson was glad that the Shipowners were so open minded. He underlined that the position of his group on enforcement was as contained in the Seafarers' submission to this meeting. It was clear that a comprehensive package was required for labour inspection involving the flag States, the labour-supplying States and the port States, as well as the ILO and IMO. The system needed to uphold the primary role of the flag State, as provided for in international law, and a verifiable link needed to be established between flag State inspections and the labour standards in the new Convention. In reply to the Shipowners, the Seafarers felt that the labour standards being developed would be a "bill of rights" for all seafarers irrespective of their nationality. A certificate of compliance could be issued in the same way that inspection for hardware was conducted. ISM which was largely self-regulatory was not the mechanism for verifying seafarers' rights. Convention No. 147 and, more importantly, Convention No. 178 (which did not have many ratifications) provided an example of modern thinking on the verification of terms and conditions of employment.
40. The representative of the Government of Norway introduced his paper which provided a practical example as to how the ISM system could be expanded to cover working and living conditions. The role of the Norwegian Maritime Directorate was evolving and more resources were being directed to supervisory control actions, such as audits and random inspections. The application of ILO Convention No. 178 in Norway is done through ISM systems. The ISM Code already addresses safety in the working environment and could be adapted to take care of other elements of working and living conditions. The Norwegian submission gave examples of the documentation which served to implement the ISM Code. Similar documentation could be developed to cover ILO issues.
41. The representative of the IMO introduced the paper submitted by his organization on the ISM Code. Under the Code, certification covered ships and companies. Ships are issued with a Safety Management Certificate and companies a Document of Compliance. The ISM Code promoted the application of all mandatory instruments and not only IMO Conventions. However, while some ILO safety-related instruments easily fitted within the code's objectives, some other ILO provisions might not. Therefore the ISM Code, which relates to safety at sea and prevention of damage to the marine environment, would need to be expanded to take care of all the issues which were to be part of the new ILO consolidated instrument.
42. The representative of the Government of Canada stressed that there were currently very few PSC or FSC inspectors that would be fully competent in both safety and social matters. However, he reminded the group that the Paris MOU was presently training inspectors on the human element. This showed that, provided clear indications were given, appropriate training could be delivered. He concluded his intervention by saying that the provision of certificates for ILO matters and the relevant inspections was achievable.
43. The representative of the Government of the United States stated that, in view of the information provided, he felt that certification was a good way forward provided that the

---

questions asked by the Shipowners were answered. The port State control concepts developed into the secretariat's preliminary draft were acceptable, with one exception regarding the charging of the costs of inspection to the ship. This could, in his opinion, lead to abuse. He then commented on the three types of auditing (or quality assurance) which had been identified, namely: ISM type; STCW White List type; and ICAO type. At this stage, he did not think the ICAO-type audit was appropriate as it was still under development. The STCW White List had served a certain purpose but it had not been much more than a paper exercise and therefore was inappropriate. ISM-type audits were more promising but were embodied into an IMO instrument. It would not be readily translatable into an ILO one unless the ILO creates equivalent procedures. He expressed doubts about the feasibility of such an exercise and about the workability of an auditing process.

44. The representative of the Government of Cyprus stressed the efficiency of the ISM procedures, though he did not consider it as a panacea. He suggested that one should look into the issues that could validly be treated via an ISM approach, and that the rest could then be dealt with through an alternative procedure, such as certification. He also remarked that, whereas the certification procedure aimed at the situation at ship level, the ISM system raised stakes to a higher level at company level.
45. The representative of the Government of the Bahamas insisted that, of all the items covered by the future instrument, only some of them were inspectable (from an ILO point of view) and could thus actually be certified. Even in those cases, subjectivity would still play an important role, leading to different interpretations in various ports or countries. His delegation felt that national audits were not a valid option since this would involve too many actors. The ISM approach enabled action at company level, and an ILO version of this approach could be devised. He concluded that existing procedures being unable to cover every aspect of the new instrument, it was necessary to devise new approaches.
46. The representative of the Government of Egypt declared that appropriate training should be given to PSC and FSC inspectors. She observed that certification would be an effective way to deal with the issues considered, but not for all of them. She added that an ILO version of the ISM system could be considered.
47. The representative of the Government of Norway felt that the ISM Code or similar system was the best way of having clear and effective oversight by the flag State. Implementation would be assured since shipowners and seafarers were familiar with the ISM Code. When Norway ratified Convention No. 178, it did so on the understanding that implementation would be through the ISM system. With between 750 and 1,000 vessels to monitor, there was no alternative method for Norway to ensure enforcement. The quality of inspection was essential whether through a stand-alone certificate, a new certification process or an ISM-related process. With regard to the questions raised by the Shipowners, the following comments could be made:
  - (a) opting for the ISM solution would provide a document attesting that company procedures were in place to ensure compliance with standards in the management and on board;
  - (b) the period of validity should be the same as for other matters dealt with in the ISM system;
  - (c) there would be only one system, applying to the owner/operator and to the vessel;
  - (d) the conditions to be covered would be those for which the shipowner was responsible including working and living conditions on board;

- 
- (e) the procedures used for the above would be the same as for ISM matters; and
  - (f) documents should be taken at face value unless there were grounds to do otherwise.

Responsibility for enforcement should be placed on flag States, port States, labour-supplying countries and shipowners. The systematic involvement of the social partners in inspection was also essential. However, continued discussions were needed to understand all of the issues related to enforcement.

- 48. While having all due respect for the position of the previous speaker, the representative of the Government of the Philippines could not agree with incorporating seafarers matters into the ISM Code since its very preamble stated that the purpose of ISM was to set international standards for safe management and pollution prevention, matters clearly falling under the jurisdiction of the IMO. Although he was still open to listen to arguments, it did not seem that the ISM Code was the appropriate place to deal with conditions of work and life.
- 49. The representative of the Government of Denmark underlined that it was in favour of a system which would certify actual compliance and not a mere certification of a procedure or an ISM-type of document. It was necessary to be clear about what needed to be certified and the purpose of certification should be to facilitate port state control and ensure global protection for seafarers. As to the Shipowners' questions, Denmark felt that it was not relevant to re-inspect a ship because there had been a change of crew, but rather there was overall shipowner responsibility to comply, even between inspections. Guidelines were needed on the contents of inspections, both by flag and port States as well as on the actual content of any certificate (which still had to be decided). Paragraph 51 of the Office paper had many elements which Denmark could support and was helpful for drafting purposes. Denmark felt that a provision for the costs of inspection gave rise to concern as this could lead to misuse. There should also be varying graduations in enforcement measures. Minor faults should be treated less seriously than major ones involving serious hardship for seafarers and their families. Repeat offenders should be treated more severely than first-time violators. The Danish delegation favoured the concept of an audit system, including the audit of flag States and classification societies, if areas under the new Convention were delegated by a State to these entities.
- 50. With regard to a certificate, the representative of the Government of the United Kingdom felt that it ought to be issued by the flag State primarily to attest compliance with the requirements of the new consolidated Convention but also for the purpose of helping clarify possible uncertainties during port state control. On port state control, he felt that practically this could only apply to those elements of the Convention that fall within the responsibility of the flag State to ensure implementation. There was also the question of cost as raised by the United States. However, the initial inspection should be at no cost. With regard to checking the implementation of the new Convention, it was necessary to identify where responsibilities lay and what would be verified and by whom. Discussion, to date, had focused on the monitoring of ships and companies by flag States either by an ISM Code-type system of auditing or the issuance of a document of compliance or certificate. However, it was necessary to monitor all parties involved in the implementation of the new Convention. There were three models available to address this issue: the IMO STCW White List, the ICAO oversight programme and the ILO system. At this time he did not favour eliminating any of these models until they had been considered in more detail. Finally with regard to crew complaints there was merit in the Seafarers' suggestion to enshrine the right to complain directly to the government authorities to take account of any possible pressure at the ship or company level. However, perhaps at the non-mandatory level of the new instrument a recommendatory set of structured procedures and levels of

---

progression to go through, such as the ship, company, flag and port State could be advocated.

- 51.** The representative of the Government of Germany observed that the German inspectors were technical experts and not familiar with labour law or social law. In Germany, a system for labour inspections did not exist. The inspection did not cover labour and social law aspects, which was also the case in other countries. He suggested to further investigate the possibilities to facilitate access to national labour courts for all seafarers.
- 52.** The representative of the Government of Namibia remarked that his delegation was in principle favourable to a certification of compliance, which he considered as a powerful preventive tool. However, his country's surveyors' abilities in this respect were currently rather limited, and appropriate training would be necessary. On the audit issue, he would need to know more about the progress made regarding certification matters before giving his opinion. He remarked that the master should form part of the process. Regarding crew complaints, he considered this mainly as a bipartite issue, where state intervention should be limited to life threatening situations.
- 53.** The representative of the Government of Japan agreed with the United States regarding the utilization of the ISM Code as an enforcement tool. Whilst it thanked the Government of Norway for its excellent paper, it could not agree to the suggestions in the paper. The purpose of SOLAS, to which the ISM Code is annexed, was quite different from the purposes of the ILO. Another code would have to be developed if one wanted to follow this path. One should also remark that classification societies had little knowledge or experience in the field of seafarers' working and living conditions. Regarding the involvement of the labour-supplying States, more precision was needed in the drafting. Reflecting the present complicated mechanism of the employment of seafarers, the relationship of responsibility of the parties concerned seemed to be very complicated. For instance, was the State where the contract had been effectively signed, always to be considered as the labour-supplying State? The delegation requested the Office to give more persuasive reasons for the choice contained in their paper for the next meeting of the Subgroup.
- 54.** The representative of the Government of Greece considered enforcement and control as major issues. His delegation supported the concept of certification and had even suggested that a model certificate could be developed in due time. Regarding the issue of the inspectors qualifications, his delegation also suggested that specific guidelines should be developed, in order to eliminate subjective approaches.
- 55.** The representative of the Government of Nigeria stated that whilst recognizing that the flag State had its responsibility in the fixing of wages, salaries should be determined within existing national policies. There was a need for simplified standards which took cognisance of local peculiarities. Considering that many countries had difficulties to support the costs of the necessary surveyors and their training, shipowners should bear the costs linked to the inspections. He was in favour of certification, since it would enhance safety of shipping. The procedure for crew complaints should be duly explained in the text, care being taken to avoid the proliferation of frivolous complaints.
- 56.** The Seafarer spokesperson commented that the paper presented by the Office was a good discussion document. More specifically, the Seafarers agreed on points (a) to (h) of paragraph 51, however they saw little merit and substantial problems with the port State issuing temporary certificates on behalf of the flag State in point (g). They saw too close a linkage to the narrow port state control enforcement provisions currently found in Convention No. 147 in point (k) and point (j). The concept of systematic non-compliance should be elaborated upon. Furthermore, they considered points (a) and (b) of paragraph 52

---

as fine, but had a problem with (c), where they were of the opinion that the primary obligations of a flag State, which were expressly provided for in international law and the United Nations Convention on the Law of the Sea, should be retained, however, there would be a need for an auditing system which would demonstrate that labour-supplying States exercised effective oversight over manning agencies. In point (d) there was a need to expand the possibilities of detaining a ship beyond the narrow ones set out in Convention No. 147 and the proposals of the Office.

57. The Shipowner spokesperson thanked the Governments which had answered the questions contained in their submission. He asked the delegation of Norway if its submission about the ISM Code should be considered *stricto sensu*, or if it could be imagined as suggesting the possible use of a similar procedure.
58. The representative of the Government of Norway replied that the main purpose was the existence of a quality assurance system, and that the ISM system or an equivalent could similarly be considered.
59. The Chairperson of the Government group informed the meeting that his group had reached a consensus on a working document, which had been distributed to the whole group. It would be refined at a later stage. He also remarked that the necessity of a certificate had received a broad agreement, but that there was a need to come back on details. The Government member of the United States, at the suggestion of the Chairperson, presented the working document which should only be seen as a tool to facilitate further work.
60. The Shipowner spokesperson reported on the discussions that had taken place in his group on the views of the Government group on the Office document and in a joint working group of the social partners to clarify their approaches on principles and rights which should be in level 2 of the new instrument. While there was a measure of commonality, there were still uncertainties on constitutional questions. In relation to complaints procedures, the Shipowners' group felt that a text based on current practice was preferable. As far as tacit amendment procedures were concerned, this was rather technical and required more thought.
61. The Seafarer spokesperson reported that his group had discussed the Government group's document on the respective roles of flag States, labour-supplying States and port States and were concerned to see a reduction of the prime role afforded to the flag State. They were working with the Shipowners on a paper dealing with principles and rights at level 2.
62. The Chairperson of the Government group said that it had made good progress on certification and a quality assurance system. There was a need for both certification and for a complementary quality assurance system. A combination of these two approaches would lead to an efficient but simple enforcement system that contained all the elements necessary to ensure enforcement of the Convention. The risk of duplication from parallel systems would be eliminated. Consideration of the other enforcement issues had also commenced.
63. The representative of the Government of the United Kingdom presented a proposal, which he said was his Government's and which took a rather radical approach in considering how flag States and ships would demonstrate compliance with the requirements of the consolidated Convention. The proposal was to have a declaration rather than a certificate. A first draft of such a declaration identified 11 points that the flag State would require the shipowner, master and crew to adhere to. In practice this would mean that each of the points listed would be a declaratory statement where the verb for each point would be "shall". For example one point might read that "no one employed on the ship shall be

---

under 16 years of age ...”, whereas a certificate would use “is” or “are”. It was considered such a declaration would be consistent with the tripartite nature of ensuring adequate working and living conditions on board ships. In order to avoid duplication, there would be points in the declaration that would state the need for certificates of competence and medical certificates to be carried on board for example, but there would be no need for any more detail than this as these provisions would be covered elsewhere. On the other hand, where detail was needed, for example regarding hours of work and rest, the declaration might state that “hours of work and rest shall be in accordance with the attached schedule, and that relevant records shall be maintained”. Thus a schedule would be attached to the declaration, detailing the ship-specific requirements to be maintained. An annual check on adherence by a flag state officer, for example as currently required by Convention No. 178, could be made and certified on the declaration. The declaration, which would be in the nature of a declaration of rights and principles, would be specific to the ship, issued by the flag State and intended to facilitate port state control. In regard to this last point regarding port state control, the declaration would clearly state what requirements the flag State had agreed satisfied compliance with the requirements of the new Convention, even if the flag State had accepted a provision based on the principle of satisfying “substantial equivalence”, or the Convention itself not being definitive on a particular issue, e.g. the minimum age of seafarers and the medical material on board the ship. The declaration would be posted in a prominent place on board. Flag state points of contact would be included in case there were any complaints to be made. This proposal had not been agreed within the Government group but it was provided for the information of the High-level Group.

- 64.** The representative of the Government of Norway said that a quality assurance system should contain clear policies and procedures to ensure compliance with the Convention. Representatives of crews and companies should take part in audits of quality assurance. Annual internal audits by companies should be carried out and the results made available to crews and shore-based employees. External audits would also be required. The competent authority of the flag State, or a duly certified organization, should carry out regular inspections, including of shore-based offices, and track compliance with the Convention, issuing certificates of compliance where appropriate. Companies whose vessels are certified under the ISM Code would be required to include policies and procedures relating to the Convention in their ISM system. When the competent authority was satisfied that the certified system would ensure compliance, it could issue a certificate to be appended to the ISM certificate. In the case of port state control, a certificate or a declaration should be prima facie evidence of compliance with the relevant provisions of the Convention. It was up to member States to decide whether to have an ISO-type quality assurance system or link it to the ISM system.
- 65.** The Seafarer spokesperson looked forward to the opportunity to examine the contents of the declaration. The Seafarers’ view of ISM-type regimes was well known and set out in the Seafarers’ submission. There was no possibility of accepting such a regime, regardless of the standards on which it was based as it would be tantamount to de facto self-regulation. There was a role for audits to verify that the flag States discharged their responsibilities and for labour-supplying States in verifying effective oversight and control of manning agencies. For an effective control, it might be necessary to rely on something like the endorsement and recognition systems provided for in Regulation 1/10 of the STCW Convention. In relation to the respective roles of flag States and port States, the Seafarers’ group was confused about the extent of joint responsibility. Flag States had the principal responsibility under international law. The application of port state control oversight could be extended to cover contracts of employment, termination of employment, welfare facilities on board ship. Social security issues were more complicated. However, in view of the relationship of on-board and off-contract issues there was a role for the flag State and it was not solely a matter for the labour-supplying State.

---

These issues could be further discussed, but there would be no change in the Seafarers' group's views about quality assurance systems and he entered a formal reservation on this issue.

- 66.** The Shipowner spokesperson, referring to the declaration proposed by the representative of the Government of the United Kingdom, said his group was thinking along similar lines. For the purposes of inspection there should be a declaration as to how countries had ratified the Convention. Port States wanted to know what to inspect. This depended on the conditions that flag States had to fulfil. Existing national legislation had to be documented.
- 67.** The Secretary of the Shipowners' group expressed his group's cautious interest in certificates or a declaration. If there were such a system, it would have to be audited. There were some terminological problems concerning quality standards mentioned in paragraphs 51 and 52 of the Office paper. The standards mentioned therein were different from the IMO's White List. The former said that quality standards should be in place, but it was up to governments to decide on them. Following an independent evaluation of them, the results were made available to IMO. A quality assurance system as referred to by certain Government representatives including Norway, was different from a quality standards system as required by the IMO STCW Convention. And this was different again from the ISM Code which was an international safety management system. As far as auditing compliance with the Convention, the Shipowners, while being interested in the statement of the representative of the Government of Norway, reserved their position because, at present, they were not fully committed to the issue of certification. Nor were they yet convinced about the need for an auditing system and remained very sceptical about the ISM auditing process.
- 68.** The Chairperson of the Government group reported that his group had had a second round of discussions regarding the United Kingdom and the Norwegian proposals on certification and quality assurance. The group considered that the best way of dealing with the matter would be for the High-level Group to request the Office to merge elements of the two proposals into a package, which would also include paragraphs 51-53 of the Office document, and to submit the result to the next meeting of the Subgroup for consideration.
- 69.** The Shipowner spokesperson understood the difficulties of reaching a consensus on these issues. He expressed his confidence in the ability of the Office to draft a satisfactory text. Both the Seafarer and Shipowner spokespersons declared that their respective groups agreed with the proposal to request the Office to submit a draft for such a package to the Subgroup for consideration
- 70.** The Shipowner spokesperson commented on paragraphs 51 and 52 of the Office document: his group reserved its response on the certificate issue (paragraph 51(c)). It supported the quality standards system as referred to in paragraph 51(f), which was the version contained in the STCW Convention in which it was for flag States to determine the precise system they adopted. They did not support the ISM approach. It did not accept the charging of all costs to the shipowner (paragraph 51(i)); the complaints procedure (paragraph 51(j)) should be discussed more in depth, and paragraph 51(l) needed to be explored much more in depth. Paragraph 52 also needed to be explored more in depth, and labour-supplying countries should not be given full control over contracts of employment. Shipowners and manning agencies should not be made jointly and severally liable in the case of a breach of obligations, as such a concept would be contrary to the law in many countries.
- 71.** The Chairperson of the Government group reiterated that most of the aspects contained in these paragraphs could not be examined in isolation, and that indeed a package composed of paragraphs 51 to 53 should be considered, as said earlier. He also offered that his group

---

had added that the issue of the inspection costs should be left as an option to the member States and should not be mentioned in the Convention, and that the detention aspect should be expanded into more details.

72. The representative of the Government of Canada requested that IMO Resolutions A 931 (22) and A 930 (22) be introduced into the discussion about the future instrument in due time.
73. The representative of the Government of France supported Canada's views, and welcomed the work already done. France supported the certification issue, since it made flag States more responsible and facilitated controls. The certificate should ensure the permanence of certain conditions, or be supplemented by other pertinent documentation. On the item concerning social security, the representative of the Government of France added that the labour-supplying country and the flag State had different responsibilities, whilst the issue of the confidentiality of crew complaints was of paramount importance. There was also a need to clarify some legal definitions, which sometimes had different imports into different legal systems.
74. The representative of the Government of Liberia stressed that in drafting the text relating to the package, the Office should use the various papers on certificate of compliance, the Norwegian paper on quality assurance and the other aspects identified in the Office report. Problems should be referred to the new tripartite committee that had been mentioned in the context of the amendment procedure and overseeing the effectiveness of the new Convention.
75. The representative of the Government of Egypt underlined that quality control – whether ISM or some other system – should complement a certification system to ensure compliance with international standards. Egypt would prefer postponing dealing with liability insurance and repatriation until this issue had been resolved in the joint IMO/ILO Joint Working Group already examining it, especially with regard to a mechanism to implement it. Nevertheless, it was possible to repatriate today through diplomatic channels and repatriation should be based on an objective process.
76. The representative of the Government of Panama felt that ships were often detained unnecessarily and later released when no problems were found with them. It was therefore fair that the “port State” that had unduly detained the ship compensate the shipowner. Furthermore, there should be a second inspection prior to any decision to detain a ship to avoid such situations.
77. The representative of the Government of Malta referred to paragraph 51(c) and (f) which dealt with certification, the establishment of clear objectives and quality standards as well as the enforcement and implementation of ILO maritime standards for the safety of the crew and the vessel. Norway's proposal about the auditing of living and working conditions complemented the innovative proposal of the United Kingdom, which was aimed at ensuring that rights and principles on board ship were adhered to.
78. The representative of the Government of Cyprus stated that it was unanimously understood that there should only be one port State regime dealing with the control of ships for the implementation of IMO and ILO instruments. He did not think that it was appropriate to consider enforcement of the IMO/ILO resolutions on abandonment and liability for claims. P&I clubs, underwriters and insurance companies were not willing to cover the risks associated with abandonment. He drew the attention of the High-level Group to two important issues which should be dealt with in the Convention: seafarers were often held hostage and denied repatriation when there was a dispute between the shipowner/operator and the port State; and they were treated as common criminals in the event of a maritime

---

casualty. He was not confident that flag States' ISO-type audits or other "assessment" exercises similar to the pattern followed in the STCW Convention, could be a safe approach for ensuring institutional compliance with ILO instruments, by the flag States. He gave the example of flag States which lack even the very basic infrastructure, however they offer same-day registration of ships through Internet and they register up to three ships a day. He noted that such flag States are often not present at the ILO or IMO. The Office should consider these aspects and should deal with the infrastructure of flag States which is necessary to implement the Convention.

- 79.** The representative of the Government of the Bahamas expressed his disagreement with the issue of cost in paragraph 51(i). Although a number of areas had been designated as falling under the jurisdiction of the labour-supplying State, there was no mention of controlling or monitoring them. He noted that he had reservations on the United Kingdom and Norwegian proposals for a certificate of compliance, and although the social partners had not yet seen it, there did not seem to be any provision for a survey or inspection by the flag State. There was merit in looking at the Norwegian proposal for quality assurance and extending the survey to cover the flag State in those areas for which it was responsible.
- 80.** The representative of the Government of the Republic of Korea had a problem with the wording of paragraph 52(c). Manning agencies should not be responsible if a shipowner went bankrupt. Shipowners should provide for financial security and proper protection of the seafarers, who in turn should have access to this financial security.
- 81.** The representative of the Government of Brazil favoured the suggestion in paragraph 41 of the Office paper to facilitate remedies available in courts of port States in the event of abandonment and non-payment of wages. With respect to paragraph 51(c), rather than being valid only for the voyage, the certificate should be valid for one to three years in conformity with Convention No. 178.
- 82.** The secretary of the Seafarers' group wished to associate his group with the remarks of the Governments of Egypt and Cyprus with respect to the work of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers. The work of the joint group needed to be concluded first before introducing concepts of certificates of financial responsibility into the new Convention. He also agreed with the remarks of the Government of the Republic of Korea about having direct access to insurance companies but he had a fundamental reservation about getting into this issue at this stage given the current difficulties with the enforcement and certification aspects raised in the Office paper. The Seafarers' group stood by their previous comments and, like Cyprus, had no confidence in a paper audit, especially one based on ISO standards. He also supported the suggestion of the Bahamas to audit flag States. He would like a copy of the United Kingdom proposal. While he agreed that there should be compliance by labour-supplying countries, which should be audited, primary responsibility must remain with flag States.
- 83.** The Shipowner spokesperson expressed agreement that the resolutions dealing with abandonment, death and disability were important issues as mentioned by Canada. Given the number of existing ILO instruments dealing with seafarers' repatriation rights, the problem of abandonment and death and disability, it was inevitable that these issues would be discussed while updating the old texts for inclusion in the consolidated instrument. So the IMO/ILO resolutions which had the status in the ILO of Recommendations must be listed for consideration.
- 84.** The representative of the Government of the Republic of Korea strongly supported the Canadian proposal as the present Convention was inadequate and noted that guidelines should be developed on these issues.

- 
85. The Shipowners' and Seafarers' groups each had a paper on the positions expressed during previous discussions. The secretaries of the Shipowners' and Seafarers' groups said that, had time been available, they would have been able to agree on a joint paper on this issue and asked the secretariat to take their proposals into consideration in the preparation of the draft instrument. In particular, the secretary of the Shipowners' group said that enforcement should include: (1) a certificate of compliance issued by the flag State after inspection; (2) a declaration or document issued to the ship by the flag State expanding on the contents of the certificate and giving more guidance as could be needed for port state control purposes; and (3) a mechanism to ensure that the shipboard living and working conditions were continuously in compliance with the standards set by the Convention. The precise mechanism to be adopted would be for the flag State to determine.
86. The meeting agreed that the two papers should serve as guidance alongside the previous conclusions of the High-level Group.

### **Simplified amendment procedure**

87. The Deputy Secretary-General presented the Office document (TWGMLS/2002/2) on the simplified amendment procedure, pointing out the proposals concerning the participation of all member States, voting rights, tacit and explicit procedures for amendments, depending on the level of the Convention for which amendments were being considered.
88. The Chairperson of the Subgroup stated that its detailed discussions of the simplified amendment procedure were reflected in paragraphs 108-123 of its report. There was broad support for having a simplified amendment procedure in the new Convention in order to ensure that it was a living instrument unlike the existing ILO maritime Conventions. Other instruments had been able to make good use of this procedure. The Subgroup had broadly agreed with the approach outlined in the Office paper.
89. The Chairperson of the Government group reported the group's general agreement on the need for a simplified amendment procedure. Level 1 provisions (Articles) had to be explicitly amended, whereas those in level 4 that were non-binding should be tacitly amended. Whether amendments to levels 2 and 3 were explicit or tacit would depend on their content. Most level 2 text would require explicit amendment, while much of the rules in level 3 could be amended tacitly. When an amendment procedure was being examined, it was important to look at what had been put in place by the IMO. However, the IMO provision that non-ratifying States could not submit amendments should be waived, but voting rights should remain with ratifying States. Consideration should be given to setting up a permanent, expert, tripartite and, to the extent possible, regionally balanced committee to deal with amendments and similar issues. Amendment procedures should not allow governments to be outvoted when amendments were considered. Finally, the necessary technical expertise in committees considering amendments should be assured.
90. The Shipowner spokesperson said that amendments to level 2 provisions should only be agreed at a Maritime Session of the International Labour Conference. Tacit approval was appropriate for level 3 text. His group had no problems with the model proposed by the Office which safeguarded important points, including ensuring that technical expertise of the shipping industry was called upon and that a tripartite committee be set up, with the Joint Maritime Commission being maintained. While accepting the principle of a tacit amendment process, it was important that it should not become the object of a continuous flow of small amendments. A living Convention was important, but amendments should be justified. His group agreed with the position of the Government group.

- 
- 91.** The Seafarer spokesperson highlighted his group's comments that were contained in paragraphs 4-6 of their paper. The SOLAS convention model was appropriate provided that account was taken of important differences, notably with respect to the amendment of Chapter 1. For this reason the possibility of using Maritime Sessions of the International Labour Conference for achieving tacit amendments to level 2 provisions of the Convention in a flexible way should be explored. This would not be a regular occurrence, rather a safety net to enable a quick response to unforeseen events. The Seafarers' group broadly supported the points made by the Government group and wanted to ensure that there was discipline in the submission of proposed amendments. The group also broadly supported the Office proposal.
- 92.** The representative of the Government of the United States stated that the Articles of the Convention should only be amended by an explicit procedure, as should regulations concerning principles and rights. Rules that concerned detailed implementation could in general be amended tacitly but exceptions could be provided for, especially in the case of enforcement provisions, which should be subject to an explicit amendment procedure. Level 4 text could be amended in a tacit process. Using the SOLAS convention as a model was a good starting point. But there was a growing reluctance in the IMO to the use of tacit amendment procedures. A recent IMO Convention, International Convention for the Control of Harmful Anti-Fouling Systems on Ships, included certain safeguards that made the tacit amendment procedure more appealing. The following new provisions should be added to paragraph 8 of Article XX, proposed in paragraph 25 of the Office document: a government, during an acceptance period, could notify the Organization that the amendment would not apply to it until it gave express approval. When a party deposited the instrument of ratification of the Convention, it could notify the Organization that any amendments adopted through the simplified amendment procedure would not be binding on it until they had been expressly accepted by it.
- 93.** The representative of the Government of Norway supported the ILO's efforts for a living Convention. If this were to be realized, there had to be a simplified amendment procedure. The ILO should be both willing and have the means to set up the necessary maritime tripartite body to deal with them. Moreover, any provisions in the Convention that affected national laws or budgets should require a specific procedure for amendments. Level 3 and level 4 texts could use a tacit procedure.
- 94.** The representative of the Government of Panama said that the right to vote should correspond to all member States, even if they had not ratified the Convention. This was the essence of the principles that guaranteed the participation of member States in the ILO. A regional balance in any body that was established was important. Furthermore, non-ratifying States should also have the right to object to amendments submitted to governments for consideration.
- 95.** The representative of the Government of the United Kingdom highlighted two issues. Until a text was available, it was difficult to reach a position on what parts should be subject to explicit or tacit amendment procedures. Subject to that proviso, and provided also that the Articles contained a provision along the lines of Article III of the preliminary draft (TWGMLS/2002/3), his Government could accept tacit procedures for levels 2, 3 and 4. However, later in the week, after the social partners had prepared a preliminary draft of what might be included at levels 1 and 2 of the new instrument, he stated that such text would lead him to revise his position and that it would now follow that levels 1 and 2 would have to be amended by an explicit procedure. This might even apply to parts of level 3. The additional points referred to by the representative of the Government of the United States were important and gave extra assurance. The aim was to have a widely ratified and implemented consolidated Convention. Commenting upon the draft revised

---

Convention prepared by the Office, he believed that there was too much detail in the text of level 2, some of which could be moved to level 3.

- 96.** The representative of the Government of Denmark agreed with the Office text in relation to the tacit amendment procedure, which should apply at levels 3 and 4. She was interested in the proposal of the representative of the Government of the United States, but wanted to see a text. It was important to have a special, expert maritime committee with a wide membership – open to all member States – but with voting restricted to ratifying States. Since the final decision on amendments to the Convention would be taken at the International Labour Conference, where all member States had a vote, Organization-wide influence at the final stage was guaranteed. She also agreed that the regulations were a bit too detailed and looked forward to the social partners' draft.
- 97.** The representative of the Government of Egypt accepted the principle of a simplified amendment procedure. It would play an important role in keeping the Convention up to date. Tacit acceptance of amendments should apply at the third and fourth levels of the instrument. Any committees should be tripartite with an appropriate geographical distribution. She agreed with the previous speaker's remarks about the role of the International Labour Conference.
- 98.** The Seafarer spokesperson suggested that the Office text for level 2, though very good, was too detailed. The Seafarers and the Shipowners were currently working on a joint submission where most rights were presented in a more concise manner.
- 99.** The representative of the Government of France reported that his delegation favoured a simplified amendment procedure, with the provisos laid down by the social partners. The delegation was also of the opinion that voting on amendments should be reserved to those countries having ratified the instrument. The application of the procedure at level 2 or 3 might give rise to some constitutional problems, though it would not be the case at level 4. The delegation was waiting for more details.
- 100.** The representative of the Government of Malta agreed in principle with the simplified amendment procedure and stated that it had reservations granting rights to Members which had not ratified the instrument to propose and vote on amendments.
- 101.** The representative of the Government of the Philippines supported the earlier statement made by the representative of the Government of Panama. Countries that would not have ratified the instrument should be entitled to introduce and vote on amendments. The oversight committee should be composed, taking into account a geographical and tripartite representation, as well as the major type of activities of the countries.
- 102.** The representative of the Government of Italy recognized the appropriateness of the simplified amendment procedure. He was also in favour of the tacit amendment procedure being applied to levels 3 and 4. An extension to level 2 would give rise to constitutional problems. The committee which should be established to amend the Convention should be tripartite.
- 103.** The representative of the Government of the Bahamas agreed with the Chair of the Government group. He also explained that the suggestion of the delegation of the United States regarding a parallel between the future instrument and the new IMO Convention on antifouling might be misleading, since the intent and complexity of the two instruments was different in many ways.
- 104.** The representative of the Government of the Republic of Korea reported that his delegation favoured the simplified amendment procedure only for recommendatory and detailed

---

provisions, but perhaps not with respect to provisions relating to certification or to scope of application that might be introduced into the detailed provisions.

105. The representative of the Government of Greece expressed his delegation's agreement with the tacit agreement procedure as described in the Office paper. He also agreed with the declarations of the Chairperson of the Government group. It also seemed to him that it was very crucial that every member State should have a right to propose amendments.
106. The representative of the Government of Turkey said that his delegation supported the simplified amendment procedure, and that the amendments approved by the Conference should be submitted to all member States, which would have a right to submit objections.
107. The Deputy Secretary-General of the meeting confirmed the remarks of the representative of the Government of Denmark, and that the International Labour Conference would have to approve amendments (intended for tacit acceptance) by a majority of two-thirds, but could not bring any change to them. Regarding the Seafarers' proposals, she indicated that the Office would explore every innovative solution based on the paper being prepared by the social partners, duly taking account of constitutional requirements at both the international and the national levels.

## **Definitions and scope of application**

108. The Deputy Secretary-General of the meeting briefly introduced the appropriate Office document.
109. The Chairperson of the Subgroup explained that the June meeting of the Subgroup had accepted that the fisheries sector should be dealt with separately, bearing in mind that this sector would be regulated on its own merits in a new ILO Convention and that references to preserve Convention No. 147 had been made repeatedly.
110. The Shipowner spokesperson recalled the appropriate mentions made in their submission on page 7, paragraph 2.7. He stipulated that his group had a problem regarding domestic, coastal and near coastal services, which should be excluded from the scope of the Convention.
111. The Seafarer spokesperson appreciated the very detailed document submitted by the Office, and declared that it was unacceptable and inappropriate to exclude entire groups of seafarers from the scope of application of the future instrument, thereby creating an institutionalized maritime apartheid. He however recognized that particular cases could always be discussed on a case-by-case basis.
112. The Chairperson of the Government group expressed his group's view that the scope of the existing instruments should be maintained, and that fishing vessels should be excluded. Regarding the domestic voyages issue, all seafarers should indeed be included, but with some flexibility, which could be left to member States' decisions, subject to tripartite negotiations. Specific categories of vessels could also be considered for possible exemptions.
113. The Deputy Secretary-General of the meeting confirmed that a new fishing instrument was currently being developed, with a first examination due in June 2004, and a foreseen adoption in June 2005. The new Convention would take the existing fishing instruments into consideration, as well as new developments.

- 
- 114.** The representative of the Government of Panama said that the fishing sector should remain excluded from the scope of application of this Convention. However, it was suggested that each country should determine the level of application of the Convention to fishing in inland or national waters since in many cases there could be constitutional problems when it came to ratification. Lastly, it would be useful to have a more precise definition of the term “ship”.

### **Flexibility including substantial equivalence**

- 115.** The Chairperson of the Subgroup indicated that flexibility and substantial equivalence had not been discussed in detail, but had been regarded as essential.
- 116.** The Shipowner spokesperson referred to the ISF’s submission and said that his group desired a successful Convention which would have to be flexible. This implied the need for substantial equivalence and the ability to pick and choose along the lines of the MARPOL approach. However, as the texts of the different levels of the Convention were developed, it was hoped that some of the text which currently caused problems would be amended or moved from level 3 to level 4 and that this would make it possible to reduce the degree of flexibility in the Convention.
- 117.** The Seafarer spokesperson referred to their submission and reiterated their fundamental and implacable opposition to a MARPOL-type approach which did not conform to the aspirations of the Seafarers. Guidance on substantial equivalence could be included, based on the article 19 survey (ILO, 1990) previously undertaken by the Committee of Experts on the Application of Conventions and Recommendations.
- 118.** The representative of the Government of Panama recalled that upon Panama’s request the question of substantial equivalence had been discussed in December 2001. On that occasion, governments, seafarers and shipowners had approved the use of the concept of substantial equivalence in the Convention. As stated by the Legal Adviser at the 62nd Session of the ILO Conference, the term substantial equivalence “implied that the State agreed to take account of the general goal of those instruments, whose absolute conformity with national standards was not required”. This was how the Republic of Panama understood the term.
- 119.** The Chairperson of the Government group reconfirmed that his group would be comfortable with the concept of flexibility. However, transparency needed to be introduced. Flag States needed to indicate what they meant by substantial equivalence to facilitate port state control.
- 120.** The representative of the Government of the United States indicated that substantial equivalence was necessary in order to get a wide number of ratifications of the Convention.
- 121.** The representative of the Government of the Republic of Korea supported the United States. It was necessary to have guidelines on substantial equivalence. It existed in present Conventions. The existing Conventions had not received a lot of ratifications in Asia. It would have a different application in the new Convention.
- 122.** The representative of the Government of Egypt supported the concept of substantial equivalence and thought that the role of the flag States should be defined and that there should be transparency. Flexibility could be achieved through the MARPOL approach.

- 
- 123.** The representative of the Government of the Republic of Korea expressed the concerns of a number of Governments on certain issues relating to the need to ensure sufficient flexibility in the new Convention. It was necessary for the new Convention to be more flexible than Convention No. 147 since even if the latter contained the principle of “substantial equivalence”, many countries had not ratified it. Therefore, he suggested that this further flexibility might be provided if the following points were taken into consideration when drafting the instrument:
- (a) it should be in four levels;
  - (b) a ratifying State should be allowed to opt out of certain rules at levels 3 and 4 while all regulations pertaining to seafarers’ rights and principles above level 3 would be compulsory; and
  - (c) options could be exercised either through a family-specific approach, with a separate family being devoted to problematic rules, or a rule-specific approach. However, the “rule-specific option approach” would be preferable.
- 124.** Since the provisions of Convention No. 147 and the Conventions listed in its appendix are widely accepted, it should only be possible to opt out of the provisions of the instruments mentioned in Appendix B to the 1996 Protocol to Convention No. 147. Some provisions in other ILO instruments may also pose problems and could be offered as options, namely those on welfare, health protection and medical care, social security, seafarers’ pension, seafarers’ identity, certification, recruitment and placement, and annual leave. Due to time constraints, it had not been possible to further discuss these questions and to make firm proposals. It was suggested that governments should submit precise information on problems they might have with certain provisions of specific Conventions to the next Subgroup meeting scheduled in February 2003, bearing in mind that this could be the last time that their submissions could be taken into consideration in this consolidation exercise. This would contribute greatly towards a flexible structure for the new consolidated Convention, ensuring a wide ratification.

## **Vocational training and certification**

- 125.** The Chairperson of the Subgroup said that the Subgroup had discussed the future of ILO instruments on these subjects, notably the Certification of Ships’ Cooks Convention, 1946 (No. 69), and the Certification of Able Seamen Convention, 1946 (No. 74). The International Maritime Organization (IMO) had been requested to provide information on the possible incorporation of these two Conventions in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW).
- 126.** The representative of the International Maritime Organization (IMO) introduced an information paper discussing the possible incorporation of the Certification of Ships’ Cooks Convention, 1946 (No. 69), and the Certification of Able Seamen Convention, 1946 (No. 74), in the STCW Convention. The two ILO Conventions concerned were somewhat dated and did not specify the competencies required to obtain the certificates, a feature of the STCW Convention, and these would need to be set out. The STCW Convention focused on watchkeeping personnel and not the support level. This said, incorporation of the contents of the two Conventions might provide the opportunity to set out the requirements for the support level and thus fill an existing gap.
- 127.** The secretary of the Shipowners’ group referred to the ISF submission in his comments on this issue. He agreed with the IMO representative as concerns Convention No. 69 relating to ships’ cooks. However, as concerns Convention No. 74 concerning able seamen, it was

---

not clear whether the able seaman as provided in Convention No. 74 is the equivalent to the rating forming part of the navigational watch specified in the STCW Convention. That convention did not address the issue of support staff other than watchkeeping staff. It would therefore be necessary to identify whether able seamen had to be covered and, if so, what competencies were required. His group suggested that, for the time being, Conventions Nos. 69 and 74 should be left out of the new ILO instrument. The Joint IMO/ILO Committee on Training could consider this matter in detail before a clear decision was taken on inclusion of the contents of these Conventions in the STCW Convention.

**128.** The secretary of the Seafarers' group drew attention to paragraphs 15 and 16 of the Seafarers' submission, which set out his group's position on these issues. He also thanked the IMO for preparing its information papers. Furthermore, he repeated the Seafarers' group's recommendation that "the High-level Working Group should invite the ILO Governing Body to request the Director-General to communicate with the IMO Secretary-General to ascertain whether the IMO would be agreeable to incorporating the provisions contained in ILO Conventions Nos. 69 and 74 into the STCW Convention and, if the IMO is agreeable, to ensure the active involvement of the ILO in the revision process". The Seafarers could not agree to the proposal by the Shipowners that the matter be sent to the Joint IMO/ILO Committee on Training, as no meeting of the Committee was planned, nor likely to be held in the foreseeable future, and that this would therefore leave a vacuum. If the IMO was not able to incorporate these provisions into the STCW Convention it would mean that the new ILO instrument was, from the beginning, in need of amendment. An early decision on what to do with these conventions was therefore urgently required.

**129.** The Chairperson of the Government group said that his group had considered the question of the future of Conventions Nos. 69 and 74. In doing so, they were aware of the same problem brought out by the Shipowners – that the position of able seamen was not addressed in the STCW Convention. His group's approach would be to recommend that the Director-General should raise with the IMO the issue of taking over the provisions of that Convention. This said, his group recognized the need to provide a general reference to the issue in the new Convention for those member States for which Convention No. 74 would still remain in force. The issue of vocational training could remain in the new ILO instrument, though there might be a need to avoid duplication between ILO and IMO instruments on the issues of medical and health training for seafarers. The training provisions relating to ships' cooks and welfare should be dealt with in an appropriate part of the consolidated Convention.

## **Terms of reference for the Subgroup**

**130.** The Deputy Secretary-General of the meeting proposed the following mandate for the Subgroup February 2003 meeting, which was accepted, after the delegations of Greece, Namibia, Canada and the Philippines had made a few comments and requests:

1. To consider a draft Convention to be prepared by the secretariat, which takes into consideration the views expressed at the Second meeting of the High-level Tripartite Working Group.
2. To identify any missing elements in the draft text and any major problems to ratification and enforcement which the new text could present.
3. To indicate preferences as to various options which have been proposed and to consider any other proposals.

- 
4. To make suggestions as to drafting.
  5. To give the secretariat any other necessary guidance for the development of a revised draft for submission to the Third meeting of the High-level Tripartite Working Group.

**131.** The representative of the Government of the United Kingdom, having requested that the draft of the instrument be prepared as soon as possible, the Deputy Secretary-General of the meeting proposed to send an email version of the English version by 15 January 2003.

### **Other matters**

**132.** The Chairperson reported to the participants on a meeting of a tripartite delegation of the group with the Director-General of the ILO, and the complete support to the process that has been expressed by the latter. He added that the Director-General had also pledged to support the promotion of the instrument once it was adopted.

**133.** A representative of the Office gave a briefing on the progress of current work in the preparation of an instrument on fishing. His presentation triggered favourable comments from the Danish delegation, as well as from the Seafarers' group.

**134.** The High-level Group agreed that the Shipowner and Seafarer groups should be represented at the next meeting of the Subgroup by a larger number of delegates and advisers in order to enable them to work more efficiently with the large number of government delegations which are expected to attend.

### **Closing of the meeting**

**135.** The agenda being completed, the Chairperson thanked the participants and the staff of the Office and closed the meeting after having received expressions of thanks and gratitude by the spokespersons of the Shipowners' and Seafarers' groups, from the Chairperson of the Government group, and a closing address from Mr. Oscar de Vries, Director for the Sectoral Activities Department of the ILO and Secretary-General of the meeting.

---

## Appendix

### List of documents concerning High-level Tripartite Working Group on Maritime Labour Standards

#### ***Second Working Group Meeting, Geneva (14-18 October 2002)***

1. Consideration for provisions on inspection and control in a consolidated maritime labour Convention (TWGMLS/2002/1).
2. Simplified amendment procedure for the proposed new maritime labour Convention (TWGMLS/2002/2).
3. First preliminary draft of provisions for the new consolidated maritime labour Convention (TWGMLS/2002/3).
4. Definitions and scope of application provisions in existing ILO maritime instruments and related texts (TWGMLS/2002/4).
5. Glossary (TWGMLS/2002/5).
6. Two information papers prepared by the International Maritime Organization (IMO) for the meeting.
7. Note by the Norwegian Government to the High-level Tripartite Working Group on Maritime Labour Standards.
8. Proposal for a structure for the new consolidated Convention, submitted by the Norwegian Government.
9. ISF submission to the High-level Tripartite Working Group on Maritime Labour Standards.
10. ITF submission to the High-level Tripartite Working Group on Maritime Labour Standards.

#### ***First Subgroup Meeting, Geneva (24-28 June 2002)***

1. Two draft papers on enforcement and simplified amendment (STWGMLS/2002/1).
2. The structure of the new instrument: Allocation between principles and details (STWGMLS/2002/2).
3. The impact of the new proposed Convention on the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) (STWGMLS/2002/3).
4. Duplicative or contradictory text in the existing maritime instruments (STWGMLS/2002/4).
5. An analysis of the essential aspects of decent work in the maritime context (STWGMLS/2002/5).
6. Compilation of relevant provisions of maritime labour Conventions and Recommendations and related texts (STWGMLS/2002/6).
7. Note by the Norwegian Government to the first meeting of the subgroup of the High-level Tripartite Working Group on Maritime Labour Standards.
8. Final report (STWGMLS/2002/12).

#### ***First Working Group Meeting, Geneva (17-21 December 2001)***

1. Briefing for discussion at the High-level Tripartite Working Group on Maritime Labour Standards (TWGMLS/2001/1).

- 
2. Working paper for discussion at the High-level Tripartite Working Group on Maritime Labour Standards (TWGMLS/2001/2).
  3. ISF Submission to the ILO High-level Tripartite Working Group on Maritime Labour Standards.
  4. Final report (TWGMLS/2001/10).

***Joint Maritime Commission, 29th Session, Geneva  
(22-26 January 2001)***

1. Review of relevant ILO maritime instruments (JMC/29/2001/1).
2. The impact on seafarers' living and working conditions of changes in the structure of the shipping industry (JMC/29/2001/3).
3. Final report (JMC/29/14).

---

**List of participants**  
**Liste des participants**  
**Lista de participantes**

---

Government representatives  
Représentants des gouvernements  
Representantes de los gobiernos

**ALGERIA ALGÉRIE ARGELIA**

Mr. Djillali GUELLIL, Chef du Bureau des gens de mer, ministère des Transports, Direction de la marine, Alger  
*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Nor-Eddine BENFREHA, Permanent Mission of Algeria in Geneva

Mr. Abdallah HAFSI, Administrateur des affaires maritimes, Administration maritime algérienne,  
Commandement des forces navales, Alger

**BAHAMAS**

Captain Douglas BELL, Deputy Director, Bahamas Maritime Authority, London

**BELGIUM BELGIQUE BÉLGICA**

M. Leo HUYLEBROECK, Conseiller, ministère des Communications, Administration de la marine, Bruxelles

**BENIN BÉNIN**

M. Hémianon KAKPO, Directeur de Cabinet, ministère des Travaux publics et des Transports, Cotonou  
*Adviser/Conseiller technique/Consejero técnico*

M. A. Anatole NOUNAWON, Administrateur des affaires maritimes, Directeur de la marine marchande,  
Direction de la marine marchande, Cotonou

**BRAZIL BRÉSIL BRASIL**

Sra. Vera ALBUQUERQUE, Labour Inspector, Ministry of Labour and Employment, Rio de Janeiro

**BULGARIA BULGARIE**

Ms. Iliana HRISTOVA, Senior Expert, Bulgarian Maritime Administration, Ministry of Transport and  
Communications, Sofia

**CANADA CANADÁ**

Mr. Donald ROUSSEL, Manager, Marine Occupational Safety and Health, Marine Safety, Transport Canada,  
Ottawa

**CHINA CHINE**

Mr. ZHANG Xiaojie, Director, Department of International Cooperation MOC, Beijing  
*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. XU Yi, Consultant, Department of Personnel and Labour, Beijing

---

Mr. ZHUO Li, Department of Seafarers, Maritime Safety Administration of P.R.C, Beijing

**COLOMBIA COLOMBIE**

Ms. Victoria GONZALEZ ARIZA, Permanent Mission of Colombia in Geneva

**CUBA**

Sr. Alberto REYES RUIZ, Director Nacional de Recursos Humanos del Ministerio del Transporte, La Habana

**CYPRUS CHYPRE CHIPRE**

Captain Andreas A. CONSTANTINOU, Senior Marine Surveyor, Department of Merchant Shipping, Ministry of Communications and Work, Lemesos

*Adviser/Conseiller technique/Consejero técnico*

Ms. Chryso DEMETRIOU, Merchant Shipping Officer A, Department of Merchant Shipping, Ministry of Communications and Work, Lemesos

**DENMARK DANEMARK DINAMARCA**

Ms. Birgit SØLLING OLSEN, Director of Shipping Policy, Danish Maritime Authority, Copenhagen

*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Frantz MILLER, Head of Centre for Seafarers and Fishermen, Education and Register of Shipping, Danish Maritime Authority, Copenhagen

Mr. Philippe BAUCHY, Special Adviser, Centre for Seafarers and Fishermen, Education and Register of Shipping, Danish Maritime Authority, Copenhagen

Mr. Arne ULSTRUP, Head of Centre, Danish Maritime Authority, Copenhagen

**EGYPT EGYPT EGIPTO**

Ms. Fatma ABDEL HAMID, General Manager of Maritime Transport, Ministry of Transport, Alexandria

*Adviser/Conseiller technique/Consejera técnica*

Ms. Nadia EL-GAZZAR, Labour Counsellor, Permanent Mission of Egypt in Geneva

**ESTONIA ESTONIE**

Ms. Hene LEHT, Third Secretary, Permanent Mission of Estonia in Geneva

**FRANCE FRANCIA**

M. Jean-Marc SCHINDLER, Administrateur en chef des affaires maritimes et Chargé de mission, Direction des affaires économiques et financières, ministère des Affaires étrangères, Paris

*Advisers/Conseillers techniques/Consejeros técnicos*

M. Alain MOUSSAT, Chef du Bureau de l'inspection du travail maritime, Secrétariat d'Etat aux transports et à la mer, Direction des affaires maritimes et des gens de mer, Bureau de l'inspection du travail, Paris

---

M. Xavier MARILL, Assistant du Président du groupe de travail de haut niveau, Secrétariat d'Etat aux transports et à la mer, Direction des affaires maritimes et des gens de mer, ministère de l'Équipement, des Transports, du Tourisme, du Logement et de la Mer, Paris

M. Philippe ILLIONNET, Sous-directeur des gens de mer, ministère de l'Équipement, des Transports, du Tourisme, du Logement et de la Mer, Paris

Mme Bernadette FOUGEROUSE, Adjointe au Chef du Bureau de l'inspection du travail maritime, Paris

M. Jean-Charles CORNILLOU, Coordinateur national du contrôle par l'Etat du port, ministère de l'Équipement, des Transports, du Tourisme, du Logement et de la Mer, Sous-direction de la sécurité maritime, Paris

M. Jean-François JOUFFRAY, Sous-directeur des affaires juridiques et internationales, Etablissement national des invalides de la marine, Paris

M. Fabien JORET, Bureau des relations internationales, ministère de l'Équipement, des Transports, du Tourisme, du Logement et de la Mer, Paris

Mr. Jérôme SADDIER, Premier secrétaire, Mission permanente de la France à Genève

### **GERMANY ALLEMAGNE ALEMANIA**

Mr. Ralf DEMBKOWSKY, Referat, Bundesministerium für Arbeit und Sozialordnung, Berlin

*Advisers/Conseillers techniques/Consejeros técnicos*

Dr. Jan DIRKS, Forschungszentrum Arbeit, Umwelt, Technik, Universität Bremen, Bremen

Mr. Peter ESCHERICH, Bundesministerium für Verkehr-, Bau und Wohnungswesen, Bonn

Mr. Valentin KLOTZ, Social Counsellor, Permanent Mission of Germany in Geneva

Mr. Peter PÄEFFGEN, Transport Attaché, Permanent Mission of Germany in Geneva

### **GREECE GRÈCE GRECIA**

Mr. George BOUMPOPOULOS, Head of Seamen's Labour Division, Ministry of Mercantile Marine, Piraeus

### **INDIA INDE**

Ms. Neera MALHOTRA, Deputy Director-General of Shipping, Directorate General of Shipping "Jahaz Bhawan", Mumbai

### **INDONESIA INDONÉSIE**

Ms. Zulmiar YANRI, Ph.D., Director of Occupational Safety and Health Standards, Ministry of Manpower and Transmigration, Jakarta

*Adviser/Conseiller technique/Consejero técnico*

Mr. Ade Padmo SARWONO, First Secretary, Permanent Mission of the Republic of Indonesia in Geneva

### **ITALY ITALIE ITALIA**

Sr. Luigi TRENTO, Ministero del Lavoro e delle Politiche Sociali, Direzione Generale della Tutela delle Condizioni di Lavoro, Roma

*Advisers/Conseillers techniques/Consejeros técnicos*

Sr. Giuseppe ALATI, Direzione Generale per la Navigazione, Ministero delle Infrastrutture e dei Trasporti, Roma

---

Sra. Stefania MOLTONI, Head of Maritime Work, Direzione Generale per la Navigazione, Ministero delle Infrastrutture e dei Trasporti, Roma

**JAPAN JAPON JAPÓN**

Mr. Tatsuya TERANISHI, Director, Seafarers' Labour Standards Division, Maritime Bureau, Ministry of Land, Infrastructure and Transport, Tokyo

*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Shinobu NOGAWA, Legal Adviser, Maritime Bureau, Ministry of Land, Infrastructure and Transport, Tokyo

Mr. Ichiro TAKAHASHI, First Secretary, Permanent Mission of Japan in Geneva

**KENYA**

Mr. Raha M. JILO, Senior Legal Officer, Kenya Ports Authority, Mombasa

**REPUBLIC OF KOREA RÉPUBLIQUE DE CORÉE REPÚBLICA DE COREA**

Mr. Young-Moon PARK, Director, Seafarers and Labour Policy Division, Shipping and Logistic Bureau, Ministry of Maritime Affairs and Fisheries, Seoul

*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Sang-Won JI, Professor, Maritime Sciences College, Korea Maritime University, Busan

Mr. Yeong Woo JEON, Professor, Korea Institute of Maritime and Fisheries Technology, Busan

**LIBERIA LIBÉRIA**

Mr. Joseph KELLER, Vice-President and General Manager, Liberian International Ship and Corporate Registry, Monrovia

Mr. Jeremy M.S. SMITH, Maritime Policy Advisor, Liberian International Ship and Corporate Registry, New York

**LITHUANIA LITUANIE LITUANIA**

Mr. Evaldas ZACHAREVICIUS, Head of Ships' Registration and Seafarers' Certification Office, Lithuanian Maritime Safety Administration, Klaipeda

**LUXEMBOURG LUXEMBURGO**

Mr. Marc SIUDA, Commissariat aux affaires maritimes, Luxembourg

**MALAYSIA MALAISIE MALASIA**

Mr. Khairudin ABBAS, Assistant Principal Director, Marine Department, Port Klang

*Adviser/Conseiller technique/Consejera técnica*

Ms. Fuziah SHARIFAH, Counsellor, Labour Affairs, Permanent Mission of Malaysia in Geneva

---

## **MALTA MALTE**

Mr. L.C. VASSALLO, Executive Director, Merchant Shipping Directorate, Malta Maritime Authority, Valletta  
*Adviser/Conseiller technique/Consejero técnico*

Mr. Anthony MANGION, Registrar of Ships, Merchant Shipping Directorate, Malta Maritime Authority, Valletta

## **MAURITANIA MAURITANIE**

Mr. Moulaye Driss OULD GUIG, Direction régional maritime, ministère des Pêches et de l'Economie maritime, Nouakchott

*Adviser/Conseiller technique/Consejero técnico*

M. Cheick OULD MOHAMED EL MOCTAR, Contrôleur du travail, ministère des Pêches et de l'Economie maritime, Nouakchott

## **MEXICO MEXIQUE MÉXICO**

Sr. Pablo MUÑOZ y ROJAS, Director General de Asuntos Jurídicos, Secretaría del Trabajo y Previsión Social, México

*Advisers/Conseillers techniques/Consejeros técnicos*

Sra. Socorro ROVIROSA, Ministro, Misión Permanente de México en Ginebra

Sr. Angel SUAREZ VALLEJO, Agregado Marítimo, Dirección General de Marina Mercante, México

## **NAMIBIA NAMIBIE**

Mr. Calle SCHLETTWEIN, Permanent Secretary, Ministry of Labour, Windhoek

Mr. B.M. SHINGUADJA, Labour Commissioner, Ministry of the Labour Commissioner, Windhoek

*Adviser/Conseiller technique/Consejero técnico*

Mr. Cornelius MBUDJE, Marine Superintendent, Ministry of Fisheries and Marine Resources, Walvis Bay

## **NETHERLANDS PAYS-BAS PAÍSES BAJOS**

Mr. Rob DE BRUÏJN, Senior Policy Adviser, Public Works and Water Management, Ministry of Transport and Waterworks, The Hague

*Adviser/Conseiller technique/Consejera técnica*

Ms. Ingeborg VAN GASTEREN, Senior Policy Adviser, Ministry of Transport, Public Works and Water Management, The Hague

## **NIGERIA NIGÉRIA**

Prof. B.M. BARKINDO, Permanent Secretary, Federal Ministry of Transport, Abuja

*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Wali Mansoor KURAWA, Director, Maritime Services, Federal Ministry of Transport, Abuja

Mr. Ahmed Tijjani RAMALAN, Executive Chairman, Joint Dock Labour Industrial Council, Lagos

Mr. O. Clement ILLOH, Assistant Director, Federal Ministry of Labour and Productivity, Inspectorate Department, Abuja

---

Mr. Olujimi OSINUSI, Senior Administration Officer, PA to Permanent Secretary, Federal Ministry of Transport, Abuja

Mr. Abdullah AHMAD, Deputy Director of Labour, Permanent Mission of Nigeria in Geneva

### **NORWAY NORVÈGE NORUEGA**

Mr. Georg Trzebinski SMEFJELL, Assistant Director of Department, Norwegian Maritime Directorate, Oslo  
*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Haakon STORHAUG, Principal Surveyor, Norwegian Maritime Directorate, Oslo

Ms. Wenche RØED, Executive Officer, Norwegian Maritime Directorate, Oslo

### **PANAMA PANAMÁ**

Sr. Juan Antonio LEDEZMA, Secretario General, Ministerio de Trabajo y Desarrollo Laboral, Panamá  
*Advisers/Conseillers techniques/Consejeros técnicos*

Sr. Arsenio DOMINGUEZ, Jefe de la Oficina Regional – Europa, Autoridad Marítima de Panamá, Londres

Sra. Verónica VALLARINO, Cónsul General y Agregado Comercial, Consulado de Panamá, Londres

### **PHILIPPINES FILIPINAS**

Mr. Roy SEÑERES, Chairman and Presiding Commissioner, National Labour Relations Commission, Las Piñas City

*Advisers/Conseillers techniques/Consejeros técnicos*

Ms. Rosalinda D. BALDOZ, Administrator, Philippine Overseas Employment Administration, San Fernando City

Ms. Yolanda PORSchWITZ, Permanent Mission of the Philippines in Geneva

### **PORTUGAL**

Sr. António CANECO PEREIRA, Chefe do Departamento do Pessoal do Mar, Instituto Marítimo Portuário, Lisboa

### **RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE FEDERACIÓN DE RUSIA**

Mr. Alexander FROLOV, Deputy Head, Department for Navigation Policy and Regulation, Marine Fleet's Production Activities, Ministry of Transport, Moscow

### **SINGAPORE SINGAPOUR SINGAPUR**

Ms. TANG Meen-Er, Senior Legal Counsel, Maritime and Port Authority, Policy Division, Singapore

*Advisers/Conseillers techniques/Consejeros técnicos*

Ms. Irene GOH, Manager, Maritime and Port Authority, Policy Division, Singapore

Prof. Alan TAN, Lecturer, National University of Singapore, Singapore

---

**SOUTH AFRICA AFRIQUE DU SUD SUDÁFRICA**

Ms. F. Lindiwe N. LUSENGA, Counsellor, Permanent Mission of South Africa in Geneva

**SWEDEN SUÈDE SUECIA**

Mr. Rolf GOTARE, Head of Section, Swedish Maritime Administration, Norrköping

*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Olle WADMARK, Principal Administrative Officer, Swedish Maritime Administration, Norrköping

Mr. Leif REMAHL, Senior Administrative Officer, Swedish Maritime Administration, Stockholm

**SWITZERLAND SUISSE SUIZA**

M. Jean HULLIGER, Directeur de l'Office suisse de la navigation maritime, Berne

*Adviser/Conseiller technique/Consejero técnico*

M. Jacques DUCREST, Collaborateur diplomatique, Office suisse de la navigation maritime, Berne

**SYRIAN ARAB REPUBLIC RÉPUBLIQUE ARABE SYRIENNE REPÚBLICA ARABE SIRIA**

Dr. Mohamad KHAFIF, Counsellor, Permanent Mission of the Syrian Arab Republic in Geneva

**THAILAND THAÏLANDE TAILANDIA**

Mr. Pakorn AMORNCHWIN, Minister Counsellor, Permanent Mission of Thailand in Geneva

*Adviser/Conseiller technique/Consejero técnico*

Mr. Nikordej BALANKURA, First Secretary, Permanent Mission of Thailand in Geneva

**TUNISIA TUNISIE TÚNEZ**

M. Karem MANSOUR, Directeur des gens de mer, ministère des Technologies de la communication et du transport, Office de la marine marchande et des ports, La Goulette

**TURKEY TURQUIE TURQUÍA**

Mr. Mustafa DINÇ, Head of Department, Ankara

*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Bahtiyar GENEL, Director of Section, Under-Secretariat for Maritime Affairs, Ankara

Mr. Suleyman BAYAR, Deputy General Director, Under-Secretariat for Maritime Affairs, Ankara

Mr. Okay KILIC, Ship Surveyor, Under-Secretariat for Maritime Affairs, Ankara

---

**UNITED KINGDOM ROYAUME-UNI REINO UNIDO**

Mr. Paul SADLER, Head of International Liaison Branch, Maritime and Coastguard Agency, Southampton

*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Christopher ELLIS, Policy Adviser, International Shipping Policy 1B, Department of Transport, Local Government and the Regions, London

Ms. Mary MARTYN, Head of Seafarer Health and Safety Branch, Maritime Coastguard Agency, Southampton

Mr. David ROWE, Department of Transport, Local Government and the Regions, London

**UNITED STATES ETATS-UNIS ESTADOS UNIDOS**

Mr. Edmund T. SOMMER, Chief, Division of General and International Law, US Maritime Administration, Washington, DC

*Advisers/Conseillers techniques/Consejeros técnicos*

Mr. Joseph J. ANGELO, Director of Standards Directorate, United States Coast Guard, Washington

Mr. Robert S. HAGEN, Labor Attaché, United States Permanent Mission in Geneva

Mr. Christopher KRUSA, Maritime Training Specialist, Maritime Administration, Washington

**Shipowners' representatives  
Représentants des armateurs  
Representantes de los armadores**

Capt. Koichi AKATSUKA, General Manager, Japanese Shipowners' Association, London

Mr. Arthur BOWRING, Hong Kong Shipowners' Association, Hong Kong

Mr. Joe COX, President, Chamber of Shipping of America, Washington, DC

Mr. Sabyasachi HAJARA, Director, The Shipping Corporation of India Ltd., Mumbai

Mr. Thomas KAZAKOS, General Secretary, Cyprus Shipping Council, Limassol

Mr. George KOLTSIDOPOULOS, Legal Adviser, Union of Greek Shipowners, Piraeus

Mr. Dierk LINDEMANN, Managing Director, German Shipowners' Association, Hamburg

Mr. John LUSTED, Consultant, United Kingdom Chamber of Shipping, London

Ms. Edith MIDELFART, Attorney-at-Law, Norwegian Shipowners' Association, Oslo

Sr. Hernan MORALES VILLAMOR, Asesor Laboral, Asociacion Nacional de Armadores, Valparaíso

Mr. Lachlan PAYNE, Chief Executive, Australian Shipowners' Association, Port Melbourne

Mr. Carlos SALINAS, Chairman and President, Filipino Shipowners' Association, Manila

**Shipowners' advisers  
Conseillers techniques des armateurs  
Consejeros técnicos de los armadores**

Mr. Roberto AGLIETA, Executive for Labour Affairs, Confitarma, Roma

Mr. David DEARSLEY, Secretary of the Shipowners' Group to the Joint Maritime Commission, Deputy Secretary-General, International Shipping Federation, London

---

Mr. Svilen DOYKOV, Head of Safety of Navigation Department, Navibulgar Ltd., Varna  
Mr. Guido HOLLAAR, Secretary, Royal Association of Netherlands Shipowners, Rotterdam  
Mr. Chris HORROCKS, Secretary-General, International Shipping Federation, London  
Mr. Kazuki INOUE, The Japanese Shipowners' Association, Seafarers' Chamber Captain, Tokyo  
Mr. Tim MARKING, Deputy Secretary-General, ECSA, Brussels  
Mr. Tim SPRINGETT, United Kingdom Chamber of Shipping, London  
Mr. Yasuhisa TSUJIMOTO, Managing Director, The Japanese Shipowners' Association, London  
Sr. Rubén VIDAUD MARQUEZ, Vice Director, Unión Navieras de Cuba, Grupo Empresarial ANTARES,  
La Habana

**Seafarers' representatives**  
**Représentants des gens de mer**  
**Representantes de la gente de mar**

Sr. Severino ALMEIDA, Presidente Confederação Nacional dos Trabalhadores em Transportes Aquaviário e Aéreo, na Pesca e nos Portos (CONTTMAF), Rio de Janeiro  
Mr. Jacek CEGIELSKI, Vice-President, National Maritime Section of "Solidarnosc", Gdynia  
Mr. Abdulrahman CHANDE, General Secretary, Tanzania Seamen's Union (TASU), Zanzibar  
Mr. Pdraig CRUMLIN, National Secretary, Maritime Union of Australia (MUA), Sydney  
Mr. Thulani DLAMINI, Collective Bargaining Secretary, South African Transport and Allied Workers' Union, Johannesburg  
Mr. David HEINDEL, Secretary-Treasurer, Seafarers' International Union of North America, Camp Springs  
Mr. Sakae IDEMOTO, President All Japan Seamen's Union, Tokyo  
Mr. Brian ORRELL, General Secretary NUMAST, London  
Ms. Jacqueline SMITH, Secretary, Norwegian Seamen's Union, Miami  
Mr. Thomas TAY, General Secretary, Singapore Maritime Officers' Union, Singapore  
Mr. Agapios TSELENTIS, Director, International Department, Pan-Hellenic Seamen's Federation (PNO), Piraeus

**Seafarers' advisers**  
**Conseillers techniques des gens de mer**  
**Consejeros técnicos de la gente de mar**

Ms. Claudia BENNETT, Assistant Legal Adviser, International Transport Workers' Federation, London  
Mr. Henrik BERLAU, Specialarbejderforbundet i Danmark (SiD), Copenhagen  
Mr. Mark DICKINSON, Executive Officer, NUMAST, London  
Mr. John EPSOM, Council Chairman, NUMAST, London  
Mr. Goran HANSSON, SEKO Facket för Service Och Kommunikation, Göteborg  
Mr. Yuji IJIMA, All Japan Seamen's Union (JSU), Tokyo  
Mr. Hideo IKEDA, Director of International Affairs, All Japan Seamen's Union, Tokyo  
Sr. José Luis JUSTO VILLAMIL, Secretario General, Sindicato Nacional de Marina Mercante, Puertos y Pesca, La Habana

---

Mr. Jose RAUL V. LAMUG, Assistant to the President, Associated Marine Officers' and Seamen's Union of the Philippines (AMOSUP), Manila

Ms. Wai Man LEE, Assistant Administrator, Merchant Navy Officers' Guild, Hong Kong

Ms. Mary LIEW, Singapore Maritime Officers' Union, Singapore

Mr. Konstantin MAKAROV, International Transport Workers' Federation, London

Mr. Peter McEWEN, NUMAST, London

Mr. Chi Kwok POON, Hong Kong Seamen's Union, Hong Kong

Mr. Katsuji TAKI, International Transport Workers' Federation, London

Mr. Arie Leenderf VERHOEF, Consultant, Federatie van Werknemers in de Zeevaart (FWZ), Gorinchem

Mr. Jon WHITLOW, Secretary of the Seafarers' Group to the Joint Maritime Commission, International Transport Workers' Federation (ITF), London

Representatives of United Nations, specialized agencies  
and other official international organizations

Représentants des Nations Unies, des institutions spécialisées  
et d'autres organisations internationales officielles

Representantes de las Naciones Unidas, de los organismos especializados  
y de otras organizaciones internacionales oficiales

**EUROPEAN UNION (EU)**

**UNION EUROPÉENNE**

**UNIÓN EUROPEA**

Ms. Christina VARTSOS TZANNETAKIS, Official Administrator, Brussels

**INTERNATIONAL MARITIME ORGANIZATION (IMO)**

**ORGANISATION MARITIME INTERNATIONALE**

**ORGANIZACIÓN MARÍTIMA INTERNACIONAL**

Mr. Andrew WINBOW, Head, STCW and Human Element Section, Maritime Safety Division, International Maritime Organization, London

Representatives of non-governmental international organizations

Représentants d'organisations internationales non gouvernementales

Representantes de organizaciones internacionales no gubernamentales

**INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)**

**CONFÉDÉRATION INTERNATIONALE DES SYNDICATS LIBRES**

**CONFEDERACIÓN INTERNACIONAL DE ORGANIZACIONES SINDICALES LIBRES**

Ms. Anna BIONDI, Assistant Director, ICFTU, Geneva

---

**INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION**  
**ASSOCIATION MARITIME CHRÉTIENNE INTERNATIONALE**  
**ASOCIACIÓN MARÍTIMA CRISTIANA INTERNACIONAL**

Mr. Berend VAN DIJKEN, General Secretary, ICMA, Rotterdam

Mr. Ken PETERS, Justice and Welfare Secretary, ICMA, London

Mr. Douglas STEVENSON, Director, Centre for Seafarers' Rights, Seamen's Church Institute, New York

Sr. Domingo GONZALEZ JOYANES, ICMA, Barcelona

**INTERNATIONAL ORGANIZATION FOR STANDARDIZATION**  
**ORGANISATION INTERNATIONALE DE NORMALISATION**  
**ORGANIZACIÓN INTERNACIONAL DE NORMALIZACIÓN**

Mr. François ABRAM, Technical Programme Manager, Standards Department, ISO Central Secretariat, Geneva

**WORLD FEDERATION OF TRADE UNIONS**  
**FÉDÉRATION SYNDICALE MONDIALE**  
**FEDERACIÓN SINDICAL MUNDIAL**

Ms. Aida AVELLA, Consejera, WFTU, Geneva