

# **Making “labour history”: ILO adopts new consolidated maritime Convention**

**Maritime Session of the International Labour Conference (7-23 February 2006)**

The consolidated Maritime Labour Convention, 2006 adopted by the ILO today [*Thursday 23<sup>rd</sup> Feb – to be confirmed*] is a ground-breaking, comprehensive global legal instrument concerning maritime labour standards for the world’s ship owners, seafarers and maritime nations. The new Convention, finalized during two weeks of intensive negotiations in Geneva, will not only address the need for decent working conditions for the world’s more than 1.2 million seafarers, but may also provide the impetus and support for similar innovative and balanced approaches in other sectors. ILO reporters spoke with Cleopatra Doumbia-Henry, Director of the ILO’s International Labour Standards Department, about the new Convention.

**Question: How would you characterize the new maritime labour convention?**

**Cleopatra Doumbia-Henry:** We are leading the way in developing an innovative, integrated approach to ensuring that the industry moves forward together, in ensuring decent work for all seafarers wherever they come from, and wherever the vessel they are working on comes from. The ILO constituents have recognized that poor working conditions and quality shipping cannot go together. We have put a socio-economic floor to global competition in the maritime sector. This competition will continue, but it will be based on fair and well-conceived common rules for fair competition and on cooperation to ensure that they are followed.

**Q: What are some of the key elements of this Convention that will affect seafarers and ship owners?**

**C D-H:** The new Convention is set to achieve more compliance by operators and owners of ships and to strengthen enforcement of standards through mechanisms at all levels, including provisions for complaint procedures available to seafarers, the ship owners’ and shipmasters’ supervision of conditions on their ships, the flag States’ jurisdiction and control over their ships and port state inspections of foreign ships. The Convention sets minimum requirements for seafarers to work on a ship and contains provisions on conditions of employment, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection.

**Q: How do these new provisions differ from those contained in the scores of existing conventions regarding the maritime sector?**

**C D-H:** There are several novel features as far as the ILO is concerned. The whole structure of the new Convention differs from that of traditional ILO Conventions. It consists of the basic provisions, i.e. the Articles and Regulations, followed by a two-part Code and divided into five Titles, one of which is devoted to compliance and enforcement. The Regulations and the Code, which contain Standards and Guidelines, are organized under the five Titles – Title 1: Minimum

requirements for seafarers to work on a ship; Title 2: Conditions of employment; Title 3: Accommodation, recreational facilities, food and catering; Title 4: Health protection, medical care, welfare and social security protection; and Title 5: Compliance and enforcement. There is also an Explanatory note to further assist Members implementing the Convention. Other innovations are the amendment procedures and the system for the certification of ships.

**Q: Why is this sector so important?**

**C D-H:** The maritime industry is highly globalized. Ninety per cent of world trade is moved by sea. The tremendous increase in the volume of world trade over the last 50 years has not come about just because of reduced import barriers or better telecommunications and infrastructure. It is also a direct result of the massive increase in productivity of the shipping industry. The speed with which goods are moved around the world has increased dramatically and the cost has fallen exponentially. Without ship owners and seafarers there would be no globalization as we know it today.

**Q: How does this Convention balance the need for protection of seafarers and flexibility in the maritime labour market?**

**C D-H:** The Convention text has gone as far as any text can go as it establishes clear definitions of rights, while it allows at the same time a necessary degree of national discretion in the delivery of those rights with transparency, consultation and accountability. The Convention will develop further with the needs of the industry as it evolves, it will provide an assurance of universal application and enforcement measures and it will ensure a level playing field worldwide.

**Q: The adoption of the new Convention is the culmination of five years of international social dialogue...**

**C D-H:** That's very important. Tripartism and social dialogue are key tools in getting beyond policy and ideological dead ends. They can reconcile the pressures for productivity and competitiveness with sustainable development and improvement in living conditions for all. In the maritime sector, we have shown how this can be done. The Maritime Labour Convention, 2006 shows that tripartism can give constructive responses to the challenges of this globalized industry and to globalization more generally.

**Q: The new Convention shows the way to dealing with globalization?**

**C D-H:** You are right. Many of the challenges the maritime sector has to deal with – and the framework in which it operates – are also faced by other sectors. Governments everywhere are trying to manage and develop national economies and specific sectors while also dealing with the demands of adjustments to financial and trade liberalization. Enterprises are themselves struggling to succeed, grow and survive in the face of intensifying competition in domestic, regional and global markets. And workers often feel that they are at the receiving end of these tensions. In the search for solutions it has become more and more evident that there can be no lasting success with purely national solutions to global problems.

**Q: The Convention is also a good example of cooperation in the multilateral system?**

**C D-H:** The very first Article of the Convention requires Members to cooperate with each other for its effective implementation and enforcement. This means cooperation between countries and between international organizations and other intergovernmental organizations, as well as the many interested non-governmental organizations. It also means full scope for cooperation between them and the social partners. This Convention connects with developments in the multilateral system. The Convention is consistent with the strong movement towards better integration of work among the organizations of the system. It has been designed so that relevant elements mesh well with the established systems of the International Maritime Organization (IMO). This has guided the long-standing cooperation between the ILO and the IMO and has continued in the development of this Maritime Labour Convention. Such collaboration also extends to very practical day-to-day problems of seafarers. For example, IMO Secretary-General Efthimios Mitropoulos and ILO Director-General Juan Somavia recently jointly wrote to relevant flag States concerning a number of abandonment cases to seek their urgent intervention in resolving these matters.

**Q: What are the next challenges?**

**C D-H:** This is not the end; in fact, it is just the beginning. We will work hard to ensure that the Convention is not a book kept on the shelves. The text has now achieved a wide consensus. Ratification and then implementation will be the next challenges. The prospects for ratification have been an integral part of the discussions, and the concerns expressed have been addressed in the development of the instrument. So early ratification is a reasonable expectation. But we do not take this for granted. The ILO's constituents and the International Labour Office must now become advocates for ratification with parliamentarians, with concerned ministries, with all who have a stake in the maritime sector. Also, we must recognize that there are today different capacities for implementation. Solid partnerships will be needed as well as resourced programmes to provide technical cooperation where needed. To respond, we plan to put together a significant technical cooperation programme.

**Q: How will the new Convention affect ILO standard setting in general?**

**C D-H:** The Maritime Labour Convention seeks to ensure the relevance of ILO standards in this era of the globalization of production and work. What we have done for the maritime sector may also provide the impetus and support for similar innovative and balanced approaches in other industries and for the ILO standard-setting system in general. There are many elements and important innovations which can be used more widely, for instance the amendment procedure and the very process of elaboration itself.