

Conference Guide - Maritime Session

***94th (Maritime) Session of the
International Labour Conference***

Geneva, 7-23 February 2006



< www.ilo.org/public/english/standards/relm/ilc/ilc94/index.htm >

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94th (Maritime) Session of the International Labour Conference

Dates: Tuesday, 7 to Thursday, 23 February 2006

Place: *Palais des Nations*, Geneva

For details concerning registration, see sections 10 (Participation) and 12 (Practical arrangements).

1. Agenda of the Conference

Standing item

- I. Reports of the Chairperson of the Governing Body and of the Director-General.

Item placed on the agenda by the Governing Body

- II. Maritime labour standards – Standard setting, single discussion, with a view to the adoption of an instrument to consolidate maritime labour standards.

2. Aim of the instrument

The aim of the proposed maritime labour Convention, 2006, is unprecedented in several respects. It is to be a single international labour Convention, worded in simple and clear terms, which will consolidate almost all of the over 60 maritime labour Conventions and Recommendations currently in force in a comprehensive instrument setting out the conditions for decent work in the increasingly globalized maritime sector. It is to become what has been called the “fourth pillar” of the international regulatory regime for shipping, complementing the key Conventions of the International Maritime Organization: SOLAS, MARPOL and STCW. The draft instrument is necessarily lengthy and contains several innovative features designed to enable its early ratification by the vast majority of ILO nations active in the maritime sector and to ensure that its provisions are effectively implemented and enforced and easily updated. To take just one example, without the Convention’s special blend of firmness on respect for rights, and flexibility in implementation, it would be unrealistic to expect near universal ratification in the case of a single-purpose international labour Convention, let alone in that of the present Convention, which will provide international standards for almost every aspect of employment on ships. The innovations will be explained in the report prepared by the International Labour Office in accordance with the Standing Orders of the Conference.

It is important that this report should be carefully studied by delegates who have not yet been involved in the preparation of the draft Convention. Superficially, the instrument, with its new structure, will appear totally different from the international labour Conventions adopted since 1920. A closer study will, however, show that the Convention is in fact firmly based on ILO principles, aims and methodology. Delegates should also note that the content of the draft

Convention, including its innovative structure and solutions, has been carefully worked out, over the last four years, in tripartite meetings, under the auspices of a high-level tripartite working group established by the Governing Body, with the constant participation of an exceptionally large number of Government representatives. The report prepared by the Office will also show that all the provisions to be considered by the Conference – even the most difficult ones – are now the subject of tripartite consensus, at least as far as their main substance is concerned. Perhaps the most remarkable feature of the new Convention is that the draft will not be the traditional “Office text” prepared by the International Labour Office after consulting ILO constituents. The driving force and novel thinking behind the Convention, as well as its authorship, often including the drafting of concrete provisions, is attributable to individual and collective inputs from the Government, Shipowner and Seafarer representatives taking part in its preparation. In this respect, the Convention provides an outstanding example of the value of the ILO approach, which emphasizes social dialogue in the negotiation and development of international labour standards.

3. Methodology

The draft Convention to be submitted to the Conference for adoption will be based on the text adopted by the Preparatory Technical Maritime Conference (PTMC) in September 2004, completed by the Office in accordance with directions given by the PTMC and endorsed by the ILO Governing Body. Because of the length of the draft Convention, the PTMC did not have enough time to complete its consideration of the text. It was not possible to resolve important issues and examine amendments to provisions at that stage. At a tripartite intersessional meeting in April 2005, tripartite agreement was reached on how the outstanding issues should be resolved and the Office was informed of the extent to which the various amendments proposed were the subject of tripartite consensus. In addition, a drafting group reviewed the text of the Convention, especially from the point of view of concordance between English and French, the two authoritative languages of international labour instruments. The solutions reached on the outstanding issues have been sent to constituents for their comments, which are taken into account in the report submitted to the Conference by the Office.

It is clear from the previous preparatory meetings that the time available at the Conference will not allow a new thorough discussion of each of the provisions, in view of the unprecedented length of the Convention text. It is hoped that delegates will take account of the thorough discussions that have already taken place over the last four years and of the consensus that has now been reached, and that the discussions will accordingly concentrate on provisions or aspects of the Convention that are perceived as giving rise to major difficulties for a given group of constituents. In addition, a few important details, such as the level of ratifications that would be needed to bring the Convention into force, have been left for discussion at the Conference itself.

Because the draft Convention is a highly integrated instrument, an amendment to a provision in one part of the text could affect provisions in another part of the Convention. In order to maintain overall consistency, as well as to allow all delegations, particularly the smaller ones, to be fully involved in all important aspects of the Convention, it will be proposed that the whole of the draft Convention be referred for review to a single Committee of the Whole. Provision is being made for one or two working parties to meet in parallel with the Committee of the Whole to resolve particular issues or work on particular matters, as and when

needed. Members may wish to take these proposed arrangements into account in deciding upon the composition of their delegations.

There will also be a proposal for a relatively small Steering Committee of the kind that was established at the PTMC. The Steering Committee would be entrusted by the Conference to take any decisions (going beyond the competence of the Conference's Selection Committee, see section 7 below) that might be needed to ensure the successful completion of the deliberations. Similarly, it will be proposed that the Conference establish a single drafting committee, on the lines of that set up at the PTMC, which would be in operation throughout the session of the Conference; it would review the drafting of each set of provisions as soon as they were adopted in Committee, and perform similar advisory functions at the request of the Committee of the Whole or the Conference.

4. Rules of procedure of the Conference

The rules of procedure of the Conference are contained in the Constitution of the International Labour Organisation and in the Standing Orders of the International Labour Conference (including the Note for Maritime Sessions).

These texts may be obtained in Geneva at the Document Distribution Service and can also be consulted on the web site of the 94th Session:

< www.ilo.org/public/english/standards/relm/ilc/ilc94/index.htm >

5. Conference programme

Saturday, 4 February

From 10 a.m. to 4 p.m.: Early registration – see section 12 below.

Sunday, 5 February

From 10 a.m. (continuing as required): *Preliminary meetings* for members of the Government group will be held at ILO headquarters. The meeting will start with a special briefing on the key issues to be addressed by the Conference.

Monday, 6 February

From 9.30 a.m. (continuing as required): *Group meetings* for Government, Employer and Worker members. The groups convene officially to elect their Officers, determine the membership of committees, become acquainted with Conference procedure and hold group discussions on the content of the text proposed. They will meet in the following rooms at the *Palais des Nations*:

Government group: In room XX.

Employers' group: In room XVI.

Workers' group: In room XIX.

Tuesday, 7 February

10 a.m.: *Opening sitting* in the Assembly Hall of the *Palais des Nations*. At the opening sitting, delegations will be called on to elect the Officers of the Conference and set up the various committees and the Chairperson of the Governing Body will introduce his report to the Maritime Session. The *Selection Committee* will meet immediately after the opening sitting of the Conference to take decisions or make proposals concerning Conference arrangements.

2.30 p.m.-4 p.m.: Group meetings (the groups will meet, as required, throughout the Conference).

4.30 p.m.: *Second sitting*. The Conference will take decisions on the report of the Selection Committee, as well as other decisions concerning Conference arrangements.

4.45 p.m.: The Committee of the Whole will meet to begin consideration of the text of the draft instrument submitted to the Conference. It will continue its discussions until **Friday, 17 February**. In order to promote rapid progress, it is likely that early dates will be set for the submission of proposals for the amendment of the text of the Convention.

Monday, 20 February-Wednesday, 22 February

The Conference will meet in plenary sittings in the *Palais des Nations*, to discuss the reports of the Chairperson of the Governing Body and of the Director-General, and to consider resolutions relating to the draft Convention. It will also be addressed by special guests.

It will consider the report of the Committee of the Whole and decide upon the adoption of the instrument prepared by the Committee.

Thursday, 23 February

Final record vote in plenary sitting of the instrument, followed by the closing ceremony.

6. Plenary

Registration of speakers

Requests to take the floor during the discussions on reports of the Chairperson of the Governing Body and of the Director-General may be registered in advance, from **Tuesday, 3 January 2006**, by email (see Appendix I – Contact details). They may also be registered during the Conference, as early as possible, at the office of the Clerk of the Conference. The list of speakers closes on **Wednesday, 15 February at 6 p.m.**, subject to the decision of the Selection Committee. On the eve of the appointed sitting, written confirmation of the agreed speaking time will be placed in the relevant delegation's pigeon-hole at the *Palais des Nations*.

Time limit for speeches concerning the reports of the Chairperson of the Governing Body and of the Director-General

To allow as many speakers as possible to take the floor, the time limit for speeches is set at a maximum of **five minutes** (ILC Standing Orders, article 14.6). Visiting ministers, delegates, observers and representatives of international organizations and international non-governmental organizations will wish to bear this in mind when preparing their speeches.

Principles governing the discussion in plenary

The following principles, set out in paragraphs 54-58 of the fourth report of the Working Party of the Governing Body of the International Labour Office on the Programme and Structure of the ILO (1967), form a useful background to the discussion of the reports in plenary:

- Freedom of speech is a pillar of the ILO: neither governments, nor employers or workers are immune from criticism within its walls.
- Freedom of speech includes freedom to reply – one point of view may be parried by another.
- Social justice contributes to lasting peace; all human beings have the right to pursue their material well-being and spiritual development in freedom and dignity. The breadth of these fundamental principles of the ILO makes it impossible to circumscribe debate in the International Labour Conference, and the ILO must focus on the objectives that derive from these principles, irrespective of political considerations.
- Nevertheless, the purpose and scope of debate in the International Labour Conference must not encroach on discussions proper to the United Nations Security Council and General Assembly, bodies entrusted by the Charter with responsibility for political decisions in the United Nations system.
- To uphold the values of human freedom and dignity enshrined in the ILO Constitution, in periods of acute political tension the Conference must strive towards the fullest possible continued cooperation in pursuit of the Organization's objectives. Every delegate has an obligation to keep these considerations in mind, and the President of the Conference to ensure they are preserved.

7. Committees

Composition: Except when provided otherwise, the initial composition of committees is decided by the Conference at its opening sitting. Any modifications are carried out through the respective groups and must be done before 6 p.m. to be effective the following day.

Registration for membership of the Committee of the Whole: For Employers' and Workers' delegates and advisers, this is undertaken at the group meetings on Monday, 6 February, or by obtaining registration forms from the group secretariats; Governments may register during the Government group meeting on Monday, 6 February, or subsequently at the Composition of Committees Office.

Selection Committee

(ILC Standing Orders, article 4 and section H, article 55(2))

The Selection Committee is composed of 28 members appointed by the Government group, 14 members appointed by the Employers' group, and 14 by the Workers' group. Its responsibilities include arranging the programme of the Conference, fixing the time and agenda of its plenary sittings and acting on its behalf on any other routine question. Since 1996, most of these tasks have been delegated to the Officers of the Committee. The Selection Committee may be called on by the Conference to consider other specific issues.

Credentials Committee

(ILC Standing Orders, article 5 and section B. Please note that these provisions are now reflected in the interim provisions concerning verification of credentials, adopted by the Conference at its 92nd (2004) Session (*Provisional Record* No. 16, 92nd Session, Geneva, 2004). These interim provisions became effective as of the 93rd (June 2005) Session)

The Credentials Committee is composed of one Government, one Employers' and one Workers' delegate, appointed by the Conference. It meets in closed sittings.

Its responsibilities include:

- examining the credentials, as well as any objection relating to the credentials, of delegates and their advisers, or relating to the failure to deposit credentials of an Employers' or Workers' delegate (ILC Standing Orders, article 5(2) and 26bis);
- considering complaints of non-observance of paragraph 2(a), of article 13 of the Constitution (payment of expenses of tripartite delegations) (ILC Standing Orders, article 26ter);
- monitoring of any situation with regard to the observance of the provisions of article 3 or article 13, paragraph 2(a), of the Constitution about which the Conference has requested a report (ILC Standing Orders, article 26quater);
- determining the quorum required for the validity of votes taken by the Conference (ILC Standing Orders, article 20(1)).

Committee of the Whole

As outlined above in section 3 (Methodology), it will be proposed that the entire draft of the Convention should be submitted to a Committee of the Whole. This is to ensure overall consistency and to allow all delegations, especially the smaller delegations, to retain a global picture of this highly integrated text.

Steering Committee

The proposed Steering Committee, referred to in the last paragraph of section 3 above, would be established under article 8 of the Standing Orders of the Conference. It would consist of the President of the Conference, who would chair it; the three Vice-Presidents of the Conference; the Chairperson of the Selection Committee; the Chairperson of the Committee of the Whole; the Chairperson and Vice-Chairperson of the Government group; the delegates and/or advisers serving on the Drafting Committee (see below); and five Government delegates or advisers, two Employers' delegates or advisers and two Workers' delegates or advisers, appointed by the Conference on the nomination of the Selection Committee.

Drafting Committee

In accordance with article 6, paragraph 1, of its Standing Orders, the Conference appoints a Drafting Committee consisting of at least three persons who need not be either delegates or advisers. The Drafting Committee, referred to in the last paragraph of section 3 above, would be composed of three Government delegates or advisers, and one Employers' and one Workers' delegate or adviser, and the Legal Adviser of the Conference.

Working parties

Provision will be made for the establishment of one or two working parties, to meet in parallel with the Committee of the Whole and to resolve specific problems and issues, as and when required.

8. Reports

Communication of reports

Reports for examination by the Conference will be communicated to member States at least two months before the session. Reports will be available in English, French, Spanish, Arabic, Chinese, German and Russian. They will also be placed, with this *Conference Guide*, on the ILO's web site at the following address:

< www.ilo.org/public/english/standards/reim/ilc/ilc94/index.htm >

To enable all participants to prepare fully for the discussions, governments are urged to distribute the reports sent to them in good time to Government delegates, as well as to those representing the Employers and Workers. Conference participants are encouraged to bring the documents thus received with them to Geneva, and to refrain, where possible, from requesting additional sets once on the Conference site.

Publication of the *Provisional Records*

During the session, the decisions taken by the Conference will be published in the *Provisional Records* in English, French and Spanish, and may also be consulted on the ILO's web site.

9. Interpretation

Interpretation services at Conference meetings will be provided in English, French, Spanish, Arabic, Chinese, German and Russian.

10. Participation

Composition of delegations

Delegations to the International Labour Conference are composed of **four** delegates: **two** Government delegates, **one** delegate representing the Employers and **one** delegate representing the Workers (Constitution, article 3(1)).

Each delegate may be accompanied by advisers. **Travel and living expenses of delegates and their advisers are to be borne by their respective member States** (Constitution, article 13.2(a)).

Under the Constitution, member States must ensure that their delegations are fully tripartite, and that the delegates are able to act in full independence of one another. They are required to nominate non-Government delegates chosen in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople in their respective countries (Constitution, article 3(5)).

Constituents are asked to remember that the success of the discussions depends on the competencies of participants. It is of critical importance that delegates and advisers should have the necessary maritime background or orientation and that delegations should include experts in the very different areas of the comprehensive maritime Convention to be adopted. The expertise needed covers not only the conditions of employment or work of seafarers, but also, for example, labour inspection, social security and health and safety. It is also important that participants should be chosen not only for their technical expertise, but with a view to adopting a coordinated approach, involving action shared between different government administrations.

The Governing Body of the ILO requests governments to remind delegates and advisers that **acceptance of their appointment implies an obligation to be available in Geneva for the entire work of the Conference, including the last days (20-23 February), when the all-important final vote on the adoption of the proposed Convention is held.** If, nevertheless, delegates or advisers empowered to vote in the plenary of the Conference have to leave before the final vote, they should notify the secretariat of the Credentials Committee of their departure on the appropriate form and, if they so wish, authorize an adviser to act in their place. **Absence of a prompt notification increases the risk of failure to achieve the necessary quorum to adopt the Convention.**

Governments are also asked to bear in mind the resolution adopted at the 78th (1991) Session of the Conference, which calls on governments and employers' and workers' organizations to include more women in their delegations to the International Labour Conference.

Credentials

Credentials of delegates and their advisers must be deposited with the International Labour Office **at least 15 days** before the date fixed for the opening sitting, in line with article 26, paragraph 1, of the International Labour Conference Standing Orders. The closing date for deposit of the credentials of all delegates and advisers is therefore **Monday, 23 January 2006**. Participants cannot register for the Conference unless their credentials have been previously deposited.

The form for the submission of credentials, attached to the letter of convocation, is accompanied by an *Explanatory note for national delegations* on the importance of depositing credentials with the secretariat, giving details on the various categories of participants at the Conference, and the roles that they play. Contact details are given both in the *Explanatory note*, and in Appendix I to this *Conference Guide*.

Representation of non-metropolitan territories

See Appendix II.

Representation of international non-governmental organizations

See Appendix III.

11. Health and safety

The International Labour Office will do all possible to safeguard participants' health and safety during the Conference. Conference participants are requested to report to the secretariat any situation they believe to be a health or safety hazard. During the Conference full medical services are available, but all participants must be aware that the ILO does not provide insurance cover for accident or illness whilst journeying to or from Geneva or during the period of the Conference. All participants must therefore ensure that they have adequate insurance coverage in respect of illness and accident.

12. Practical arrangements

Delegates with a disability

The Conference premises are fully accessible to persons with a disability.

Accommodation for delegations in Geneva

There is constant pressure for accommodation in Geneva. Delegations are therefore requested to make reservations well in advance. As the International Labour Office **does not have a hotel reservation service**, delegations to the Conference should request the diplomatic representations of member States in Geneva, or where applicable, in Berne, to make the necessary reservations with hotels in the Geneva area. Reservations may also be made through the:

Office du tourisme de Genève
18, rue du Mont Blanc
Case postale 1602
CH-1211 Genève 1

Telephone: +41 22 909 70 00
Facsimile: +41 22 909 70 11
Internet site: www.geneve-tourisme.ch

Entry visas for Switzerland and France

Entry visas for Switzerland are issued primarily by Swiss diplomatic representations abroad. Delegates to the Conference who require an entry visa should submit, well in advance, a personal request to the Swiss embassy or consulate in their country of residence.

The Office may intervene with Swiss diplomatic representations on behalf of **delegates and their advisers** in certain specific situations. In order for the Office to support a visa application, the following conditions must be met:

- the **first and last names** of the person concerned must be included in the official credentials of the delegation, as submitted to the International Labour Office by the government;
- the request for intervention must reach the Office **at least a week before the departure date**, indicating the Swiss representation to which the visa application is being made.

Delegates may wish to note that visas are issued upon arrival at the airport in Geneva **only in exceptional circumstances**. When such circumstances so warrant (in particular where there is no Swiss representation in the country of origin), the Swiss authorities may authorize the issuance of a visa upon arrival in Switzerland, provided that the request is made sufficiently in advance of the departure date.

The Office may intervene with Swiss authorities regarding exceptional requests for a visa to be issued on arrival, if the above two conditions are met (i.e. the applicant's inclusion in the official credentials of the delegation, and the request reaching the Office at least one week before departure). The following additional information must also be provided:

- first and last name of the person concerned;
- date of birth;
- type and number of the passport and its issuance and expiry dates.

As the Office does not have the capacity to handle each request individually, it will transmit directly to the competent Swiss authorities its support for any visa application within 24 hours of receipt of the request.

Your attention is drawn to the fact that **no request will be handled** for persons who travel without having first obtained a visa or the necessary authorization to obtain it upon arrival in Switzerland. Any person who travels to Switzerland without meeting these requirements may be denied entry at the point of immigration.

The Office can only intervene with Swiss diplomatic representations on behalf of delegates and their advisers if their credentials have been received in Geneva by Monday, 6 February 2006.

The French Consulate in Geneva is not authorized to issue **entry visas for France** to temporary visitors to Switzerland, without first referring the application to the French embassy or consulate in the applicant's home country. Consequently, members of delegations wishing to visit or stay in France during the session should obtain the necessary single or multiple entry visas for France in their own country before leaving for Switzerland.

Registration

Delegates will be able to register and collect their badges at the **International Labour Office (headquarters building)**, provided that the Office has received their credentials. The registration desk will be open on **Saturday, 4 February, from 10 a.m. to 4 p.m.**, on **Sunday, 5 February, from 9 a.m. to 4 p.m.**, and as from **Monday, 6 February**, daily from **8 a.m. to 6.30 p.m.**, excluding Sundays. Registration is essential for the calculation of the quorum for each vote.

During the Conference all participants must be in possession of a personalized badge issued by the ILO, and of an appropriate identity document, containing a photo, to gain access to the *Palais des Nations* complex. Badges must be worn visibly at all times.

Other matters

A mini-bus service will be available to transport participants between the ILO headquarters building and the *Palais des Nations* (five- to ten-minute ride).

Additional information, giving greater detail on practical arrangements, will be at the disposal of delegates when they arrive in Geneva.

Appendix I

Contact details

Conference web site:

< www.ilo.org/public/english/standards/relm/ilc/ilc94/index.htm >

	Email address	Fax number
Inquiries on the substance of the draft Convention	normes@ilo.org	+41 22 799 70 50
Credentials		
By post to: Office of the Legal Adviser ILO CH-1211 Geneva 22	credentials@ilo.org	+41 22 799 85 70
Registration of speakers	adamo@ilo.org	+41 22 799 89 44
Official Relations Branch (for general inquiries)	cerutti@ilo.org	+41 22 799 89 44
Documentation	donati@ilo.org	+41 22 799 63 61

Appendix II

Representation of non-metropolitan territories at the International Labour Conference

Under article 3, paragraph 3, of the Constitution:

Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates:

- (a) persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory; and
- (b) persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.

In line with the constitutional, political, economic and social development of any non-metropolitan territory for which a member State is responsible, the non-metropolitan territory in question may be invited, through the member State concerned, to participate by means of a tripartite observer delegation in sessions of the Conference, with the rights and status accorded to observers under the Standing Orders of the Conference.

Requests for invitations of non-metropolitan territories must reach the Office in sufficient time to be submitted to the Governing Body for approval at its 294th Session (November 2005).

Appendix III

Representation of international non-governmental organizations at the International Labour Conference

1. *Conditions to be met*

Any international non-governmental organization (INGO) wishing to be invited to be represented at the Conference should meet the following conditions. It should:

- (a) demonstrate the international nature of its composition and activities by proving that it is represented or has affiliates in a considerable number of countries and that it is active in those countries;
- (b) have aims and objectives that are in harmony with the spirit, aims and principles of the Constitution of the ILO and the Declaration of Philadelphia;
- (c) formally express a clearly defined interest, supported by its statutes and by explicit reference to its own activities, in at least one of the items on the agenda of the Conference session to which it requests to be invited;
- (d) **submit its request, in writing, to the Director-General of the International Labour Office and at least one month before the opening of the session of the Governing Body preceding the session of the Conference.**¹

2. *Documents and information to be submitted*

In order for the Office to verify that the conditions set out in subparagraphs 1(a), (b) and (c) above are met by the organization submitting the request, the latter must send with its request:

- a copy of its statutes;²
- the names and titles of its Officers;
- a description of its composition and the aggregate membership of the national organizations affiliated to it;
- a copy of its latest report;
- detailed and verifiable information about its sources of financing.

If, following the examination of the documents and information, the Office considers that the organization submitting the request meets the prescribed conditions, its request will be submitted to the Officers of the Governing Body for decision.³

Organizations having regional consultative status, those on the ILO special list of INGOs, and those invited to previous sessions of the General Conference are considered to have satisfied the conditions set out in subparagraphs (a) and (b) and are exempt from submitting once again the documents and information indicated in paragraph 2 above.

Any request submitted less than one month prior to the opening of the session of the Governing Body preceding the Conference will not be examined.

Organizations which have been invited to be represented at the Conference may appoint one representative only for each of the agenda items in which they have expressed a particular interest. The participation of INGOs in the work of the Conference committees dealing with the technical

¹ Time limit decided by the Governing Body at its 292nd (March 2005) Session.

² In English, French and Spanish, if these versions exist.

³ At its 256th (May 1993) Session, the Governing Body delegated to its Officers the authority to invite INGOs wishing to be represented at sessions of the General Conference.

items in which they have expressed a particular interest is subject to a decision of the Selection Committee (article 56.9 of the Standing Orders of the Conference).