



International Labour Conference – 94th (Maritime) Session,  
Geneva, 2006  
Conférence internationale du Travail – 94<sup>e</sup> session (maritime),  
Genève, 2006  
Conferencia Internacional del Trabajo – 94.<sup>a</sup> reunión (marítima),  
Ginebra, 2006

9



## ***Provisional Record*** ***Compte rendu provisoire*** ***Actas Provisionales***

---

*Les interventions prononcées dans une autre langue que l'anglais, l'espagnol ou le français sont transcrites dans la langue choisie par le pays concerné aux fins de la correspondance officielle avec le BIT.*

*The transcript of statements made in a language other than English, French or Spanish is produced in the language chosen by the country concerned for the purpose of official correspondence with the ILO.*

*Las intervenciones pronunciadas en un idioma distinto del español, el francés o el inglés se transcribirán en el idioma que el país interesado haya escogido a efectos de su correspondencia oficial con la OIT.*

### **Troisième séance**

Lundi 20 février 2006, matin

*Présidence de M. J.-M. Schindler*

*The sitting continues with delegates' statements.*

*La séance se poursuit avec les discours des délégués.*

*La sesión continúa con las intervenciones de los delegados.*

### **Reports of the Chairperson of the Governing Body and of the Director-General: Discussion**

### **Rapports du Président du Conseil d'administration et du Directeur général: Discussion**

### **Informe del Presidente del Consejo de Administración y Memoria del Director General: Discusión**

Mr. CRUMLIN (Worker, Australia)

It is my honour to give the Workers' response to the Report of the Director-General at this historic Maritime Session of the International Labour Conference.

---

We live in a time when international institutions are under attack, or are being bypassed under the guise of the rights of sovereign nations to act unilaterally, or are being manipulated by various coalitions of the willing for short-term political and strategic advantage. This has resulted in a loss of confidence by many global citizens in such institutions, as well in the governments who represent those citizens. We should recognize and take pride in the fact that the ILO has maintained respect and honour in the international community in this environment.

The work achieved in the last five years, and culminating in the decisions taken at this Maritime Session, reflects the spirit and determination upon which that standing rests.

Mutual respect and effective dialogue define civilized and constructive society. This is a defining feature of the ILO, through the tripartite nature of its work and its decision-making.

The workplace, where so much of this world's humanity spends increasingly considerable portions of each working day, is a place of social as well as productive relations. The functional relationship between workers and the organizations that represent their interests and employers and the organizations that represent their interests is critical to economic success, as well as being a measure of moral content. Government is a guiding hand as a rule maker, a regulator and umpire, aiming, we always hope and expect, to ensure equity, fairness and justice in the facilitation of the public interest. This is an essential triangular dynamic reflecting the highest intellectual and philosophical commitments to democratic process in humanity's collective interest.

A number of other international institutions could benefit from adopting this tripartite model. The International Maritime Organization and the World Trade Organization are two institutions which spring to mind as being impoverished to an extent, owing to their elitist focus.

While essential to a healthy decision-making process, this process is, however, only part of a mechanism that can secure meaningful outcomes. Much of the work really cuts in when we leave this house. Agreement stemming from our dialogue here, agreement carefully counterweighing the various needs and perspectives of the stakeholders in order to produce a functional instrument, must then be strengthened by the practical act of adherence. Firstly, through legislative application and then through balanced enforcement.

Talk the talk and walk and walk, as they say.

We have an obligation to implement vigorously the decisions in our direct national spheres of interest and to work through implementation problems in accordance with the spirit of the agreement. In other words, to make a difference to people's lives – in our case that means the lives of the world's seafarers. That is, in the first part, a moral obligation. To do nothing or to do otherwise is a breach of faith with regard to the responsibility we have been entrusted with and that we have consciously accepted. That commitment defines strength of character and the ethical purpose of our work and, from a personal perspective, the meaning of our professional lives. To fail would be a stark punctuation of the personal, professional and moral leadership global circumstances now demand of us.

All seafarers have a right to decent work.

What we do here and subsequently will either ensure or deny that to them, with all the implications that brings to their families and communities for generations to come. This is, of course, a serious responsibility, and not for the faint-hearted or the weak-willed, a heavy responsibility for which history will hold us to account, as, by extension, will we hold ourselves.

---

Decent work provides opportunities for work that is productive and delivers a fair wage; security in the workplace and social protection for families; better prospects for personal development and social integration; freedom for people to express their concerns and organize and participate in the decisions that affect their lives and, most importantly, equality of opportunity and treatment for all women and men.

Contrast those objectives with the reality of seafaring life where lives and work lie beyond the physical boundaries of territory and with the consequent immediacy of self-interest. Many of the flags that fly from the sterns of seafarers' ships reflect business opportunity rather than national responsibility. The lives of those seafarers are often marred by crushing exploitation, savage intimidation and life- and limb-threatening neglect. Many of the flags are merely loopholes in national standards and labour regulations – dark shadows of the national interest. Second, as opposed to first, registry often means less scrutiny, less accountability and less direct ownership links. Other flags are really only mechanisms of avoidance and convenience for commercial interests. A third category is made up of national flags that reflect the poor quality of public service and governance prevailing there.

Consider this, A couple of years ago, a Malaysian vessel turned up in Australia and was detained in Cairns inside our beautiful barrier reef. It had no global maritime distress and safety system equipment. The master and engineers had no certificates of recognition from the flag State and the chief mate's certificate did not meet STCW standards. The crew navigated into these pristine and unique Australian waters without the right navigational charts, a pilot or radio capable of picking up international frequencies. They would radio their employer in Malaysia for directions, giving their position from the global positioning system – if you can believe that. They had not been paid and were subjected to appalling living conditions. Their mattresses were lice-ridden, there was no bed linen, the fresh food was rotten and the rest of the food was out of date. The vessel could not leave Australia because the crew could not prove they could operate it and so they were abandoned.

A Cypriot-flagged vessel was detained last year in South Australia for safety reasons. The crew aboard were living in damp, un insulated accommodation and surviving on rations of pasta and rice alone. They had had no hot water for five months and were owed tens of thousands of dollars in back wages. The crew aboard had malnutrition and spoke no English. The community in the port of Adelaide supplied them with food and water until the safety issues were resolved. The ratings were Sri Lankan seafarers and had paid the manning agent US\$1,600 for the honour and the right to sail aboard that vessel and a further US\$3,000 insurance money that they would lose if they spoke to the International Transport Workers' Federation (ITF). Furthermore, they were forced in advance to sign forms stating that they would receive monthly family allotments which they never received.

Last year again, a Maltese-flagged vessel arrived in an Australian wheat port. The crew complained to our union that they were working 18 hours a day, seven days a week, for US\$300 per month. Neither running water, nor fresh food were provided. They had no access to medical treatment and had one pair of work overalls each, with one set of underpants. Many were sick from the contaminated water and they had been consistently denied shore leave from the vessel in previous ports by the master. When the ITF attempted to discuss these matters with the crew, the master declared an international security alert and up went the gangway. The master informed the Australian authorities that the crew delegates were a terrorist threat. When eventually forced to let the ITF and authorities aboard, three of the crew were hospitalized, including one with broken bones, and the majority of the crew had locked themselves in their cabins, fearing for their physical safety.

---

Just a few examples from Australia, examples that you could point to every day of every week of every month of every year in our maritime world. They are the vessels that make it to port. Then there is the “Christopher”, or the 37-year-old Honduras-flagged “Vigla”, or the “Fadi”, registered in Tonga, vessels that disappear at sea leaving an oily residue and impoverished and bereaved families, mostly in developing countries, We also have the Panamanian-flagged passenger vessel and the 1,000 lost for whom we stood in silence two weeks ago, or the Panamanian vessel that sank off China last Thursday with 37 seafarers aboard who have not been, and will not be found. Hundreds of lives, thousands, these incidents are occurring now, today.

Then, of course, you have the “Erika” and the “Prestige” – nothing like one of these monsters going bust in, or adjacent to, as we say in this house, your territorial waters to get a country focused on the problem. Of course, it is too easy to scapegoat the seafarers when the worst happens. You know, we all know, where the criminality lies and it is not with them.

Are they a few exceptions to the rule, or shadowy reflections of an industry with a corrupt underside, afflicted by decay?

It is time for us, for you, to make a difference. This is a remarkable and exceptional opportunity to do something worthwhile that will not be undone by time, circumstance or place and that will, much as any other single international political development, secure a better world.

Our job here is to address low levels of ratification of existing Conventions. Firstly, why is this? What can we do to assist ratification of standards and compliance without turning the instrument into meaningless mush and motherhood? We want least of all a rhetorical tour de force, without practical assistance to those seafarers whose survival depends on our progress here. This is an important issue. It is cynical in the extreme to develop an important instrument and not give it the breath of legislative life.

The good news from the Director-General’s Report is that, notwithstanding the ratification record, the relevant provisions in ILO maritime Conventions are widely applied in sections of the world fleet and provide an important reference point for collective bargaining in our sector.

Given the ongoing high incidence of appalling failures in standards however, we must ensure that the ratification record on this new Convention is high and that it is timely. Failure to ratify after entering into agreement here could and would be interpreted as reflecting the height of cynicism or, alternatively, as one of the greatest examples of apathy in the history of public service. Can this seriously be countenanced?

From that point of view, it is very encouraging to see my Government here, having adopted a dramatically and controversially different policy of labour deregulation domestically for a number of years.

It is encouraging because the issues of decent work and proper standards for working people should be kept separate from ideology. The parlous state of international politics and the subsequent prevailing instability and insecurity deserve no less.

Our nation, any nation, every nation, must reconcile itself to the imperative of achieving standards of decent work nationally and internationally through appropriate regulation, or quickly discover that it is adding to the problem, not to the solution of achieving a more functional and harmonious global condition. International dysfunction and its agents can just as easily find manifestation in conflicts between labour and capital

---

as in any national geo-political confrontation arising for economic, religious or other reasons.

There is absolutely no doubt as to the essential economic importance of our industry. In Australia, for example, 99 per cent by bulk and 74 per cent by value of our international trade is carried by ship. We are practically the definition of a shipping nation, a nation depending on shipping. Trends in global trade will only enhance that dependency. For our part, we will work with our social partners and our Government to realize early and full ratification. We can promise this plenary that seafarers and their organizations will do the same in every country and in many that are not here. We accept the challenge of being exemplary and active citizens in the global shipping community – not just for the seafarers and their immediate needs, but also in order to add value and security into our national and international community of economic, industrial and political interests.

More specifically, shipping employers have historically recruited seafaring labour from wherever best suits their business interests and needs, and have paid according to the laws and standards of the nations from which they recruit, subject only to international treaty obligations and competitive forces. This is in marked contrast with labour hire and employment arrangements in most other industries. Even where industries have recruited foreign labour, their base on land means that those foreign workers have, by and large, been paid according to the laws and standards of the country into which they are recruited, not from where they are recruited.

This emerging trend is made possible, indeed supported, by deregulation of labour markets and particularly by the weakening of labour and employment laws by nations. The watering down of national minimums in terms of employment conditions and the driving down of the minimum wage floor, combined with the dismantling of institutional support for collective bargaining and liberal immigration laws means that employers in land-based industries can now engage foreign labour under individual agreements and common law arrangements that result in the foreign worker being paid less than a comparable resident worker.

Globalization of labour markets will inevitably require the same response from other industries that the shipping industry has adopted or will adopt, hopefully at this session. An internationally-agreed and enforceable set of minimum labour standards to protect a mobile workforce against a race to the bottom, beyond the protection of the laws of the worker's home nation and under the liberalized laws of the recruiting nation. This is a challenge that lies ahead for the ILO and for employer and worker organizations in other industries. That is why the International Transport Workers' Federation and progressive shipping employer organizations have jointly established the International Bargaining Forum (IBF) and have used the IBF process to develop a global collective agreement which provides a package of rates and conditions well above the ILO floor. However, the ILO is the foundation for this type of sustainable, flexible agreement.

Such agreements provide support, in turn, for national agreements, interrelated links that provide standards and facilitate outcomes at every point. Again, it starts here. These agreements are an important part of the response to the severe skills shortages that, for example, Australia, and every other shipping nation, is facing. An issue we are all grappling with in a booming global shipping industry, particularly with regard to officer and engineer occupations. How can our industry meet the intensification of the demands on its workforce without a framework that encourages skills development? We do not think, for starters, that the answer lies in making the master work longer hours.

Without decent working and living conditions we will not attract or develop the quality of labour necessary for the industry to reach its full potential. It is not just a matter

---

of the crews. How many here started their professional career at sea and rely on those skills and experiences to meet the day-to-day needs of their professional lives?

Our pioneering work in seafaring labour standards will continue to have truly global consequences. Seafarers through the world will be better off. Shipping employers who employ those seafarers will also be better off. Shipping assets will be safer, as will cargoes and opportunities for security breaches will be minimized. The public interest of our communities will be advanced by the delivery of the key facilitator of world trade, shipping in a secure, environmentally safe and efficient form. Really, how could you possibly achieve that without decent standards of work, protection against fatigue, decent working and living conditions and proper remuneration to support skills development and professional application? And, really, how will that ever be achieved without certification, inspection and enforcement?

This outcome could not have been achieved without the tireless efforts of the Director-General and his staff. His comprehensive report is indicative of the vast number of threads they needed to weave together to make the fabric of this Session durable enough to weather the wear and tear of such a robust engagement of differing interests. We are indebted to his, and their, work and leadership. The work overseen in the reports on the global seafarer in a globalized industry, on the impact on seafarers of changes in the structure of the shipping industry and on women seafarers, demonstrates the clarity of purpose and attention to the real issues which mark his leadership.

The Report, Decent work, (87th Session, June 1999), must also be mentioned as a watershed report to the International Labour Conference. The Director-General has attached great importance to the need to stand firm on workers' rights, while, at the same time, recognizing that there are different paths to implementation.

We do not make these comments simply to point out the folly of the policy approach adopted by those governments which shirk their task through deregulation of existing labour standards, in the obnoxious cases, or who ignore existing standards in the most unintelligent instances. If nations wish to participate in the globalization of labour, the natural response is the globalization of labour standards in a bill of rights. We have shown and showing that it can be done and we will never regret it.

At this point, the workers would also like to highlight the dignified and understated commitment to the practical instrument on the part of Mr. Lindemann and the shipowners. His belief that it is possible to accommodate both the needs of the companies and the needs of the seafarers has, by and large, been critical to the process. And, of course, the enormous contribution made by Brian Orrell, whose remarkable advocacy for the world's seafarers here has rested upon a passionate belief in their needs and an unquenchable determination to see those needs protected and fulfilled. That advocacy has established him as one of the greatest workers' spokespersons and leaders that this historic and august house has brought forth.

Where do we go from here? The Director-General points to the technical cooperation and outreach activities of the ILO. It is important that we get behind these initiatives.

We, in the wealthy nations, have an obligation to assist those nations whose economies and institutions are not as strong, or as well developed and whose capacity to implement and monitor compliance with international Conventions, no matter how committed they may be, is limited.

The Australian Government, again, has a policy of tying its international aid to commitments and actions by receiving countries regarding adoption of good governance practices and stronger national security arrangements. We would advocate that Australia,

---

for example, and nations with similar policy approaches to their donor programmes take a leading role in helping less developed nations to implement international Conventions, such as the maritime Convention, within the framework of strengthening governance in those countries.

Simultaneously, as we start to confront and address these issues, there is a definite and noticeable reaction to the linear drive to the globalization nirvana. We have seen the difficulties involved reaching agreement in recent WTO negotiations. We see global jockeying between nations to secure energy assets and realignments in political alliances, with some nations signalling their intention to lock up assets for their own use and those of their allies for the future. We see some nations partially closing their previous open access policies in terms of foreign investment. We see defiance of World Bank and IMF prescriptions by developing nations which are turning to their own national and regional solutions. And we see little sign of the integration of the African economies into the world trade system. These trends and developments will impact on shipping and labour relations in shipping as we adjust to the new environment.

In our view it would be prudent to start the dialogue, the analysis, the thinking, now, rather than later. In doing so, we would show leadership, keeping the Maritime Session of the ILO at the forefront, continuing along the course set by the Director-General by looking forward for creative solutions to address our challenges.

Mr. Chairperson, you more than anyone here will appreciate what Einstein once said, “The significant problems we face cannot be solved at the same level of thinking we had when we created them.” Your leadership has personified that theme. Ring the bell Sir, a great journey awaits us.

Mr. XU (Government, China)

The Chinese delegation has studied with great interest the Report of the Director-General on developments in the maritime sector and the report of the Chairperson of the Governing Body. While appreciating the various activities of the ILO in the maritime sector, we associate ourselves with the analysis of the elements affecting the recent development of the maritime sector given in the two reports. We think the two reports provide, with profound and thoughtful insights, a precise account of the labour issues resulting from the development of the maritime industry since the last Maritime Session of the International Labour Conference, and take stock of the activities of the ILO which are aimed at addressing specific problems, in particular, the efforts to update and consolidate existing maritime labour standards.

It is well known that the shipping industry, which is of vital importance to the world’s economic development, has become the world’s first global industry thanks to its large carrying capacity, convenience and wide geographical coverage. As the major human element in the industry, seafarers play an essential role in ensuring safe navigation and preventing marine pollution from ships. However, owing to historical and realistic reasons, seafarers are generally placed in a disadvantaged position and lack adequate legal and social protection.

In the context of the campaign for the sustainable development of the shipping industry worldwide, it is of paramount significance to protect the fundamental rights of seafarers through the establishment of an international maritime labour instrument which is comprehensive and globally applicable.

The ILO commits itself to the promotion of decent work with the core mandate of ensuring decent working conditions and protecting the legal and social rights of workers around the world. The ILO has, over the past 80 years, developed many international

---

maritime labour standards in pursuit of its goal of improving the working and living conditions and protecting the fundamental rights of seafarers. The consolidation of existing maritime labour standards is a great initiative which has been undertaken by the ILO for the past five years.

Over the past two weeks, constituents from member States have held extensive discussions on issues of our common concern. In the light of the spirit of tripartism, broad consensus has been reached among the parties concerned on the draft text of the proposed consolidated maritime labour Convention. I am quite convinced that our concerted efforts will make this session of the Conference live up to our expectations.

The consolidated Convention, deemed the “Bill of Rights” for seafarers, not only brings together over 60 maritime labour Conventions and Recommendations adopted since the inception of the ILO during the past 80 years, but also incorporates the new elements widely adopted in existing international maritime Conventions. It aims to set up a regulatory regime applicable to the entire maritime labour sector. We believe that this remarkable consolidated Convention will effectively standardize the existing international laws regulating the labour and social rights of seafarers, thus becoming the “fourth pillar” of the international maritime regulatory regime, complementing the key maritime conventions SOLAS, MARPOL and STCW. As a result, it will give impetus to the protection of the fundamental rights of seafarers and the adequate promotion of the sustainable development of the shipping industry worldwide.

China is a developing country, and the shipping industry plays a significant role in its national economic development and foreign trade. The Chinese Government always attaches great importance to the development of the human factor in the shipping industry and highlights the protection of the labour and social rights of seafarers. While endeavouring to improve the overall quality of our seafarers, the Chinese Government has also constantly enhanced the protection of seafarers. In the years to come, we will further accelerate the process of developing domestic legislation in the maritime labour sector in order to be gradually integrated with the world, so as to meet the new requirements of the international shipping industry and afford profound protection to seafarers.

The Chinese Government would like to express its sincere appreciation to the ILO for its firm dedication and unswerving efforts to protect the labour and social rights of seafarers through the development of a series of international maritime labour standards.

We will continue to give our support to, and actively participate in, the activities of the ILO in the maritime labour sector; further strengthen exchange and cooperation with other member States; and make our due contribution to protecting the fundamental rights of seafarers, by promoting social dialogue and ensuring the safe, sound and sustainable development of the world shipping industry.

Last but not least, on behalf of the Chinese delegation, I would like to extend our sincere gratitude to the secretariat of the ILO for its hard work and the considerate arrangements made for the Conference.

Ms. STO TOMAS (Secretary, Department of Labor and  
Employment, Philippines)

This is an important session of the Conference for the Philippines. We are a country of 7,107 islands and shipping is a national lifeline. Shipping connects trade, commerce and investment in our archipelagic Republic. It allows for a culture that, while richly diverse, is united by maritime corridors which traverse and define our boundaries. About a million of our people depend on shipping and allied industries for their livelihood. One-quarter of the world’s maritime manpower consists of skilled Filipinos.

---

We welcome the consolidation of the many Recommendations and Conventions for maritime labour into a single instrument. Surely, we must do this for other sectors, not just for administrative ease or effective enforcement. We must do this to ensure continuing relevance, particularly in shipping, which must be the best example of a truly global industry.

I know that the discussions for this proposed Convention have been long, intense and to some extent, heated. We are here to declare our support for its early ratification in the Philippines, contingent on certain clarifications.

Our domestic fleet is fairly young and we would have difficulty complying with the standards set forth in this Convention on an immediate basis. We would want to see a reasonable time for build-up of internal capacity, because to insist on immediate compliance would be to cut a lifeline that is integral to our national growth. This build-up, a condition I assume many developing nations represented in this room require, also needs assistance for capacity building. We would recommend a review of this capability after a reasonable period of time during which domestic voyages must be excluded from the Convention.

Our internal regulatory bodies as well as the standards in our employment contracts comply with the best practices that are set forth in this instrument. We do take note of the concerns raised about the coverage of seafarers with the rank of masters under the hours of work and rest provisions, as well as the entry into force and simplified amendment provisions for this particular proposed Convention. We will go by the consensus with our social partners, in so far as these provisions are concerned.

We also have some concerns outside of the proposed Convention itself. There is the matter of fair treatment of seafarers, some of whom have been detained or sanctioned for pollution incidents for which they are not primarily responsible. In the end, we must define the responsibilities of all actors concerned, not just the seafarers, when it comes to instances of marine pollution.

We also express concern on the abandonment of seafarers, the review of which is being undertaken today by the ILO and the IMO. We ask for tripartite support for the establishment of a database on the abandonment of seafarers so that patterns can be established, parties can be held responsible and international corrective action can be effected.

We express the same concern for pirate attacks on ships, which has affected a number of our seafarers in the past five years. This might require a global programme that uses intergovernmental action to combat piracy in coastal and international waters.

I would like to close this short intervention by expressing to the Director-General and his staff our appreciation for the excellent technical support that has marked the discussion of this proposed Convention. At the same time, we convey our gratitude to our social partners, the workers and employers alike, both in the country as well as internationally, whose insights and experiences have enriched this discussion and allowed us to see these discussions evolve into a meaningful proposed Convention.

We congratulate the President on his excellent stewardship of the Conference, which we are sure will be both historic and instructive not only for the ILO but for its various constituencies as well.

---

Mgr. TOMASI (representative, The Holy See)

The Holy See delegation takes this opportunity to join its voice to that of numerous other delegations in highlighting the significance of this Conference. Three reasons, in fact, highlight the importance of the present occasion. It underscores the truly historical opportunity presented by this Tenth Maritime Session of the International Labour Conference (ILO). It gives a chance to welcome the proposed consolidated maritime labour Convention as an indispensable tool of decent work. It proves once again the value of tripartite negotiations and cooperation to ensure a successful and timely outcome. Allow me to add that the word historical is not a rhetorical expression, but the definition of an achievement made possible thanks to the spirit of dialogue and the quality negotiations which have prevailed, thus enabling the Conference to reach a consensus even on the more difficult provisions. The challenge that now remains is to formalize the good work already done.

Life at sea will still be difficult and dangerous for the world's 1.25 million seafarers, but we are confident that the adoption of this comprehensive Convention on maritime labour standards, while not eroding existing seafarers' rights, will provide the appropriate environment for the emergence of a new maritime world order that will provide "opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity," as the Report of the Director-General has stated. Indeed, a globalized maritime world is fast developing with ships linking the four corners of the world and crews increasingly made up of persons from culturally and religiously diverse nationalities. Therefore, before these developments, the logical step is to provide the proper environment and the fair standards and sufficient security so that each human face is fairly and, hopefully, warmly recognized for the personal worth and inalienable dignity he or she has and for the professional contribution he or she makes to maritime work.

Various international and national organizations and many individuals inspired by their Christian faith or by a genuine sense of human solidarity, particularly those reaching out to the people of the sea, are working to ensure a globalization with a human face, where benefits accrue to everyone without the exclusion of any category of people. For decades they have been offering their precious services to seafarers on land and on merchant, fishing and passenger vessels. Permit me to refer, by way of example, to the Apostleship of the Sea of the Catholic Church and to the ecumenical network of non-profit Christian organizations, which includes the Apostleship of the Sea and the International Christian Maritime Association (ICMA) representing 526 seafarers' centres and 927 chaplains in 126 countries. From this collective experience comes strong encouragement to reaffirm maritime welfare and the well-being of the people of the sea by adopting fair and forward-looking standards and the Convention that is the focus of this Conference. The whole maritime industry will have a better future with healthier, more satisfied and qualified, and adequately protected seafarers and their families.

Five years ago, the ILO adopted a joint resolution by the representatives of international seafarers and shipowners, a resolution supported by Governments, to create a new maritime labour Convention. Those far-sighted delegates pointed out that the shipping industry is the world's first global industry and that it requires global labour standards applicable to an entire industry which can safeguard the rights, welfare and human dignity of all seafarers. By doing so, they acknowledged that those same seafarers, through their own labour, are the bedrock of this very important and very successful industry and that the human element must be its priority.

The concept of "fair trade" is progressing slowly but surely in many parts of the world. Since sea transport is an essential part of international trade, has the time not come to extend this notion of "fair trade", or even better of a fair system of trade rules, to

---

maritime transport, fishing and other categories alike? What the Holy Father Benedict XVI writes in his recent first encyclical letter applies as well to world of the sea: "... there can never be room for a poverty that denies anyone what is needed for a dignified life".

The delegation of the Holy See, therefore, wishes to commend all delegates and the ILO personnel for their commitment and hard work over the last five years in developing this consolidated maritime labour Convention and congratulates them and the dedicated staff of this Organization for bringing the maritime world to this decisive point of change. A change which, if adopted and ratified early and implemented effectively at the national level, will bring great benefits to the lives of millions of people over time and be an example of good practice to the whole industrialized world. The proposed new instrument has taken into account today's globalized economy and it shows a positive side of it, that the mentioned encyclical letter expresses in this way: "Concern for our neighbour transcends the confines of national communities and has increasingly broadened its horizon to the whole world."

At this crucial moment, all delegates have a chance to enlarge the horizon of solidarity by adopting the proposed consolidated maritime labour Convention. In doing so, the globalized maritime industry will move forward towards improved fairness and justice for all.

Ms. SULISTYANINGSIH (Government, Indonesia)

First of all, allow me to congratulate Mr. Jean-Marc Schindler on his election as President of the 94th (Maritime) Session of the International Labour Conference and to express my sincere appreciation to Director-General Juan Somavia for his comprehensive Report of the Director-General on developments in the maritime sector.

Indonesia ranks as one of the major suppliers of seafarers in the world, with literally about 100,000 Indonesian seafarers working on foreign-flag vessels in all parts of the globe. Their contribution to our own national economy, as well as to the development of the international economy as a whole, is considerable, a fact of which we are proud and which deserves our appreciation.

In this connection, Indonesia has been paying serious attention to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), and to the proposed maritime labour Convention, which is to be adopted at the end of this Conference.

The proposed maritime labour Convention is the result of our common endeavours to ensure a fair economic globalization through decent employment for seafarers. The improvement of our seafarers' welfare is indeed one of our concerns, whether in the domestic or international context. The Convention is, therefore, expected to become a reference in terms of improving social dialogue between shipowners and seafarers.

For some Indonesians, the maritime sector presents an opportunity to improve their standard of living. Therefore, promoting this sector is a challenge for the government, especially in the context of creating job opportunities. From this perspective, a comprehensive international standard on the conditions of maritime employment would constitute the necessary guidance in developing our maritime sector. Hence, the government and its social dialogue partners have been engaged in discussions on the proposed maritime labour Convention, aware as they are that the best way to reach a win win solution is to provide each party with conditions that are both relevant to it and equitable. In this regard, we are convinced that we all share the same sense of the dignity of seafarers and of the decent working and living conditions to which they are entitled.

---

Indonesia has no doubt that the proposed Convention that we are called upon to adopt at the conclusion of this Conference provides the best guarantee for providing seafarers around the world with the equitable, fair and safe working conditions I have just mentioned and to which they aspire. For its part, Indonesia endorses it fully for its certain benefits, both for the seafaring profession and, through that profession, for the harmonious development of global maritime trade and transport. In this spirit, it is our hope to see the consolidated maritime labour Convention unanimously adopted by this assembly.

Mr. ABEYRATHNE BANDA (Government, Sri Lanka)

The delegation of Sri Lanka extends sincere congratulations to you, Mr. Chairperson and to the Officers, on your election and assures you of our fullest cooperation in the successful completion of the Conference. Historically, maritime issues have a special consideration with the ILO, as witnessed by the treatment of these issues at special maritime sessions. This Session marks a significant step in ILO standard-setting activities in this area by the proposed adoption of a single, comprehensive Convention, forward looking and addressing issues of contemporary concern in a practical manner facilitating the future updating of technical standards. Though not a major maritime nation, Sri Lanka has about 5,000 seafarers working on board ships around the globe at any given time, with another 17,500 seafarers registered with the merchant shipping division of the Ministry of Ports and Aviation of Sri Lanka awaiting employment and, as of January 2006 had issued about 29,000 continuous discharge certificates (CDCs) to Sri Lankan seafarers.

Sri Lanka is a party to the ILO maritime Conventions while additional national legislation covers many provisions of ILO Conventions as part of our implementation of the Decent Work agenda. Under these regulations, only seafarers over 18 years of age can obtain CDCs and, as a rule, the working hours for seafarers are set at eight hours a day and every extra hour worked is considered as overtime. Sri Lanka follows IMO/ILO recommended medical standards for all seafarers. Whenever there is an improved development in the field of medical standards pertaining to seafarers, the approved panel of doctors is kept abreast of such developments for purposes of compliance. With regard to safe working conditions on board ships, Sri Lankan shipowners are advised to have decent working conditions. Foreign ships visiting Sri Lankan ports are examined by the port control officers to ensure that safe and decent working conditions are maintained on those ships at all times.

Although there are a large number of employment opportunities in the maritime sector, there is such a mismatch and lack of coordination between the demand and the supply of labour in the maritime sector. As for Sri Lanka, we have the capacity to provide land-based training for seafarers, which is appreciated throughout the region. However, due to the very small fleet of ships, we lack the capacity to provide adequate on-board training. Our institutions could double their intake of trainees if there were opportunities for on-board training. Therefore, we urge shipowners to increase on-board training facilities for cadets in order to increase the number of trained officers, thereby creating a win-win situation for both governments and shipowners. In this context, we agree with the findings in the survey as stated in the Director-General's Report that possibly every commercial ship should have a minimum of 1.5 trainees on average.

This Report of the Director-General draws attention to the need for gender equality in the area of maritime work and proposes that increased recruitment of women would provide the answer to the serious shortage of qualified seafarers in the maritime industry. However, it is our view that rather than introducing the gender dimension, it is by increasing on-board training facilities that the labour crisis in the maritime industry could be addressed.

---

The Director-General's Report raised concerns about the fair treatment of seafarers in cases such as environmental disasters from oil spills. As a coastal State which has experienced oil spills from ships, Sri Lanka has in the past dealt with such situations according to the laws of the land. The effect of such disasters for countries such as Sri Lanka which do not have the facilities to deal with such situations can be tremendous.

In this light we welcome the work of the Joint Working Group appointed to help us with this matter. We fully agree with the Director-General's remark in paragraph 42 of the Report concerning difficulties faced by seafarers from certain countries as a result of the abolition of long-established practices by some States. As the Director-General has correctly mentioned, some countries, having lost their opportunities as shipowners, have turned to other sources of maritime labour. We also agree with the conclusion of the Director-General in paragraphs 214-216 of his Report.

In conclusion, Sri Lanka welcomes the constructive partnership between governments and social partners which has prevailed for the last five years and which we have also witnessed during the last two weeks and hope that this draft Convention will be adopted by consensus. We support the adoption of the draft Convention and will carefully consider ratifying it once adopted, in consultation with the relevant government agencies and other stakeholders. We agree with the Director-General's Report that the effective implementation of the Convention will require technical cooperation.

Original Arabic: Mr. SHOUKRY (Government, Egypt)

Allow me at the outset to congratulate you and the Officers on the trust placed in you by the Conference. I wish you success in your task. I would also like to thank the International Labour Office and the Director-General for their efforts which started with the beginning of the work of the High-level Working Group in December 2001 to establish the consolidated maritime labour Convention. Egypt had the honour to participate in this task. We would also like to thank all those who participated in this endeavour, the representatives of the Government, Shipowners and Seafarers.

Fortunately, this Conference is being convened at a time when the maritime shipping industry is going through an exceptional boom. International studies indicate that 2004 and 2005 were unprecedented years in maritime shipping, with unparalleled demand for container and special liquid natural gas ships. This led to the appearance of new activities and specifications in ships to keep pace with world developments. Maritime shipping enjoyed a unique status in international organizations, especially the International Labour Organization. Standards for the improvement of the working and living conditions of seafarers were established here. Maritime shipping, hence, acquired its own Maritime Sessions during International Labour Conferences where related questions are examined and decisions taken.

Recent fast-paced international developments which came in the wake of globalization, the appearance of an international labour market and changes in the maritime shipping industry have meant that it has become one of the leading industrial sectors in the world. The interest of the ILO in seafarers is reflected in the number of Conventions and Recommendations issued by the Organization which deal with questions such as wages and hours of work, living and health conditions, as well as other issues related to the concept of decent work for seafarers.

The Governing Body's historic decision in 2001 to set up an international High-level Working Group to examine the creation of a consolidated maritime labour Convention which would bring together all Conventions and Recommendations issued by the ILO to become an international code for maritime shipping was world recognition of the rapid and

---

successive developments in this sector and of the human element in this development and the need to provide decent working conditions.

The Convention's texts were the result of proposals submitted by both Government and social partners. Social security and enforcement were among the more difficult areas of discussion, as certain texts of the Convention were based on the idea of more stringent terms for seafarers' rights. However, at the same time, the Convention allows some flexibility to the competent authorities in member countries regarding implementation.

The Government of Egypt wishes to express its sincere appreciation for the efforts of the International Labour Organization to fulfil the concept of decent work through joint action and in cooperation with other competent international organizations, especially the IMO. The Government is also grateful for the adoption of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), which entered into force in February of last year and which strengthens maritime security. Egypt supports the Director-General's statement regarding the importance of the maritime shipping industry and the International Labour Organization's efforts to provide decent working conditions for seafarers. These efforts take into account the nature of this international form of labour and the difficult working conditions facing seafarers.

Moreover, Egypt is interested in training and rehabilitation of seafarers and the provision of decent living and working conditions based on appropriate legislation. We attach a great deal of importance to the establishment and development of specialized scientific and training institutions and to technical cooperation and exchange of experiences in particular.

Finally, we wish to reaffirm that ratification of the consolidated maritime labour Convention and the effective implementation of its provisions require the ILO to provide the necessary technical assistance to member countries. We are convinced that joint action will undoubtedly increase the number of ratifications of this essential Convention.

Finally, I would like to seize this opportunity to express our appreciation for the heroic efforts undertaken by the crew of the El Salaam which sank in the Red Sea in saving the lives of passengers and we pray to the Lord God to bless the departed and commend the living. I thank the Organization and its Member for the condolences addressed to the Government of Egypt on this occasion.

Mr. BERLAU (Worker, Denmark)

The Director-General's Report refers to the May 2002 Meeting of Experts on international shipping registers. The meeting was held while many traditional maritime countries in the 1980s and 1990s were creating international shipping registers as an alternative for shipowners to flag out to flags of convenience (FOCs). The maritime industry in the developed economy was at that time unquestionably in a crisis, but equally so were the developed-economy seafarers. The response to the crisis from governments was to allow for the creation of international shipping registers, many of them with the same characteristic as FOCs. The manoeuvre was fundamental, but it only secured the shipowners' interests and it left developed-economy seafarers to choose between third-world conditions or unemployment.

Tens of thousands of developed economy seafarers and, in particular, ratings, were replaced by developing-world seafarers. Moreover, the changes in many countries also included legislative interventions against seafarers' trade unions by restricting their right to operate freely, as contained in the ILO core Conventions. This was done by creating new registers or offshore registers, or simply by breaking ILO Conventions. We regret that the protection of seafarers and their trade unions against such actions, as laid down in

---

international Conventions, has proven insufficient to meet its objective. The meeting, however, gave consideration to the many controversial aspects of international registers. It adopted a statement stressing the need for the strongest possible national and international measures to be taken against breaches of international labour standards.

In developed-economy countries like my own, Denmark, the result has been that seafarers were literally kicked off ships in droves, followed by unemployment and, finally, they lost their maritime careers. More than 60 per cent of our members have lost their jobs during changes and only very few ratings are to be found in deep-sea vessels today.

In 1987, the Danish Government proposed an Act on Danish International Shipping Register (DIS). When introducing the bill to the Danish Parliament the Minister said that the purpose of the proposed legislation was to reduce shipowners' costs and consequently curb the trend towards transferring ships to foreign flags. The bill included the complete abolition of existing agreements as far as ships transferred to the new DIS were concerned, and the provisions concerning pay and working conditions restricted Danish unions to only concluding collective agreements for seafarers domiciled in Denmark. The Minister's written introduction included the following remarks: "I am aware that these rules break new ground in Danish labour law, but I consider it a necessity."

What the Minister was breaking was fundamental ILO core Conventions. No dialogue was offered. And this intervention still exists 18 years later, even though the shipping industry has today turned into a multimillion-dollar profitable business. In 1988, the Confederation of Danish Trade Unions filed a complaint with the ILO about Denmark's breach of Conventions Nos. 87 and 98, both ratified by Denmark. In 1989, the Committee on Freedom of Association made a decision on the Danish complaint, and the Committee concluded that the DIS constitutes interference in the right of seafarers to voluntary collective bargaining and amounts to government interference in the free functioning of organizations in the defence of their members' interests, and urged the Government to take steps to amend the legislation. In subsequent years the Committee of Experts has maintained its criticism and, in 2005, requested the Government to take measures to ensure that Danish trade unions may represent all their members – resident or non-resident – employed on ships sailing under the Danish flag. The Danish Government maintains that they do not intend to take such measures.

During the Experts' Meeting in 2002, the Danish Government representative underlined that it was possible for a non-domiciled seafarer to join a Danish union, but that Danish collective agreements could only cover domiciled seafarers; the resident criteria was chosen as objective criteria. Following the principle of non-discrimination on the grounds of nationality and of equal treatment, by virtue of Denmark's ratification of the relevant ILO Conventions, country of residence cannot be a determining factor for the wages and working conditions to which seafarers are entitled when working on a DIS ship. We take the view that, if non-domiciled seafarers are excluded from benefiting from Danish working conditions and wages on the grounds of their country of residence, this will amount to indirect discrimination on the grounds of nationality, a practice which is equally prohibited under ILO Convention No. 111. As stated by the Seafarers' spokesperson at the opening of the Committee of the Whole, discrimination based on nationality is racism, nothing less. In the consolidated Maritime Labour Convention, 2006, the fundamental rights referred to above are to be found in Article 3.

We question how the Danish Government seriously will be able to ratify the new Convention, while maintaining that they will not abide with the recommendation from the ILO to amend the DIS legislation. We question how social dialogue is going to take place in respect of seafarers, when a national trade union is prevented from exercising its normal functions. We wish Denmark to be party to the new Convention. We therefore call on the

---

Danish Government to abide by the Committee of Experts and amend the DIS legislation in accordance with the recommendations from the Committee.

Mr. DAFALLA (Government, Sudan)

My delegation would like to take this opportunity to commend the ILO for the important role it has played since its inception in the field of labour standards and legislation, particularly over the last four years as it has worked continually and steadily to prepare for this great session of the Conference, working to provide a framework for and regulate employment in the maritime sector. This sector is the backbone of international trade.

My delegation commends the Report of the Director-General presented to this session of the Conference, which focuses on four main themes: the recent activities of the Organization; the technical cooperation activities in connection with the promotion of maritime labour standards and decent work; the activities in connection with the maritime transport sector; and a partnership for the future.

My delegation considers that the work done during this session of the Conference is a credit to the Report of the Director-General. We value highly the principles and criteria that led to the right choice being made when electing the President of the Conference and the members of the various working parties and committees. They have been able to carry the work of the committees through to a successful conclusion with wisdom and experience, which has enabled tripartite agreement in the belief that it serves the common interest of all partners.

I would also like to pay tribute to the secretariat for its work in facilitating the smooth running of this session of the Conference.

This proposed consolidated maritime labour Convention covers all the most important aspects of maritime labour, as well as the basic requirements which need to be applied in today's world, such as freedom, transparency, skills, equality and respect for human rights. It is detailed, without being overly long or detrimental to the sensitive issues that need further clarification to eliminate all confusion, ambiguity and contradiction after the proposed Convention is adopted and when it is to be applied. This clarity has helped the members of the delegations to carry out their work with ease.

Sudan is one of the least developed countries. Participating in this session of the Conference has helped the international community to understand the requirements of maritime labour. Sudan is making particular efforts to add to and develop its maritime legislation to bring it into line with international treaties and Conventions, including this one, with a view to ratification and implementation.

Sudan's recent adherence to the Organization of the Petroleum Exporting Countries has had a positive effect on its economy. It has in fact seen exponential growth and a very high annual rate. In addition, it has signed a peace agreement, putting an end to the conflict that had lasted 50 years. This will lead to an increase in trade through Sudanese ports which will make this Convention essential. Sudan's geographic situation, with strategic ports on the Red Sea to the east and shared borders with seven landlocked countries to the west, south and south-west means that the implementation of regulations and Conventions is all the more important, as these countries need to use Sudanese ports to access the sea. This will strengthen the commercial importance of these ports, which is why the international regulations and Conventions need to be implemented.

My delegation wishes to reiterate that the next step will focus on strengthening Sudan's relations with the ILO, as well as with all the other international organizations

---

concerned. Sudan will adopt a plan for capacity building and training, especially in the fields related to mechanisms for the implementation and application of this Convention. My delegation hopes that the Organization will offer it the necessary assistance, as mentioned in the Director-General's Report.

Finally, my delegation congratulates the Conference on the proposed instrument and on the way it has organized its work and that of its various Committees which have done an excellent job. In carrying out their tasks they have displayed patience, tolerance and respect for different opinions, thereby strengthening the mission of the ILO.

**Ms. MOHAMED (Government, Kenya)**

I would like to acknowledge the statements of previous speakers and especially to thank Mr. Crumlin, who raised issues that are of interest and of concern to my delegation.

Kenya welcomes the reports of the Chairperson of the Governing Body and the Director-General of the ILO, both of which have comprehensively highlighted the important work already undertaken and further envisaged by the Office, tripartite partners and other stakeholders towards standard setting and improvement of working conditions in the maritime sector.

We are meeting here, as has been mentioned, 86 years after the first Maritime Session, to mark a significant achievement indeed in the history of the International Labour Organization. The significance of this Conference is that for the first time, we are witnessing the unique birth of a Convention that brings together more than 60 instruments – which, by itself, is of course no mean achievement. We know from our own national experiences that consolidating legal instruments and reaching the wider consensus that is required is often an uphill and daunting task. That today we are able to accomplish this feat despite our national diversities is very encouraging and will go down into the annals of ILO history. We know and are aware that this unique accomplishment is largely due to the ILO's principles of tripartism and social dialogue.

The Kenya delegation wishes to commend the Office for its continued focus on the strategic objectives, which find expression in this new instrument. Social justice, fairness and the Decent Work Agenda are well captured in this Convention for seafarers. This new instrument will achieve the ILO's long-desired goal of policy coherence in a sector which has undergone tremendous changes over the years, as well as enable us to cope with the challenges that are posed and the opportunities that are provided by the process of globalization, of which the shipping industry is a flag bearer.

We offer special commendation to the drafters of this instrument for its clarity, its unique structure and the language employed. We also note that many positive innovations contained in the instrument will go a long way to benefit seafarers, shipowners and governments. We would like to single out the attention given to areas such as seafarers' rights and welfare. We note that the challenges of security of seafarers on board and ashore and incidences of piracy which Kenya has increasingly suffered in the recent past are well catered for. Despite our own efforts and the efforts of the Government of Kenya, our seafarers have not only been taken hostage and kidnapped but also injured and killed. Kenya therefore supports the ILO's efforts and those of the international community for measures being taken which are intended to prevent attacks on vessels and their crews.

To overcome the challenges experienced in this sector will of necessity require closer cooperation among the member States. Kenya commends the efforts that we have already taken in this regard. We would also like to see priority being given to efforts for the overall improvement of general safety and to provide social protection and address gender discrimination. We welcome the proposed mechanisms for the future updating of standards

---

without the need to adapt a Convention with entirely new substantive provisions. We mentioned the areas we have just to highlight a few of those that we think are very progressive.

We look forward to the proposed Regional Maritime Symposium in Africa scheduled for 2006 and to having fruitful deliberations. We support the circulation of research findings, other works and guidelines already adopted and developed by the Joint Working Group in this sector, which could be used in the process of the enactment of our maritime law.

We recognize the good job that has already been done and we are also conscious of the importance of early ratification and domestication of this instrument into national legislation; however, we are also keenly aware of the lack of capacity on the part of many of our countries to facilitate the enforcement of these provisions, and therefore request that the ILO and the IMO extend technical cooperation, particularly training of port State control inspectors, social partners, and other stakeholders so as to ensure effective implementation of the new instrument in Kenya.

The Kenya delegation appreciates the concrete support that has already been given by the IMO and looks forward to continued assistance in the enhancement and further development of port infrastructure, as well as training programmes and especially those that will be held and have been held at our own maritime college, Bandari College, which, in fact, with its excellent infrastructure, stands witness to the importance that we attach to the issue we are discussing today, as well as to our aspirations in the future.

As we conclude, we would like to draw your attention to the unprecedented low participation in this Conference. Out of the total membership of 177 member countries, 74 member States had not sent a delegation and only 345 delegates were accredited to this Conference as at 9 February 2006. The total number of delegates under normal circumstances, as you know, ought to have been 708. There were 184 Government delegates, 81 Employers' delegates and 80 Workers' delegates. The number of advisers was equally low.

A look at the situation on our African continent, as indicated in the reports of the Credentials Committee, shows that out of 49 Members of the ILO, only six countries were properly accredited to this Conference. We would like the Office to take special cognizance of this situation and to come up with creative ways of encouraging Members to comply with the requirements of articles 3 and 13 of the Constitution in order to ensure more successful conferences in the future. We look forward to the Director-General's leadership on this and on other matters before us today.

Mr. BUCKMAN (Worker, Ghana)

Whilst we rejoice in the work done here over the last five years on the seafarers' bill of rights, now officially known as the Maritime Labour Convention, 2006, there is still more to be done to safeguard the human rights of seafarers.

The Director-General's Report refers to the ongoing activities of the joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers. So far, this group has adopted resolutions providing two sets of guidelines – one on financial security for abandoned seafarers, and the other on shipowners' responsibilities with regard to crew claims.

It is high time for these guidelines to be converted into mandatory instruments. Whilst we make speeches declaring our commitments to the principles of the Decent Work Agenda, there are seafarers marooned on substandard vessels, without the means of

---

subsistence and relying on the charity of missions, unions and local people just to survive. This is simply unacceptable. It tarnishes the good image of the industry and undermines attempts to promote seafaring as an attractive option for quality new recruits.

Some seek to maintain that the scourge of abandonment is a minor issue affecting only a small percentage of the world fleet and therefore not worth addressing. We say that any number of abandoned seafarers is an out and out scandal.

One of the outcomes of the Working Group has been to establish an ILO-hosted web site to monitor abandonment cases which we hope will soon be live and publicly accessible. Since this project began in January 2004, the International Transport Workers' Federation (ITF) has been involved with 23 cases of abandoned vessels affecting some 361 seafarers. This figure does not include fishing vessels and certainly represents only a small part of the problem – the more visible cases that take place in areas where ITF inspectors or affiliates are able to report.

It must also be noted that these cases are taking place in a boom period. We have only to look back a few years to see the hundreds of cases that shamed the industry when the market took a downward turn.

And think of this: 361 seafarers trying to survive sometimes in extreme temperatures with no fuel, no water, and living on fish caught off the bow or on the charity of others. Often they have not been paid for months, sometimes years. Their families at home, with no income, have to take children out of school. They are forced to borrow from moneylenders whom they may not be able to pay back. Meanwhile, the owner is either nowhere to be seen or busily working out how to start up again, perhaps under a new flag with another “expendable” crew.

This cannot continue. Shipowners must be required to establish a system of financial security to provide for seafarers' maintenance costs and expenses in the event of abandonment, to pay all outstanding remunerations and to enable their prompt repatriation. As with the Maritime Labour Convention, 2006, we do not seek to dictate how the protection should be provided. What we want is a mandatory instrument, ensuring a level playing field within the industry, and one that can be effectively put into practice. We know that whilst the P&I club “pay to be paid” structure is problematic, there are alternative suppliers of insurance and indemnity that are ready to take on the task. The same applies to death and personal injury claims. Shipowners must take responsibility for providing safe and decent working conditions and must ensure that their ships have effective insurance cover. And it should be a seafarer's right to know that the vessel on which he or she is working has the appropriate security systems in place. In conclusion, we commend the ILO on its valuable contribution to the Joint Working Group, but also note that it is now over four years since the resolutions on guidelines were adopted. We sincerely hope that those members of the Joint Working Group who have also participated here at this session of the Conference will take inspiration from the spirit of cooperation and ground-breaking results and move the Joint Working Group's agenda on from guidelines to universal, enforceable measures that can eliminate such affronts to human dignity.

I would like to acknowledge the statements of previous speakers and especially to thank Mr. Crumlin, who raised issues that are of interest and of concern to my delegation.

Kenya welcomes the reports of the Chairperson of the Governing Body and the Director-General of the ILO, both of which have comprehensively highlighted the important work already undertaken and further envisaged by the Office, tripartite partners and other stakeholders towards standard setting and improvement of working conditions in the maritime sector.

---

We are meeting here, as has been mentioned, 86 years after the first Maritime Session, to mark a significant achievement indeed in the history of the International Labour Organization. The significance of this Conference is that for the first time, we are witnessing the unique birth of a Convention that brings together more than 60 instruments – which, by itself, is of course no mean achievement. We know from our own national experiences that consolidating legal instruments and reaching the wider consensus that is required is often an uphill and daunting task. That today we are able to accomplish this feat despite our national diversities is very encouraging and will go down into the annals of ILO history. We know and are aware that this unique accomplishment is largely due to the ILO's principles of tripartism and social dialogue.

The Kenya delegation wishes to commend the Office for its continued focus on the strategic objectives, which find expression in this new instrument. Social justice, fairness and the Decent Work Agenda are well captured in this Convention for seafarers. This new instrument will achieve the ILO's long-desired goal of policy coherence in a sector which has undergone tremendous changes over the years, as well as enable us to cope with the challenges that are posed and the opportunities that are provided by the process of globalization, of which the shipping industry is a flag bearer.

We offer special commendation to the drafters of this instrument for its clarity, its unique structure and the language employed. We also note that many positive innovations contained in the instrument will go a long way to benefit seafarers, shipowners and governments. We would like to single out the attention given to areas such as seafarers' rights and welfare. We note that the challenges of security of seafarers on board and ashore and incidences of piracy which Kenya has increasingly suffered in the recent past are well catered for. Despite our own efforts and the efforts of the Government of Kenya, our seafarers have not only been taken hostage and kidnapped but also injured and killed. Kenya therefore supports the ILO's efforts and those of the international community for measures being taken which are intended to prevent attacks on vessels and their crews.

To overcome the challenges experienced in this sector will of necessity require closer cooperation among the member States. Kenya commends the efforts that we have already taken in this regard. We would also like to see priority being given to efforts for the overall improvement of general safety and to provide social protection and address gender discrimination. We welcome the proposed mechanisms for the future updating of standards without the need to adapt a Convention with entirely new substantive provisions. We mentioned the areas we have just to highlight a few of those that we think are very progressive.

We look forward to the proposed Regional Maritime Symposium in Africa scheduled for 2006 and to having fruitful deliberations. We support the circulation of research findings, other works and guidelines already adopted and developed by the Joint Working Group in this sector, which could be used in the process of the enactment of our maritime law.

We recognize the good job that has already been done and we are also conscious of the importance of early ratification and domestication of this instrument into national legislation; however, we are also keenly aware of the lack of capacity on the part of many of our countries to facilitate the enforcement of these provisions, and therefore request that the ILO and the IMO extend technical cooperation, particularly training of port State control inspectors, social partners, and other stakeholders so as to ensure effective implementation of the new instrument in Kenya.

The Kenya delegation appreciates the concrete support that has already been given by the IMO and looks forward to continued assistance in the enhancement and further development of port infrastructure, as well as training programmes and especially those

---

that will be held and have been held at our own maritime college, Bandari College, which, in fact, with its excellent infrastructure, stands witness to the importance that we attach to the issue we are discussing today, as well as to our aspirations in the future.

As we conclude, we would like to draw your attention to the unprecedented low participation in this Conference. Out of the total membership of 177 member countries, 74 member States had not sent a delegation and only 345 delegates were accredited to this Conference as at 9 February 2006. The total number of delegates under normal circumstances, as you know, ought to have been 708. There were 184 Government delegates, 81 Employers' delegates and 80 Workers' delegates. The number of advisers was equally low.

A look at the situation on our African continent, as indicated in the reports of the Credentials Committee, shows that out of 49 Members of the ILO, only six countries were properly accredited to this Conference. We would like the Office to take special cognizance of this situation and to come up with creative ways of encouraging Members to comply with the requirements of articles 3 and 13 of the Constitution in order to ensure more successful conferences in the future. We look forward to the Director-General's leadership on this and on other matters before us today.

#### M. RAMBELOSON (gouvernement, Madagascar)

C'est un honneur pour nous de pouvoir prendre la parole à cette 94<sup>e</sup> session (maritime) de l'Organisation internationale du Travail et représenter l'Etat malgache qui félicite vivement l'Organisation internationale du Travail pour la qualité du travail qu'elle a effectué dans le cadre de ses activités normatives dans le secteur maritime et la promotion du travail décent. L'excellent rapport du Directeur général a retracé clairement les activités déployées par l'OIT dans ce sens, ainsi que celles stratégiques qu'elle pourrait entreprendre.

Par ailleurs, nous y avons particulièrement noté la prise de conscience du Bureau sur la nécessité d'intensifier ses activités de coopération technique afin d'apporter une assistance aux Membres qui ne sont pas encore en mesure de mettre en œuvre efficacement les principales normes du travail maritime, assistance qui ne pourrait aller que dans le sens d'une ratification optimale.

En outre, nous voulons profiter de cette opportunité qui nous est donnée pour vous présenter très brièvement aujourd'hui la situation de Madagascar, notamment en matière de protection des droits des travailleurs maritimes.

Le dispositif juridique malgache dans le secteur maritime conjugue les impératifs suivants: premièrement, la politique de développement définie souverainement au plus haut niveau et axée sur les priorités suivantes: appuyer et favoriser l'initiative et le développement du secteur privé; favoriser la compétitivité des entreprises du secteur privé et la création d'emplois en protégeant les droits fondamentaux des travailleurs; promouvoir un partenariat entre employeurs et travailleurs, l'Etat étant le facilitateur de ce partenariat en établissant le cadre juridique adéquat, tout en se gardant d'intervenir d'autorité dans les relations qui relèveraient de la sphère des relations employeurs/travailleurs; deuxièmement, les exigences du contexte international auxquelles notre pays adhère tout à fait dès lors qu'il s'agit notamment de protéger les gens de mer contre les divers risques auxquels ils sont confrontés; troisièmement, la spécificité du contexte malgache de par ses valeurs culturelles profondément ancrées et reconnues par sa Constitution, à savoir le «Fihavanana», qui signifie relations cordiales, conciliation.

C'est au vu des impératifs sus-évoqués que le dispositif juridique malgache sur la protection des travailleurs et plus particulièrement des gens de mer a été pensé.

---

Nous voulons rappeler ici que la liberté syndicale est garantie par la Constitution, le Code maritime et le Code du travail malgaches. En conséquence, l'Etat malgache est favorable à l'existence d'une pluralité d'organisations syndicales car cette pluralité nous apparaît comme une garantie supplémentaire pour les travailleurs qui doivent avoir le choix entre les organismes qui pourraient défendre leurs intérêts. Le gouvernement a tenu à se prémunir contre tout acte d'ingérence des employeurs dans leur création.

Aussi, il ne saurait être nié que Madagascar s'est doté aujourd'hui d'un arsenal juridique pour la protection des travailleurs et notamment des gens de mer. Toutefois, le processus est encore loin d'être achevé, et nous entendons aller fermement dans le sens de l'amélioration constante de la condition des travailleurs.

Déjà, notre gouvernement a pris l'engagement à Tamatave – le premier port malgache – en octobre 2005, lors de l'atelier tripartite organisé par le BIT, de réviser le Code maritime dans le sens de la convention consolidée et dans le cadre d'un comité tripartite et a, par ailleurs, marqué sa volonté de ratifier la convention (n° 185) sur les pièces d'identité des gens de mer (révisée), 2003. A cet effet, Madagascar sollicite vivement l'assistance de l'Organisation internationale du Travail pour que nous puissions ratifier et mettre en œuvre le plus rapidement possible cette convention.

Je vous remercie de votre aimable attention.

Mr. KELLER (Government, Liberia)

Mr. President of the Conference, Mr. Somavia, Director-General of the ILO, distinguished heads of delegations present, fellow delegates, I bring you greetings from Liberia's "iron lady", Her Excellency Ellen Johnson-Sirleaf, President of the Republic of Liberia, and expressions of gratitude and appreciation on behalf of my country for the selfless support and assistance which has been given to us and continues during these very difficult years. Our thanks go especially to ECOWAS, the African Union, the United Nations and all the other institutions and nations that have assisted us and continue to do so even now.

As the distinguished delegates may be aware, my country is just emerging from more than 15 years of civil war and crises. Many national historians hold the view that the presidential and legislative elections held in Liberia in October and November 2005 were the first free and fair elections ever conducted in Liberia. From those elections emerged Liberia's first, indeed, Africa's first, female President.

The Government of Liberia believes that the future is bright, both for the nation and the administration of the world's second largest ship registry. As you have observed, even our civil war did not keep us from participating in this historic undertaking.

Mr. President, the Liberian delegation is proud to have participated in this historic Conference. I am sure that many of my fellow delegates will agree with me that at the start of this undertaking, it was difficult to conceptualize the consolidation of all those complex and sometimes conflicting ILO Conventions and Recommendations into one instrument, as has been achieved today. But now we can see clearly that this phenomenal challenge has been overcome, thanks to the huge cooperation of the tripartite members and the very competent secretariat and staff of the ILO.

In this Convention, we have set out seafarers' rights to decent conditions of work. It is our conviction that the Convention will be globally applicable, easily understandable, readily updatable, widely ratifiable and uniformly enforced when it enters into force. Once this framework of seafarers' rights, which we call the consolidated Maritime Labour Convention, 2006, is adopted by the Conference, we are convinced that it will be an

---

effective, modern and global response to the shipping industry in its efforts to promote opportunities for seafarers worldwide for decent and productive work.

Upon entry into force, this instrument will deserve its designation as the fourth pillar of the international regulatory regime for quality shipping, along with the key IMO Conventions, SOLAS 1974, as amended, STCW 1978, as amended, and MARPOL 73/78. The quadruple foundation and support encompassing maritime labour instruments will certainly contribute to the achievement of decent employment and social conditions for seafarers throughout the shipping industry worldwide.

My delegation is satisfied that the interests of all the stakeholders in this endeavour have satisfactorily been taken into account. Of paramount concern to this delegation has been the interests and welfare of the seafarers. It is our sincere hope that the delicate compromise achieved in this Convention will satisfy all concerned, particularly the labour-supplying States and the shipowners. As a major flag State we wish to assure you, Mr. President, and fellow distinguished delegates, that the Government of Liberia has every intention of ratifying this Convention. However, we are cognizant of the fact that if it is to be effective, it must be widely ratified. Specifically it must be ratified by all three elements, the flag States, port States and labour-supplying States. Hence, we call on all to work harder to achieve this objective.

The ratification of an instrument is one thing. The implementation of an instrument, however, is what makes it effective. Liberia, like many other developing nations, will require substantial technical and related assistance from the developed world, the ILO and other relevant international institutions, to effectively implement the Convention. We will need your assistance.

Please permit me this opportunity to recognize all those whose personal commitment, understanding, professionalism and dedication have guided us through many years of difficult negotiations. On behalf of the Liberian delegation we thank the ILO secretariat and staff, and especially Cleopatra Doumbia-Henry, for all their tireless efforts in guiding through this major project of developing this historical consolidated maritime labour Convention. There are many names which should be called and we apologize for being unable to do so because of the lack of time. However, we are especially grateful to each and every one of you. It has been a pleasure working with you.

Finally, Mr. President, Liberia declares its support for the Report of the Director-General and looks forward to the final adoption by consensus of the Convention.

*The sitting continues with the statement of the President.*

*La séance se poursuit avec l'intervention du Président.*

*La sesión continúa con la alocución del Presidente.*

---

## TABLE DES MATIÈRES

	<i>Page</i>
<i>Troisième séance:</i>	
Reports of the Chairperson of the Governing Body and of the Director-General: Discussion .....	1
Rapports du Président du Conseil d'administration et du Directeur général: Discussion.....	1
Informe del Presidente del Consejo de Administración y Memoria del Director General: Discusión.....	1
<i>Orateurs:</i> M. Crumlin, M. Xu, M <sup>me</sup> Sto Tomas, Mgr. Tomasi, M <sup>me</sup> Sulistyaningsih, M. Abeyrathne Banda, M. Shoukry, M. Berlau, M. Dafalla, M <sup>me</sup> Mohamed, M. Buckman, M. Rambelosen, M. Keller	