SECOND ITEM ON THE AGENDA

Deferred examination of the need for revision of Conventions concerning seafarers and fishermen

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Introduction

1. This document contains an examination of the need for revision of 23 Conventions concerning seafarers' working and living conditions and is submitted for consideration by the Working Party on Policy regarding the Revision of Standards of the Committee on Legal Issues and International Labour Standards (LILS).

2. The Working Party initiated its examination of Conventions concerning seafarers' working and living conditions at its meeting during the 273rd Session (November 1998) of the Governing Body.\(^1\) Due to a lack of time and the need further to analyse implications of proposals to revise, shelve or abrogate Conventions contained in the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), or in the Supplementary Appendix to its Protocol of 1996, the Working Party decided to defer to the present session the examination of the Conventions contained in the present document.

3. The present document has been reorganized in order to reflect the particular structure of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).\(^2\) A section outlining the background to and purpose of Convention No. 147 has been introduced as well as an analysis of implications of proposals to revise, shelve or abrogate Conventions contained in the Appendix to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).
4. The criteria for the examination of the Conventions concerning seafarers' working and living conditions and the methodology applied are essentially the same as those applied for other Conventions as approved by the LILS and the Governing Body at its 264th and 265th Sessions. (3)

5. The recommendations made by the Joint Working Group of shipowners' and seafarers' representative organizations (4) (see Annex I) are presented in the context of the examination of each Convention and have been duly examined in the light of the factual information available to the Office and the previous practice of the Working Party. In several cases, in particular in situations where the Office disposes of little or no other indications as to the need for revision of a particular Convention than the Joint Working Group recommendations, the Working Party is invited to consider optional courses of action: either to determine that it can decide to recommend a revision based on the information available, or to defer such a determination until a later stage after additional information has been obtained from the member States as to possible obstacles and difficulties to ratification and the need for revision.

6. The recommendations of the Working Party will, in accordance with previous practice, be submitted to the LILS Committee and the Governing Body for decision. It will then, in due course, be for the Joint Maritime Commission (JMC) (5) to ensure the appropriate follow-up to these decisions within its own terms of reference. It should be recalled that a session of the JMC is to be held during the biennium in the Programme and Budget proposals for 2000-01. (6)

7. For reasons examined below (7) it is proposed that the Working Party defer the examination of the social security Conventions concerning seafarers and fishermen.

8. With respect to the instruments on fishermen's working and living conditions, an analogous consulting procedure involving the International Organization of Employers (IOE) and the International Transport Workers' Federation (ITF) has been carried out. For the result of this consultation, see below. (8)

9. As regards the Recommendations concerning seafarers, it is recalled that the Working Party determined the criteria to be applied and the methodology to be followed in the examination of Recommendations in general at its session during the 273rd Session (November 1998) of the Governing Body. (9) Based on that methodology the Working Party will, at the present session, for the first time submit a first group of Recommendations to a systematic case-by-case analysis. The Recommendations concerning seafarers will be examined at a later session in conjunction with or after the examination of the other Recommendations has been concluded.

10. The present examination of Conventions makes a series of proposals concerning the instruments examined which can be arranged as follows.

Proposals for revision
11. Proposals to revise. With respect to one Convention, elements have been identified which indicate that there is a need for revision. It is recommended that the revision of this Convention be included in the portfolio of items for the agenda of the Conference. In addition it is proposed that additional information on whether the revision of this Convention be considered jointly with the revision of another Convention.

12. Requests for additional ad hoc information. In two cases it is proposed that additional information on the need for revision be solicited from the constituents including on the question of a joint or separate consideration of the possible revision of these Conventions.

13. Alternative proposals. In five cases, the Office proposes two alternative courses of action. The Working Party may wish to decide that it can recommend a revision of the Conventions in question based on the information available. Alternatively, the Working Party may wish to recommend that additional information be solicited from the constituents on the need for revision. In two cases it is proposed also to solicit information on the question of a joint consideration of the revision of two Conventions.

Promotion of revised Conventions

14. Eleven of the Conventions examined have already been revised. In all these cases it is proposed that the States parties to the initial Convention be invited to ratify the revised Convention and, when appropriate, to denounce the corresponding outdated Convention.

Promotion of up-to-date Conventions

15. Three of the Conventions examined are proposed to be considered up-to-date and further ratifications should be encouraged. In one case, it is also proposed to ask member States to inform the Office whether there are any obstacles and difficulties that might impede or delay the ratification of the Convention.

Shelving and possible abrogation

16. It should be recalled that at its 85th Session in June 1997, the Conference adopted an amendment to the Constitution and the Standing Orders of the Conference so as to enable the Conference to abrogate or withdraw international labour Conventions and Recommendations. For an analysis of the implications of proposals to shelve or abrogate Conventions contained in the Appendix to Convention No. 147 or in the Supplementary Appendix to its Protocol of 1996, see below.

17. One of the examined Conventions is proposed for immediate shelving and, at a later stage,
possible abrogation.

Withdrawing of Conventions

18. Seven of the Conventions examined\(^{(20)}\) have never entered into force and have also been revised. In all seven cases it is proposed to recommend that these Conventions be withdrawn by the Conference.

Status quo

19. In one case,\(^{(21)}\) none of the previous types of proposals seems appropriate. The maintenance of the status quo is thus proposed in this case.

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I. The Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and related Conventions

20. This part provides some information on the background leading up to the adoption of Convention No. 147 as well as an analysis of the implications of proposals to revise, shelve, or abrogate Conventions listed in the Appendix to Convention No. 147. The examination of Convention No. 147 itself is then followed by the examination of the relevant Conventions listed in the Appendix and in the Supplementary Appendix to its Protocol of 1996.

21. As outlined in table I of this document, the Appendix to Convention No. 147 comprises 15 Conventions, and the Supplementary Appendix to the Protocol of 1996 lists another six Conventions in two parts. Of these, 11 Conventions are examined in this document. The other Conventions are either fundamental Conventions,\(^{(22)}\) have been adopted after 1985\(^{(23)}\) or have already been examined by the Working Party at previous sessions.\(^{(24)}\) Furthermore, two of the Conventions contained in the Appendix to Convention No. 147 are social security Conventions\(^{(25)}\) and, for reasons explained below,\(^{(26)}\) it is proposed to defer the examination of all maritime social security Conventions.

I.1. Background

22. Convention No. 147 is the most significant of the 39 Conventions, supplemented by 29 Recommendations and one Protocol, which have been adopted by the International Labour Conference meeting in special maritime sessions, to deal with the multifarious aspects of the working and living conditions of seafarers.

23. The adoption of Convention No. 147 and Recommendation No. 155 in 1976 was the end result of discussions within the ILO which started in the 1930s. These discussions focussed on issues such as the
effect of the transfer of ships from one flag to another, on safety, conditions of employment and social protection of seafarers, particularly in cases where ships were registered in countries which had not ratified maritime Conventions or had no system of collective agreements.

24. Following the adoption by the 55th (Maritime) Session of the International Labour Conference in 1970 of a resolution concerning flags of convenience that work was intensified on the problems posed for the effective implementation of its maritime labour Conventions by the widespread existence of substandard ships sailing under flags of convenience.

25. Following consideration of the matter in 1972 by the Joint Maritime Commission and in 1975 by a Preparatory Technical Maritime Conference, the 62nd (Maritime) Session of the Conference in 1976 had on its agenda the question of "Substandard Vessels, particularly those registered under flags of convenience".

26. One of the main issues discussed was the question of ensuring the adoption of a Convention that would establish acceptable minimum standards for the employment of seafarers working on board merchant ships under any flag, together with a system of an the effective observance of these standards. Convention No. 147, as adopted, was particularly designed to fill the gap in acceptance of obligations under a number of other Conventions adopted before 1976, since those Conventions' requirements were regarded as too demanding by some member States. Convention No. 147 is therefore today the central statement by the ILC of what may be regarded as the minimum internationally acceptable labour standards applicable on merchant ships under any flag.

27. The International Labour Conference (Maritime Session) in 1976 also adopted a resolution concerning the periodic revision of the list of Conventions in the Appendix to Convention No. 147. The resolution requested that provisions be made for the JMC to consider, from time to time, whether this list continued to constitute an acceptable minimum, or whether it needed to be revised. In 1987 the JMC recommended a partial revision of Convention No. 147 by means of a Protocol listing in a Supplementary Appendix the Conventions to be added to those already listed. The Protocol was adopted by the ILC (Maritime Session) 1996.

I.2. Contents of the Convention

28. The minimum standards laid down by Convention No. 147 are defined essentially by reference to a number of international labour Conventions listed in the Appendix. They cover three subject areas: safety standards, including standards of competency, hours of work and manning; appropriate social security measures; shipboard conditions of employment and shipboard living arrangements. Ratifying States undertake to have laws or regulations in these areas, for ships registered in their territory, which are substantially equivalent to the listed Conventions, in so far as the State is not otherwise bound to give effect to the Conventions in question by virtue of having ratified them. The obligations to have laws or regulations does not extend to shipboard conditions of employment and living arrangements in so far as these are covered by collective agreements or laid down in a binding manner by competent courts.
29. The standards with which substantial equivalence must be ensured and which are contained in the Appendix cover the following subjects: minimum age, medical examination, articles of agreement, officers' competency certificates, food and catering on board ship, crew accommodation, prevention of occupational accidents, sickness and injury benefits, repatriation, freedom of association, protection of the right to organize, and collective bargaining.

30. The Convention also provides that effective jurisdiction or control should be exercised over national-registered ships and that there should be adequate procedures (including for the investigation of complaints) relating to the engagement of seafarers. Other provisions relate to training of seafarers, advice to be given to them, inspection of ships registered in a ratifying State and inquiries into marine casualties.

31. Article 4 recognizes an important dimension of the control that can be exercised by a ratifying State. Such a State may, on the basis of a complaint or evidence that a ship does not conform to the standards of the Convention, inspect any foreign ship calling at its port, regardless of whether the flag State has ratified Convention No. 147. On the basis of such evidence or complaint, the port State may prepare a report addressed to the government of the flag State, with a copy to the Director-General of the ILO. In addition, the port State can take action to rectify any conditions on board which are clearly hazardous to safety and health.

I.3. Analysis of the possible implications of proposals to revise, shelve or abrogate any of the Conventions in the Appendix to Convention No. 147

32. As outlined above, Convention No. 147 has the special feature of containing an Appendix in which a series of other Conventions are listed. The obligations of States parties to Convention No. 147 with respect to the listed Conventions are set out in Article 2, which requires that ratifying States have laws or regulations laying down, for ships registered in their territory, provisions which are "substantially equivalent" to those of the Conventions or Articles of Conventions referred to in the Appendix to Convention No. 147, in so far as such States are not otherwise bound to give effect to the Conventions in question by virtue of having ratified them. In other words, if a State is already party to any of the listed Conventions, it is obligated to apply the terms of those Conventions. If a State is not a party to a listed Convention, it must have laws and regulations which are "substantially equivalent" to the provisions of the Convention in question.

33. The provision "substantially equivalent" in Article 2 has been interpreted to mean that "national laws and regulations could be different in detail, but that the States should engage themselves to assure that the general goals intended by the [listed Conventions] should be respected".

34. Against the background that the recommendations by the Joint Working Group include proposals to revise, shelve or abrogate listed Conventions questions arise as to the consequences with respect to
35. **Revision.** As regards revising listed Conventions, the Office has already expressed its opinion in a letter addressed to the secretaries of the shipowners' and seafarers' groups of the JMC which provides as follows: "it is clear that the revision of one or more of the Conventions listed in the Appendix to Convention No. 147 cannot of itself constitute a revision of Convention No. 147. Nor can revision of Conventions listed in the Appendix affect the obligations of States which have ratified Convention No. 147" (Annex II).

36. **Abrogation.** When the Constitution of the International Labour Organization Instrument of Amendment 1997 enters into force, the possible abrogation of any of the listed Conventions could pose a problem in particular as regards the interpretation of the provision concerning substantial equivalence. Two main hypotheses can be examined.

37. The first is to consider Convention No. 147 a self-contained instrument which incorporates the substance of the listed Conventions. Under this hypothesis, States parties to Convention No. 147, which had not ratified any of the listed Conventions, would remain bound by the obligation to have laws and regulations which are substantially equivalent to the provisions of the listed Conventions. This hypothesis, however, does not clarify what the situation would be for States parties to Convention No. 147 which have ratified a listed Convention which has been abrogated. Would such a State party be considered as no longer having any obligations, or would the State party no longer be considered as having ratified the listed Convention, in which case it would have to apply the substantial equivalence provision in respect of the listed Convention and to report on substantial equivalence?

38. The second hypothesis stems from the concept of referral, by which the listed Conventions are treated quite separately from Convention No. 147. That Convention, however, makes a referral to the listed Conventions by requiring the parties to Convention No. 147 which have not also ratified the listed Conventions to have provisions substantially equivalent to those in the listed Conventions. To the extent that any of the listed Conventions no longer would exist, due to abrogation, the related requirement under Convention No. 147 would become impossible to apply.

39. **Shelving.** The consequences of a decision to shelve a listed Convention would not be quite the same, since a shelving does not affect the legal obligations of States parties to a Convention. However, a decision to shelve a Convention is based on a determination that the Convention in question is outmoded or obsolete and that it no longer makes a useful contribution to attaining the objectives of the Organization. A shelving of a listed Convention could thus amount to a determination that some of the standards contained or referred to in Convention No. 147 would, in fact, have become obsolete. Stated otherwise, a shelving of a listed Convention could cause Convention No. 147 to lose part of its purpose.

40. Another, more practical, effect of a decision to shelve a Convention is that the reporting obligation under article 22 of the Constitution is not enforced. Normally, in accordance with Article 2(a) of Convention No. 147, States parties to Convention No. 147 which also are parties to listed Conventions,
report on the application of these latter Conventions in the same way as other States parties to the listed Conventions. In fact, such State parties have no additional reporting obligation under Convention No. 147 as regards listed Conventions. Should a decision be taken to shelve a listed Convention, the question arises as to which reporting obligations States parties to Convention No. 147 and a shelved listed Convention would retain. It seems clear that they could no longer be asked to make a full report on the shelved Convention. One possibility would then be to consider that they would be entirely relieved from their obligation to submit a report on the application of the shelved Convention. In such a case, it would certainly be asked if the same should not apply to the States parties only to Convention No. 147. Another possibility would be to require the submission of a report only on the "substantial equivalence" to the provisions of the shelved Convention. It would seem that either one of these options could be interpreted as an *ex post facto* modification of the obligations of the State parties.

41. It does not seem necessary to go any further in the analysis of the possible practical effects of either a decision to shelve or abrogate a listed Convention to conclude that such decisions may affect both the purpose of Convention No. 147 and/or the obligations arising from it. In any event, and for reasons outlined in more detail below, the factual examination of Conventions Nos. 7, 23 and 53 does not seem to warrant the conclusion that either one of these Conventions should be shelved or abrogated.

I.4 Examination of Convention No. 147 and the Conventions in its Appendix

I.4.1. C.147 -- Merchant Shipping (Minimum Standards) Convention, 1976

(1) *Ratifications:*

(a) Number of current ratifications: 37 ratifications. Declared applicable to 25 non-metropolitan territories (NMTs).

(b) Latest ratifications: Latvia (1998).

(c) Ratification prospects: Convention No. 147 received seven ratifications between 1976 and 1980, 13 ratifications between 1980 and 1990 and 17 ratifications since 1990. The Convention has received ratifications at an increasing rate and is likely to receive further ratifications.

(2) *Denunciations:* None.

(3) *Comments by the Committee of Experts:* Comments by the Committee of Experts are pending for 25 countries and NMTs, including on observations from an employers' organization in Finland and workers' organizations in Finland, Japan and the United Kingdom.
(4) **Need for revision:** Convention No. 147 has partially been revised. When Convention No. 147 was adopted, the Conference also passed a resolution calling for a periodic revision of the list of Conventions in the Appendix. A review of this list, undertaken in 1996, resulted in the adoption of a Protocol to Convention No. 147. This Protocol can only be ratified by States which have already ratified Convention No. 147 and obligations can be accepted in respect of which lists six Conventions contained in a Supplementary Appendix. (35)

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 147 be promoted, and that the appendices be examined in due course, in the light of new instruments. It also recommended that the ratification of the Protocol of 1996 to Convention No. 147 be promoted.

(6) **Remarks:** The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". (36) A General Survey on Convention No. 147 was conducted in 1990 and it was concluded that "[i]t seems to the Committee that, despite some notable absences from the list of countries bound by Convention No. 147, there are grounds for a modest degree of satisfaction as to the level of formal acceptance it has met within the last 13 years. Although there have been only a score of ratifications, the countries concerned continue to account for about 45 per cent of the global merchant fleet". (37) Since the General Survey was conducted, 17 additional ratifications have been registered and the Protocol has added six other Conventions. As will be examined in detail below, the Working Party will be asked to examine proposals to revise several of the Conventions which are contained in the Appendix to Convention No. 147. Taking this into account as well as the Joint Working Group's recommendation, the Working Party may wish to recommend that the ratification of Convention No. 147 be promoted and that at some later stage, it may be called upon to re-examine whether, in the light of developments in the industry and the application or adoption of new instruments, the minimum level of standards it prescribes should be modified.

(7) **Proposals:** The Working Party might recommend to the Governing Body:

(a) that it invite member States to contemplate ratifying the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and the Protocol of 1996 to Convention No. 147;

(b) that the Working Party (or the LILS Committee) re-examine the list of Conventions in its Appendix in due course in the light of developments in the industry and the adoption or adoption of new instruments.

**I.4.2. C.7 -- Minimum Age (Sea) Convention, 1920**

(1) **Ratifications:**

(a) Number of current ratifications: 25 ratifications and declared applicable to 14 NMTs. (38)
Convention No. 7 (as well as Conventions Nos. 58 and 138) are listed in the Appendix to Convention No. 147. It is optional under Convention No. 147 whether a State party wants to base its legislation on the provisions in Conventions Nos. 7 or 58 or 138 in so far as such States are not otherwise bound to give effect to any of these Conventions in question by virtue of having ratified them. Three States parties to Convention No. 147 have not ratified either one of the minimum age Conventions listed in the Appendix to Convention No. 147 and these are therefore required to have laws and regulations substantively equivalent to the Conventions in the Appendix pursuant to Article 2(a) of Convention No. 147.

(b) Latest ratification: Belize (1983).

(c) Ratification prospects: Virtually nil. The Convention has been revised on two occasions. First by the Minimum Age (Sea) Convention, 1936 (No. 58), and later by the Minimum Age Convention, 1973 (No. 138). However, it was not closed to further ratifications, as it was adopted before the introduction of the final Article concerning the effect of the adoption of a revising Convention. Article 10(3) of Convention No. 138 provides, however, that Convention No. 7 shall be closed to further ratifications "when all the parties thereto have consented to such closing by ratification of (Convention No. 138) or by a declaration communicated to the Director-General of the International Labour Office". Convention No. 7 has, however, received eight ratifications or confirmations of existing ratifications following accession to independence of States even after having been revised.

(2) **Denunciations**: 28 denunciations. Two denunciations following the ratification of Convention No. 58 and 26 denunciations following the ratification of Convention No. 138.

(3) **Comments by the Committee of Experts**: According to ILO practice, no reports are requested concerning the application of Convention No. 7 from member States which also have ratified Convention No. 58. Comments are pending for one country.

(4) **Need for revision**: As noted above, Convention No. 7 has been revised by Convention No. 58 as well as by Convention No. 138.

(5) **Comments from shipowners' and seafarers' organizations**: The Joint Working Group recommended that Convention No. 7 be shelved and abrogated.

(6) **Remarks**: As noted above, Convention No. 7 has been revised already on two occasions. The Ventejol Working Parties of 1979 and 1987 both classified it in the category of "other instruments". The first revision of Convention No. 7 did not significantly alter its ratification rate. Convention No. 138 has had a greater impact; 26 countries have ratified Convention No. 138 and denounced Convention No. 7. As already has been reaffirmed on several occasions, Convention No. 138 is the modern and comprehensive standard on minimum age for admission to employment or work and it is therefore
proposed to promote its ratification together with a concomitant denunciation of Convention No. 7. However, Convention No. 7 still binds 25 member States and, in addition, three member States are under an obligation to have national laws and regulations substantially equivalent to Convention No. 7. Against this background it seems premature to consider the proposal to shelve and abrogate this Convention. In addition it should be recalled that such a decision may, due to the inclusion of Convention No. 7 in the Annex to Convention No. 147, affect the purpose and the obligations arising from this Convention. Consequently, the Working Party may wish to conclude that Convention No. 7 retains an interim value until such time as the remaining States parties to Convention No. 7 as well as the three member States which are bound by the provisions in respect of the three minimum age Conventions in the Annex to Convention No. 147 have developed national conditions which enable them to ratify Convention No. 138. At such later stage the Working Party (or the LILS Committee) might want to re-examine this Convention and to consider its possible shelving and abrogation.

(7) Proposals: The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Minimum Age (Sea) Convention, 1920 (No. 7), to contemplate ratifying the Minimum Age Convention, 1973 (No. 138), the ratification of which will involve the denunciation of Convention No. 7 in accordance with Article 10 thereof;

(b) that the Working Party (or the LILS Committee) could re-examine the status of Convention No. 7 in due course, including the possibility of shelving when Convention No. 7 no longer retains an interim value in the context of Convention No. 147 or otherwise.

I.4.3. C.58 -- Minimum Age (Sea) Convention (Revised), 1936

(1) Ratifications:

(a) Number of current ratifications: 29 ratifications and declared applicable to 23 NMTs. Convention No. 58 and Conventions Nos. 7 and 138 are listed in the Appendix to Convention No. 147. It is optional under Convention No. 147 whether a country wants to base its legislation on the provisions in Conventions Nos. 7 or 58 or 138 in so far as such States are not otherwise bound to give effect to any of these Conventions in question by virtue of having ratified them. Three States parties to Convention No. 147 have not ratified either one of the minimum age Conventions listed in the Appendix to Convention No. 147 and these are therefore required to base their legislation on the "substantial equivalence" provision in Article 2(a) of Convention No. 147.

(b) Latest ratification: Lebanon (1993).

(c) Ratification prospects: Minimal. Most of the ratifications of this Convention were registered between 1950 and 1970. The revising Convention No. 138 did not close Convention No. 58 to
further ratifications, and Convention No. 58 has received five ratifications between 1973 and 1983 and two in the past 15 years.\(^{(46)}\)

(2) Denunciations: 23 denunciations as a result of ratifications of Convention No. 138. A ratification of Convention No. 138 results in an immediate denunciation of Convention No. 58 on the condition that a minimum age of not less than 15 years is specified pursuant to Article 2 of Convention No. 138 or 18 years is specified for maritime employment pursuant to Article 3 of Convention No. 138.\(^{(47)}\)

(3) Comments by the Committee of Experts: Comments are pending for four countries and NMTs, including on an observation from a workers' organization in Turkey.

(4) Need for revision: This Convention revises Convention No. 7, examined above, and has, in turn, been revised by Convention No. 138.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 58 be maintained, but that its status be reviewed after the entry into force of Convention No. 180.

(6) Remarks: Since the adoption of Convention No. 138 the number of States parties to Convention No. 58 has been reduced by 23. Convention No. 138 is the most modern and comprehensive standard on minimum age for admission to employment of work. It is therefore proposed to promote its ratification resulting in the denunciation of Convention No. 58 on the conditions noted above. The shipowners and seafarers have recommended maintaining this Convention, but to review its status after entering into force of the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180). It should be noted that although Convention No. 180 contains one provision stipulating the minimum age of 16 years for work on ships, its main object is not the regulation of the question of minimum age. Convention No. 138 is thus the main and up-to-date standard in the area of minimum age which should be promoted in line with the ILO's general approach to abolishing child labour.

(7) Proposals: The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Minimum Age (Sea) Convention (Revised), 1936 (No. 58), to contemplate ratifying the Minimum Age Convention, 1973 (No. 138), the ratification of which will, ipso jure, involve the denunciation of Convention No. 58 on the conditions stated in Article 10(4)(d) of Convention No. 138;

(b) that the Working Party (or the LILS Committee) could re-examine the status of Convention No. 58 in due course.

I.4.4. C.73 -- Medical Examination (Seafarers) Convention, 1946
(1) **Ratifications:**

(a) Number of current ratifications: 43 ratifications and declared applicable to 11 NMTs.\(^{(48)}\) It applies to 11 additional countries\(^{(49)}\) based on the "substantial equivalence" provision in Article 2 (a) of Convention No. 147.

(b) Latest ratification: Lithuania (1997).

(c) Ratification prospects: This Convention has received a rather even flow of ratifications. Since 1990, 13 ratifications or confirmations of existing ratifications following accession to independence of States have been registered. The Convention seems likely to receive further ratifications.

(2) **Denunciations:** None.

(3) **Comments by the Committee of Experts:** Comments are pending for seven countries and NMTs, including on observations transmitted by an employers' organization in Finland and by a workers' organization in France.

(4) **Need for revision:** This Convention has not been revised.

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 73 be revised and that the Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examination for Seafarers be taken into account in this context.

(6) **Remarks:**\(^{(50)}\) The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". Convention No. 73 has not received as many ratifications as the other Convention adopted on this issue, i.e. Convention No. 16. One of the problems identified concerning the implementation of Convention No. 73 has been that "fitness standards for seafarers vary widely".\(^{(51)}\) This particular problem has been addressed in the Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers developed in the framework of the ILO/WHO Consultation in 1997\(^{(52)}\). The IMO's Convention on Standards of Training, Certification and Watchkeeping for Seafarers, as amended in 1995, contains provisions concerning eyesight, etc. These changes could be taken into account in any revision of Convention No. 73. The Joint Working Group considered that Convention No. 73 should be revised and that the recently adopted guidelines be taken into account in this process. Based on the foregoing the Working Party may wish to recommend a revision of Convention No. 73 and, in view of the decision with respect to Convention No.16, the Working Party may also wish to propose that additional information be solicited from the member States on the question of whether a possible revision of this Convention should be considered as a separate item or together with the revision of Convention No. 16.
(7) **Proposals:** The Working Party might recommend to the Governing Body:

(a) the revision of the Medical Examination (Seafarers) Convention, 1946 (No. 73);

(b) to invite the member States to inform the Office whether a revision of this Convention should be included in the portfolio of proposals for the agenda of the International Labour Conference:

   (i) as a separate item; or

   (ii) for joint consideration with the revision of the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16);

(c) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 73 in due course.

**I.4.5. C.134 -- Prevention of Accidents (Seafarers) Convention, 1970**

(1) **Ratifications:**

(a) Number of current ratifications: 27 ratifications and declared applicable to four NMTs. Articles 4 and 7 of Convention No. 134 are listed in the Appendix to Convention No. 147. In addition to the 27 countries having ratified Convention No. 134, it also applies to 17 additional countries based on the "substantial equivalence" provision in Article 2(a) of Convention No. 147.

(b) Latest ratifications: Brazil (1996).

(c) Ratification prospects: Convention No. 134 attracted 15 of its ratifications between 1970 and 1980. Between 1980 and 1990 seven ratifications of this Convention were recorded and since 1990 it has received five ratifications. It is likely to receive further ratifications.

(2) **Denunciations:** None.

(3) **Comments by the Committee of Experts:** Comments by the Committee of Experts pending for 17 countries and NMTs including on an observation from a workers' organization in France.

(4) **Need for revision:** This Convention has not been revised.

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 134 be revised.
(6) **Remarks:** The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". The current interest in the subject matter of this Convention is illustrated by the development of a Code of Practice on "Accident prevention on board ship at sea and in port" (1994). Based on the foregoing the Working Party may wish either to decide on the revision of this Convention or to conclude that some additional need for information on the need for revision of this Convention is required.

(7) **Proposals:** The Working Party might recommend to the Governing Body:

either:

(a) to invite the member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), or that might point to the need for a full or partial revision of the Convention and that the Working Party (or the LILS Committee) re-examine the status of Convention No. 134 in due course;

or:

(b) the revision of the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), and the inclusion of this item in the portfolio of proposals for the agenda of the International Labour Conference.

I.4.6. C.92 -- Accommodation of Crews Convention (Revised), 1949

(1) **Ratifications:**

(a) Number of current ratifications: 42 ratifications and declared applicable to 20 NMTs. In addition to the 42 countries having ratified Convention No. 92, it also applies to seven additional countries based on the "substantial equivalence" provision in Article 2(a) of Convention No. 147.

(b) Latest ratifications: Equatorial Guinea (1996).

(c) Ratification prospects: This Convention has received a steady flow of ratifications. Since 1990, 11 ratifications or confirmations of existing ratifications following accession to independence of States have been recorded. It seems likely to receive further ratifications.

(2) **Denunciations:** None.

(3) **Comments by the Committee of Experts:** Comments by the Committee of Experts are pending for 20 countries and NMTs.
(4) **Need for revision:** This Convention revises Convention No.75. The provisions contained in Convention No. 92 have been supplemented by the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133). Pursuant to its Article 3, countries ratifying Convention No. 133 must also comply with the provisions of Parts II and III of Convention No. 92. Convention No. 92 contains the basic requirements concerning "Planning and control of crew accommodation" (Part II) and "Crew accommodation requirements" (Part III).

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 92 be revised.

(6) **Remarks:** The Ventejol Working Parties of 1979 and 1987 both classified this instrument in the category of "instruments to be promoted on a priority basis". Convention No. 92 contains highly technical provisions which prescribe, in detail, how crew accommodation should be arranged, such as the size and situation of the sleeping rooms, dining rooms and the beds, insulation against cold and noise, ventilation, heating, lighting, material to be used, etc. Since the adoption of Convention No. 92 50 years ago, the shipping sector has undergone a profound technical development. This has caused the IMO to revise its instruments concerning the construction of ships. Against this background, and the recommendation of the Joint Working Group, it is proposed to solicit the views of the governments on whether this development, as well as other factors, has affected the relevance of Convention No. 92 or parts thereof and whether there is a need to revise the Convention. As noted above Conventions Nos. 92 and 133, however, are closely related as the latter supplements the former. Thus, and in case of a possible revision of Convention No. 92, the Working Party may wish also to solicit the views of the constituents as to the appropriateness of revising Convention No. 133 at the same time.

(7) **Proposals:** The Working Party might recommend to the Governing Body:

(a) to invite the member States to inform the Office of:

   (i) the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Accommodation of Crews Convention (Revised), 1949 (No. 92), or that might point to the need for a full or partial revision of the Convention; and

   (ii) in the event that a revision of Convention No. 92 would be proposed, their views as to whether a revision of the Accommodation of Crews (Supplementary Provisions), 1970 (No. 133), should be considered at the same time;

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 92 in due course.

**I.4.7. C.68 -- Food and Catering (Ships' Crews) Convention, 1946**
(1) Ratifications:

(a) Number of current ratifications: 23 ratifications and declared applicable to 17 NMTs. Article 5 of the Convention is listed in the Appendix to Convention No. 147. In addition to the 23 countries having ratified Convention No. 68, the provisions in Article 5 of this Convention also applies to 22 other countries based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratifications: Equatorial Guinea (1996).

(c) Ratification prospects: Uncertain. This Convention was ratified by ten countries between 1950 and 1960. Since then, it has attracted a rather slow flow of ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for one country.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 68 be revised.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". Convention No. 68 and the Certification of Ships' Cooks Convention, 1946 (No. 69), complement each other and provide that seafarers are entitled to adequate and well-prepared food. This is particularly important for seafarers that often spend weeks or months on board a ship without an alternative source of supply. The relevance of the subject matter of these Conventions was recently demonstrated by a campaign carried out by the members of the Paris Memorandum of Understanding on Port State Control (Paris MOU) in the autumn of 1997. The campaign focused on working and living conditions for seafarers and the result of this campaign seems to reveal a number of deficiencies relating to food and catering for this group of workers. However, the task force dealing with this campaign under the Port State Control Committee of the Paris MOU has not carried out an analysis linking these deficiencies to any problems concerning the implementation of the provisions as such. Against this background and the recommendation of the Joint Working Group, the Working Party may wish either to request additional information as to the need for revision of this Convention from the constituents and to re-examine this Convention at a later stage or to recommend a revision of this Convention based on the information available. As to the latter alternative, the Working Party may wish to obtain some additional information as to the joint or separate consideration of the revision of these Conventions.

(7) Proposals: The Working Party might recommend to the Governing Body:
either:

(a) to invite the member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), or that might point to the need for a full or partial revision of the Convention;

or:

(b) the revision of the Food and Catering (Ships' Crews) Convention, 1946 (No. 68);

and in either case:

(c) to invite the member States to inform the Office whether a possible revision of this Convention should be included in the portfolio of proposals for the agenda of the International Labour Conference:

(i) as a separate item; or

(ii) for joint consideration with a possible revision of the Certification of Ships' Cooks Convention, 1946 (No. 69),

and that the Working Party (or the LILS Committee) re-examine the status of Convention No. 69 in due course.

I.4.8. C.53 -- Officers' Competency Certificates Convention, 1936

(1) Ratifications:

(a) Number of current ratifications: 33 ratifications and declared applicable to 15 NMTs. Articles 3 and 4 of Convention No. 53 are listed in the Appendix to Convention No. 147 and these Articles will thereby apply to 20 additional countries based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratification: Bosnia and Herzegovina (1993).

(c) Ratification prospects: Minimal. Convention No. 53 received 12 ratifications from its adoption until 1950. From 1950 to 1990 it received 16 ratifications. Since 1990 five ratifications have been registered and four of them are confirmations of existing ratifications following accession to independence of States.
(2) *Denunciations*: None.

(3) *Comments by the Committee of Experts*: Comments are pending for seven countries, including on an observation by a workers' organization in Argentina.

(4) *Need for revision*: This Convention has not been revised. However, the IMO adopted in 1978 a convention on standards of training, certification and watchkeeping for seafarers (IMO STCW convention) (amended in 1995) providing for requirements on training, certification and watchkeeping for seafarers.

(5) *Comments from shipowners' and seafarers' organizations*: The Joint Working Group has recommended that Convention No. 53 be shelved.

(6) *Remarks*: The Ventejol Working Parties of 1979 and 1987 both classified Convention No. 53 in the category of "instruments to be promoted on a priority basis". The IMO STCW convention and Convention No. 53 apply, with some exceptions, to the same type of ships and the same officers. The IMO STCW convention provides for a modern approach and gives more detailed requirements regarding training, certification and watchkeeping of seafarers than Convention No. 53. Furthermore, the IMO STCW convention of 1978 has been ratified by 130 of the member States of the IMO and has a coverage of 97.6 per cent of the world's tonnage. It should also be noted that the IMO STCW convention, as amended in 1995, imposes certain reporting obligations on its ratifying parties. Against this background, the Working Party may wish to conclude that a revision of Convention No. 53 would not any longer serve a useful purpose. As regards the Joint Working Group's recommendation, it should, however, be noted that Convention No. 53 still plays a role in some situations: firstly, it is fully applicable for States parties to Convention No. 53 and which are not parties to the IMO STCW convention; secondly, the IMO STCW convention does not cover some of the officers on very small vessels; and thirdly, because Convention No. 53 (Articles 3 and 4 only) is listed in the Appendix to Convention No. 147 and this will require that ratifying States have minimum provisions concerning certificates to officers and an efficient system of inspection in this regard. Furthermore, it should be recalled, as has been examined above, that a decision to shelve this Convention may, due to the inclusion of Convention No. 53 in the Annex to Convention No. 147, affect the purpose and the obligations arising from this Convention. In conclusion, the Working Party might wish to conclude that status quo should be maintained for this Convention. However, the Working Party (or the LILS Committee) may wish to re-examine the status of this Convention in due course.

(7) *Proposals*: The Working Party might recommend to the Governing Body:

(a) the maintenance of status quo with regard to the Officers' Competency Certificates Convention, 1936 (No. 53);

(b) that the Working Party (or the LILS Committee) could re-examine the status of Convention
I.4.9. C.22 -- Seamen's Articles of Agreement Convention, 1926

(1) Ratifications:

(a) Number of current ratifications: 57 ratifications and declared applicable to 22 NMTs. In addition to the countries having ratified the Convention, it also applies to 12 countries based on the "substantially equivalent" provision in Article 2(a) in Convention No. 147.

(b) Latest ratifications: Bosnia and Herzegovina (1993).

(c) Ratification prospects: Convention No. 22 received 25 ratifications between 1926 until 1940, six between 1940 and 1960, 17 between 1960 and 1980 and four between 1980 and 1990. Since 1990 four additional ratifications or confirmations of existing ratifications by States following their accession to independence have been recorded for this Convention. It seems likely to receive some further ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for 40 countries and NMTs, including on observations transmitted by workers' organizations in Argentina, France, New Zealand and Pakistan.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 22 be revised.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". Convention No. 22 is a well ratified Convention and applies, as noted above, through Convention No. 147 to 12 additional countries. Comments by the Committee of Experts are pending for a large number of countries compared to the number of ratifications. Some of the comments by the Committee of Experts are dealing with the use of the document or record book referred to in Articles 5 and 14 of the Convention. However, there are no indications in the comments by the Committee of Experts that point towards a particular problem with the Convention as such, apart from one instance where it is referred to a comment from a shipowners' association that "considers that the Convention is out of date, causing only unnecessary routines to the authorities, the significance of which is only formal today". It should be noted that Convention No. 22 is fairly old and the employment practice in shipping has changed considerably over the years. This has been reflected in the revision of the Placing of Seamen Convention, 1920 (No. 9),
and the adoption of the Recruitment and Placement of Seafarers Convention, 1996 (No. 179). The Joint Working Group has recommended that Convention No. 22 be revised. Against this background the Working Party may wish to consider either proposing a revision of the Convention immediately or proposing that additional information on the need for revision be solicited from the member States prior to deciding this issue.

(7) *Proposals:* The Working Party is invited to recommend to the Governing Body:

*either:*

(a) to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Seamen's Articles of Agreement Convention, 1926 (No. 22), or that might point to the need for a full or partial revision of the Convention and that the Working Party (or the LILS Committee) re-examine the status of Convention No. 22 in due course;

*or:*

(b) the revision of the Seamen's Articles of Agreement Convention, 1926 (No. 22), and the inclusion of this item in the portfolio of proposals for the agenda of the International Labour Conference.

**I.4.10. C.23 -- Repatriation of Seamen Convention, 1926**

(1) *Ratifications:*

(a) Number of current ratifications: 45 ratifications and declared applicable to 20 NMTs. Convention No. 23 is listed in the Appendix to Convention No. 147. In addition to the 45 countries that have ratified Convention No. 23, it also applies to 13 additional countries which have ratified Convention No. 147, but not Convention No. 23, based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147.

(b) Latest ratification: Cyprus (1995).

(c) Ratification prospects: Minimal. Convention No. 23 was adopted before the introduction of the final Article concerning the effect of the adoption of a revising Convention. It therefore remains open to ratification, although it has been revised by the Repatriation of Seafarers Convention, 1987 (No. 166). Since 1987, Convention No. 23 has received eight additional ratifications or confirmations of existing ratifications following accession to independence of States.
(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for 12 countries and NMTs including on an observation from a workers' organization in New Zealand.

(4) Need for revision: This Convention was revised in 1987 by the adoption of Convention No. 166.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 23 be shelved and abrogated.

(6) Remarks: The revising Convention No. 166 is the modern standard in this area and while Convention No. 23 is included in the Appendix to Convention No. 147, Convention No. 166 is listed in the Supplementary Appendix to the Protocol of 1996 to Convention No. 147 in Part B. Against the background of the recommendation by the Joint Working Group to shelve and abrogate Convention No. 23 it should firstly be noted that Convention No. 23 still binds a substantial number of member States. In addition, it should be recalled, as has been examined above, that a decision to shelve this Convention may, due to the inclusion of Convention No. 23 in the Annex to Convention No. 147, affect the purpose and the obligations arising from this Convention. The Working Party (or the LILS Committee) may, however, wish to re-examine the status of this Convention in due course.

(7) Proposals: The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Repatriation of Seamen Convention, 1926, (No. 23), to contemplate ratifying the Repatriation of Seafarers Convention, 1987 (No. 166), and denouncing Convention No. 23 at the same time;

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 23 in due course, including the possibility of shelving, when the ratification level of Convention No. 23 has substantially decreased as a result of ratifications of Convention No. 166.

I.5. Conventions in the Supplementary Appendix to the Protocol of 1996 to Convention No. 147

I.5.1. C.133 -- Accommodation of Crews (Supplementary Provisions) Convention, 1970

(1) Ratifications:

(a) Number of current ratifications: 26 ratifications and declared applicable to 17 NMTs.

(b) Latest ratifications: Armenia (1994).
(c) Ratification prospects: Convention No. 133 has received a steady flow of ratifications. It is likely to receive further ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for three countries and NMTs.

(4) Need for revision: This Convention has not been revised. It supplements the provisions in Convention No. 92. Pursuant to its Article 3, countries ratifying Convention No. 133 must also comply with the provisions of Parts II and III of Convention No. 92. Convention No. 92 contains the basic requirements concerning "Planning and control of crew accommodation" (Part II) and "Crew accommodation requirements" (Part III).

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 133 be maintained.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". The current interest in Convention No. 133 has recently been demonstrated by the inclusion of it in Part A of the Supplementary Appendix to the Protocol of 1996 to Convention No. 147. Convention No. 133 supplements the provisions in Convention No. 92. Thus, and in the case of a possible revision of Convention No. 92, the Working Party may wish to solicit the views of the constituents as to the appropriateness of revising Convention No. 133 in conjunction with a revision of Convention No. 92.

(7) Proposals: The Working Party might recommend to the Governing Body:

(a) that it invite the member States to inform the Office of their views as to whether a possible revision of Convention No. 92 should entail a revision of Convention No. 133;

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 133 in due course.

I.5.2. C.108 -- Seafarers' Identity Documents Convention, 1958

(1) Ratifications:

(a) Number of current ratifications: 58 ratifications. Declared applicable to 19 NMTs.

(b) Latest ratification: Lithuania (1997).
(c) Ratification prospects: Convention No. 108 attracted more than half of its ratifications between 1960 and 1980 and eight ratifications between 1980 and 1990. Since 1990, 12 additional ratifications or confirmations of existing ratifications following accession to independence of States have been registered. Convention No. 108 seems likely to receive further ratifications.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for 16 countries and NMTs including on an observation by a workers' organization in the United Kingdom and on a general direct request to all governments to forward a specimen of the current seafarers' identity document with the 1998 report.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 108 be promoted.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this instrument in the category of "instruments to be promoted on a priority basis". The current interest in Convention No. 108 has recently been demonstrated by its inclusion in Part B of the Supplementary Appendix to the Protocol of 1996 to Convention No. 147. Convention No. 108 is a well ratified Convention and the Joint Working Group has recommended its promotion.

(7) Proposals: The Working Party might recommend to the Governing Body:

(a) that it invite member States to contemplate ratifying the Seafarers' Identity Documents Convention, 1958 (No. 108);

(b) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 108 in due course.

** * * *

II. Other Conventions

II.1. Certificates of competency

42. Three Conventions have been adopted by the ILO on certification of seafarers. Two of them are examined below and one, the Officers Competency Certificates Convention, 1936 (No. 53), is examined above in Chapter I. None of them has been revised. As examined above, the IMO STCW convention, adopted in 1978, has implications for Convention No. 53.\(^{(75)}\)
43. Certification of able seafarers, as provided for in the Certification of Able Seamen Convention, 1946 (No. 74), is not covered by the IMO STCW convention. This latter convention introduces, however, a new and more modern approach to training and certification of seafarers in general. Based on this indication that there is a need to revise Convention No. 74, and the Joint Working Group's recommendation, this Convention is proposed for revision.

44. The Working Party initiated its examination of the Certification of Ships' Cooks Convention, 1946 (No. 69) at its session during at the 273rd Session of the Governing Body in November 1998. This is one of the two ILO Conventions related to shipboard food and catering conditions. Convention No. 68, which complements Convention No. 69, was examined above. There are some indications that these two Conventions might be in need of revision. It is proposed either to recommend a revision or to request additional information on this issue. In any event the close relationship between the two Conventions suggest that the same type of action be taken with respect to both of them.

II.1.1. C.69 -- Certification of Ships' Cooks Convention, 1946

(1) Ratifications:

(a) Number of current ratifications: 36 ratifications and declared applicable to 21 NMTs.

(b) Latest ratification: Australia (1995).

(c) Ratification prospects: Uncertain. Over the years this Convention has attracted a slow, but rather steady flow of ratifications. Since 1990 it has received ten additional ratifications or confirmations of existing ratifications following accession to independence of States.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for six countries.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 69 be revised.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". As noted under Convention No. 68, Convention No. 69 and No. 68 complement each other and provide that seafarers are entitled to adequate and well-prepared food. This is particularly important for seafarers that often spend weeks or months on board a ship without an alternative source of supply. The Convention forms a part of the ILO' s effort to
improve the health of seafarers' on board merchant ships. This Convention has, however, received a modest number of ratifications. As noted above, the data from the campaign carried out by the members of the Paris Memorandum of Understanding on Port State Control on working and living conditions for seafarers\(^{(79)}\) show many problems with the food and catering arrangements on board a number of ships. It was not, however, within the mandate of this campaign to analyse whether deficiencies found concerned problems relating to the relevance of the provisions of Convention No. 69. Against this background and the recommendation of the Joint Working Group, the Working Party may wish either to request additional information as to the need for revision of this Convention from the constituents and to re-examine this Convention at a later stage or to recommend a revision of this Convention based on the information available. As to the latter alternative, the Working Party may wish to obtain some additional information as to the joint or separate consideration of the revision of these Conventions.

\((7)\) Proposals: The Working Party might recommend to the Governing Body:

\(\text{either:}\)

(a) to invite the member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Certification of Ship's Cooks Convention, 1946 (No. 69), or that might point to the need for a full or partial revision of the Convention;

\(\text{or:}\)

(b) the revision of the Certification of Ship's Cooks Convention, 1946 (No. 69);

\(\text{and in either case:}\)

(c) to invite the member States to inform the Office whether a revision of this Convention should be included in the portfolio of proposals for the agenda of the International Labour Conference:

(i) as a separate item; or

(ii) for joint consideration with a possible revision of the Food and Catering (Ships' Crew) Convention, 1946 (No. 68),

and that the Working Party (or the LILS Committee) re-examine the status of Convention No. 68 in due course.

II.1.2. C.74 -- Certification of Able Seamen Convention, 1946

(1) Ratifications:
(a) Number of current ratifications: 27 ratifications and declared applicable to 26 NMTs. (80)

(b) Latest ratifications: Bosnia and Herzegovina and Lebanon (1993).

(c) Ratification prospects: Uncertain. This Convention received 16 ratifications between 1946 and 1970. Between 1970 and 1990 it received five ratifications. Since 1990 it has received six additional ratifications or confirmations of existing ratifications following accession to independence of States.

(2) Denunciations: None.

(3) Comments by the Committee of Experts: Comments are pending for two countries.

(4) Need for revision: This Convention has not been revised.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 74 be revised.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "instruments to be promoted on a priority basis". Convention No. 74 has not been revised, it is not well ratified and it has attracted ratifications at a decreasing rate over the last three decades. While the certification of able seafarers, as provided for in Convention No. 74, is not covered by the IMO STCW convention, this latter convention has introduced a new and modern approach to training and certification of seafarers which may point to a need for revision of Convention No. 74. Against this background and the recommendation by the Joint Working Group, the Working Party may wish either to request additional information as to the need for revision of this Convention from the constituents and to re-examine this Convention at a later stage or to recommend a revision of this Convention based on the information available.

(7) Proposals: The Working Party might recommend to the Governing Body:

either:

(a) to invite the member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of the Certification of Able Seamen Convention, 1946 (No. 74), or that point to the need for a full or partial revision of the Convention and that the Working Party (or the LILS Committee) re-examine the status of Convention No. 74 in due course;

or:
(b) the revision of the Certification of Able Seamen Convention, 1946 (No. 74), and the inclusion of this item in the portfolio of proposals for the agenda of the International Labour Conference.

II.2. General conditions of employment

45. Eight Conventions covering two subjects are examined under this heading. The first group concern the Conventions on holidays with pay. Four Conventions are examined of which two (Nos. 54 and 72) have never entered into force and it is suggested to withdraw these two Conventions. Convention No. 91, which revised Conventions Nos. 54 and 72, has in turn been revised by Convention No. 146 which thus is the modern standard in this area. The Joint Working Group proposes to promote this Convention. However, as the number of ratifications of Convention No. 146 has increased rather moderately, it is suggested also to join to a proposal to promote it and request information as to the reasons impeding ratification.

46. The second subject is wages, hours of work and manning of ships. Four Conventions (Nos. 57, 76, 93 and 109) none of which has entered into force, are examined in this context. These four Conventions have all been revised in 1996 by the Seafarers' Hours of Work and the Manning of Ships Convention (No. 180) which as yet has not attracted any ratification. In the report by the Office for the Tripartite Meeting on Maritime Labour Standards in 1994(81) it was suggested that Conventions Nos. 76, 93 and 109 might have failed to attract the necessary ratifications for their entry into force because of an attempt to link hours of work and manning with wages. It was therefore decided not to include provisions on wages in Convention No. 180 and instead to deal with this question in the accompanying Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation No. 187. In line with the Joint Working Group's recommendations, it is suggested to withdraw Conventions Nos. 57, 76, 93 and 109 and to invite the States parties to these Conventions to contemplate ratifying Convention No. 180.

47. It should be noted that the entry into force requirements of many of the maritime Conventions, including most of the Conventions dealt with in this Chapter, only enter into force upon ratification by a specific minimum number of countries with a specified minimum of gross register tons of shipping. (82)

II.2.1. C.54 -- Holidays with Pay (Sea) Convention, 1936

(1) Ratifications:

(a) Number of current ratifications: four ratifications and declared applicable to four NMTs. (83)

(b) Latest ratification: Uruguay (1954).

(c) Ratification prospects: This Convention has not entered into force. It was closed to further ratifications by the entry into force of the revising Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91).
(2) Denunciations: Two, following ratifications of Convention No. 91.

(3) Comments by the Committee of Experts: None. Reports in accordance with article 22 of the Constitution are not requested for Conventions that have not entered into force.

(4) Need for revision: This Convention has been revised on several occasions. It was first revised in 1946 by the Paid Vacations (Seafarers) Convention (No. 72) and in 1949 it was revised by the Paid Vacations (Seafarers) Convention (Revised) (No. 91). Convention No. 91 was revised in 1976 by the Seafarers' Annual Leave with Pay Convention.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 54 be withdrawn and that the ratification of Convention No. 146 be promoted.

(6) Remarks: The Convention has never entered into force and has been revised on several occasions. Convention No. 146 is the modern standard in this area. It is therefore proposed to withdraw Convention No. 54 and to invite States parties to Convention No. 54 to contemplate ratifying Convention No. 146.

(7) Proposals: The Working Party might recommend to the Governing Body:

   (a) that it invite the States parties to the Holidays with Pay (Sea) Convention, 1936 (No. 54), to contemplate ratifying the Seafarers Annual Leave with Pay Convention, 1976 (No. 146);

   (b) to recommend the withdrawal of Convention No. 54 to the Conference.

II.2.2. C.72 -- Paid Vacations (Seafarers) Convention, 1946

(1) Ratifications:

   (a) Number of current ratifications: One.

   (b) Latest ratification: Algeria, 1962 (ratification denounced).

   (c) Ratification prospects: This Convention has not entered into force. It was closed to further ratifications by the entry into force of the revising Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91).

(2) Denunciations: Four, following ratifications of Convention No. 91.

(3) Comments by the Committee of Experts: None. Reports in accordance with article 22 of the Constitution are not requested for Conventions that have not entered into force.
(4) Need for revision: This Convention has been revised by Convention No. 91 which in turn has been revised by the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146).

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 72 be withdrawn.

(6) Remarks: This Convention has never entered into force and it has been revised. It is therefore proposed to withdraw Convention No. 72 and to invite States parties to Convention No. 72 to contemplate ratifying Convention No. 146 which is the modern standard in this area.

(7) Proposals: The Working Party might recommend to the Governing Body:

(a) that it invite the State party to the Paid Vacation (Seafarers) Convention, 1946 (No. 72), to contemplate ratifying the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146);

(b) to recommend the withdrawal of Convention No. 72 to the Conference.

II.2.3. C.91 -- Paid Vacations (Seafarers) Convention (Revised), 1949

(1) Ratifications:

(a) Number of current ratifications: 17.

(b) Latest ratification: Bosnia and Herzegovina (1993).

(c) Ratification prospects: This Convention was revised in 1976 by the Seafarers' Annual Leave with Pay Convention (No. 146). Following the coming into force of this Convention in 1979, Convention No. 91 is no longer open to further ratifications. Since 1979, Convention No. 91 has received four additional ratifications consisting of confirmations of existing ratifications following accession to independence of States.

(2) Denunciations: Seven denunciations following ratification of Convention No. 146.

(3) Comments by the Committee of Experts: Comments are pending for seven countries.

(4) Need for revision: This Convention has been revised by Convention No. 146.

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 91 be shelved and abrogated and that the ratification of Convention No. 146 be promoted.
(6) **Remarks:** The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of "other instruments". The Convention is closed to further ratification since the entry into force of Convention No. 146. It is therefore proposed to invite member States to contemplate ratifying Convention No. 146 and to denounce Convention No. 91 at the same time. The Joint Working Group has recommended immediate shelving and abrogation of Convention No. 91. However, as 18 ratifications are still registered for this Convention, the Working Party may wish to consider deferring the question of its shelving and possible abrogation until a later stage when the ratification level of Convention No. 91 has decreased sufficiently.

(7) **Proposals:** The Working Party might recommend to the Governing Body:

(a) that it invite States parties to the Paid Vacation (Seafarers) Convention (Revised), 1949 (No. 91), to contemplate ratifying the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146), which will, *ipso jure*, involve the immediate denunciation of Convention No. 91; and

(b) that Convention No. 91 be shelved with immediate effect and that it be considered for a possible abrogation by the Conference when the constitutional amendment to that effect enters into force; or

(c) that the Working Party (or the LILS Committee) could re-examine the status of Convention No. 91 in due course, with a view to its shelving and possible abrogation when the level of ratifications of Convention No. 91 has substantially decreased as a consequence of ratification of Convention No. 146.

II.2.4. C.146 -- Seafarers' Annual Leave with Pay Convention, 1976

(1) **Ratifications:**

(a) Number of current ratifications: 13 ratifications and declared applicable to nine NMTs.

(b) Latest ratifications: Brazil (1998).

(c) Ratification prospects: Uncertain. This Convention was adopted as recently as in 1976, but it has received a rather modest amount of ratifications. Ten of its ratifications were registered before 1985. It has been ratified by one member State since 1990.

(2) **Denunciations:** None.

(3) **Comments by the Committee of Experts:** Comments are pending for 12 countries and NMTs including on an observation from a workers' organization in France.
(4) **Need for revision:** This Convention revises the Paid Vacations (Seafarers) Convention, 1946 (No. 91).

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 146 be promoted.

(6) **Remarks:** The Ventejol Working Parties of 1979 and 1987 both classified this Convention in the category of Conventions to be "promoted on a priority basis". This Convention is more than 20 years old and has, as noted above, received a rather limited total number of ratifications. The Joint Working Group has recommended that Convention No. 146 be promoted. In view of the relatively modest number of ratifications, the Working Party may wish to join to this proposal an invitation to the member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay its ratification.

(7) **Proposals:** The Working Party might recommend to the Governing Body:

(a) to invite member States to contemplate ratifying the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146);

(b) to invite member States to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification of Convention No. 146;

(c) that the Working Party (or the LILS Committee) could re-examine the status of Convention No. 146 in due course.

II.2.5. C.57 -- Hours of Work and Manning (Sea) Convention, 1936

(1) **Ratifications:**

(a) Number of current ratifications: four ratifications and declared applicable to five NMTs. (85)

(b) Latest ratification: Bulgaria (1949).

(c) Ratification prospects: This Convention has never entered into force, and it is not likely to receive any further ratifications.

(2) **Denunciations:** None.

(3) **Comments by the Committee of Experts:** None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.
(4) **Need for revision:** As noted above, this Convention was revised in 1946 by Convention No. 76, in 1949 by Convention No. 93, in 1958 by Convention No. 109 and in 1996 by Convention No. 180. Conventions Nos. 57, 76, 93 and 109 have never entered into force, and the entry into force of Convention No. 180 will close these Conventions to further ratifications.

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 57 be withdrawn and that the ratification of Convention No. 180 be promoted.

(6) **Remarks:** The four States parties to this Convention could be invited to ratify the revising Convention No. 180. It is also proposed to withdraw Convention No. 57.

(7) **Proposals:** The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Hours of Work and Manning (Sea) Convention, 1936 (No. 57), to contemplate ratifying the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180);

(b) to recommend the withdrawal of Convention No. 57 to the Conference.

**II.2.6. C.76 -- Wages, Hours of Work and Manning (Sea) Convention, 1946**

(1) **Ratifications:**

(a) Number of current ratifications: One ratification (Australia) and declared applicable to one NMT. *(86)*

(b) Ratification prospects: This Convention has never entered into force. Convention No. 76 is not likely to receive more ratifications.

(2) **Denunciations:** None.

(3) **Comments by the Committee of Experts:** None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.

(4) **Need for revision:** See above under Convention No. 57.

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 76 be withdrawn and that the ratification of Convention No. 180 be promoted.
(6) **Remarks:** Convention No. 76 has never entered into force. The State party to this Convention could be invited to ratify the revising Convention No. 180. It is also proposed to withdraw Convention No. 57.

(7) **Proposals:** The Working Party might recommend to the Governing Body:

(a) that it invite the State party to the Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76), to contemplate ratifying the Seafarers Hours of Work and Manning (Sea) Convention, 1996 (No. 180);

(b) to recommend the withdrawal of Convention No. 76 to the Conference.

II.2.7. C.93 -- Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949

(1) **Ratifications:**

(a) Number of current ratifications: Six.

(b) Latest ratification: Iraq (1985).

(c) Ratification prospects: The Convention has not entered into force. It is not likely that this Convention will receive more ratifications.

(2) **Denunciations:** None.

(3) **Comments by the Committee of Experts:** None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.

(4) **Need for revision:** See above under Convention No. 57.

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 93 be withdrawn and that the ratification of Convention No. 180 be promoted.

(6) **Remarks:** The six States parties to this Convention could be invited to ratify the revising Convention No. 180. It is also proposed to withdraw Convention No. 93.

(7) **Proposals:** The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93), to contemplate ratifying the Seafarers Hours of Work and Manning
(Sea) Convention, 1996 (No. 180);

(b) to recommend the withdrawal of Convention No. 93 to the Conference.

II.2.8. C.109 -- Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958

(1) **Ratifications:**

(a) Number of current ratifications: 16 ratifications and declared applicable to eight NMTs.\(^{(87)}\)

(b) Latest ratifications: Bosnia and Herzegovina and Lebanon (1993).

(c) Ratification prospects: Convention No. 109 has never entered into force. It is not likely that Convention No. 109 will receive any more ratifications.

(2) **Denunciations:** None.

(3) **Comments by the Committee of Experts:** None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.

(4) **Need for revision:** This Convention has been revised by Convention No. 180. For additional information see above under Convention No. 57.

(5) **Comments from shipowners' and seafarers' organizations:** The Joint Working Group has recommended that Convention No. 109 be withdrawn.\(^{(88)}\)

(6) **Remarks:** Although this Convention has received 16 ratifications it has not entered into force. The States parties to Convention No. 109 are encouraged to contemplate ratifying the revising Convention No. 180. The Joint Working Group has proposed a withdrawal of Convention No. 109. However, as Convention No. 180 has not yet entered into force, the Working Party may wish to defer the consideration of the possible withdrawal of this Convention until after the entry into force of Convention No. 180.

(7) **Proposals:** The Working Party might recommend to the Governing Body:

(a) that it invite the States parties to the Wages, Hours of Work and Manning (Sea) Convention, 1958 (No. 109), to contemplate ratifying the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180);

(b) that the Working Party (or the LILS Committee) re-examine the status of this Convention,
including its possible withdrawal, in due course after the entry into force of Convention No. 180.

* * *

II.3. Safety, health and welfare

48. One Convention is examined under this heading. The Accommodation of Crews Convention, 1946 (No. 75) has never entered into force and is proposed for withdrawal. This Convention has been revised by Convention No. 92 which in turn has been supplemented by Convention No. 133. (89)

II.3.1. C.75 -- Accommodation of Crews Convention, 1946

(1) Ratifications:

(a) Number of current ratifications: One.

(b) Latest ratifications: Bulgaria (1949).

(c) Ratification prospects: This Convention has never entered into force and it has been revised by the Accommodation of Crews Convention (Revised), 1949 (No. 92). It is closed to further ratifications.

(2) Denunciations: Four denunciations as a result of the ratification of Convention No. 92.

(3) Comments by the Committee of Experts: None. Reports in accordance with article 22 of the Constitution are not requested for Conventions which have not entered into force.

(4) Need for revision: This Convention has been revised by the Accommodation of Crews Convention, 1949 (No. 92), which was later supplemented by the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133). (90)

(5) Comments from shipowners' and seafarers' organizations: The Joint Working Group has recommended that Convention No. 75 be withdrawn.

(6) Remarks: The Ventejol Working Parties of 1979 and 1987 both classified this instrument in the category of "other instruments". As noted above this Convention was revised three years after it was adopted and it has never entered into force. It is therefore proposed to withdraw this Convention. Conventions Nos. 92 and 133 are the most modern standards in this area. In view of the proposals related to these two latter Conventions, it is proposed to invite the State party to Convention No. 75 to contemplate ratifying these Conventions.
Proposals: The Working Party might recommend to the Governing Body:

(a) that it invite the State party to Accommodation of Crews Convention, 1946 (No. 75), to contemplate ratifying the Accommodation of Crews Convention, 1949 (No. 92), and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133);

(b) to recommend the withdrawal of Convention No. 75 to the Conference.

***

III. Social security

III.1. C.8 -- Unemployment Indemnity (Shipwreck) Convention, 1920
III.2. C.55 -- Shipowners' Liability (Sick and Injured Seamen) Convention, 1936
III.3. C.56 -- Sickness Insurance (Sea) Convention, 1936
III.4. C.70 -- Social Security (Seafarers) Convention, 1946
III.5. C.71 -- Seafarers' Pension Convention, 1946

49. As regards the instruments on social security for seafarers, (91) the Joint Working Group noted that many of the Conventions had been superseded by the Social Security for Seafarers Convention (Revised), 1987 (No. 165), but that this Convention had received only two ratifications. It was the view of the group that Convention No. 165 "was unlikely to attract widespread ratifications in the near future and could not therefore be regarded as an adequate replacement for the previously adopted instruments". (92) The group appreciated, however, that it was not mandated to review Convention No. 165 and it therefore decided to meet again in order to discuss the problem concerning social security standards for seafarers and to prepare a report for consideration by the JMC.

50. Against this background it is proposed that the JMC be invited to undertake a case-by-case examination of the social security Conventions and Recommendations concerning seafarers and to submit its conclusions to the Governing Body at a forthcoming session in 2001 or 2002 and that the Working Party (or the LILS Committee) subsequently could undertake a tripartite examination of these instruments.

***

IV. Fishermen

IV.1. C.112 -- Minimum Age (Fishermen) Convention, 1959
IV.2. C.113 -- Medical Examination (Fishermen) Convention, 1959
IV.3. C.114 -- Fishermen's Articles of Agreement Convention, 1959
IV.4. C.125 -- Fishermen's Competency Certificates Convention, 1966
IV.5. C.126 -- Accommodation of Crews (Fishermen) Convention, 1966

51. With respect to instruments on fishermen's working and living conditions an analogous consulting procedure involving the International Organisation of Employers (IOE) and the ITF has been carried out. As a result, the IOE has informed the Office by letter (Annex III) that it had consulted a number of employers' organizations on the instruments applying to fishermen and that most of the employers' organizations preferred to defer the consideration of these instruments until further research had been carried out. For its part, the ITF has submitted detailed recommendations on each of the instruments at issue (Annex IV) which the ITF "urged the Office to bring [...] to the attention of the Working Party and to ensure that due weight is given to them".

52. It should be recalled that a Tripartite Meeting on Safety and Health in the Fishing Industry is to be held on 13-17 December 1999. The Governing Body agreed that the purpose of the meeting should be to exchange views on safety and health issues in the fishing industry; to assess work done by the FAO/ILO/IMO Working Group and by the FAO and the IMO; to adopt conclusions which identify follow-up activities and review ILO standards adopted specifically for fishermen; and to adopt a report on the discussion. (93)

53. This meeting could, as suggested by the IOE, be an appropriate forum for a discussion and examination of the above-mentioned instruments. The Working Party (or the LILS) could then re-examine the instruments for fishermen when the result of the tripartite meeting is available.

54. The Working Party is therefore invited to decide on the appropriate course of action with respect to the Conventions and Recommendations on fishermen.

* * *

55. On the basis of the case-by-case examination of the Conventions and of the proposals set out above, the Working Party is invited to make recommendations to the Committee on Legal Issues and International Labour Standards.

Geneva, 8 February 1999.

Point for decision: Paragraph 55.

Table I

Conventions listed in the Appendix to Convention No. 147 and in the Supplementary Appendix to its Protocol of 1996
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**Appendix I**

**Letter from the International Transport Workers' Federation**
and the International Shipping Federation

Mr. B. Klerck Nilssen, Chief
Maritime Industries Branch
International Labour Office
4 route des Morillons
CH-1211 Geneva 22
Switzerland

23 July 1998

Dear Björn,

Review of ILO maritime instruments

As a result of your letters dated 1 and 30 October 1997 we arranged a meeting of the ISF/ITF Working Group in order to review ILO maritime instruments so as to guide the Working Party on Policy regarding the Revision of Standards. The ISF/ITF Working Group met in Geneva 20-21 July 1998 and a list of those who attended is attached at Appendix I.

The meeting proceeded in a very constructive way and the unanimous recommendations of the Working Group are attached at Appendix 2.

We urge the Office to bring these recommendations to the attention of the Working Party on Policy and to ensure that due weight is given to them. In order to assist, members of the ISF and ITF secretariats and the spokesmen of both groups will be prepared to attend the meeting of the Working Party in November 1998, if necessary, to give further guidance or clarification on our recommendations which have been made.

In reaching our recommendations, we received valuable advice from the Legal Branch and Standards Branch particularly with regard to the implications on Convention No. 147 of proposals to revise instruments listed in the appendix. We should also be grateful if this advice could be communicated to us in writing as a matter of record of an issue which is of crucial importance to both sides.

We should also like to emphasize that the deliberations of the ISF/ITF Working Group were confined solely to the technical merits of the instruments. The recommendations should not be regarded as in any way limiting the scope of any debate which might take place at the next meeting of the Joint Maritime Commission.

Yours sincerely,

(Signed) David Dearsley,
Annex 1 to the letter to B. Klerck Nilssen, ILO, dated 23 July 1998


List of participants

*International Shipping Federation (ISF)*

Capt. A. Akatsuka (Japan)
R. Aliota (Italy)
T. Kazakos (Cyprus)
G. Koltsidopoulos (Greece)
D. Lindemann (Germany)
J. Lusted (United Kingdom)
H.v. Meenen (Netherlands)
Ms. E. Midelfart (Norway)
H. Springborg (Denmark)
D. Dearsley (ISF)
J. Dulley (ISF)

*International Transport Workers’ Federation (ITF)*

L. Barnes (India)
J. Fay (United States)
O. Jacobsen (Faeroe Islands)
M. Taguchi (Japan)
A. Tselentis (Greece)
M. Dickinson (ITF)
W. Steinvorth (ITF)

*International Labour Office*

Temporarily present to provide advice and assistance:


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**Training and entry into employment**

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<td>Placing of Seamen Convention, 1920</td>
<td>39 23.11.21</td>
<td>Maintain</td>
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<tr>
<td>179</td>
<td>Recruitment and Placement of Seafarers Convention, 1996</td>
<td>1</td>
<td>Promote</td>
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<tr>
<td>186</td>
<td>Recruitment and Placement of Seafarers Recommendation, 1996</td>
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<td>Promote</td>
<td></td>
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<tr>
<td>22</td>
<td>Seamen's Articles of Agreement Convention, 1926</td>
<td>57 04.04.28</td>
<td>Revise</td>
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<tr>
<td>108</td>
<td>Seafarers' Identity Documents Convention, 1958</td>
<td>58 19.02.61</td>
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<tr>
<td>77</td>
<td>Vocational Training (Seafarers) Recommendation, 1946</td>
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<td>Withdraw</td>
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<tr>
<td>137</td>
<td>Vocational Training (Seafarers) Recommendation, 1970</td>
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**Conditions for admission to employment**

<table>
<thead>
<tr>
<th>No.</th>
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<th>Date Promoted</th>
<th>Action</th>
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<tr>
<td>7</td>
<td>Minimum Age (Sea) Convention, 1920</td>
<td>53 27.09.21</td>
<td>Shelve and abrogate</td>
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<tr>
<td>No.</td>
<td>Convention Description</td>
<td>Year/Action</td>
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<tr>
<td>15</td>
<td>Minimum Age (Trimmers and Stokers) Convention, 1921</td>
<td>69 20.11.22</td>
<td>Shelve and abrogate</td>
<td></td>
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<tr>
<td>58</td>
<td>Minimum Age (Sea) Convention (Revised), 1936</td>
<td>52 11.04.39</td>
<td>Maintain with but review the status after entering into force of C.180 (Article 12 &quot;No person under 16 years of age shall ...)</td>
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<tr>
<td>16</td>
<td>Medical Examination of Young Persons (Sea) Convention, 1921</td>
<td>79 20.11.22</td>
<td>Revise (new ILO/WHO/IMO guidelines)</td>
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<tr>
<td>73</td>
<td>Medical Examination (Seafarers) Convention, 1946</td>
<td>43 17.08.55</td>
<td>Revise (new ILO/WHO/IMO guidelines)</td>
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**Certificates of competency**

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<th>No.</th>
<th>Convention Description</th>
<th>Year/Action</th>
<th>Remarks</th>
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</thead>
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<tr>
<td>53</td>
<td>Officers' Competency Certificates Convention, 1936</td>
<td>33 29.03.39</td>
<td>Shelve</td>
</tr>
<tr>
<td>69</td>
<td>Certification of Ships' Cooks Convention, 1946</td>
<td>36 22.04.53</td>
<td>Revise</td>
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<tr>
<td>74</td>
<td>Certification of Able Seamen Convention, 1946</td>
<td>27 14.07.51</td>
<td>Revise</td>
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</table>

**General conditions of employment**

<table>
<thead>
<tr>
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<td>54*</td>
<td>Holidays with Pay (Sea) Convention, 1936</td>
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<td>57*</td>
<td>Hours of Work and Manning (Sea) Convention, 1936</td>
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<td>49</td>
<td>Hours of Work and Manning (Sea) Recommendation, 1936</td>
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<td>72*</td>
<td>Paid Vacations (Seafarers) Convention, 1946</td>
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<tr>
<td>76*</td>
<td>Wages, Hours of Work and Manning (Sea) Convention, 1946</td>
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<td>Year</td>
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<td>91+</td>
<td>Paid Vacations (Seafarers) Convention (Revised), 1949</td>
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<td>109</td>
<td>Wages, Hours of Work and Manning (Sea) Recommendation, 1958</td>
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<td>180</td>
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<td>Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996</td>
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<td>146</td>
<td>Seafarers' Annual Leave with Pay Convention, 1976</td>
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<td>13.06.79 Promote</td>
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<td>Repatriation of Seamen Convention, 1926</td>
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<td>Repatriation (Ship Masters and Apprentices) Recommendation, 1926</td>
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<td>Shelve and abrogate</td>
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<td>166</td>
<td>Repatriation of Seafarers Convention (Revised), 1987</td>
<td>7</td>
<td>03.07.91 Promote</td>
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<td>174</td>
<td>Repatriation of Seafarers Recommendation, 1987</td>
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<td>153</td>
<td>Protection of Young Seafarers Recommendation, 1976</td>
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<td></td>
<td><strong>Safety, health and welfare</strong></td>
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<td>68</td>
<td>Food and Catering (Ships' Crews) Convention, 1946</td>
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<td>24.03.57 Revise</td>
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<td>75*</td>
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<td>78</td>
<td>Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946</td>
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<td>Revise</td>
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<td>No.</td>
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<td>No.</td>
<td>Date</td>
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<td>92</td>
<td>Accommodation of Crews Convention (Revised), 1949</td>
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<td>29.01.53</td>
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<td>133*</td>
<td>Accommodation of Crews (Supplementary Provisions) Convention, 1970</td>
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<td>Crew Accommodation (Air Conditioning) Recommendation, 1970</td>
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<td>Crew Accommodation (Noise Control) Recommendation, 1970</td>
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<td>134</td>
<td>Prevention of Accidents (Seafarers) Convention, 1970</td>
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<td>17.02.73</td>
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<td>142</td>
<td>Prevention of Accidents (Seafarers) Recommendation, 1970</td>
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<td>48</td>
<td>Seamen's Welfare in Ports Recommendation, 1936</td>
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<td>138</td>
<td>Seafarers' Welfare Recommendation, 1970</td>
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<td>163</td>
<td>Seafarers' Welfare Convention, 1987</td>
<td>11</td>
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<td>173</td>
<td>Seafarers' Welfare Recommendation, 1987</td>
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<td>105</td>
<td>Ships' Medicine Chests Recommendation, 1958</td>
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<td>106</td>
<td>Medical Advice at Sea Recommendation, 1958</td>
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<tr>
<td>164</td>
<td>Health Protection and Medical Care (Seafarers) Convention, 1987</td>
<td>9</td>
<td>11.01.91</td>
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**Labour inspection**

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<tr>
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<tr>
<td>28</td>
<td>Labour Inspection (Seamen) Recommendation, 1926</td>
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<td>Shelve and abrogate</td>
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<td>178</td>
<td>Labour Inspection (Seafarers) Convention, 1996</td>
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### Social security

<table>
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<tr>
<th>No.</th>
<th>Instrument Description</th>
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<th>Comments</th>
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<tr>
<td>8</td>
<td>Unemployment Indemnity (Shipwreck) Convention, 1920</td>
<td>59</td>
<td>16.03.23</td>
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<td>Unemployment Insurance (Seamen) Recommendation, 1920</td>
<td>16</td>
<td>29.10.39</td>
<td>See comments</td>
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<td>55</td>
<td>Shipowners' Liability (Sick and Injured Seamen) Convention, 1936</td>
<td>16</td>
<td>29.10.39</td>
<td>See comments</td>
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<td>165</td>
<td>Social Security (Seafarers) Convention (Revised), 1987</td>
<td>2</td>
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<td>70*</td>
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<td>Seafarers' Social Security (Agreements) Recommendation, 1946</td>
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<td>76</td>
<td>Seafarers' (Medical Care for Dependents) Recommendation, 1946</td>
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<td>See comments</td>
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<tr>
<td>71</td>
<td>Seafarers' Pensions Convention, 1946</td>
<td>13</td>
<td>10.10.62</td>
<td>See comments</td>
</tr>
</tbody>
</table>

* = Conventions which did not receive the requisite number of ratification

+ = Conventions which are closed to ratification.

**Comments on instruments on social security**

Members of the ISF/ITF Working Group considered the following instruments concerning maritime social security standards: Conventions Nos. 8, 55, 56, 70 and 71 and Recommendations Nos. 10, 75 and 76.

It was noted that many of these instruments had been superseded by the Social Security (Seafarers) Convention (Revised), 1987 (No. 165), but that Convention No. 165 had received only two
ratifications at 25.05.98. It was the view of the Working Group that Convention No. 165 was unlikely to attract widespread ratification in the near future and could not therefore be regarded as an adequate replacement for the previously adopted instruments. It was appreciated, however, that the Working Group was not mandated to review Convention No. 165.

The Working Group therefore decided to meet again in order to discuss the problem concerning social security standards for seafarers and to prepare a report for consideration by the Joint Maritime Commission. For the time being, however, the instruments should be maintained.

Appendix II

Letter from the International Labour Standards Department of the ILO, the secretaries of the Shipowners' and Seafarers' groups of the Joint Maritime Commission

[NB: A letter with identical content was addressed both to Mr. David Dearsley of the International Shipping Federation as well as to Mr. Mark Dickinson of the International Transport Workers Federation]

cc: JUR MARIT

27.10.98
[Mr. David Dearsley and Mr. Mark Dickinson]

ACD 5-147

Dear [Mr. Dearsley and Mr. Dickinson],

Reference is made to your letter of 23 July to Mr. B. Klerck Nilssen, Chief, Maritime Industries Branch. That letter followed on the informal consultation which took place on 21 and 22 July, concerning the review of ILO maritime instruments. You expressed a wish for advice from the Office with regard to the implications for Convention No. 147 of proposals to revise instruments listed in the Appendix to that Convention.

This reply is subject to the usual reservation that the Constitution of the International Labour Organization confers no special competence on the International Labour Office to interpret Conventions adopted by the International Labour Conference.

Concerning the specific question you have raised, it is clear that the revision of one or more of the
Conventions listed in the Appendix to Convention No. 147 cannot of itself constitute a revision of Convention No. 147. Nor can revision of Conventions listed in the Appendix affect the obligations of states which have ratified Convention No. 147.

Modification of the list of Conventions in the Appendix to Convention No. 147 may be of two kinds. First, adoption of the 1996 Protocol to Convention No. 147 effected a partial revision of Convention No. 147. It left intact obligations under Convention No. 147 and simply enabled the acceptance of additional obligations by way of the supplementary Appendix. States bound by Convention No. 147 have the option of accepting or not accepting obligations under the Protocol.

The second kind of modification possible would be a total revision of Convention No. 147 which closed it to new ratifications and established a new list of (or a new approach to) minimum standards in merchant shipping. But even this would not affect the existing obligations under Convention No.147, and States which had ratified would continue to be bound until they ratified the revising convention and it came into force.

I will only add that the Office is at present examining the broader issue of the method and procedure for revision of Conventions and Recommendations in general which will be submitted to the Governing Body at a future session.

I hope these indications will be useful to you and remain at your disposal for any further information you may required.

Yours sincerely,
Dr. Héctor G. Bartolomei de la Cruz,
Director of the International Labour Standards Department.

Appendix III

Letter from the International Organisation of Employers

Mr. Björn Klerck Nilssen, Chief
Maritime Industries Branch
International Labour Office
Geneva

9 September 1998
Dear Mr. Nilssen,

Review of ILO instruments on fishermen

In response to your request on the subject, we have consulted the employers' organizations on the question of the revision of Conventions Nos. 112, 113, 114, 125 and 126, all of which relate to fishermen.

From the responses received from them, I would like to point out that an important concern of the Employers' group in respect of the standards concerning fishermen remains the issue of how commercial maritime fishing was included in the agenda of the last two Maritime Conferences, which were held in 1987 and 1996 respectively. As you are well aware, we were rather disappointed and had considerable concerns when the Conventions referred to above were adopted by these Conferences.

You are also aware of the fact that these Conventions have attracted a low rate of ratification. Having said that, however, most of the employers' organizations that we consulted prefer to maintain the status quo until further research is undertaken. In this regard, we believe that the next meeting on the fishing industry in 1999 should provide guidance to the Governing Body on the subject.

With best regards,

Yours sincerely,

(Signed) Antonio Peñalosa,
Deputy Secretary-General.

Appendix IV

Letter from the International Transport Workers' Federation

Mr. B. Klerck Nilssen, Chief
Maritime Industries Branch
International Labour Office
4 route des Morillons
CH-1211 Geneva 22
Switzerland

31 July 1998

Dear Björn,
ILO fisheries specific instruments

The ITF Fisheries Section Conference, during its meeting in London, 3-5 September 1997, and the Fisheries Section Steering Committee, meeting in London, 30-31 July 1998, analysed the ILO instruments with specific reference to the fisheries sector. To facilitate the work of the ILO Governing Body's Working Party on Policy regarding the Revision of Standards the ITF would like to make the following recommendations:

- ILO Recommendation No. 7 should be revised to provide a 40-hour working week or ILO Convention No. 180 (seafarers' wages and hours of work and the manning of ships) should be made applicable to the fisheries sector through the adoption of a Protocol;
- ILO Convention No. 138 should be revised in order to establish a minimum age of 16;
- ILO Convention No. 113 should be revised as it has been overtaken by events and should reflect the new guidelines which have been produced by the ILO and WHO which, although drafted with seafarers in mind, are just as relevant for the engagement of fishermen;
- ILO Convention No. 114 should be revised to include a requirement for fishermen's identity documents;
- ILO Convention No. 125 needs to be revised to reflect the fact that the IMO has adopted the 1995 STCW-F convention;
- ILO Convention No. 126 still remains relevant and should be promoted for ratification; and
- ILO Recommendation No. 126 still remains relevant and should be promoted for implementation.

A number of maritime instruments, specifically addressing seafarers, may be applied to the fisheries sector following consultations with the social partners; however, in practice this formula does not work. Therefore, the ITF would suggest that the following list of maritime instruments should be made directly applicable to the fisheries sector through the adoption of a Protocol:

- ILO Convention No. 163 -- seafarers' welfare at sea and in port;
- ILO Convention No. 164 -- health protection and medical care of seafarers;
- ILO Convention No. 166 -- repatriation of seafarers;
- ILO Convention No. 178 -- inspection of seafarers' working and living conditions;
- ILO Convention No. 179 -- recruitment and placement of seafarers; and
- ILO Convention No. 180 -- seafarers' hours of work and the manning of ships.

The growing number of abandoned fishermen, which has been reported in the United Nations Secretary-General's Report on the Implementation of the Law of the Sea and the ILO Conference resolution adopted by the 84th (Maritime) General Conference, held in 1996, clearly demonstrate the need to formally extend ILO Convention No. 166 concerning the repatriation of seafarers to the fisheries sector.

It should also be noted that article 8.2.8 of the FAO Code of Conduct for Responsible Fisheries, which was unanimously adopted on 31 October 1996 by an FAO Conference, provides that: "Flag States should ensure that crew members are entitled to repatriation, taking account of the principles laid down..."
in the Repatriation of Seafarers Convention (Revised), 1987 (No. 166)."

The ITF would also suggest that the following ILO Maritime Conventions (specifically addressing seafarers) should be applied to the fisheries sector through the adoption of a suitable Protocol:

- ILO Convention No. 68 -- food and catering;
- ILO Convention No. 134 -- prevention of accidents;
- ILO Convention No. 145 -- continuity of employment; and
- ILO Convention No. 146 -- annual leave with pay.

In view of the increasing globalization of the fisheries sector there is a growing need for:

- an instrument which establishes minimum standards on social security; however, in the light of the comments made by the ISF/ITF Working Group on instruments on social security for the maritime sector the discussion and report of the working group should be waited for, and for the time being there is no recommendation to apply Convention No. 165 to the fisheries sector; and
- an instrument similar to ILO Convention No. 147 which establishes minimum standards and, in addition to addressing flag States, also provides for port state control.

I would like to urge the Office to bring these recommendations to the attention of the Working Party on Policy and to ensure that due weight is given to them. These recommendations also highlight the need for an early tripartite meeting for the fishing sector to assess which of the ILO maritime instruments should be applied to the fishing sector, and/or the adoption of new international labour standards for the sector in this regard to place the issue of new labour standards for fishermen on the agenda of an early session of the International Labour Conference, as stipulated in the resolution on the application of revised Convention No. 9 to the fisheries sector, adopted by the 84th (Maritime) General Conference of the ILO in 1996.

The ITF is prepared to arrange for suitable fisheries worker representatives to attend the meeting of the Working Party in November in order to assist and to give further guidance or clarification, if necessary.

If you need any further clarification on the issues raised, please do not hesitate to contact me, or in my absence, Wulf Steinvorth. We hope this assists you.

Yours sincerely,

(Signed) Mark Dickinson,
Assistant General Secretary.

2. Chapter I deals only with Convention No. 147 and its related Conventions. The Conventions are examined in the order they appear in the relevant Appendices to Convention No. 147 and the Protocol of 1996. Table I contains an overview of the mandate of the Working Party in relation to Convention No. 147 and its related Conventions.

3. GB.264/9/2, para. 16, and GB.265/8/2, para. 24. For further details see GB.273/LILS/ WP/PRS/4, paras. 2-3.

4. For an explanation of the role of the Joint Working Group of shipowners' and seafarers' representative organizations and the special "fast-track" procedure adopted, see GB.273/LILS/WP/PRS/4, paras. 2-4.

5. The JMC is composed of 42 members. Two members are appointed by the Governing Body of the ILO, representing respectively the Employers' group and the Workers' group of the Governing Body. The other 40 members are nominated by the International Labour Conference at a session dealing with maritime questions (the last one was held in 1996), 20 of whom are selected by the Shipowners' delegates and 20 by the Seafarers' delegates at the Conference. The Chairperson of the Governing Body is ex officio Chairperson of the Commission. The JMC advises the Governing Body on issues related to seafarers' working and living conditions suitable for standard setting.

6. It is expected that the agenda for that session will include a review of relevant maritime instruments ripe for revision, updating of the basic wage for able seamen in accordance with Paragraph 10 of Recommendation No. 187, a report on the effects of "second" or international registers on seafarers' working and living conditions and an update on ILO maritime activities. The most recent session of the JMC was held in 1991.

7. Part III.

8. Part IV.


10. Convention No. 73.

11. The Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16), decided to be revised in November 1998; GB.273/LILS/WP/PRS/4.

12. Conventions Nos. 92 and 133.


15. Conventions Nos. 108, 146 and 147.


17. The amendment to the Constitution will enter into force when it has been ratified or accepted by two-thirds of the Members of the Organization (116 of the 174 Members) including five of the ten Members of chief industrial importance. The amendment had, as at 31.12.1998, received 21 ratifications. At such time as this amendment enters into force the future utility of the possibility of shelving Conventions should perhaps be reconsidered.

18. Part I, section I.2 below.


20. Conventions Nos. 54, 57, 72, 75, 76, 93 and 109.


22. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Minimum Age Convention, 1973 (No. 138); see GB.271/LILS/WP/PRS/4/1 and GB.265/LILS/WP/PRS/1.

23. The Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164), the Repatriation of Seafarers Convention (Revised), 1987 (No. 166), and the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180).

24. The Medical Care and Sickness Benefits Convention, 1969 (No. 130), was examined by the Working Party in March 1996 and it was decided to promote its ratification and invite the member States to inform the Office of obstacles and difficulties to its ratification and possible need for its revision; GB.265/LILS/WP/PRS/1 and GB.265/8/2. The Workers' Representatives Convention, 1971 (No. 135), was examined by the Working Party in March 1997, and it was decided to join an invitation to inform the Office of obstacles and difficulties to ratification to a promotion of its ratification; GB.268/LILS/WP/PRS/1 and GB.268/8/2.

25. The Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55), and the Sickness Insurance (Sea) Convention, 1936 (No. 56).

26. See below, Part III.

28. When the Protocol of 1996 enters into force, States ratifying the Protocol which are not already bound by Conventions listed in its Supplementary Appendix will be bound by the "substantial equivalence" with respect to the Conventions in Part A of the Supplementary Appendix, and, with respect to the Conventions in Part B of the Supplementary Appendix, any of the Conventions which the State may accept in accordance with Article 3 of the Protocol.


30. The Joint Working Group proposes a revision of Conventions Nos. 73, 134, 92, 68, and 22; shelving of Convention No. 53; and shelving and abrogation of Conventions Nos. 7 and 23.


32. Accordingly, the Committee of Experts on the Application of Conventions and Recommendations in its General Survey of 1990 referred to the "incorporation into it of provisions of 15 other ILO Conventions by listing them in an Appendix", see General Survey, op. cit., para. 6.

33. After the initial examination of Convention No. 147, the examination of the Conventions in the appendices is presented in the order that the Conventions appear in the Appendix to Convention No. 147 and the Supplementary Appendix to the Protocol of 1996.

34. American Samoa, Anguilla, Aruba, Bermuda, British Virgin Islands, Faeroe Islands, Falkland Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Greenland, Guadeloupe, Guam, Isle of Man, Mariana Islands, Martinique, New Caledonia, Pacific Islands, Puerto Rico, Réunion, St. Helena, St. Pierre and Miquelon, Virgin Islands. The Office has also been notified of its applicability to the China -- Hong Kong (SAR). Reference to these areas or territories has been included in the Working Party documents for the first time. The reason is that some of them represent considerable registered tonnage, and that the Conventions in question, through these declarations of applications, will apply to a large number of seafarers and ships. The total number of ratifications of Convention No. 147 represent between 50 and 60 per cent of world shipping gross tonnage.

35. This Supplementary Appendix consists of two parts: Part A and Part B. When a State ratifies the Protocol it automatically accepts the two Conventions included in Part A of the Supplementary Appendix (Convention No. 133 and, when it has come into force, Convention No. 180). Regarding the four Conventions in Part B (Conventions Nos. 108, 135, 164 and 166) a ratifying State must declare which, if any, of these Conventions it wishes to accept.
36. The Ventejol Working Parties of 1979 and 1987 classified international labour standards into four categories: (1) instruments for promotion on a priority basis; (2) instruments for revision; (3) other existing instruments; and (4) subjects for new standards. The purpose of the first category was to identify the modern instruments that constituted useful objectives on a universal basis. The instruments that could not be classified in this category or in that of "instruments to be revised" were placed in the category of "other instruments". The latter category thus comprised three kinds of Conventions: those that constituted useful interim targets for States that were not in a position to ratify the more recent instruments, the Conventions closed to further ratifications and Conventions that were obsolete (Final Report of the Working Party on International Labour Standards, in *Official Bulletin*, Vol. LXII, 1987, Series A, Special Number, paras. 3-9, and Final Report of the Working Party on International Labour Standards, ibid., Vol. LXX, 1987, Series A, Appendix III, paras. 2-4).


38. Anguilla, Bermuda, British Virgin Islands, Falkland Islands, Faeroe Islands, Gibraltar, Greenland, Guernsey, Isle of Man, Jersey, Montserrat, Norfolk Island, St. Helena. The Office has also been notified of its applicability to the China -- Hong Kong (SAR).

39. Among the parties to Convention No. 147, the ratification status of Conventions Nos. 7 and 58 is as follows: three member States (*Barbados, Latvia, United Kingdom*) are bound by Convention No. 7; four member States (*Brazil, Lebanon, Liberia, United States*) are bound by Convention No. 58; and two member States (*Canada, Japan*) are bound both by Conventions Nos. 7 and 58.

40. *Egypt, India, Morocco*. In these cases the Committee of Experts seeks information "as to the application of the minimum standards acceptable under Convention No. 147, i.e. that laid down in Convention No. 7". See General Survey, op. cit., para. 109, and further below, under "Remarks".

41. This concerns *Australia, Belize, Canada, Grenada, Jamaica, Japan, Seychelles, Sierra Leone, Sri Lanka* and the *United Republic of Tanzania*.

42. See footnote 34, above under "Ratifications" (a).

43. American Samoa, Anguilla, Bermuda, British Virgin Islands, Falkland Islands, Faeroe Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guam, Martinique, Montserrat, Netherlands Antilles, New Caledonia, Norfolk Island, Puerto Rico, Réunion, St. Helena, St. Pierre and Miquelon, Virgin Islands. The Office has also been notified of its applicability to the China -- Hong Kong (SAR).

44. Among the parties to Convention No. 147, the ratification status of Conventions Nos. 7 and 58 is as follows: three member States (*Barbados, Latvia, United Kingdom*) are bound by Convention No. 7; four member States (*Brazil, Lebanon, Liberia, United States*) are bound by Convention No. 58; and two member States (*Canada, Japan*) are bound both by Conventions Nos. 7 and 58.
45. *Egypt, India, Morocco*. In these cases the Committee of Experts seeks information "as to the application of the minimum standards acceptable under Convention No. 147, i.e. that laid down in Convention No. 7". See General Survey, op. cit., para. 109.

46. *Australia, Lebanon*.

47. See Article 10(4)(d) of Convention No. 138.


49. *Barbados, Brazil, Costa Rica, Cyprus, India, Iraq, Israel, Liberia, Morocco, United Kingdom, United States*.

50. Convention No. 73 is related to the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16), which was examined by the Working Party during the 273rd Session (November 1998) of the Governing Body. It was decided to revise Convention No. 16 and to invite member States to inform the Office whether a revision of this Convention should be included in the portfolio of proposals for the agenda of the ILC either as a separate item or for joint consideration with a possible revision of Convention No. 73. (See GB.273/LILS/4 (Rev.1), paras. 63-65). The examination of Convention No. 73 was deferred, however, until the present session, as it is included in the Appendix to Convention No. 147.

51. As pointed out by the Joint ILO/WHO Committee on the Health of Seafarers (Seventh Session, May 1993).


53. Faeroe Islands, French Southern and Antarctic Territories, Greenland, Tokelau.

54. Article 4 (requires the adoption of provisions concerning accident prevention specifically targeting maritime employment) and Article 7 (appointment of a competent person or committee for accident prevention).

55. The objective of the Code is to provide practical guidance on safety and health in shipboard work with a view to: preventing accidents, diseases and other harmful effects on the health of seafarers arising from employment on board ship at sea and in port; ensuring that responsibility for safety and health is understood and remains a priority for all concerned with maritime transport, including governments, shipowners’ and seafarers; and promoting consultation among governments as well as shipowners' and seafarers' organizations on the improvement of safety and health on board ship. The Code also provides
practical guidance in the implementation of Convention No. 134 and its accompanying Recommendation No. 142.

56. Anguilla, Bermuda, British Virgin Islands, Falkland Islands, Faeroe Islands, French Guiana, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, Netherlands Antilles, Norfolk Island, Réunion, St. Helena, Tokelau. The Office has also been notified of its applicability to the China -- Hong Kong (SAR).

57. Examined below, section II.3.1.

58. Anguilla, Bermuda, British Virgin Islands, Falkland Islands, French Guiana, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, Netherlands Antilles, Réunion, St. Helena, Tokelau.

59. Examined below, section II.1.1. It should be recalled that the Working Party initiated the examination of Convention No. 69 at its previous session.

60. The Paris Memorandum of Understanding on Port State Control (Paris MOU) has been signed by 18 Maritime Authorities (the Member States of the European Union and Canada, Croatia, Norway, Poland and the Russian Federation). The Paris MOU aims at eliminating the operation of substandard ships through a harmonized system of port state control.

61. The Port State Control Committee is the executive body of the Paris MOU. The Committee deals with matters of policy, finance and administration.


63. The IMO STCW convention does not provide for the issuing of certificates to officers in charge of a navigational watch and of master on ships of less than 500 gross tons when serving on board vessels engaged in near-costal voyages. For officers in the engine department, the IMO STCW convention only applies to seagoing ships powered by main propulsion machinery of 750 kW propulsion power or more. Convention No. 53 makes no such exceptions. However, the IMO STCW convention will apply to the majority of merchant vessels.

64. Article IV of the IMO STCW convention states that the Parties should communicate the text of laws, decrees, orders, regulations, and instruments promulgated on the various matters within the scope of the convention, contents and durations of study courses, together with national examinations and other requirements for each certificate issued in compliance with the convention, and a sufficient number of specimen certificates issued in compliance with the convention. The IMO STCW Code, section A-1/7 gives further details about the material to be provided. In addition, in accompanying regulations it is
provided that competent persons appointed by the IMO will assist in the preparation of a report to the Maritime Safety Committee, and the Committee will on the basis of this report identify the parties having demonstrated that full and complete effect is given to the provisions of the convention. See Regulation 1/7, Amended Annex to 1978 IMO STCW convention.

65. As at 1.4.1998, four countries (Bosnia and Herzegovina, Djibouti, The former Yugoslav Republic of Macedonia, Syrian Arab Republic) had ratified Convention No. 53 but neither the IMO STCW convention nor Convention No. 147.

66. Anguilla, Aruba, Bermuda, British Virgin Islands, Falkland Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, Netherlands Antilles, New Caledonia, Norfolk Island, Réunion, St. Helena, St. Pierre and Miquelon. The Office has also been notified of its applicability to the China -- Hong Kong (SAR).

67. Azerbaijan, Costa Rica, Cyprus, Denmark, Greece, Israel, Kyrgyzstan, Lebanon, Russian Federation, Sweden, Tajikistan, Ukraine, United States.

68. It is normally a problem related to Article 5, para. 2, that the document shall not contain any statement as to the quality of the seaman's work or as to his wages.

69. Anguilla, Aruba, Bermuda, British Virgin Islands, Falkland Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Isle of Man, Martinique, Montserrat, Netherlands Antilles, New Caledonia, Réunion, St. Helena, St. Pierre and Miquelon, Tokelau. The Office has also been notified of its applicability to the China -- Hong Kong (SAR).


71. It also recommended that the Repatriation of Seafarers Convention (Revised), 1987 (No. 166), and the Repatriation of Seafarers Recommendation, 1987 (No. 174), be promoted.

72. Bermuda, French Guiana, Falkland Islands, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Isle of Man, Martinique, Montserrat, New Caledonia, Norfolk Island, Réunion, St. Helena, St. Pierre and Miquelon, Tokelau. The Office has also been notified of its applicability to the China -- Hong Kong (SAR).

73. Examined above, section I.3.6.

74. Anguilla, Bermuda, British Virgin Islands, French Guiana, Falkland Islands, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, New Caledonia, Réunion, St. Pierre and Miquelon, St. Helena. The Office has
also been notified of its applicability to the China -- Hong Kong (SAR).

75. See above, section I.3.8.

76. See GB.273/LILS/4 (Rev.1), paras. 68-73.

77. See above, section I.3.7.

78. Anguilla, Aruba, Bermuda, British Virgin Islands, Falkland Islands, French Guiana, French Polynesia, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, Netherlands Antilles, New Caledonia, Réunion, St. Helena, St. Pierre and Miquelon, Tokelau.

79. See above section I.3.7.

80. American Samoa, Anguilla, Aruba, Bermuda, British Virgin Islands, Cook Islands, Falkland Islands, French Guiana, French Southern and Antarctic Territories, Gibraltar, Guadeloupe, Guam, Guernsey, Isle of Man, Jersey, Martinique, Montserrat, Netherlands Antilles, Niue, Pacific Islands, Puerto Rico, Réunion, St. Helena, Tokelau, Virgin Island. The Office has also been notified of its applicability to the China -- Hong Kong (SAR).


82. See Convention No. 54, Article 13; Convention No. 72, Article 13; Convention No. 91, Article 13; Convention No. 57, Article 24; Convention No. 76, Article 26; Convention No. 93, Article 26; Convention No. 109, Article 27; Convention No. 146 only require two ratifications to enter into force, see Article 16.

83. American Samoa, Guam, Puerto Rico, Virgin Islands.


85. American Samoa, Guam, Norfolk Island, Puerto Rico, Virgin Islands.

86. Norfolk Island.

88. It has also recommended that the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180), and the Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187), be promoted.

89. Both examined above in Part I.

90. Both examined above in Part I.

91. Including Recommendations Nos. 10, 75, 76.

92. See Appendix II to the letter from the Joint Working Group in Annex I to this document.

93. See GB.268/11; Report of the Committee on Sectoral and Technical Meetings and Related Issues, para. 35.

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