Resolutions adopted by the
International Labour Conference at its 74th (Maritime) Session

(Geneva, September-October 1987)

I

Resolution concerning the expediting of legal proceedings in cases of abandonment of seafarers and in the sale of arrested vessels

The General Conference of the International Labour Organisation,

Conscious that in many cases of abandonment of seafarers the recourse of the seafarers with regard to costs of their repatriation and recovery of their unpaid wages is limited to arrest of the ship and the final consequence of in rem legal proceedings,

Being further conscious that in a significant number of cases where repatriation is immediately available the seafarers, very concerned about losing their accrued wages and leave pay, none the less insist upon remaining with the vessel until she is sold and they are paid off from the proceeds,

Noting that lengthy delays in such in rem legal proceedings are common, that such delays inevitably result in increased costs of litigation (including the costs taxed by the court for the keeping of the ship in custody) and also result in deterioration of the ship with consequent loss of value, both of which effects act to diminish radically the chances of full satisfaction of the seafarers' claims,

Urgently recommends the governments of member States to take the initiative in framing laws not only for the speedy disposal of suits through summary proceedings at nominal legal fees, but also for the speedy disposal of vessels and the payment of wages on a priority basis from sale proceeds; and to take such measures within their territories as are necessary to expedite legal procedures in cases of abandonment of seafarers, and particularly to expedite the sale of arrested vessels, and to distribute or make interim provision from the proceeds of such sales so as to enable the swift repatriation of stranded seafarers and to secure their claims for unpaid wages;

Requests the Director-General to communicate this resolution to the Joint UNCTAD/IMO Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects, so that the problem may be taken into account when drafting the relevant new international instruments.

II

Resolution concerning social and welfare services for seafarers' families

The General Conference of the International Labour Organisation,

Having adopted a Convention and a Recommendation concerning seafarers' welfare at sea and in port,

Noting that matters relating to social and welfare services for seafarers' families have not been reflected in those instruments,

Recognising the need to examine possible problems faced by families during the absence at sea of the seafarer;

Requests the Governing Body of the International Labour Office to place on the agenda of the next (26th) Session of the Joint Maritime Commission an item relating to social and welfare services for seafarers' families and to undertake a study of this subject, sending appropriate questionnaires to member States with a view to considering the necessity of drafting an international instrument.

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1 Adapted on 3 October 1987.
2 Adapted on 8 October 1987.
III

Resolution concerning the health of seafarers with particular reference to AIDS

The General Conference of the International Labour Organisation,

Considering the important role played by the World Health Organisation, within its own area of competence and within the context of the international co-operation between the specialised agencies of the United Nations, and particularly with the ILO, for the purposes of which the management of the resources of the respective agencies should be co-ordinated, and taking into account in this connection the effective work carried out by the Joint ILO/WHO Committee on the Health of Seafarers,

Recalling that the sixth session of the Joint Committee adopted recommendations concerning the identification of problem areas and trends in the health of seafarers,

Noting with concern reports of the increasing numbers of persons, including seafarers, infected with the human immuno-deficiency virus (HIV) and suffering from acquired immune deficiency syndrome (AIDS),

Recognising that information is an essential element in efforts to control the spread of AIDS, and congratulating those shipowners' associations, trade unions and administrations that have published guidance to seafarers on the avoidance and recognition of the syndrome,

Considering that the good health of seafarers is not only important to seafarers themselves and their families, but is also essential to the safe and efficient operation of ships,

Further noting that the programme of activities of the International Labour Office, for the biennium 1986-87, provided for a study on the health problems of seafarers to be carried out in collaboration with the World Health Organisation,

Recognising the essential global directing and co-ordinating role of the World Health Organisation in AIDS prevention, control, research, education and public information and the vital importance of the WHO Special Programme on AIDS as the focal point for these efforts;

1. In accordance with the ILO Recommendations on seafarers' welfare, calls upon the governments of maritime member States to make known to seafarers the danger to themselves and their families of infection from AIDS and its measures of prevention.

2. Also urges the governments of member States to include information on the dangers and prevention of AIDS in vocational training and information for seafarers concerning general health hazards.

3. Requests the Governing Body of the International Labour Office to consider, in close collaboration with the World Health Organisation:

(a) arranging for the study on the health problems of seafarers, undertaken within the framework of the programme of activities of the International Labour Office, for the biennium 1986-87, to provide information with a minimum of delay concerning the risks of infection from the HIV to which seafarers are exposed, with complete respect for medical confidentiality;

(b) convening on an urgent basis a session of the Joint ILO/WHO Committee, including recognised experts for consultation, to deal with priority questions regarding seafarers' health—in particular with the AIDS problem and the necessary education of seafarers in this respect—drawn from the findings of this study.

1 Adopted on 8 October 1987.
Resolution concerning the co-ordination of welfare activities for seafarers

The General Conference of the International Labour Organisation,
Recalling the resolution concerning seafarers' welfare at sea and in port
adopted by the 62nd (Maritime) Session of the International Labour Conference,
Noting that the International Labour Office has taken concrete action in
pursuance of several of the requests contained in the above resolution, including
measures designed to adopt a substantive Convention on seafarers' welfare,
thereby contributing to an improvement in welfare services for seafarers at sea
and in port, but that it has still not tackled adequately the issue of interna-
tional co-operation and co-ordination in seafarers' welfare services,
Noting the additional effect given to the resolution by all sectors of the
shipping industry through the formation of the International Committee on Seafar-
ers' Welfare (ICSW) and through the continuing programme of the International
Sports Committee for Seafarers (ISS), both of which have promoted international
co-operation and co-ordination in seafarers' welfare services,
Noting that the Fourth Session of the Tripartite Subcommittee on Seafarers'
Welfare of the ILO Joint Maritime Commission, held in October 1980, was of the
opinion that it was vitally important to maintain the progress towards the ultimate
full co-ordination of international welfare activities on behalf of seafarers which
had been achieved through agreements to this effect reached between some
governments, shipowners, voluntary organisations and seafarers as well as by the
creation of the International Committee on Seafarers' Welfare under the aegis of
the ILO,
Noting with satisfaction that the International Labour Office has given valu-
able support to the activities of the ICSW in the form of secretarial services and
that the ISS is now a member of the ICSW,
Noting that the main objective of the ICSW is to promote and foster on an
international basis the provision of welfare services for seafarers of all national-
ities, races, colours and creeds and that in particular the Committee is to:
- identify the nationalities of ships and seafarers visiting ports world-wide and
  any need for welfare services and facilities such as clubs, advisory centres,
  welfare officers, sporting events and sports facilities, entertainment and
  cultural provisions for seafarers visiting ports other than those in their own
  countries to be provided in accordance with ILO instruments and with par-
  ticular reference to countries where welfare facilities do not presently exist;
- make recommendations concerning the welfare needs identified, including
  advice as to the best use of available resources;
- provide advice and assistance to international, national, municipal and port
  authorities and agencies, shipowners, seafarers, welfare organisations and
  other interested bodies, including advice on the practical implementation of
  the ILO instruments concerning seafarers' welfare;
- encourage and promote enhanced awareness, especially among port state
  governments, of the welfare needs of seafarers when away from home;
- establish and maintain close working relationships with the ILO and, in
  particular, play an advisory role regarding the world-wide realisation of the
  objectives of the relevant ILO instruments concerning seafarers' welfare”;
Considering that now that the ICSW has agreed to expand its membership to
achieve an even broader representation of all interested bodies which currently
provide welfare services to seafarers, the time is ripe for the establishment of
closer co-operation between the ICSW and the ILO;
1. Requests the Governing Body of the ILO:
   (a) to give high priority to the activities of the ILO Tripartite Subcommittee on
       Seafarers' Welfare;
(b) to call on the Director-General to ensure that the Office continues to act as focal point for the work of the ICSW on the understanding that this Committee (ICSW) will be open for membership of all parties concerned;

(c) to examine ways and means of associating the ICSW more closely in the work of the ILO in the field of seafarers' welfare and in particular of adopting arrangements under which the ICSW can be consulted and invited to provide advice, as appropriate, by the ILO Tripartite Subcommittee on Seafarers' Welfare or such other ILO body as the Governing Body may decide.

V

Resolution concerning the recruitment of seafarers and the regulation of fee-charging employment agencies

The General Conference of the International Labour Organisation,
Recalling the discussion on the revision of the Placing of Seamen Convention, 1920 (No. 9), at the 24th Session of the Joint Maritime Commission in 1984,
Noting that the countries which have ratified this Convention do not include the most important countries which provide seafarers for employment in ships flying the flags of other countries,
Noting that, 67 years after the adoption of Convention No. 9, fee-charging agencies for the recruitment or recruitment and placing of seafarers continue to exist and, in certain parts of the world, to increase in numbers,
Recognising that, at least in some countries, such agencies, if properly supervised and regulated, may fulfil a practical and useful purpose for both the seafarer and the shipowner,
Considering that in certain parts of the world practices are in operation for the recruitment of seafarers which do not conform to the provisions of Convention No. 9 and which are unfavourable to seafarers and responsible shipowners alike,
Considering also that member States within whose territories such agencies operate have a responsibility to regulate their activities so as to ensure that abuses do not occur and that the regulation of such agencies should be undertaken as a matter of urgency;
Requests the Governing Body of the International Labour Office:
(a) to call upon the Director-General to collect and publish up-to-date information on the arrangements in force in various countries, particularly in labour-supplying countries, for recruiting both officers and ratings for employment on board ship, and to submit this information initially to such regional seminars as may be considered necessary, and to notify the results of such seminars to the next session of the Joint Maritime Commission for its consideration;
(b) to include on the agenda of that session of the Joint Maritime Commission the question of the desirability of the revision of the Placing of Seamen Convention, 1920 (No. 9), including the application to fee-charging recruitment agencies for seafarers, of the principles of governmental supervision and control laid down in the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), for shore-based industries;
(c) to recommend to member States meanwhile to take measures to ensure the regulation and, in particular, the proper licensing of fee-charging employment agencies operating in their territory.

1 Adopted on 8 October 1987.
VI

Resolution concerning conditions of employment for seafarers

The General Conference of the International Labour Organisation,
Recalling the resolution concerning the environment on board ships, adopted by the 62nd (Maritime) Session of the International Labour Conference,
Recalling the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134),
Recalling further the provisions of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109) and the Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109),
Bearing in mind that Convention No. 109 has not received the required number of ratifications for entry into force,
Considering that during the past decade a rapid evolution has taken place in the shipping industry which is continuing unabatedly and has given rise to technological, economic, structural and geographical changes in ships' operation,
Considering that the aforementioned evolution has had and continues to have consequences in respect of industrial relations, seafarers' employment conditions, manning scales, the organisation of the shipboard workload, has effected considerable reductions in manning scales in many maritime countries, and affects profoundly the shipboard environment,
Considering that the IMO has presently under discussion the question of fatigue of watchkeeping personnel,
Considering further that working conditions and prevention of shipboard accidents come under the scope of the ILO;
Requests the Governing Body of the International Labour Office:
(a) to arrange for a comprehensive study to be undertaken of the changes in the shipboard environment and in the characteristics of seafarers' employment with a view to identifying areas for possible ILO activities including any possible measures which may need to be taken to improve minimum standards in regard to the living and working conditions of seafarers on board ship and to submit the results of this study to the first meeting of the Joint Maritime Commission after the present General Conference;
(b) to instruct the Director-General in co-operation with the Secretary-General of the IMO to arrange for an early session of the Joint IMO/ILO Committee on Training to consider the question of fatigue in the manning and safety of ships.

VII

Resolution concerning attacks on merchant shipping

The General Conference of the International Labour Organisation,
Recalling that the 24th Session of the Joint Maritime Commission (Geneva, 1984) called on all governments to make every effort to find peaceful solutions to conflicts that are threatening the lives of seafarers,
Believing that the right to safe navigation by merchant shipping in international waters, free from the risks of armed attacks by States, constitutes a seafarers' inalienable right,
Expressing its serious concern that armed conflict endangers merchant shipping and has already led to the death and injury of seafarers in some regions,
Appeals to all member States of the International Labour Organisation to use their influence in their diplomatic and commercial dealings with warring States to persuade the latter to refrain from attacking merchant shipping in international waters and put an end to armed conflicts.

1 Adopted on 8 October 1987.
VIII

Resolution concerning the application of international Conventions and Recommendations and the more widespread ratification of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) 1

The General Conference of the International Labour Organisation,
Recalling the resolution adopted at the 24th Session of the Joint Maritime Commission concerning the need for more widespread ratification of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147),
Considering that the adoption of this Convention, and the supplementary Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155), resulted from the international resolve to eliminate substandard merchant ships,
Considering that the number and tonnage of vessels registered in countries which have not ratified Convention No. 147 and the number of seafarers from such countries have continued to increase,
Considering that the International Labour Organisation has a responsibility to encourage the acceptance and practical application of the international labour standards which it adopts,
Informed that a great many ILO Conventions and Recommendations, particularly Convention No. 147, as well as the fundamental principles of the United Nations, are not applied under a great many flags;
Requests the Governing Body of the International Labour Office:
(a) to remind each member State of the ILO that Conventions create an imperative obligation for member States which have ratified them to give effect to their provisions, and that Recommendations provide guidance on matters of general policy, legislation and practice;
(b) to ask the governments of member States, within the provisions of article 19 of the Constitution of the International Labour Organisation, to report on the measures that have been taken in their respective countries to implement the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and the Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155), and to arrange for an analysis of the governments' replies to be submitted by the International Labour Office to the next session of the Joint Maritime Commission, which should consider what further action, including measures designed to implement the social standards, might be necessary in light of this information;
(c) to urge member States which have not done so to take expeditious and effective action to implement the provisions of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and to give effect to the provisions of the Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155);
(d) to request the Director-General to continue and intensify the efforts of the Office to promote more widespread ratification of Convention No. 147.

1 Adopted on 8 October 1987.
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