



## FOURTH ITEM ON THE AGENDA

**Outcome of the IMO Diplomatic  
Conference on Maritime Security  
(London, 2-13 December 2002)**

1. At its session in November 2002, the Office provided the Committee with an update on the work under way in the International Maritime Organization (IMO) on maritime security and ILO-related action.<sup>1</sup> The Office indicated then that it would submit a paper to the 286th (March 2003) Session of the Governing Body on the outcome of the IMO Diplomatic Conference on Maritime Security that was scheduled to meet in London in December 2002.
2. The 76th Session of the Maritime Safety Committee (MSC76) met in London from 2 to 6 December 2002 and the IMO Diplomatic Conference met in London from 9 to 13 December 2002 to consider and adopt amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), aimed at enhancing maritime security. One hundred and eight IMO Member States and 32 international and non-governmental organizations participated in the Diplomatic Conference.
3. At its 283rd (March 2002) Session, the Governing Body had decided to send a high-level tripartite delegation to the IMO Diplomatic Conference on Maritime Security.<sup>2</sup> The Officers of the High-level Tripartite Working Group on Maritime Labour Standards proposed, and the Governing Body at its 284th (June 2002) Session approved, that the delegation be composed of: Mr. Jean-Marc Schindler (Government, France); Mr. Brian Orrell (Worker, United Kingdom); and Mr. Dierk Lindemann (Employer, Germany).<sup>3</sup> The Executive Director, Social Dialogue Sector, delivered a speech to the Diplomatic Conference on the work of the ILO concerning maritime and port security.
4. The Diplomatic Conference adopted amendments to the SOLAS Convention establishing a new Chapter XI-2 on maritime and port facility security, which includes an International Ship and Port Facility Security (ISPS) Code. The ISPS Code sets requirements for the

<sup>1</sup> GB.285/STM/4/1.

<sup>2</sup> GB.283/16/3; GB.283/205, para. 67.

<sup>3</sup> GB.284/205, para. 27.

security of the ship and the immediate ship/port interface. The overall security of port areas has been left to further joint work between the ILO and the IMO.

5. The Diplomatic Conference also adopted 11 resolutions, two of which (Nos. 8 and 11) are relevant to the ILO. Appendices I and II contain the full text of these two resolutions. The first (No. 8) concerns “enhancement of security in cooperation with the International Labour Organization” (seafarers’ identity documents and work on the wider issues of port security). It invites, inter alia, the ILO to continue the development of a seafarers’ identity document as a matter of urgency and calls for the establishment of an ILO/IMO working group to undertake any further work which may be required on wider issues of port security. Possible terms of reference for such a working group are contained in Appendix III.
6. The second resolution (No. 11) concerns the “human element related aspects and shore leave for seafarers”.
7. To begin work immediately on security issues beyond the ship/port interface, an informal consultation was held at IMO headquarters on 12 September 2002 with representatives from governments, industry and the International Confederation of Free Trade Unions (ICFTU). A second informal consultation was held in London on 3 October 2002 at the headquarters of the International Transport Workers’ Federation (ITF). These consultations were reported to the Committee at the 285th Session of the Governing Body.<sup>4</sup>
8. During these consultations, the details of the work to be undertaken to comprehensively address the security requirements of all port areas and adjoining areas, including industrial complexes, were discussed. Among other things, it was proposed that the ILO’s code of practice and guidelines concerning safety and health in dock work should be harmonized with the IMO’s ISPS Code.
9. At its 283rd (March 2002) Session, the Governing Body approved the holding of a Meeting of Experts on Security, Safety and Health in Ports from 8 to 12 December 2003. Bearing in mind the request in the abovementioned resolution for the convening of an ILO/IMO Working Group on Port Security, and the usefulness of convening such a working group in advance of the ILO’s Meeting of Experts, the Office proposes that the Director-General be authorized to consult with the Secretary-General of the IMO on the convening of an ILO/IMO Working Group on Port Security. It is further proposed that the Working Group be comprised of four Worker and four Employer representatives, nominated by the Governing Body, and eight Government representatives nominated by the IMO in consultation with the ILO, and that it meet with the terms of reference as set out in Appendix III.
10. ***The Committee on Sectoral and Technical Meetings and Related Issues may wish to invite the Governing Body to authorize the Director-General to consult with the Secretary-General of the IMO on the establishment of a joint ILO/IMO working group to undertake further work on the wider issue of port security and to take into account the terms of reference contained in Appendix III, and a composition of four Employer and four Worker representatives, at no cost to the ILO.***

Geneva, 29 January 2003.

*Point for decision:* Paragraph 10.

<sup>4</sup> GB.285/STM/14/1.

## Appendix I

### **International Maritime Organization Diplomatic Conference resolution No. 8** (adopted on 12 December 2002)

#### ***Enhancement of security on cooperation with the International Labour Organization*** *(Seafarers' identity documents and work on the wider issues of port security)*

THE CONFERENCE,

HAVING ADOPTED amendments to the International Convention for the Safety of Life at Sea, 1974, as amended (hereinafter referred to as the Convention), concerning special measures to enhance maritime safety and security,

RECOGNIZING the important contribution that the implementation of the special measures adopted will make towards the safe and secure operation of ships, for pollution prevention and for the safety and security of those on board and ashore,

RECOGNIZING ALSO the need to continue the work and establish, as the need arises, further appropriate measures to enhance the security of ships and of port facilities,

RECOGNIZING FURTHER that the development and use of a verifiable seafarers' identity document will further enhance and positively contribute towards the international efforts to ensure maritime security and to prevent and suppress acts threatening the security in the maritime transport sector,

COGNIZANT of the competencies and work of the International Labour Organization (hereinafter referred to as the ILO) in the area of development and adoption of the international labour standards,

RECALLING the Seafarers' Identity Documents Convention, 1958 (No. 108), adopted by the International Labour Conference on 13 May 1958, which entered into force on 19 February 1961,

RECALLING ALSO that the Governing Body of the ILO at its 283rd Session, in March 2002, placed the question of improved security for seafarers' identification as an urgent item on the agenda of the 91st Session of the International Labour Conference, to be held in June 2003, with a view to the adoption of a Protocol to the Seafarers' Identity Documents Convention, 1958 (No. 108),

RECALLING FURTHER the long-standing cooperation between the International Maritime Organization (hereinafter referred to as the Organization) and the ILO in the area of international maritime transport,

NOTING, with satisfaction, the work undertaken, so far, by the Governing Body of the ILO and by the International Labour Office on seafarers' identity documents and on port and dockworkers' security

1. INVITES the ILO to continue the development of a seafarers' identity document as a matter of urgency, which should cover, inter alia, a document for professional purposes, a verifiable security document and a certification information document;
2. REQUESTS the Organization to consider the results of the 91st Session of the International Labour Conference on the improved security for seafarers' identification and to take appropriate action, as it deems appropriate;
3. INVITES States through their tripartite delegations to participate in the 91st Session of the International Labour Conference, in June 2003, and to give favourable consideration to the earliest possible ratification, acceptance, approval or accession to the new ILO instrument concerning seafarers' identification documents, once it is adopted;

4. INVITES the Organization and the ILO to establish a joint ILO/IMO working group to undertake any further work, which may be required, on the wider issue of port security, based on the terms of reference set out in the attached annex;
5. REQUESTS the Secretary-General of the Organization to contribute, with appropriate expertise, to the work of the ILO on the improved security for seafarers' identification and to the proposed joint work on the wide issue of port security;
6. REQUESTS the Secretary-General of the Organization to transmit a copy of this resolution to the Director-General of the International Labour Organization.

## Appendix II

### International Maritime Organization Diplomatic Conference resolution No. 11

(adopted on 13 December 2002)

#### ***Human element related aspects and shore leave for seafarers***

THE CONFERENCE,

HAVING ADOPTED amendments to the International Convention for the Safety of Life at Sea, 1974, as amended (hereinafter referred to as the Convention), concerning special measures to enhance maritime safety and security,

RECOGNIZING that the shipping industry and the smooth transfer of goods are essential to world trade,

RECALLING that IMO resolution No. A.907(22) established the long-term work programme of the Organization (up to 2008) and that the human element was an important item thereof,

RECALLING ALSO the provisions of the Convention on Facilitation of International Maritime Traffic, 1965, which has, inter alia, established a general right for foreign crew members to be entitled to shore leave while the ship on which they arrived is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reason to refuse permission to come ashore;

RECALLING FURTHER the generally accepted principles of international human rights applicable to all workers, including seafarers,

CONSIDERING that, given the global nature of the shipping industry, seafarers deserve adequate protection under all circumstances,

BEING AWARE that seafarers work and live on ships involved in international trade and that access to shore facilities and shore leave are vital elements of seafarers' general well-being and, therefore, to the realization of safer seas and cleaner oceans,

BEING AWARE ALSO that the ability to go ashore is essential for joining and leaving a ship after the agreed period of service,

1. URGES contracting governments to take the human element, the need to afford special protection to seafarers and the critical importance of shore leave into account when implementing the provisions of Chapter XI-2 of the Convention and the International Code for the Security of Ships and Port Facilities;
2. ENCOURAGES Member States and non-governmental organizations with consultative status to report to the Organization any instances where the human element has been adversely impacted by the implementation of the provisions of Chapter XI-2 of the Convention and the International Code for the Security of Ships and Port Facilities; and
3. REQUESTS the Secretary-General to bring to the attention of the Maritime Safety Committee and the Facilitation Committee of the Organization any human element related problems, which have been communicated to the Organization as a result of the implementation of Chapter XI-2 of the Convention.

## Appendix III

### **IMO/ILO work on port security: Possible terms of reference**

1. The joint IMO/ILO Working Group on Port Security, having regard to the amendments to the International Convention for the Safety of Life at Sea, 1974, and the International Ship and Port Facility Security (ISPS) Code adopted by the December 2002 Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, for the purpose of introducing mandatory requirements and guidance relating to the enhancement of the safety and security of ships and of port facilities, should:

- consider and recommend, for the purpose of enhancing security, safety and the protection of the environment, the form and content of any further guidance, which may be required, on the wider issue of port security including the relationship between ship and port security and the wider security and safety and the protection of the environment considerations relevant to port areas, including the question of verifiable identification of those working within these areas or having access to such areas;
- consider the need for any mandatory requirements relating to the above and, if such a need is identified, to recommend the form and content of such requirements; and
- prepare and submit a report (including interim work and progress reports) on the aforesaid, together with the relevant reasons and justifications thereto, as well as an assessment of the impact, benefits and costs of the recommendations for the consideration of the International Maritime Organization and of the International Labour Organization.

2. The International Maritime Organization and the International Labour Organization will monitor the work of the joint IMO/ILO Working Group on Port Security and, as the need arises, will issue appropriate instructions and guidance to the Working Group on Port Security.