



## SEVENTH ITEM ON THE AGENDA

**Other questions****Further developments in relation to the drafting of an international instrument on ship breaking/ship recycling**

1. At its 297th Session, the Governing Body had before it two documents<sup>1</sup> recalling developments in relation to the drafting of an international instrument on ship recycling within the International Maritime Organization (IMO). In 2004, the ILO, IMO and Basel Convention had established a Joint Working Group on Ship Scrapping (JWG) in order to avoid duplication of work and overlapping roles, responsibilities and competencies between the three organizations, as well as to identify further needs; the JWG has met twice and the date for a third meeting has not yet been identified.<sup>2</sup> In December 2005, the IMO Assembly decided to develop a new legally binding instrument on ship recycling (draft Convention) and entrusted its Marine Environment Protection Committee (MEPC) with developing such an instrument. At the 55th session of the MEPC (9–13 October 2006), a clear majority supported the view that the development of the guidelines under the draft Convention should take place in the framework of the MEPC and not the JWG.
2. In line with its earlier reports,<sup>3</sup> the International Labour Office has continued to provide comments on issues within areas of ILO competence, in particular relating to occupational safety and health standards and the relevant ILO Guidelines,<sup>4</sup> to the Correspondence Group set up by the MEPC to prepare a draft Convention. Nonetheless, the draft text of the Convention remains inconsistent with ILO standards in certain important respects. Following expressions of concern as discussed in the last session of the Governing Body and more recent exchanges, the IMO secretariat and the Office have considered means by which to avoid conflict and develop complementarity between the standards of the two organizations, and to ensure effective coordination on the matter.

<sup>1</sup> GB.297/19/3 and GB.297/19/3(Add.).

<sup>2</sup> See GB.297/STM/6, GB.295/STM/6/1, GB.292/STM/5 on the subject of the work of the JWG.

<sup>3</sup> See note 1 *supra*.

<sup>4</sup> *Safety and Health in Shipbreaking: Guidelines for Asian countries and Turkey*, endorsed by the 289th Session of the Governing Body (March 2004).

3. After the work of the MEPC Correspondence Group concludes on 21 March 2007, an Intersessional Working Group on Ship Recycling will meet in London from 7–11 May 2007 to discuss the report of the Correspondence Group; thereafter, the 56th session of MEPC will meet in July 2007. It is important for the ILO to actively participate in the Intersessional and MEPC meetings, and its participation demands careful preparation. While the IMO format does not allow for discussions in a tripartite environment in the same manner as would a Joint ILO/IMO Working Group, it is proposed that a small tripartite ILO delegation (preferably one representative each from Governments, Employers and Workers) should attend the Intersessional and the 56th session of the MEPC, and further meetings as determined. The ILO representatives in the delegation would participate without vote in the deliberations as provided under the Agreement between the two organizations.<sup>5</sup> Taking into account the difficulty of the tasks, in particular, the inconsistency between ILO standards and the draft instrument in certain important respects and the need for the ILO delegation to speak with one voice even though it would have a tripartite composition, a preparatory meeting of the tripartite ILO delegation should take place shortly before the May 2007 Intersessional Working Group.
4. The Governing Body has not yet taken any decision on the question of reconvening the JWG for a third meeting.<sup>6</sup> As for the IMO, the MEPC decided in October 2006 that it was not practical or desirable to alter the terms of reference of the JWG, nor was it in a position to confirm the need for a third meeting of the JWG until its 56th session, after decision of the ILO Governing Body whose turn it was to host such a meeting. In December 2006, the Conference of the Parties to the Basel Convention decided that a third session of the JWG should be held and that the Secretariat of the Basel Convention (SBC) should report back on the outcome.<sup>7</sup>
5. In the context of all the relevant developments discussed above, it is suggested that any decision of the Governing Body on whether the terms of reference of the JWG should be altered, and whether the ILO should host a third meeting of the JWG, await the outcome of the participation of an ILO delegation in the above two IMO meetings, after which it will become clearer what role the JWG should be given, if any, in the broader context of ensuring effective coordination among the three organizations concerned.
6. ***The Committee on Sectoral and Technical Meetings and Related Issues may wish to recommend that the Governing Body:***
  - (a) *take note of the above developments;*
  - (b) *decide that an ILO tripartite delegation should participate in the IMO Intersessional Working Group and 56th session of the MEPC in May and July 2007 respectively, with a preparatory meeting of the tripartite ILO delegation, and that this participation should be at no cost to the Office;*

<sup>5</sup> The Agreement between the International Labour Organization and the Intergovernmental Maritime Consultative Organization, which became the International Maritime Organization in 1982, entered into force in 1959 following approval of the respective governing organs.

<sup>6</sup> See note 2 supra.

<sup>7</sup> Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, Eighth meeting (COP8), Nairobi, 27 November–1 December 2006, UNEP/CHW.8/16, Decision VIII/12.

- (c) request the respective groups to each nominate one representative to participate in the preparatory meeting and the IMO Intersessional Working Group and 56th session of the MEPC;*
- (d) request the Office to report to the Committee on the work of the ILO tripartite delegation and other relevant developments; and*
- (e) defer the decision on a third meeting of the JWG to a later session of the Governing Body.*

Geneva, 5 March 2007.

*Point for decision:* Paragraph 6.