



Fifth Meeting of the Special Tripartite Committee established under Article XIII of the Maritime Labour Convention, 2006, as amended

Geneva, 7–11 April 2025

► Addendum to the Background paper for discussion: Proposed amendments to the Standing Orders of the Special Tripartite Committee

A. Introduction

1. The Special Tripartite Committee (STC), under “Any other business” will need to consider proposed amendments to its [Standing Orders](#) aimed at addressing an issue to which the STC has been confronted in recent years. This concerns the need to adopt a procedure to fill vacancies of the Officers when they leave their positions in between meetings of the STC. Draft amendments and arrangements for decision-making have been developed to that effect. Amendments to the introductory note of the Standing Orders are also suggested to clarify the role of the secretariats of the seafarers’ and shipowners’ groups.
2. The proposed amendments presented below have been prepared by the ILO Office of the Legal Adviser at the request of and in consultation with the Officers of the STC.
3. A decision point is presented below under section C.

B. Proposed amendments

1. Proposed amendments on the replacement of the STC Officers

New paragraph 4 to be added to article 6: *Officers of the MLC Committee*

4. If a vacancy occurs between meetings of the MLC Committee, owing to the death or resignation of an Officer, it shall be filled by the method laid down in paragraph 2 or 3, as the case may be, subject to the provisions of this paragraph. For the replacement of the Chairperson, a proposal shall be made by the Government members of the MLC Committee in time for an appointment at the earliest session of the Governing Body. For the replacement of any Vice-Chairperson, a proposal made by the representatives of the group concerned shall be circulated to the members of the MLC Committee. In the absence of any objections received by the Office within 15 days of circulation, the Vice-Chairperson shall be deemed appointed by

the MLC Committee. Any new Officer so designated shall sit for the unexpired portion of the term of office of the previous incumbent.

Explanation

In recent years, vacancies in STC Officers' positions have arisen on several occasions between meetings and have raised legal difficulties. Due to the absence of relevant provisions in the Standing Orders of the STC, these situations have required ad hoc pragmatic solutions to avoid any lengthy vacancy. A clear legal solution should be enshrined in the Standing Orders.

It is thus proposed to amend the Standing Orders to allow for the expeditious filling of any vacant position without waiting for the next meeting of the STC.¹ This can be achieved, without modifying the procedures contained in article 6, paragraphs 2 and 3,² by adding a new paragraph 4 which would allow, as appropriate, decisions to be made with respect to the filling of vacancies.

New paragraph 4 to be added to article 4: *Composition*

4. The nominations of representatives made in accordance with this article shall remain valid until the next meeting of the MLC Committee, unless changes to them are notified during that period by the Government concerned or the secretariat of the relevant group.

Explanation

It is proposed that the representatives of governments appointed for one specific meeting remain "in office" until the next meeting for the purpose of the appointment of any new Vice-Chairperson to fill a vacancy.

While the nominations of Shipowner and Seafarer representatives have thus always been considered valid beyond a given STC meeting, nominations of Government representatives have been understood as credentials valid only for one STC meeting. This is what the amendment proposes to change. This extension would be only for the two titular representatives of a Government, not for any substitutes and advisers.

¹ In the absence of any indication in the STC Standing Orders, art. 2.1.5 of the Standing Orders of the Governing Body, the STC's parent body show that a vacancy caused by the death or resignation of an Officer of a standing body is normally filled by way of election. Both the Governing Body Officers and the STC Officers have functions to discharge in the interval between meetings of the body. In the case of the STC, this is provided for in art. 7(7) STC Standing Orders. However, the difference between the Governing Body and the STC is obviously the frequency of the meetings, so that it may be argued that the nomination of a replacement in case of a vacancy cannot always wait for the next meeting to be held.

² It is recalled that under art. 6, para. 1, of the STC Standing Orders, "the Officers of the MLC Committee shall consist of a Chairperson, Government Vice-Chairperson, a Shipowner Vice-Chairperson and a Seafarer Vice Chairperson". The procedure for designating the various Officers is not uniform. Under para. 2 of art. 6, "the Chairperson shall be proposed by the Government members of the MLC Committee (i.e. from ratifying Members) and appointed by the Governing Body, for a term of up to three years". Under para. 3 of the same article, "the Vice-Chairpersons shall be appointed by the MLC Committee for a term of up to three years. The Government Vice-Chairperson shall be proposed by the Government representatives on the MLC Committee from among those representatives ...". With respect to the Shipowner and Seafarer Vice-Chairpersons, they "shall be proposed respectively by the Shipowner and Seafarer representatives on the MLC Committee".

2. Clarification on the groups' secretariats

Amendment to paragraph 10 of the Introductory note

Admission to meetings

10. While participation in the discussions of the MLC Committee is restricted by the Standing Orders, its sittings are – as a general rule – public, under the Standing Orders. This rule is also in line with ILO practice. Obvious limits to this general rule would be the size of the meeting room or any security concern that the Office may have. The MLC Committee may also decide to sit in private, as, for example, in the performance of its consultation function under Article VII of the Convention. If it decides to sit in private, attendance would be limited to the members of the MLC Committee (the representatives of the Governments of ratifying Members, and the representatives of the Shipowners and Seafarers), the secretariats of the groups (traditionally provided by the International Chamber of Shipping and the International Transport Workers' Federation), and the ILO officials necessary for the conduct of the sitting.

Explanations

The proposed addition seeks to clarify the practice followed with respect to the Shipowners' and Seafarers' secretariats at the STC.

C. Point for decision

4. **The Special Tripartite Committee decides to recommend that the Governing Body, at its 355th Session (November 2025) adopt the amendments to the Standing Orders of the Special Tripartite Committee established for the Maritime Labour Convention, 2006.**