

**Philippines Summit on the
Maritime Labour Convention, 2006
17 October 2011**

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Honourable Secretary Baldoz, Department of Labor and Employment (DOLE)
Distinguished members of the Maritime Industry Tripartite Council (MITC)

On behalf of the ILO, I would like to thank you for inviting me to speak to you at this very important tripartite Summit on the Maritime Labour Convention, 2006 (MLC, 2006). I have had the fortune to visit the Philippines so frequently over the last few years – including most recently in July for a training workshop for maritime labour inspectors - that I can say that (as an island person) it has become almost a second home country for me!

In my role as Director of the Department charged with responsibility for the oversight of national implementation of more than 190 international labour standards, I have watched with great interest, and supported, whenever possible, the important national social dialogue that has occurred in the Philippines regarding the MLC, 2006. While it is not always an easy or even rapid process, in my view this careful consideration and consultation is the best way to proceed to allow genuine national ownership and agreement. While ratification is an international step the key to bringing labour standards alive and giving them relevance is their national implementation. In this process countries need to find a way to embrace international labour standards and to make these standards their own to help the country move forward to achieve common goals of their citizens, both workers and employers. Coincidentally, I just attended the X11th African Regional Meeting in Johannesburg, which ended on Friday last week and where I spoke on the subject of “Promoting National Ownership of International Labour Standards”. Ultimately, international labour standards are not of much value if they are not put to use to help ensure that workers can achieve their potential and have fair and decent working conditions and employers can operate in an environment that is based on fair competition thereby promoting sustainable enterprises.

In that respect, the MLC, 2006 was designed to expressly achieve these two goals with flexibility on many aspects including the way in which it is implemented. At the same time it is said to be “firm on rights and principles”. It is up to each country through the process in which you have all been actively engaged now for over half a decade to shape these standards using, in good faith and where necessary the flexibility, to achieve those rights and principles. This is occurring in all regions as

countries are now moving to the last stages of their internal discussion to allow for expression of their international commitment to the standards - by ratifying the Convention. But this is really the last step. The most important, and perhaps the hardest work, is the work that all you have been doing for the last few years to struggle with problems and needs and identify gaps and solutions. In that respect these standards can be seen as having already served their purpose and progress is already underway.

For this reason I will begin by congratulating you on all the work that you have gone through to reach this important Summit.

The Philippines had a leadership role in helping to develop this Convention and I know that you had many internal discussions well before its adoption in 2006. The Philippines was the first major maritime country chosen to receive an ILO High Level Tripartite Mission in November 2006 to try to help the process and to try to find solutions to any difficult issues. Secretary Baldoz had made very clear in her strong representations at the International Labour Conference in 2006 that there are special challenges faced by the Philippines. It is well known that the Philippines is the country from which the majority of the world's international seafarers are drawn. This means it has a major interest in securing the best possible standards and protection for those workers. At the same time, as a flag State, the Philippines has a relatively small international fleet but a very large and extremely diverse domestic fleet with many seafarers working on those ships. These ships, for reasons of size or voyage and other matters, have not for the most part been subject to the same regulations as the international flag fleet. However the growth and strength of this domestic fleet is essential to the Philippines as an archipelagic nation. Without the shipowners and seafarers in this fleet, inter-island travel, and trade would not be possible and the country would not be able to survive. This situation has provided great challenges I know to the government departments concerned with these issues. I can only say that I am aware they have worked diligently to find solutions to problems where they appeared and find ways to protect the interests of all.

At first glance, it may seem that these international standards are not appropriate for domestic fleets. In fact, this was one of the most important matters and perhaps the biggest breakthrough that occurred with the Convention. It has some specific matters regarding application to smaller ships but it also applies to these fleets. This has been a struggle for all countries with domestic fleets, much as has been the case here. However, it has also been recognized that these ships also need to be operated in a way that helps to ensure both human and cargo safety and the protection of the marine environment. While some issues are not as relevant in the domestic context, concerns about matters such as avoiding seafarer fatigue, child labour, training, ensuring safe manning levels, access to medical care, and ensuring decent conditions on ships for seafarers that must eat meals or sleep on board are not confined to the international fleet. These issues all contribute to ensuring that

ships are safe work places for the seafarers and passengers and cargo and help to protect the marine environment.

Most countries, like the Philippines, have recognized the need to begin to work to improve their domestic fleet to avoid accidents and protect human life. Many countries have also been concerned about the gradual erosion of their domestic shipping fleets as seafarers move into the international sector with better conditions. Improving conditions in the domestic fleet is one way to help develop a strong domestic fleet and workforce and in some cases may bring workers home where conditions may be as attractive as international seafaring work. In my conversation on visits to the Philippines, it has been my understanding that these are also important concerns in the Philippines.

The information provided on progress made since January when the MITC was established has been fantastic. This has included the adoption of two resolutions. One Resolution adopted concerned Draft Rules and Regulations Governing the Employment and Working Conditions of Domestic Seafarers and *recommending the Approval and Issuance of the DOLE Department Order on the Rules and Regulations Governing the Employment and Working Conditions of Domestic Seafarers*. The other Resolution adopted concerned *Endorsing the Maritime Labour Convention (MLC), 2006, for Ratification by the President of the Philippines and for Concurrence by the Philippine Senate*.

I will now provide an update of what is happening elsewhere. As you know, the Convention will enter into force 12 months after the ratification by 30 countries with a total share of the world's gross tonnage of at least 33 per cent of the world's gross tonnage of ships.

It has now been ratified by 19 Members representing over 54 per cent of the world gross tonnage of ships. The following countries have ratified (in order of ratification) Liberia, Marshall Islands, Bahamas, Panama, Norway, Bosnia and Herzegovina, Spain, Croatia, Bulgaria, Canada, St Vincent and the Grenadines, Switzerland, Gabon, Benin, Singapore, Denmark, Antigua and Barbuda, Latvia and Luxembourg. The ratifications of Denmark, Gabon, and Latvia are awaiting registration, pending receipt of the information under Standard A4.5, para. 10 of the MLC, 2006.

Of these eight (8) ratifications have been received in 2011, with the majority of these received in the last six months. The increased pace of ratification is an indication that national ratification efforts are now nearing completion in many countries in all regions. As of the today, eleven more ratifications are needed to meet the 30/33 formula. Available information indicates that a number of countries in various regions have completed their national legal processes to allow for ratification in 2011 or not long afterwards.

I began this mission several weeks ago in Turin Italy at the ILO Training Centre where we were holding the 10th Training of Trainers Course for Maritime Labour Inspectors. Reports at that course and also from participants at the pilot course for legal counsel on how to implement the Convention indicated that a number of countries are rapidly moving forward. For example, in the Pacific region I am aware that Australia is expecting to ratify by the end of this year and Korea is now in the last stages of its legal review. Both China, including Hong Kong, and Japan have been training inspectors and also working on drafting legislation. Following an MLC, 2006 event in Singapore in mid-September, I spent a week in Malaysia at a three day tripartite event followed by two days of detailed legal discussions to consider how to adjust Malaysian law to allow for ratification. Later this week I will be attending a major national tripartite MLC, 2006 event in Mumbai, India as India has also indicated that they wish to ratify in 2011 or soon after. Many African, Caribbean, and South American countries are also moving forward. The European countries are also making progress and when the MLC, 2006 enters into force the EU countries that have not yet ratified will be bound by the EU Directives. I also believe significant work is underway in the USA to allow for ratification.

While progress has not been as rapid as the five years initially anticipated in 2006, this was largely due to economic and other events since 2008 that have occupied government legislative agendas. In addition the compliance and enforcement system under the Convention with the inspection of all ships and the mandatory certification, for ships engaged in international or similar voyages, of the working and living conditions of seafarers combined with inspections of those ships in port States means that building inspection related capacity was an essential first step in implementation. The wide range of topics covered by the Convention has required significant consultation and cooperation between government departments, combined with national social dialogue. Certainly that has been the situation in the Philippines.

In conclusion, as these ratification numbers indicate it is very clear that the MLC, 2006 will enter into force in the next year or 18 months and, when it does so, it will be implemented, if not universally, certainly on a widespread basis, and the only question is the precise date for entry into force.

It is my hope that the Philippines will be among the first 30 countries to help bring the MLC, 2006 into force.