

ILO Online: What is the proposed maritime labour Convention?

Cleopatra Doumbia-Henry: It is an important new international labour standard to be adopted by the International Labour Conference here in Geneva. It sets out seafarers' rights to decent conditions of work, on a wide range of subjects and is intended to be globally applicable, easily understandable, readily updatable and uniformly enforced. It has been designed to become a global instrument known as the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO).

ILO Online: Why is it called a consolidated maritime labour Convention?

Cleopatra Doumbia-Henry: The proposed maritime labour Convention contains a comprehensive set of global standards, based on those that are already found in over 65 maritime labour instruments, adopted by the ILO since 1920. The new Convention brings almost all of the existing maritime labour standards and recommendations together in a single new Convention that uses a new format with some updating, where necessary, to reflect modern conditions and language. This will "consolidate" the existing international law on all these matters. ILO standards addressing the seafarers' identity documents were recently revised in 2003 and not included in this new Convention.

ILO Online: Why do we need a new Convention and is there any need for consolidation of the existing standards?

Cleopatra Doumbia-Henry: The decision by the ILO to move forward to create this major new maritime labour Convention was the result of a joint resolution in 2001 by the international seafarers' and shipowners' organizations, later supported by governments. They pointed out that the shipping industry is "the world's first genuinely global industry" which "requires an international regulatory response of an appropriate kind - global standards applicable to the entire industry".

It was felt that the very large number of existing maritime Conventions, many of which are very detailed, made it difficult for governments to ratify and to enforce all of the standards. Many of the standards were out of date and did not reflect contemporary working and living conditions on board ships. In addition, there was a need to develop a more effective enforcement and compliance system that would help to eliminate substandard ships and that would work within the well-established international system for enforcement of the international standards for ship safety and security and environmental protection that have been adopted by the IMO.

ILO Online: Will the new Convention deal with subject matter not yet covered in the present Conventions?

Cleopatra Doumbia-Henry: The proposed Convention essentially covers the same subject matter as the existing maritime labour instruments, updating them where necessary. It occasionally contains new subjects, particularly in the area of occupational safety and health.

ILO Online: Why do we need effective international standards for seafarers' conditions of work?

Cleopatra Doumbia-Henry: In ships flying the flags of countries that do not exercise effective jurisdiction and control over them, as required by international law, seafarers often have to work under unacceptable conditions, to the detriment of their well-being, health and safety and the safety of the ships on which they work. Since seafarers' working lives are spent outside the home country and their employers are also often not based in their country, effective international standards are necessary for this sector.

Of course these standards must also be implemented at a national level, particularly by governments that have a ship registry and authorize ships to fly the countries' flag. This is already well recognized in connection with ensuring the safety and security of ships and protecting the marine environment. It is also important to understand that there are many flag States and shipowners that take pride in providing the seafarers on their ships with decent conditions of work. These countries and shipowners must pay the price of being undercut by substandard ships.

ILO Online: How will the new Convention protect more of the world's seafarers?

Cleopatra Doumbia-Henry: The Convention aims at achieving worldwide protection. Many existing maritime labour Conventions have a low ratification level. The new Convention has been designed to address this problem. More protection of seafarers will be achieved by the early ratification and national-level implementation of the new Convention by the vast majority of ILO nations active in the maritime sector, as is the case of the main Conventions of the IMO.

ILO Online: Why is the new Convention likely to achieve the aim of near universal ratification?

Cleopatra Doumbia-Henry: Because of the unswerving support that has been shown for it by the governments and workers and employers (over 500 delegates from more than 80 countries participated in a preparatory Conference in 2004 to adopt the draft Convention text) who have worked together since 2001 to develop the Convention text. It will also achieve near universal ratification because of its blend of firmness on rights and flexibility with respect to approaches to implementation of the more technical requirements and because of the advantages it gives to the ships of countries that ratify it.

ILO Online: What will be the advantages for ships of ratifying countries?

Cleopatra Doumbia-Henry: The ships of ratifying countries that provide decent conditions of work for their seafarers will have protection against unfair competition from substandard ships and will benefit from a system of certification, avoiding or reducing the likelihood of lengthy delays related to inspections in foreign ports.

ILO Online: How does the new Convention propose to improve compliance and enforcement?

Cleopatra Doumbia-Henry: The proposed maritime labour Convention, 2006, aims to establish a continuous "compliance awareness" at every stage from the national systems of protection up to the international system.

This starts with the individual seafarers, who - under the Convention - will have to be properly informed of their rights and of the remedies available in case of alleged non-compliance with the requirements of the

Convention and whose right to make complaints, both on board ship and ashore, will be recognized in the Convention.

It will continue with the shipowners. Those that own or operate ships of 500 gross tonnage and above that are engaged in international voyages or voyages between foreign ports will be required to develop and carry out plans for ensuring that the applicable national laws, regulations or other measures to implement the Convention are actually being complied with.

The flag State will review the shipowners' plans and verify and certify that they are actually in place and being implemented. Ships will then be required to carry a maritime labour certificate and a declaration of maritime labour compliance on board.

ILO Online: What are the maritime labour certificate and the declaration of maritime labour compliance?

Cleopatra Doumbia-Henry: The certificate would be issued by the flag State to a ship that flies its flag, once the State (or a recognized organization that has been authorized to carry out the inspections), has verified that the labour conditions on the ship comply with national laws and regulations implementing the Convention. The certificate would be valid for five years subject to periodic inspections by the flag State. The declaration is attached to the certificate and summarizes the national laws or regulations implementing an agreed-upon list of 14 areas of the maritime standards and setting out the shipowner's or operator's plan for ensuring that the standards will be maintained on the ship between inspections.

ILO Online: How will respect for the new Convention actually be enforced?

Cleopatra Doumbia-Henry: The new Convention is intended to achieve more compliance by operators and owners of ships and to strengthen enforcement of standards through mechanisms at all levels. For example, it contains provisions for complaint procedures available to seafarers; the shipowners' and shipmasters' supervision of conditions on their ships; the flag States' jurisdiction and control over their ships; and port state inspections of foreign ships. By requiring ratifying Members not only to implement the Convention in the national laws but to also document their implementation, the Convention should also enhance the effectiveness of the supervision carried out at the international level, especially by the competent bodies of the ILO.