



SEVENTH ITEM ON THE AGENDA

**Maritime Labour Convention, 2006:
Preparation for entry into force**

1. The requirement for entry into force of the Maritime Labour Convention, 2006 (MLC, 2006), as provided in Article VIII, paragraph 3, is ratification by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent. The Convention has now been ratified by five Members of the Organization, whose total share in the world gross tonnage of ships is greater than 33 per cent. It is expected that the 30th instrument of ratification will be deposited some time in 2010. The Convention will come into force 12 months after registration of the 30th ratification.
2. The MLC, 2006, contains provisions that require significant action on the part of ratifying Members to establish and implement their inspection and compliance obligations, in particular flag State inspection and certification of ships, in order to prepare for entry into force. Once the Convention enters into force these ships will be subject to inspection in ports of ratifying Members (port State control) to help ensure ongoing compliance with the requirements of the Convention (including seafarers' rights). The potential impact of these requirements in the event that a Member has not yet fully put into operation the necessary national certification system, was a matter of concern for the Members participating in the 94th Session of the International Labour Conference. When adopting the Convention, the Conference adopted a resolution that requested governments¹ "to develop plans, which will ensure the phasing in of certification requirements starting with bulk carriers and passenger ships no later than 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent".
3. The need to establish a body or a mechanism in the period between the adoption of the Convention and its entry into force to provide advice and guidance to Members as they prepare for entry into force of the Convention was also a concern of the Joint Maritime Commission at its 30th Session.² The agenda of the session, as established by the Governing Body in November 2005, consisted of a single item: "Follow-up of the

¹ See ILO: Resolution concerning the practical implementation of the issue of certificates on entry into force, International Labour Conference, 94th (Maritime) Session, Geneva, 2006.

² The Joint Maritime Commission held its 30th Session in Geneva on 23 February 2006, in accordance with a decision taken by the Governing Body in November 2005. See: GB.295/STM/3/4/1.

consolidated maritime labour Convention”. The Joint Maritime Commission considered that a meeting of the parties interested by the Convention might be required in due course to evaluate the progress of the promotion of the Convention as well as to follow up on the resolutions adopted by the Conference. The Joint Maritime Commission discussed the possibility of convening a meeting of the special tripartite committee called for in Article XIII, with such a meeting to be held in the spirit of Article XIII.

4. It will also be recalled that the conclusions of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers, at its last meeting in March 2009,³ indicated that there were a number of matters that would require future consideration, in the context of the Maritime Labour Convention, 2006, by a tripartite body with maritime expertise.
5. Article XIII of the MLC, 2006, calls upon the Governing Body to establish a special tripartite committee to “keep the working of the Convention under continuous review”. This committee, which is to have special competence in the area of maritime labour standards, will consist of two representatives nominated by the Government of each ratifying Member and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission. The number of Shipowners and Seafarers representatives is not stated in the Convention, but their groups in the Committee are each to have half the voting power of the total number of Governments represented at the meeting concerned.
6. *The special tripartite committee under Article XIII cannot be established until after the date of the Convention’s entry into force. However, since the governments of ratifying Members are called upon to undertake significant implementation before entry into force, particularly in order to have already phased in the certification of certain ships by that date, the Committee may wish to recommend that the Governing Body:*
 - (a) *establish, to the extent that necessary funding is available, a “preparatory tripartite MLC, 2006, committee”, modelled on the future Article XIII special tripartite committee, which would:*
 - (i) *keep under review the preparations by Members for implementing the MLC, 2006, and prepare the work for the future special tripartite committee on any questions that might need to be dealt with as a matter of urgency after entry into force of the Convention, including the rules of procedure of the committee;*
 - (ii) *meet at least once during 2010 and once during the 12-month period following deposit of the 30th ratification; and*
 - (iii) *be open to Governments of any interested member States and include up to ten representatives nominated respectively by the International Shipping Federation and the International Transport Worker’ Federation;*

³ GB.304/12, paras 68–70 and GB.306/STM/5/2.

(b) instruct the Office to provide funding for the participation to meetings of the committee, of ten representatives nominated by the Shipowners' and Seafarers' groups of the Joint Maritime Commission respectively. There would be no limitation on the number of interested Seafarers or Shipowners that choose to participate at their own expense.

Geneva, 16 October 2009.

Point for decision: Paragraph 6.