



Governing Body

318th Session, Geneva, 21 June 2013

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Institutional Section

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SEVENTH ITEM ON THE AGENDA

Reports of the Officers of the Governing Body

First report: Maritime Labour Convention, 2006: Establishing the Special Tripartite Committee for prompt and careful review of amendment proposals

1. It will be recalled that the Maritime Labour Convention, 2006 (MLC, 2006), will enter into force on 20 August of this year. Article XIII, paragraph 1, of the Convention provides that “the Governing Body of the International Labour Office shall keep the working of this Convention under continuous review through a committee established by it with special competence in the area of maritime labour standards”. In addition, this Committee has a central role under Article XV with respect to the more rapid process for amendment of the Code of the Convention containing the more detailed, technical provisions, designed to allow the Convention to respond to changes and important needs in the sector.
2. The Governing Body has already taken a number of steps to prepare for the entry into force of the MLC, 2006, including establishing a Preparatory Committee with a mandate “to keep under review the preparations by Members for implementing the MLC, 2006, identify any common issues 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”.¹ These rules of procedure were prepared by the Preparatory Committee and adopted by the Governing Body at its 313th Session in March 2012.²

¹ The Governing Body of the ILO, at its 306th Session, established a Preparatory Tripartite MLC, 2006, Committee modelled on the future “Special Tripartite Committee” to be established under Article XIII of the MLC, 2006, when it comes into force. The Committee met in September 2010 and December 2011.

² As the Standing Orders of the future Special Tripartite Committee established to give effect to Article XIII of the Maritime Labour Convention, 2006.

3. At its first meeting in 2010, the Preparatory Committee agreed on one urgent action to be performed by the future Special Tripartite Committee, namely to review the principles agreed at the Ninth Session of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers (IMO/ILO Working Group) in March 2009.³ Since that time it has become even clearer that urgent action to adopt mandatory provisions on these issues is expected. The principles had been the subject of nearly a decade of meetings of the IMO/ILO Working Group before agreement was reached on their substance and on the desirability of their being given effect by way of amendments to the MLC, 2006.
4. Under the procedure set out in Article XV of the Convention, amendments to the Code may be proposed by the government of any Member of the Organization or by the group of Shipowner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII of the Convention. They must be submitted to the Director-General and communicated to all Members of the Organization, which are given an opportunity to submit comments or suggestions on the proposed amendments within a given period, normally six months. The proposals for amendments and any comments made during this period would then be considered by the Special Tripartite Committee at a meeting and, if adopted, would be submitted to the International Labour Conference for approval and, if approved, would be notified to Members that had ratified the Convention. These Members would be given a period (between one and two years) to consider them. The Convention as amended would enter into force six months after the end of that period unless more than 40 per cent of ratifying Members, representing not less than 40 per cent of world gross tonnage, formally expressed their disagreement with the amendments.
5. As noted above, the necessary preparations have been made for the Special Tripartite Committee to start work after the MLC, 2006, enters into force on 20 August of this year. Initially, it was envisaged that the Governing Body would, at its 319th Session in October this year, establish the Special Tripartite Committee, and appoint its Shipowner and Seafarer representatives after consultation with the Joint Maritime Commission.⁴ The Government representatives are designated in the Convention itself (that is, under Article XIII, paragraph 2, two representatives from each ratifying Member).
6. As noted in point 4 above, in accordance with Article XV, paragraph 2, of the MLC, 2006, amendments to the Code may be proposed by the government of any Member of the Organization or by the group of Shipowner representatives or the group of Seafarer representatives appointed to the Special Tripartite Committee. It is envisaged that the first meeting of the Special Tripartite Committee will take place in early 2014, on a date to be decided by the Governing Body. It is therefore important that the proposed amendments are presented as soon as possible after the entry into force of the Convention in August 2013; this would ensure that they could be submitted first to the Special Tripartite Committee for consideration at the end of the six-month period for review by ILO Members and then, if adopted, to the International Labour Conference at its 103rd Session (June 2014). Prompt proposal of amendments to allow their consideration at the first meeting of the Special Tripartite Committee in April 2014 would not only enable their early entry into force, but could also avoid the need to have a subsequent meeting of the Special Tripartite Committee after a six-month period solely to consider them.

³ ILO/IMO/WGPS/9/2009/10.

⁴ Pursuant to Article XIII, paragraph 2, of the MLC, 2006.

7. In order to allow the proposals to be made earlier, especially by the group of Shipowner representatives and the group of Seafarer representatives, the Governing Body could decide at its 318th Session in June 2013 to establish the Special Tripartite Committee and to appoint a minimum of Shipowner and Seafarer representatives, in accordance with Article 4, paragraph 3, of the Committee's Standing Orders, leaving further appointments, the date of the first meeting and the adoption of the agenda of the first meeting to be decided at its 319th Session in October 2013. It is to be noted that financial arrangements have been made in the Programme and Budget for 2014–15 for the first meeting of the Special Tripartite Committee. Therefore, a decision to establish the Committee at the 318th Session of the Governing Body would have no additional financial implications other than the normal costs related to the communication of any proposals for amendments to Members. It is understood, however, that proposals for amendments to the MLC, 2006, cannot be formally put forward before 20 August 2013, the date of entry into force of the MLC, 2006.

8. *The Officers of the Governing Body recommend that the Governing Body:*

- (a) establish the Special Tripartite Committee to give effect to Article XIII of the MLC, 2006, on the understanding that the Committee will not meet until a definitive decision is taken by the Governing Body at its 319th Session;*
- (b) appoint to the Committee, having consulted the Joint Maritime Commission in accordance with Article XIII, paragraph 2, of the MLC, 2006, 15 Shipowner representatives and 15 Seafarer representatives, who would be named in the decision; and*
- (c) invite the Government of each Member that has ratified the MLC, 2006, to nominate two Government representatives to the Committee and to notify their names to the Director-General.*