

**Seventh sitting**

Wednesday, 22 February 2006, 11.15 a.m.

President: Mr. Schindler

Original French: The PRESIDENT

Our programme today is a particularly heavy one since we have to examine the report of the Credentials Committee, then the report of the Committee of the Whole on its work from 7 to 17 February, followed by the proposed consolidated maritime labour Convention, and, finally, the second report of the Selection Committee.

**REPORTS OF THE CREDENTIALS COMMITTEE:
SUBMISSION AND NOTING**

Original French: The PRESIDENT

The first question on our agenda for today is the consideration of the reports of the Credentials Committee. I am going to call upon the Officers of this Committee to come up to the rostrum: the Chairperson, Mr. Ezeasor; Mr. Sulpice, Employers' delegate; and Mr. Crumlin, Workers' delegate.

I now give the floor to Mr. Ezeasor, Government delegate, Nigeria, Chairperson and Reporter of the Committee, to introduce the report.

Mr. EZEASOR (Government, Nigeria; Chairperson and Reporter of the Credentials Committee)

It is an honour for me to present a brief summary of the activities of the Credentials Committee for this Maritime Session, the Committee's first and second reports (*Provisional Records* Nos. 2B and 2C).

I have the pleasure to inform you that interest for this session confirms the historic importance of the text we have been discussing. Some 106 out of 178 member States of the International Labour Organization are represented at this Maritime Session. This represents almost 60 per cent of all member States and is an important increase compared to the previous Maritime Session (84th) in 1996, when 48 per cent of the member States were represented, or the 74th Maritime Session in 1987 when 51 per cent of the member States were represented.

The total number of regular delegates accredited is also impressive. While we had 267 in 1987 and 290 in 1996 – they are now 380.

During the Maritime Session, the Committee received only one objection, which was filed outside the deadline, regarding the nomination of a Workers' delegate to the Maritime Session. In light of the fact that the Committee did not have to examine this late objection, it witnessed an unprecedented situation in the ILO's history whereby there are no recommendations to the Conference regarding the

nomination of the delegates or their advisers. The Committee notes with pleasure that governments and social partners have respected the rules regarding nomination established by the ILO Constitution. The Committee hopes that the example of this Maritime Session will be followed by future sessions of the International Labour Conference.

The Committee received five complaints regarding the non-payment or partial payment of the expenses of representatives of the Seafarers. The Committee's conclusions regarding those complaints are reflected in its second report.

The Committee also notes with satisfaction the increased number of women at this Maritime Session, when compared with the previous Maritime Session in 1996. Women represent 19 per cent of the delegates and advisers accredited to the Maritime Session, while they were only 9.8 per cent at the last Maritime Session in 1996 and less than 3 per cent at the 74th Maritime Session in 1987.

I would like to thank the Conference for showing confidence in me by appointing me both as a member and as Chairperson of the Credentials Committee. I would also like to thank my colleagues, Mr. Guy Sulpice, Shipowners' delegate of France, and Mr. Pdraig Crumlin, Seafarers' delegate of Australia, for the spirit of cooperation and consensus in which we worked during this Conference.

Finally, I would like to thank the members of the secretariat of the Committee for their hard work and cooperation, which enabled us to achieve consensus in all our deliberations. Our sincere appreciation goes to the Director-General and the Office of Legal Services of the ILO for their support. Thank you very much.

Original French: The PRESIDENT

Thank you very much, Mr. Ezeasor. I note with great satisfaction that the report gives us interesting figures, particularly the total number of persons accredited (1,135), the number of countries present (106), the increase in the proportion of women in delegations. I hope that this also will be a historic moment in the work of the Organization.

I would recall that the reports which are before you were adopted unanimously by the Committee. Thus the Conference is invited to take note of them. If there are no comments, may I take it that the Conference has taken note of the reports which have been presented to us?

(The reports are noted.)

I would like most sincerely to congratulate the members of the Credentials Committee on their excellent work and also to express my appreciation to the secretariat which supported them throughout their work.

**REPORT OF THE COMMITTEE OF THE WHOLE:
SUBMISSION, DISCUSSION AND APPROVAL**

Original French: The PRESIDENT

We will now turn to an important element of our work: the consideration of the report of the Committee of the Whole, contained in document *Provisional Record* No. 7, Part I. When we have concluded our consideration of this report, we will continue with the adoption of the proposed consolidated maritime labour Convention contained in *Provisional Record* No. 7, Part II.

The Officers of the Committee of the Whole, as you are aware, were as follows: Chairperson, Mr. Carlton; the Employer Vice-Chairperson, Mr. Lindemann; and the Worker Vice-Chairperson, Mr. Orrell. The Reporters were Ms. Abdel Hamid Elsayed, Mr. Bell and Mr. Boumpopoulos. I would like to invite these people to come up to the rostrum.

I will now give the floor to the Reporters to introduce the report of the Committee of the Whole, and we will begin with Mr. Boumpopoulos.

Mr. BOUMPOPOULOS (*Government, Greece; Reporter of the Committee of the Whole*)

At the opening of the 94th (Maritime Session) of the International Labour Conference, all speakers underlined the historic importance of this Conference. During the deliberations in the Committee of the Whole established by the Conference, some of us were reflecting that the next Maritime Session will surely not take place for a few years. So it is far more than a mere formality for me to state that it is a great privilege, for which I am sincerely and deeply honoured, that the Committee of the Whole has entrusted me to be among those to introduce its report, and to address the Conference in order to report that the maritime sector has led the way in implementing decent work.

The Committee of the Whole, through hard work, commitment to tripartism and dialogue, and the development of the maritime labour Convention, has turned vision into reality by introducing the “fourth pillar” of regulation of maritime activities, a living instrument that is easy to understand, and one that can be applied globally, readily updated and uniformly enforced once it comes into force. An instrument that is an effective, modern and global response for the maritime industry, a truly global industry; an instrument that is the outcome of putting into practice one of the main positive elements of globalization: that of cooperation and collaboration.

In referring to the background of the Committee’s work, please allow me to take the liberty of comparing the whole process of the development of the Convention to *The Odyssey* – the widely and well-known story of Odysseus brought to us by Homer.

This is how the story begins:

“Sing to me of the man, Muse, the man of twists and turns driven time and again off course, once he had plundered the hallowed heights of Troy.

Many cities of men he saw and learned their minds,

many pains he suffered, heartsick on the open sea,
fighting to save his life and bring his comrades home.”

In reality, the story begins with the “Geneva Accord”. The idea of the Workers and Employers in the Joint Maritime Commission for a new approach to maritime labour standards which would ensure the comprehensive and effective protection of seafarers’ rights to decent work, and a level playing field for governments and shipowners, with flexibility as to the means of delivering this protection.

The Governing Body of the ILO endorsed the idea and established, by a decision taken at its 280th Session in March 2001, a High-level Tripartite Working Group on Maritime Labour Standards to assist with the work of developing such an instrument. The first session of the High-level Tripartite Working Group laid the foundation of the outcome now before you. In total, four week-long meetings of the High-level Tripartite Working Group took place between 2001 and 2004. In addition, two week-long meetings of a subgroup of the High-level Tripartite Working Group met during the same period to discuss proposals.

The results of these consultations were submitted to the Preparatory Technical Maritime Conference held from 13 to 24 September 2004. In order to complete the work of the Preparatory Technical Maritime Conference, the Governing Body approved and endorsed its request for a Tripartite Intersessional Meeting on the Follow-up to the Preparatory Technical Maritime Conference, and this took place from 21 to 27 April 2005.

I do believe you will now appreciate that my reference to *The Odyssey* is justified.

The Committee of the Whole had before it, as a basis for its work, two reports prepared by the Office: Report I(1A), *Adoption of an instrument to consolidate maritime labour standards*, Report I(1B), *Proposed consolidated maritime labour Convention*. These reports are an accurate reflection of the work accomplished during those five years of difficult and challenging negotiations.

The report of the discussions we had in the Committee of the Whole is a long one, but it should be, since it will be particularly important when anyone interested examines why certain things happened, or did not happen.

The outcome of this Conference is, among other things, a result of the hard work and commitment of very many people at national, regional and international level. Having said that, please allow me to make a special reference to Mr. Frantz Miller, former Head of Division for Seafarers’ Social Protection, Manning and Training at the Danish Maritime Authority. Our colleague Frantz fell ill during a subgroup meeting in 2003. He suffered a serious stroke and, as I understand from our Danish colleagues, has not fully recovered.

Mr. President, confident that I am reflecting the sentiments of all present, I would kindly ask you to consider, once the Convention is adopted, to sign a formal letter to Frantz Miller acknowledging his contribution to the achievement of this final goal and, on behalf of all participants to the Conference, wishing him all the best.

I will not omit to acknowledge and underline that, for the outcome of our work and for this report of the Committee’s work, particular thanks are due to the Office. Allow me particularly to single out:

Monique Zarka-Martres, Terry Powell, Antoinette Juvet-Mir, Dominick Devlin, Moira McConnell, Tomi Kohiyama, Dani Appave, Brandt Wagner, Jean-Yves Legouas, Joachim Grimsmann, Catherine Brakenhielm Hansell, Dmitri Pentsov, Guillaume Loonis-Quelen, Gyeong Park, Anamaria Vere, George Politakis, Cristine Bader, Martin Hahn, Mark Johnson, Bob Drew. They, and their colleagues, experts, translators, interpreters, clerks, text processing operators, have worked tirelessly – day and night – on our behalf and for the common purpose, to benefit the maritime industry. I would especially like to thank Ms. Ann Herbert and Mr. Javier Escobar, who have skilfully coordinated and organized our work. Special tribute should be paid to the contribution of the Legal Adviser, Mr. Loïc Picard, and his staff, and the remarkable and excellent work of the Drafting Committee.

It is impossible to close without a special mention for Ms. Cleopatra Doumbia-Henry. Madame, you are an exceptional woman. Your name and your outstanding personality will always be closely associated with the maritime labour Convention.

With these words, please allow me to pass the floor to my colleague, the distinguished Government representative of the Bahamas, to report in further detail on the work accomplished by the Committee of the Whole over the past two weeks. Thank you so much.

Mr. BELL (*Government, Bahamas; Reporter of the Committee of the Whole*)

It is a great privilege to address the 94th (Maritime) Session of the International Labour Conference and I am honoured that the Committee of the Whole has chosen me to introduce our report in conjunction with my good colleague, George Boumpopoulos. It is unfortunate that the third member of our team, Fatma Abdel Hamid Elsayed, was called back to her capital on urgent business. It is a particular pleasure for me because I am able to report on the success of our Committee in producing what I am sure you will agree is a fine instrument.

My colleague has given you the background to the Convention, which means that I can talk about the development of the instrument in this meeting. The instrument is large and comprehensive, it brings together 68 existing maritime instruments, and to try to describe it in any degree of detail would be impossible in the time that is available. I shall therefore pick out some of its features and the way in which the Committee has worked.

If there are two words which sum up the Committee's work they are "compromise" and "respect". Compromise is a word which can be quite derogatory, it can imply that we have reached the lowest common denominator. In fact what we have achieved is the highest possible level of tripartite agreement on a variety of topics which cover almost every aspect of a seafarer's life. We have been able to achieve this degree of compromise due to the respect which all of the parties have for each other.

Those of you who have not attended the earlier preliminary meetings may be surprised that so few changes have been made to the draft that was presented to us by the Office at the beginning of our meeting. This is a tribute to many people – all of those who participated in the earlier meetings, the wise guidance of those who have led those meetings and, above all, the Office which has transformed

some disjointed discussions into a logical and comprehensible draft. And, of course, that team was led by Cleopatra Doumbia-Henry, who has been the driving force behind the whole exercise. I am sure that others will expand on the importance of her role during the morning. It was during these preliminary meetings that the mutual respect between the parties was developed.

There were some 115 amendments proposed, of which 57 were adopted either as presented or as subamended. A few proposed amendments were for editorial changes, but most were substantial. No country or group put forward proposals for unimportant changes; all of the substantial proposals were submitted because the proposers felt strongly about the subject matter. That so many were withdrawn, allowed to fall or accepted in a modified form, shows the cooperative spirit in which the Committee carried out its work.

The instrument consists of: a preamble; articles, which set out the core rights and principles and the basic responsibilities of the Member; and five separate Titles, each covering an important sector of the seafarer's work and life – and it always has to be remembered that most seafarers have to live on the ship as well as work on it. Each Title consists of regulations and a Code. The Code has two sections: Part A is mandatory and Part B is guidance, which parties to the Convention are required to give due consideration to when implementing their responsibilities under Part A.

This Convention has broken new ground for the ILO. The ways in which the Convention has been prepared have been novel and many procedures have been streamlined to speed up acceptance of its contents on a tripartite basis. The Convention itself has a number of innovative features, one of which will permit the Code to be readily amended when certain prescribed conditions have been met. This will allow the Convention to be kept up to date and relevant to the needs of seafarers. Perhaps most importantly, the provisions of Title 5 set out the means of enforcement by both flag State and port State, which will ensure that the Convention has teeth. Ships covered by the Convention will be inspected by the flag State and certificates will be issued confirming compliance. Port States will be able to inspect the certificates during their port State control inspections but will be able to carry out further inspections if there are clear grounds for doing so. There is also a clause which ensures that ships of non-parties to the Convention will be given "no more favourable treatment" when entering the ports of a State which is a party. The enforcement provisions will provide a big incentive to States to ratify the instrument and will reassure both social partners that ships will operate on a level playing field.

The Convention is comprehensive in its coverage; the terms "seafarer" and "ship" have been given very broad definitions to bring the maximum number of those serving on ships under its protection. At the same time, some flexibility has been built in, such as "substantial equivalence" and the ability for an administration, after consultation with its social partners, to make decisions on borderline cases about who should be a seafarer. This will allow for widespread ratification.

There were a small number of sticking points during our discussions, one of which was determining the proper entry into force conditions. On one occasion we had to resort to a vote by a show of hands,

but, on other occasions, it was possible to resolve problems either by setting up a small working party, by proposers deciding to withdraw their amendments or by a compromise text being found. The Committee was also helped in some of its more difficult decisions by guidance from the Steering Committee. The unanimity achieved was remarkable. There are 106 countries taking part in this Conference and more than 1,100 delegates. That so few areas of disagreement have been found and to be able to reach consensus on so much is something of which we can all be proud.

When George began his introduction, he took us back to Greek mythology. And I want to bring us much more up to date and to true history. In 1492, which was just before I was born, Columbus set sail looking for a short cut to China and India. Instead he found a new world and the first place that he discovered was the Bahamas. He landed on San Salvador Island. Nearly five years ago, we set out on a journey to amalgamate many of the existing maritime instruments and, where necessary, to bring them up to date. Instead we have before us a Convention that has been described as a bill of rights for seafarers and the fourth pillar of the body of maritime legislation. In other words, Columbus found something which he could not have dreamed of when he set out, he discovered the Bahamas. We also have achieved something which we could not have thought possible when setting out on this voyage, our fine Convention. Fortunately, we have had something which Columbus did not have. We have had a pilot to guide us through the final shoal waters, and it is important to recognize the important role which Bruce Carlton has played in the past two weeks as Chairperson of the Committee of the Whole.

We have before us the largest Convention that the ILO has ever produced – 108 pages. It is the most comprehensive Convention that the ILO has ever produced. It marks a major step forward for seafarers. It is the result of massive tripartite effort. I recommend that this Maritime Session of the International Labour Conference adopts the report and the Convention, including its Appendices. This is an historic document, so let us make tomorrow an historic day. Tomorrow will be a day to live in the memories of all those in the shipping industry. All of you will want to have been part of a successful session of the Conference and to have contributed to this groundbreaking Convention. I urge you all to vote “yes” tomorrow.

Mr. LINDEMANN (*Employer, Germany; Employer Vice-Chairperson of the Committee of the Whole*)

In closing the final session of the Committee of the Whole last Friday, its excellent Chairperson, Bruce Carlton, spoke of the “long and winding road” which we had to travel to get to where we are today. In my opening remarks to this plenary some two weeks ago, I spoke of our hopes that this Conference would make history.

It may have seemed a long and winding road, but we have got to the end of it and we have made history.

I attended my first Maritime Session of the International Labour Conference in 1975-76 and this will be my final one, so perhaps I may be permitted a little self-indulgence in recalling what we have achieved.

Shipping is a uniquely international industry, an essential component of world trade and of the prosperity of nations. Heavily regulated, it depends on the effective development and enforcement of international standards to enable fair competition to flourish. But despite the best endeavours of this Organization, the application of common international maritime labour standards has been patchy.

This Conference, and the long and winding road that we took to get here, has changed all that. We now have a single maritime labour Convention embracing virtually all we need in order to establish a uniform and acceptable regime for the world’s seafarers. As has been said several times over the past two-and-a-half weeks, we have finally erected the fourth maritime regulatory pillar to stand alongside SOLAS, MARPOL and STCW.

This has been an exercise of real vision, and all of us can feel justly proud of what has been achieved. It is of course now up to all of us to make it work but, given the spirit which has characterized our work, I have no doubts that we will succeed.

So, what is now required? First, we look for a resounding endorsement of the Convention when we vote tomorrow. From the Shipowners’ side, we would urge all present to record a unanimous “yes” vote so that we can give a clear signal of support for what has been achieved. Secondly, we look to all governments to set in hand promptly the measures necessary to enable them to proceed towards ratification of the Convention in a timely manner. And thirdly, we call on the Office to make the necessary arrangements to assist those administrations which need assistance in implementing the Convention. These are all the important steps which will need to be taken.

Finally, may I close by paying tribute to those who have helped us make all this possible: to our social partners, for sharing the vision of a consolidated Convention and, despite the inevitable differences, for ensuring that we finished up where we wanted to be. To the Governments, for buying into the process and accepting the responsibilities that will fall to them. And to you, Mr. President, who have guided us with such a friendly but firm hand, not only during these weeks but during so many preparatory weeks over the past few years; to Bruce Carlton, who has achieved so much with good humour and good grace in the Committee of the Whole and its equivalent at the Preparatory Technical Maritime Conference; to the interpreters, whose skills turn incomprehension into comprehension even late in the evening; to my own excellent team on the Shipowners’ bench, whom I have been proud and privileged to lead; and last but not least, to what our report prosaically refers to as “the representative of the Secretary-General”, Ms. Cleopatra Doumbia-Henry. Despite all the work we and our colleagues have done, this whole venture would not have been possible without the drive and energy of Cleo, who must have made life a misery for those who have been above or below her, but has nevertheless seen this magnum opus through to its fruition. Thank you to her and her entire team. You have done us proud.

We can feel genuinely pleased with what we have achieved. We *have* made history and produced a Convention which I hope this Organization can regard as a model. We have an industry of which we can be justly proud, and this Convention is a testa-

ment to its determination to shoulder its responsibilities as it should.

I pay tribute to all of those who have made this possible.

Mr. ORRELL (*Worker, United Kingdom; Worker Vice-Chairperson of the Committee of the Whole*)

There are a couple of comments I would like to make before I start my prepared speech.

When we opened the Committee of the Whole, the Seafarers referred to that rock group, the Beatles, a very popular group, and the words of "The Long and Winding Road". And at the close of that meeting, our Chairperson, Bruce Carlton, not only referred to that long and winding road but threw down a musical challenge for us. So my opening paragraph is a tribute to Bruce and the challenge, so that, when he responds, we want to know where some of these phrases came from.

To reach this point, we followed a long and winding road and, with good will and willingness to listen and to compromise on all sides, we have been able to find a bridge over troubled waters. And this has allowed us to go further and to find the sound of silence. And now back, of course, on to my text.

The Seafarers believe that the agreement that we have achieved satisfies everyone. Of course, there are areas which we would all have preferred to have turned out differently, but that is the nature of tripartite negotiations here at the ILO. In fact, it serves to show that tripartite social dialogue can work and this will hopefully strengthen the ILO process in other areas.

We believe that the agreement we have concluded will make a significant contribution to ensuring decent work at sea and will make a real difference to the lives of many of the world's seafarers. It is well balanced between the rights of seafarers and flexibility in application, along with a robust enforcement and control mechanism. It also contains a number of significant innovations to the normal ILO process. It is to be hoped that the Convention will be widely ratified, achieving the aim of providing the fourth regulatory pillar for the maritime sector and that it will do for the social and labour dimension what the International Convention for the Safety of Life at Sea (SOLAS), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and the International Convention for the Prevention of Pollution from Ships (MARPOL) have achieved for maritime safety, training and the protection of the marine environment.

The text reflects applicable international law, including the fact that the flag State has the primary responsibility to ensure that ships which fly their flag conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to secure their observance.

During the long years of negotiations, considerable concessions have been made by all sides, and this has enabled us to secure the generally accepted agreement we believe that we have concluded. Considerable concessions have also been made at this meeting of the Committee of the Whole, the final negotiating session, in order to meet the needs articulated by various parties, including the Seafarers. It is to be hoped that those States which have benefited from such accommodation will ratify the Convention. Otherwise, many of us will conclude that

they did not negotiate in good faith and this will have implications for future negotiations, both in the ILO and elsewhere. We believe that when the ILO constituents agree to a request for an understanding to accommodate specific national conditions, then those who have secured such an understanding have an obligation to all the others to ratify the Convention.

In our work, we have benefited hugely from a very able Chairperson of the Committee of the Whole, Bruce Carlton. He displayed good judgement and a good sense of humour, even in the darkest hour. Few would not agree that his laid back style is a façade behind which there lies a clearly focused determination to secure a mutually satisfactory conclusion. Bruce, I and the Seafarers thank you for your hard work and dedication to a successful outcome.

It is our normal experience that the Government group is unfocused and sometimes too introspective to be able to adapt and meet the needs of the social partners and, in the process, where needed, to bang the heads of the social partners together. This has not happened on this occasion and the work of Mr. Zhang is greatly appreciated. Without the carefully drafted compromise he presented at the Intersessional Meeting on Title 5, it is doubtful that this meeting would have taken place and we wholeheartedly thank him for that.

We have had all the support we could ask for from the Office. The quality of the documentation has consistently been high, reflecting careful drafting and detailed research. We have benefited from excellent interpretation, which has allowed us to understand one another, and that is no mean feat when I get going! I believe the interpreters deserve particular credit for interpreting my contributions. The hard work and long hours of the Office staff have ensured that the documents needed to secure agreement have been speedily put before the meetings. We would also like to compliment the former Legal Adviser, Loïc Picard, as he has consistently been able to provide legal opinions which have helped to avoid complete deadlock, offering an acceptable way forward.

Then of course we must turn to Cleo – and she is there so we can say good things! Cleo, whose vision, resolve, hard work and commitment, and single-minded determination have often been crucial to moving the process forward. She has ensured that procedure never stood in the way of progress. It is clear to us that, without Cleo driving the process forward, we would never have had a Convention to adopt.

I would again like to compliment my opposite number in the Shipowners' group on his statesmanship. Dierk represented the interests of shipowners very ably but he also ensured that pragmatism and ILO tripartite values prevailed over ideology and dogmatism. Without his maturity, diplomacy and commitment to true social dialogue we would never have reached this successful conclusion.

It should also be noted that this is likely to be the last ILO maritime meeting for a significant number of people, some of whom have been fixtures at such meetings for many years. We wish them all well for the future.

I and the Seafarers leave here optimistic that there is the political will to ensure that the agreement we have reached will be turned into action at the national level and that the ratification process will

swiftly result in the Convention being transposed into national law. Of course, the Seafarers' group will, and will recommend everyone else to, vote yes when we are offered the opportunity to adopt the Convention tomorrow. Thank you.

Mr. CARLTON (*Government, United States; Chairperson of the Committee of the Whole*)

I believe that I am now honour-bound to respond to the challenge that has been presented to me by the honourable leader of the Seafarers' group, Mr. Brian Orrell. He has challenged me – and I take up your challenge, sir – to find a bridge over troubled waters and the sound of silence, as in the song brought to us by the only two people we know today who are not accredited to attend this Convention meeting, Simon and Garfunkel! And if we really get going on this theme, we could talk about how we have been at the crossroads of our work, a piece that was brilliantly reinterpreted by a group from the United Kingdom, composed of Eric Clapton, Ginger Baker and Jack Bruce – known as Cream. As I said on Friday night, this leads directly to who wrote that music; Crossroads was written by a brilliant African-American in the 1930s. His name was Robert Johnson. I had better stop there!

As I said at the close of the last sitting of the Committee of the Whole, it has been an honour and a privilege for me personally and for the Government of my country, the United States, to have been asked to serve as the Chairperson of the Committee. It has also been a particular pleasure to have had the opportunity to work closely with the Vice-Chairpersons, Mr. Brian Orrell of the United Kingdom, and Mr. Dierk Lindemann of Germany, and with the members of the Steering Committee.

I am very proud of the work of the Committee of the Whole. It was given an enormous task – a detailed consideration and review of more than 100 pages of legal text that, when adopted, will be called the maritime labour Convention, 2006. As you have heard from our Reporters, we successfully completed our work and you have the proof before you. This was a task that three technical committees of the PTMC were unable to finish. Earlier this week, the Secretary-General of the IMO called it the “super Convention”. In my view it was the “super performance” of the Committee of the Whole that made it possible.

On the Committee's behalf, I would like to acknowledge the excellent work of our three Reporters: Ms. Abdel Hamid Elsayed of Egypt, Mr. Douglas Bell of the Bahamas and Mr. George Boumpoulos of Greece. They have presented us with a clear, concise, accurate and inspiring account of the Committee's work in their summaries and the very large report that we will consider today. Thank you very much for your work. It appears that, in addition to the DVDs, the CDs and the Convention, our work has also produced a very large book. This leads me to also acknowledge and thank in this plenary the highly professional secretariat of the Committee, the very many persons behind the scenes who produced this report and the numerous documents that we received every day. We all believe that we have worked very hard over these weeks, but please realize that their work began when we went home.

I also want to put on record in the plenary my gratitude and convey my respects to you – all of the participants in the Committee of the Whole. The

Committee was only able to carry out its mandate because its members were well prepared, articulate and focused. They brought with them a deep understanding of the content and context of this new Convention; they brought a deep appreciation of the work in this body over many decades; and they fully understood the implications of our work for the decades to come. Committee members were willing to take risks, seek solutions to difficult problems and, when necessary, to make some hard decisions. Even the disagreements were respectful. We had our moments of humour and celebration and even singing! I wonder how many International Labour Conferences sing together? But most importantly, we got our work done and we have produced a Convention with which we are, and will continue to be, proud to have been associated.

While I suspect our working times were not all in strict compliance with a number of labour standards, we were, in my view, engaged in decent work. Certainly it was work that was meaningful, creative and respectful. We had clear goals and we have demonstrated measurable achievements. At the very least, that pile of amendments kept getting smaller.

The decision of the plenary to establish a Committee of the Whole and to work within the ILO's traditions and Standing Orders was very important to our success. Their decision to give us some freedom and flexibility inside those traditions and rules – to allow form to follow function – was the essential key to our success. The Steering Committee, which I understand was something new to the ILO, was also very important. It was really working on our behalf to try to allow the Committee work to proceed while particular difficulties were worked out and proposals for solutions brought back for our consideration.

As the Chairperson, I was especially happy, on occasion, to be able to pass the ball to the President of the Conference and the “Friends of the Chair”. This was a tremendous help to the Committee, and demonstrated the leadership qualities of Jean-Marc Schindler. I want to offer a very special “thank you” to all the delegates who worked in the extra meetings of the working parties to deal with special problem areas and I cannot tell you how grateful I am that we did not, as a Committee of the Whole, have to engage in detailed discussions on the entry into force and amendment provisions, but instead benefited from the wisdom of the Working Party.

I hope that the Director-General and the Chairperson of the Governing Body have noted how well this approach worked. We were innovative and I think we have raised the bar for future International Labour Conferences. I believe that our work – and our way of working – will create new expectations for future International Labour Conferences. Certainly, everyone will expect them to be as interesting and as much fun as this one. I also hope that they produce Conventions that are as strong as the one we have just produced. I am going to close by asking you two questions. First, “would you want to repeat the work of the past five years on this new maritime labour Convention?” I think that for all of us the honest answer is “no”. But, my second question is “are you proud of your work over these five years, and the product of all of that work, this new fourth pillar, this new maritime labour Convention?” I can speak only for myself, but my answer is

an unqualified “yes”. I hope you share my view. Thank you very much.

Original French: The PRESIDENT

I declare the discussion open and I give the floor to Ms. Mohamed, Government delegate, Kenya, speaking on behalf of the Africa group.

Ms. MOHAMED (*Government, Kenya*)

I speak on behalf of a number of African delegations that are present here today; Nigeria, Kenya, Sudan, Liberia, Mozambique, Namibia, Egypt, Tunisia, Ghana, Algeria, Senegal and South Africa. The delegations on whose behalf I speak would like to join with the rest of the speakers who spoke before us to congratulate you, Mr. President, on your election. We also would like to extend our condolences to the people in the Government of Egypt for the tragic loss of lives from the *al-Salam*.

As we head towards the conclusion of this Conference, we wish to pledge, on behalf of the Governments and the peoples of Africa, that we will work together with all of you and those who you represent – and that, in fact, is the rest of the world – in making the maritime transport industry a catalyst for a safe, secure and efficient international trade.

We welcome this consolidated maritime labour Convention as an instrument that would invariably contribute towards the achievement of the Millennium Development Goal of halving poverty by 2015, an objective which requires, on the part of the African countries, an annual average economic growth rate of 7 per cent.

Now, as you know, we are not there yet, but we do intend to get there. Africa represents close to 9 per cent of the total world merchant fleet. Whilst the TEU capacity of containerized cargo in respect of Africa has been increasing steadily and consistently with other regions, the merchant fleet for developing countries of Africa decreased marginally to 5.6 million dwt. in 2005. This poses a structural impediment to our potential to grow our economies and revise the cycle of grinding poverty and unemployment.

In today’s world of rapid and rampant globalization, where the economic gap between the rich and the poor, the majority of whom come from Africa, has widened, and continues to do so, we believe that we indeed have no choice but to defend the agenda of developing countries. We also believe that we can address this glaring imbalance, if together with all of you we place development at the core and centre of our activities.

This is the agenda that the African Union has in its sights as it embarks on the review of the African Maritime Transport Charter. The review should undoubtedly take into account new developments in the maritime sector including the values espoused by the consolidated maritime labour Convention.

It is against this background that we call upon the International Labour Office to take proactive measures, in partnership with African States, to ensure the rapid adoption and implementation of the consolidated maritime labour Convention. Such a partnership would enable African States to improve their ratification record, which we are not extremely proud of, and which regrettably shows that only 15 States have ratified the previous maritime labour Conventions and Recommendations.

The measures that we have described should of necessity complement initiatives taken by other global players, initiatives that are aimed at finding sustainable solutions to the challenges that are facing Africa. This can only enhance Africa’s ability to pursue its development agenda – that of responding to the eradication of poverty and unemployment.

We pledge that this consolidated instrument shall receive overwhelming support from all of us African countries and we thank you for affording us audience. We are honoured to have participated in this process – historic process, may I add – and proud of the outcome.

Original French: The PRESIDENT

As there are no further speakers, I propose that we proceed with the approval of the report of the Committee of the Whole, i.e. the summary of the discussions contained in paragraphs 1-1176.

Mr. LIDAL (*Government, Sweden*)

I should be grateful if a correction could be made in paragraph 909 in the English version. It concerns the year of adoption of the International Covenant on Civil and Political Rights, which was adopted in 1966 and not in 1996.

Original French: The PRESIDENT

Thank you, that correction will be made. If there are no objections, I shall take it that the report is approved.

(The report – paragraphs 1-1176 – is approved.)

**PROPOSED CONSOLIDATED MARITIME LABOUR
CONVENTION: ADOPTION**

Original French: The PRESIDENT

We will now continue with the adoption of the proposed consolidated maritime labour Convention, which is found in *Provisional Record* No. 7, Part II, Article by Article and Regulation by Regulation, beginning with the Preamble.

(The proposed Convention – the Preamble, Articles I-XVI, the Regulations and Code, and the Appendices – is adopted seriatim.)

If there are no objections, may I take it that the proposed consolidated maritime labour Convention as a whole, including the Regulations and Code, and the Appendices, is adopted?

(The proposed Convention, as a whole, including the Regulations and Code, and the Appendices, is adopted.)

According to article 40, paragraph 7, of the Standing Orders of the Conference, the provisions of the Convention that we have just adopted will be submitted to the Drafting Committee of the Conference, so as to ensure that all the provisions adopted are found in the definite text.

Mr. ALIYU (*Government, Nigeria*)

I felt that after we had gone through all those papers and adopted them, Mr. Bruce Carlton did not get a “thank you” from the low table. All the congratulations and gratitude were from the high table, so I thought that Nigeria would join the delegates from the low table in thanking Mr. Carlton and his team for an excellent job. I was waiting to see how many comments would come, and the only comment that came was a correction.

Original French: The PRESIDENT

I would like to thank you all today, each and every one of you, for having adopted this Conven-

tion. I believe it is a major step forward and we have not yet measured its full impact.

(The Conference adjourned at 12.55 p.m.)

Eighth sitting

Wednesday, 22 February 2006, 3.25 p.m.

President: Mr. Schindler

Original French: The PRESIDENT

Before we begin our work, I would like to make a correction briefly: There is a mistake in the English version of *Provisional Record* No. 13. At the sitting to which this *Provisional Record* refers, I thanked the Government of the People's Republic of China; the English version was incorrect. The Spanish and French versions of this *Provisional Record* are correct. The English version will be corrected accordingly.

I will now give the floor to Mr. Paddy Crumlin, who wishes to address the assembly.

Mr. CRUMLIN (*Worker, Australia*)

In my response on behalf of the Seafarers on Monday, I referred to a number of clear examples of the difficulties that seafarers can face and do face on specific vessels. I would like to make it perfectly clear that I did not wish to offend any particular State as such.

SECOND REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND APPROVAL

Original French: The PRESIDENT

We shall now proceed to the main item on our agenda, which is the approval of the second report of the Selection Committee, contained in *Provisional Record* No. 3-1. It is now my pleasure to give the floor to Ms. Ribeiro Albuquerque, Chairperson of the Selection Committee, who will present the report.

Ms. RIBEIRO ALBUQUERQUE (*Government, Brazil; Chairperson of the Selection Committee*)

It is my honour to submit to you the second report of the Selection Committee. As you are aware, the Selection Committee was made responsible by the Conference for examining any resolutions related to items included on the agenda and for reporting back to the plenary on these tasks.

Twenty-one resolutions were submitted to the Conference within the established deadline and deemed receivable by the Officers of the Conference. This large number of resolutions is certainly a sign of the great interest that exists concerning the matters covered by the proposed consolidated maritime labour Convention, 2006, and the importance placed by all on the practical follow-up of issues to be addressed in order to support its successful introduction and implementation.

The Committee considered the draft resolutions at its meetings during the morning and afternoon of

Monday, 20 February. Despite the short time available for its work, it succeeded in reviewing all the texts proposed and adopted 17 of them. In this connection, I would like to stress the considerable efforts made by all members of the Committee, both in the meetings and during lengthy and extremely fruitful consultations, to arrive at the right degree of consensus on resolutions covering a wide range of subjects. All participants approached the task in a true spirit of cooperation and tripartism, and the discussions were a genuine example of social dialogue. I would like to express my gratitude to all members of the Selection Committee for this.

Of the draft resolutions not adopted by the Committee, one was not supported and consequently fell. Two were withdrawn when it became apparent that agreement would not be possible. Two more, submitted individually by the Shipowners and Seafarers, were combined and adopted as a single resolution. As I mentioned, and as can be seen in the report, the great majority of the resolutions were adopted by consensus. Where Members had reservations, these have been noted in the report.

The Committee saw the resolutions as a tool for establishing a full agenda of work for the implementation of the maritime labour Convention, 2006. The texts adopted are part of the process backing up this important ground-breaking instrument. The three groups are aware that in establishing this agenda for implementation, the resolutions call for a large number of tripartite expert meetings, with obvious cost implications for the ILO. However, I wish to stress that this is intended to be a long-term agenda, and the Committee hopes that the Governing Body will look favourably on its recommendations and accord them appropriate priority.

In closing, I would like to thank my colleagues in the Government group for the huge honour given to my country, Brazil, and to me personally, in electing me Chairperson of the Selection Committee. I would also like to add a special warm word of thanks to the Shipowners' and Seafarers' Vice-Chairpersons, Mr. Dierk Lindemann and Mr. Brian Orrell. Their great experience and negotiating skills were of invaluable assistance in our discussions. I would also like to give special thanks to all the Officers of the Conference, including Steve Marshall and Cleopatra Doumbia-Henry for their invaluable support.

With this, I submit the second report of the Selection Committee to the Conference and commend the report and the 17 resolutions it contains to you for adoption.

Mr. NYGAARD (*Government, Norway*)

We thank the Selection Committee for its report and for the resolutions submitted to us. This delegation wishes to offer comments on two of the resolutions: the resolutions concerning the development of guidelines for port State control and the development of guidelines for flag State inspection, respectively.

As for the port State control resolution, we will consider port State control as an important part of our national implementation of the Convention. We intend to seek cooperation with other Members in the context of the Paris Memorandum of Understanding on port State control to ensure that our national implementations are harmonized. We expect that this national implementation has to be started before there will be any outcome from the process described in the resolution. We look forward to the prospective ILO guidelines to create a further global harmonization, where the experience from the Members' national implementation may be utilized.

As for the flag State inspection resolution, we expect the task described in the resolution to take some time to implement for budgetary and practical reasons. We wish to emphasize that Members should not delay their ratifications and their national implementation of the Convention in order to allow these guidelines to be developed first, but rather seek to develop national procedures as required. We also believe that prospective ILO guidelines should be based on some national experience of implementation of the Convention. Furthermore, we would point out that flag State inspections are the primary mechanism of enforcement, as compared to port State control. We should therefore give priority to establishing the procedures for flag State inspections, both nationally and for the prospective ILO guidelines.

Mr. EVANS (*Government, Australia*)

This delegation has amendments to interventions made by Australia in paragraphs 61 and 80. These have already been provided to the secretariat.

Mr. SMEFJELL (*Government, Norway*)

Just to say that I, as Vice-Chairperson of the Government group, spoke in the Selection Committee and will, therefore, need to make changes to paragraphs 109, 117 and 120. I have already submitted those changes to the secretariat.

Original German: Ms. SCHLEEGER (*Government, Germany*)

I would just like to say that we would like to see changed paragraphs 91 and 96. We will be submitting those changes to the secretariat.

Original French: The PRESIDENT

I suggest that we move to adopt the report of the Selection Committee with the amendments that will be submitted in writing to the secretariat.

In adopting this report, we will also be adopting the 17 resolutions attached which, as Ms. Albuquerque has explained, have all been adopted by the Committee itself.

If there are no objections, may I consider that the second report of the Selection Committee is approved and the 17 resolutions adopted?

(The report, subject to the changes requested, is approved and the 17 resolutions adopted.)

I would like to take this opportunity to congratulate the members of this Committee for the work they have done. I would also like to thank and congratulate the secretariat for the support which it has provided throughout its work.

NOMINATION OF THE MEMBERS OF THE JOINT MARITIME COMMISSION

Original French: The PRESIDENT

We still have one item to consider: the responsibility this Conference has to nominate the members of the Joint Maritime Commission. I will now give the floor to the Clerk of the Conference so that he can read out the list put forward by the groups for the Joint Maritime Commission.

The CLERK OF THE CONFERENCE

The Employers' group has selected the following persons as members of the Joint Maritime Commission:

Regular members:

Mr. Payne (*Australia*)
Mr. Morales (*Chile*)
Mr. Wengel-Nielsen (*Denmark*)
Mr. El Kady (*Egypt*)
Mr. Sulpice (*France*)
Mr. Lindemann (*Germany*)
Mr. Koltsidopoulos (*Greece*)
Mr. Hajara (*India*)
Mr. Aglieta (*Italy*)
Mr. Izuka (*Japan*)
Mr. Ali (*Kuwait*)
Mr. Hollaar (*Netherlands*)
Mr. Kazakos (*Cyprus*)
Mr. Vatne (*Norway*)
Mr. Salinas (*Philippines*)
Mr. Niemiec (*Poland*)
Mr. Park (*Republic of Korea*)
Mr. Volchenkov (*Russian Federation*)
Mr. Brookes (*United Kingdom*)
Mr. Cox (*United States*)

Deputy members:

Mr. Cabral (*Argentina*)
Ms. Simons (*Belgium*)
Mr. Oejo (*Mexico*)
Mr. Sprangers (*Sweden*)

The Workers' group has selected the following persons as members of the Joint Maritime Commission:

Regular members:

Ms. Mesatywa (*South Africa*)
Mr. Serang (*India*)
Mr. Idemoto (*Japan*)
Mr. Oca (*Philippines*)
Mr. Crumlin (*Australia*)
Mr. Wu (*China*)
Mr. Biesold (*Germany*)
Mr. Pavlov (*Russian Federation*)
Ms. Smith (*Norway*)
Mr. Di Fiore (*Italy*)
Mr. Berlau (*Denmark*)
Mr. Halas (*Greece*)
Mr. Abrahamsson (*Sweden*)
Mr. Pérez-Vega Artime (*Spain*)
Mr. Orrell (*United Kingdom*)
Mr. Jouault (*France*)
Mr. Berlan (*Croatia*)
Mr. Sarton (*Netherlands*)
Mr. Heindel (*United States*)
Mr. Almeida Filho (*Brazil*)

Deputy members:

Mr. Al Sobeihy (*Egypt*)
Mr. Buckman (*Ghana*)
Mr. Gralewicz (*Canada*)
Mr. Castro (*Argentina*)

Original French: The PRESIDENT

If there are no objections, may I consider that the nominations for the Joint Maritime Commission are approved?

(The nominations for the Joint Maritime Commission are approved.)

Original French: Mr. THULLEN (*Government, Ecuador*)

I would like to take this opportunity to express a few words of thanks to Ms. Albuquerque. I will do it in English because that is the language which we are speaking.

(The speaker continues in English.)

As a former staff member and delegate having attended many, many Resolutions Committees of the Conference, I just wanted to say, on behalf of the Governments here, that we appreciate the way you have conducted this meeting, with great efficiency and a sense of humour, and I must say in the face of considerable difficulties. I wanted to say thank you very much. You deserve a round of applause.

(Applause)

Original French: The PRESIDENT

I declare this eighth sitting closed.

(The Conference adjourned at 3.50 p.m.)

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