



## Reports of the Selection Committee

### Second report

1. The Selection Committee had before it 21 resolutions deemed receivable by the Officers and referred to it by the Conference. Its mandate was to consider these resolutions and report back to the Conference thereon.
2. The Chairperson explained that there was limited time to examine the proposed texts and suggested procedures to manage them be developed after consultations with the Officers. An index was tabled, giving a suggested order of priority in which the texts were to be examined, based on the degree of tripartite agreement they had achieved.
3. To further expedite the procedure, the formal process of written amendments would not be used. It was noted that a small tripartite group had been established to discuss possible modifications to three resolutions: those concerning social security; the International Safety Management Code; and the issuance of certificates on entry into force, to further facilitate the work of the Committee.
4. The Chairperson proposed specific time allocations for introductions of, and interventions on, resolutions.
5. These proposals were adopted by the Committee, which proceeded immediately with its work.

### Resolution concerning the promotion of the Maritime Labour Convention, 2006

6. The Shipowner Vice-Chairperson introduced the resolution and explained that promotion of the Maritime Labour Convention, 2006, was the next logical and important step after its adoption by the Conference.
7. The Seafarer Vice-Chairperson agreed with the introduction of this joint resolution.
8. The Vice-Chairperson of the Government group said that the Government group recognized the importance of this resolution, but submitted two subamendments which expanded its significance. Speaking on behalf of the Government member of Indonesia, he suggested to insert a new paragraph number 5 which read:

Confirming the resolution concerning technical cooperation to strengthen the capacities of the national administrations responsible for maritime labour inspection, adopted by the

In addition, the GRULAC States sought to enlarge the last paragraph by adding:

... in such areas as:

- technical assistance for Members, including on capacity building for national administrations and the drafting of national legislation to meet the requirements of the Convention;
- the development of training materials for inspectors and other staff;
- the training of inspectors;
- the development of promotional materials and advocacy tools for the Convention; and
- national and regional seminars, as well as workshops on the Convention.

9. The Shipowner Vice-Chairperson and the Seafarer Vice-Chairperson supported the amendment proposed by the Government group and the resolution was adopted as amended.

### **Resolution concerning the promotion of opportunities for women seafarers**

10. The Seafarer Vice-Chairperson introduced the resolution. He submitted a revision adding the words “to promote equality of opportunity for women and men;” after the word “Organization”, in the fifth paragraph, replacing the word “diversity”.
11. The Shipowner Vice-Chairperson supported the introduction of this joint resolution.
12. The Vice-Chairperson of the Government group supported the revised resolution, and the resolution was adopted by the Committee.

### **Resolution concerning the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers**

13. The Seafarer Vice Chairperson introduced the resolution, submitted jointly with the Shipowners.
14. He advised that, after consultation, he wished to introduce the following revision, under which the word “vacuum” in paragraph 4, was replaced by the word “gap”, and the word “mandatory”, in the last line of the last paragraph, was deleted. This resolution was important in order to support the continuing work of the Joint IMO/ILO Ad Hoc Expert Working Group.
15. The Shipowner Vice-Chairperson supported the resolution as amended, as it was crucial to maintain this important endeavour.
16. The Vice-Chairperson of the Government group supported the resolution as subamended, and the resolution was adopted by the Committee.

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## Resolution concerning the development of guidelines for port State control

17. The Government member of Greece, speaking on behalf of the sponsors, introduced a resolution calling for support and guidance for port State control officers.
18. The Shipowner Vice-Chairperson supported the resolution in principle, observing that it was indispensable to have guidelines to assist port State control officers in their work.
19. The Seafarer Vice-Chairperson submitted an amendment on behalf of both Seafarers and Shipowners, as follows:
  - Insert, after the third paragraph, a new paragraph to read:

“Mindful of the core mandate of the Organization to promote decent working and living conditions”;
  - Insert, before the last paragraph, a new paragraph to read:

“Recognizing the work done by the IMO in this area, and the importance the international community attaches to cooperation between international agencies”;
  - Replace the last paragraph as follows:

“Invites the Governing Body of the International Labour Office to request the Director-General to convene a tripartite expert meeting to develop suitable guidance for port State control officers and to request that the Office utilizes the technical expertise of the IMO in this area”.
20. The Government member of Greece accepted the first two proposals, but was concerned about the disappearance of the words “open to any member States”. He felt that all Members should be invited and the matter could be dealt with when the Governing Body took their decision. The Government member of Denmark concurred.
21. The representative of the Secretary-General informed the Committee that the Governing Body would always establish a balanced tripartite group of experts, and whilst other Government members could attend at their own expense as participating observers, this participation was subject to approval by the social partners.
22. The Seafarer Vice-Chairperson explained that he did not seek to exclude governments from the meeting, but was mindful of the ILO Governing Body concerns regarding the cost of such meetings. He noted that the Seafarers’ group supported the invitation of all other governments, as participating observers, at their own expense.
23. The Government members of the Bahamas and Pakistan supported the first two proposals, and agreed with the concept that other governments could participate at their own expense. The Government member of Singapore also agreed, but sought a clear commitment that no country would be barred from participating.
24. The Government members of Denmark and Germany proposed a subamendment to the last paragraph of the amendment to the effect that the meeting would be “open to observers from any member State”.
25. The Seafarer Vice-Chairperson was concerned that the Governing Body might assume that many governments eager to participate would be willing to pay, and therefore sought a low number of official tripartite representatives. It was important that the tripartite meeting be composed of a sufficiently high number of member States. He preferred to leave the text as

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it was presented in the amendment, and requested that the record reflect the willingness of the social partners to welcome other Government participants at their own expense.

26. The Shipowner Vice-Chairperson supported these comments.
27. The Government member of Denmark felt it was important to have participating observers – in other terms observers who could speak and put forward their views. This needed to be specifically stated. He would support a subamendment that spoke of a sufficiently high balanced representation with participating observers. The Government member of Australia was satisfied with the amended text, but suggested adding “the participation of observers” after “open to”. The Government member of Greece wished the Governing Body to be reminded that this Convention was a pioneer instrument. He supported a suggestion made by the secretariat that the views of the Committee be fully represented in the present report. The Government member of Denmark concurred and withdrew his subamendment.
28. The resolution was adopted as amended by the Shipowners’ and Seafarers’ groups.

### **Resolution concerning the development of international standards of medical fitness for crew members and other seafarers**

29. The Government member of the United Kingdom, speaking on behalf of the sponsors, introduced this resolution as amended by the Shipowners’ and Seafarers’ groups. The resolution and amendment were intended to ensure that common standards were applied uniformly throughout the world. The sponsors of the original resolution supported the amendment, which replaced the sixth and eighth paragraphs.
30. The Shipowner and Seafarer Vice-Chairpersons supported the amendments.
31. The resolution was adopted as amended.

### **Resolution concerning the promotion of the Seafarers’ Identity Documents Convention (Revised), 2003 (No. 185)**

32. The Shipowner member of the United States, speaking on behalf of the Shipowners’ group, introduced resolution No. 8, which concerned the role of the maritime industry in respect of security.
33. The Seafarer Vice-Chairperson agreed with the Shipowner Vice-Chairperson and referred to the situations that existed all over the world where seafarers were sometimes treated as potential terrorists.
34. The Vice-Chairperson of the Government group expressed his group’s support for the resolution. The Government member of Greece suggested deleting the words “in accordance with the provisions of ILO Convention No. 185”, since Convention No. 185 had not come into force.
35. The Seafarer and Shipowner Vice-Chairpersons agreed to this deletion.
36. The resolution was adopted as amended.

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## Resolution concerning information on occupational groups

37. Introducing the resolution, submitted jointly by the social partners, the Shipowner Vice-Chairperson recalled that a number of amendments to the Maritime Labour Convention had been withdrawn in the Committee of the Whole because it was obvious that some categories of people on board a ship would never be considered seafarers. The guidance advocated in the resolution was essential when the provisions of the Maritime Labour Convention were translated into national law.
38. The Seafarer Vice-Chairperson confirmed that, in the Committee of the Whole, it had been agreed that a resolution would be submitted to cover areas of doubt in the definition of a “seafarer”. He noted that the title of the resolution and of the annex had been amended to more correctly reflect the intent of the resolution. Reference to the term “travelling dockers” throughout the resolution had been deleted.
39. The Vice-Chairperson of the Government group said that the resolution had met with the consensus of the Government group, which considered it an important text. The Government member of Australia wished to have confirmation that the list of categories was not considered exhaustive.
40. The representative of the Legal Adviser suggested that it would be more correct for the beginning of the operative paragraph to read: “Decides that the International Labour Organization should seek to ensure ...”.
41. The resolution was adopted as amended.

## Resolution concerning seafarers’ welfare

42. The Seafarer Vice-Chairperson introduced the resolution, as revised jointly by the Shipowners’ and Seafarers’ groups, which provided for the replacement of the word “regretting”, by “recognizing also” in paragraph 9, as well as the deletion of paragraph 10; and the insertion of a new paragraph 7, to read: “Recognizing the vital role of the voluntary organizations and their expertise in providing welfare facilities”.
43. The Chairperson of the Government group indicated that the Governments did not express objections to the resolution. The Government member of the United Kingdom insisted on the vital importance of the text, and expressed his support.
44. The resolution as amended was adopted.

## Resolution concerning maintenance of the Joint Maritime Commission

45. The Shipowner Vice-Chairperson introduced the resolution, as revised jointly by the Shipowners’ and Seafarers’ groups. He noted the importance of the Joint Maritime Commission (JMC) in the context of the new instrument, which called for its continuous existence.
46. The Seafarer Vice-Chairperson indicated that the revised text of the resolution deleted the words “when required to meet” at the end of paragraph 8 which now read: “Requests the Governing Body of the International Labour Office to ensure that this important body is

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adequately funded and resourced”. He emphasized that the JMC would play a prominent role in the designation of social partners for the future tripartite maritime committee.

47. The Chairperson of the Government group indicated that the group had no objection to this revised text.
48. The representative of the Legal Adviser suggested that a reference to the activities relating to the maritime sector be inserted into the final paragraph, which would read as follows: “Invites the Director-General to ensure that adequate resources are provided for activities relating to the maritime sector within the International Labour Organization so that the continued relevance of the ILO to the sector can be maintained in the future.”
49. It was so agreed.
50. The resolution was adopted as amended.

### **Resolution concerning addressing the human element through international cooperation between United Nations specialized agencies**

51. The Shipowner Vice-Chairperson introduced the resolution and stressed the importance of the involvement of the ILO and its expertise in a future Joint IMO/ILO Working Group on the Human Element.
52. The Seafarer Vice-Chairperson recalled that 80 per cent of incidents at sea involved the human factor and considered that a more holistic approach would be useful.
53. The Chairperson of the Government group supported the text of the resolution. However the group wondered whether there would be any possibility to merge the Joint IMO/ILO Working Group on the Human Element, as provided for under this resolution, with the expert working group proposed in the resolution concerning seafarers’ occupational safety and health.
54. The representative of the Secretary-General explained that it would be difficult to merge the two working groups, since one was an IMO/ILO joint working group, and the other was an ILO expert group.
55. The Shipowner Vice-Chairperson agreed, and indicated that it was important for the ILO to be part of the ongoing work initiated with the IMO.
56. The resolution was adopted by the Committee.

### **Resolution concerning recruitment and retention of seafarers**

57. The Seafarer Vice-Chairperson introduced the joint resolution and a revision to the text amending the seventh paragraph to read: “Noting also that traditional maritime countries are going through a process of industrial change and have lost substantial parts of their maritime skills base”. He also noted the addition of the word “tripartite” in the last paragraph.
58. The Shipowner Vice-Chairperson agreed with these proposed amendments.

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59. The Vice-Chairperson of the Government group supported the resolution as amended.
  60. The Government member of Denmark supported the resolution, but was concerned about the number of new groups being set up as well as about the funding required and the workload on all constituents.
  61. The Government member of Australia echoed Denmark's comments and added concerns about the many experts' meetings proposed. He asked it to be put on record that the Australian Government would not support a proliferation of experts' meetings, although he acknowledged that the Governing Body would make the final decision.
  62. The Government member of Greece supported the resolution but asked for clarification on the evidence of lost skills mentioned in the seventh paragraph and the value added in the operative paragraph.
  63. The Government member of the United Kingdom added support to Denmark and Australia, and was particularly concerned about the time factor. He thought that the issue could be better dealt with on a regional basis.
  64. The Seafarer Vice-Chairperson pointed out that the future maritime agenda was being determined at this moment. He indicated that the paragraph about the loss of skills provided a degree of urgency. Europe, as well as other regions, had real concerns about this loss of skills.
  65. The resolution was adopted as amended.

### **Resolution concerning the effects on the industry of piracy and armed robbery**

66. The Shipowner Vice-Chairperson alluded to piracy as a long-standing problem, an issue which particularly impacted on crews, but ships and cargos were obviously also affected.
67. The Seafarer Vice-Chairperson noted that the savagery of attacks was increasing and said that great importance was attached to the resolution.
68. The Government member of the Bahamas agreed, referring to recent attacks on Bahamas-registered vessels, including a passenger ship.
69. The Chairperson of the Government group, speaking on behalf of his group, supported the resolution.
70. The Government member of Greece gave strong support to the proposed resolution, and requested that the second to last paragraph be amended to read "ensure safety and security of seafarers".
71. This was supported by the Shipowners, Seafarers and the Government member of Pakistan.
72. The resolution was adopted as amended.

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## Resolution concerning masters' hours of work

73. The Shipowner Vice-Chairperson, on introducing his group's resolution, stated that the master was in a different category of seafarers from other crew members and his working hours required flexibility. He believed the resolution to be valid and worthy of serious consideration.
74. The Seafarer Vice-Chairperson was extremely concerned by the resolution to the extent that he was willing to call for a vote. He termed the resolution "provocative". Flexibility in rest and work for masters, as stipulated in the draft resolution, could not be accepted. He trusted the Governments would ask for the resolution to be withdrawn, to align themselves with the consensus view in the Committee of the Whole.
75. The Vice-Chairperson of the Government group asked Governments to express their views individually.
76. The Government member of the United Kingdom agreed with the Seafarer Vice-Chairperson and requested that the resolution be withdrawn. The Government members of Norway and Ghana also did not support the resolution and believed the subject was closed. The Government member of Argentina, speaking also on behalf of the Government member of Cuba, indicated that they firmly opposed the resolution.
77. The Government member of Japan stated that the resolution's real intention was to enable masters to manage their own working hours. He proposed an amendment to the resolution in paragraph 8 which would delete the words "may require flexibility" and replace them with the words "should be able to manage his own working hours and periods of rest". With this amendment his delegation would support the resolution. The Government members of Singapore and Pakistan supported the resolution with the amendments proposed by the Government member of Japan.
78. The Government member of the Republic of Korea supported the resolution since the Convention did not provide enough flexibility on that point. He proposed including the words "and security" in paragraph 4 and the words "and for other overriding operational circumstances" in paragraph 7.
79. The Government member of Denmark stated that while he could agree with the proposal put forward by the Government member of the Republic of Korea, he supported the resolution as it was.
80. The Government member of Australia indicated that he did not wish to reopen the debate but pointed out that flexibility was crucial, whilst noting that the Convention provisions would be mandatory. The Government member of Greece pointed out that the question of masters' hours of work would certainly need to be reopened when guidelines would need to be adopted on this question. Nevertheless, he felt that the issue should not be discussed further in the context of this Committee.
81. The Seafarer Vice-Chairperson was ready to reopen the debate if necessary. For him, there existed three possibilities in this debate. First, as there was no consensus, the resolution should fall. The second possibility would be for the Shipowners to withdraw their resolution. And the third possibility would be for his group to submit several amendments. He then proceeded to enumerate the amendments his group could propose and suggested that they could put forward even more substantial amendments. While he understood why certain parties wanted to pursue the discussion, he felt it was unreasonable to do so. He recalled that the master was the most vulnerable person on the ship due to the heavy responsibilities of the post, and thus needed protection.



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82. The Shipowner Vice-Chairperson asked the Chairperson for a suspension of the Committee's work to allow consultation.
  83. After consultation with his group, the Shipowner Vice-Chairperson, whilst maintaining the importance of the issue, withdrew the resolution.

## **Resolution concerning the development of guidelines for flag State inspection**

84. The Government member of the Bahamas introduced the resolution. It was essential for flag States to have guidance when considering effective implementation of the Convention.
85. The Shipowner Vice-Chairperson supported the proposal, although he felt that the guidance for port State control was a higher priority.
86. The Seafarer Vice-Chairperson supported this position and acknowledged the usefulness of differentiated guidance for flag States and for port States.
87. The Government member of Denmark did not support the resolution. The Convention sufficiently covered the issue and she particularly recalled the previous resolution concerning the promotion of the Maritime Labour Convention, 2006, which considered the provision of technical cooperation. If an experts' meeting was to be held at all, it should be after many years had passed so as to learn from practical experience. The inspectorate scheme was the responsibility of the State, as were resources for it and her Government saw no need for a meeting or guidelines.
88. The Government members of Germany and Greece agreed with the Government member of Denmark. Furthermore the Government member of Greece noted that the provision of substantial equivalence was in the text of the Convention and defined. He felt that a tripartite meeting on port State control was sufficient and would provide necessary guidance for flag States. The Government member of Norway supported the Government member of Denmark as there were multiple approaches for flag States to implement the Convention. The Government member of the United Kingdom agreed with the Government members of Denmark and Norway and did not see the advantage of a global meeting to develop guidelines. However, he would not object to developing a set of "common" guidelines to provide guidance to those countries which needed help in developing their own. The Government member of Singapore supported the Government of the United Kingdom.
89. The Government members of the Republic of Korea, Malaysia and the Bahamas supported the resolution. It was necessary to provide guidance to countries in order to achieve wider ratification. The Government member of Australia supported the proposal as it did not dictate regulation, but provided guidance to those members that did not have sophisticated administrative structures.
90. The Government member of Greece felt that some countries might use the guidelines as a means not to ratify the Convention. The issue of technical cooperation was covered in another resolution so was not necessary here.
91. The Government member of Germany felt that there was no need for the development of flag State guidelines. The experience gained with port State control guidelines could be used as a basis to assist flag State developments.

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92. The representative of the Secretary-General suggested amending the last paragraph to read: “Invites the Governing Body of the International Labour Office to request the Director-General to give due priority, through tripartite meetings of experts, to developing suitable guidance for flag State inspection.”
  93. The Government members of the Australia, Bahamas, Japan and the Republic of Korea supported the proposal of the Office, as did the Shipowner and Seafarer Vice-Chairpersons.
  94. The Government member of Denmark was still opposed, in particular due to the unknown composition of the tripartite meeting of experts, as it was not open to all governments. The Government member of the United Kingdom pointed out that they were not in a position to accept guidelines put forth from the proposed meeting.
  95. The Government member of Australia stated that the objective of the resolution was to provide help to member States who needed it. He therefore suggested that the text might read “assist member States to develop suitable guidance” instead of “the development and adoption by the International Labour Organization of guidelines”.
  96. The Government member of Germany added his concern about the many requests to set up tripartite meetings and noted the substantial resources necessary to hold such meetings. However, the Seafarer Vice-Chairperson objected, as he felt that the Office needed the input from experts from all three groups in order to develop those guidelines. The Government member of Germany subsequently withdrew his support, as did the Government member of Australia.
  97. The Government member of Denmark finally stated that he could agree with the text as amended by the Office, providing that it was clear that these guidelines would only be for States that did not have the capacity to develop guidelines for themselves.
  98. The resolution was adopted as amended.

## **Resolution concerning occupational safety and health**

99. The Shipowner Vice-Chairperson introduced the resolution, submitted jointly with the Seafarers’ group and noted that this subject was discussed under Title 4 of the new Convention. There was room for further education of people who were dealing with matters of occupational safety and health. A tripartite expert group convened to take this work forward would make an important contribution.
100. The Seafarer Vice-Chairperson expressed strong support.
101. The resolution was supported by the Government members.
102. The Government member of the United Kingdom expressed concern over the number of meetings that were being requested and the resources that would be required. He asked how the priorities would be determined.
103. The secretariat replied that the priorities would be decided by the Governing Body, taking into account the many other priorities of the Organization.
104. The resolution was adopted.

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## Resolution concerning search and rescue capability

- 105.** The Seafarer Vice-Chairperson presented the resolution as a plea for governments to assist developing countries by sharing technology, expertise and resources to facilitate training and develop infrastructures to enable a swift and effective response to accidents at sea. Many developing countries did not lack the desire, but did lack the resources for effective search and rescue. The resolution was also requesting the Governing Body to work together with the IMO.
- 106.** The Government members did not have any objection to this resolution. The Government member of the United Kingdom stated that his country regularly fulfilled its duties in coordinating rescues both in its own waters and in other parts of the world and offering training. He urged other countries to also accept their responsibilities in this regard.
- 107.** The resolution was adopted.

## Resolution concerning social security

- 108.** The Chairperson indicated to the Committee that the revised text of the resolution submitted by the Shipowners' and Seafarers' groups had emerged from an informal discussion with Government members but there had not been tripartite consensus on every point.
- 109.** The Vice-Chairperson of the Government group stated that his colleagues in the Government group would be able to support the resolution, if the sponsors of the revised text could accept the deletion of the phrase "irrespective of their country of residence" in the first operative paragraph, which they felt went beyond the understanding reached in the Committee of the Whole.
- 110.** The Government member of Denmark supported the revised text. The issue of social security, however, had already been extensively debated in the Committee of the Whole, where a delicate balance had been achieved, and his delegation was concerned that the seventh preambular paragraph did not reflect that balance. It could therefore support the resolution only if, in addition to the deletion of the phrase referred to, that paragraph should also be modified to conform to the wording of paragraph 3 of Regulation 4.5.
- 111.** The Seafarer Vice-Chairperson said that in the area of social security protection a great deal remained to be done and many Governments seemed to feel that the problem was insurmountable. However, the new consolidated maritime Convention should be shown as capable of accommodating progressive developments. The phrase "irrespective of their country of residence" and the call for an inventory on the provision of social protection and social security for seafarers reflected precisely the desire of the social partners to look to future opportunities to promote the effective protection for seafarers everywhere. In response to the Government member of Denmark, he emphasized that the wording of the seventh preambular paragraph was taken word for word from paragraph 3 of Standard A4.5. He wished to know what the position was of the Government members present in the Committee, and if they were prepared to back the resolution if the phrase in question was deleted from the first operative paragraph.
- 112.** The spokesperson for the Shipowners' group said that his group supported the new text as presented. He did not want to see the promotion of social protection curtailed because of a seafarer's country of residence. He too would like the Government members present to clarify their position. Questioned by the Chairperson, the Government members present

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indicated their readiness to support the resolution provided the phrase “irrespective of their country of residence” was deleted.

113. The Seafarer Vice-Chairperson said that, on that understanding, his group was prepared to accept the deletion of the phrase. The Shipowner Vice-Chairperson said that his group likewise accepted the deletion of the phrase.
114. The representative of the Secretary-General observed that in her view the seventh preambular paragraph did not change the sense of the proposed consolidated maritime Convention and that the concerns of the Government member of Denmark were taken into account.
115. The Government member of Denmark wished it to be placed on record that he was not in favour of the resolution, because he believed that the seventh preambular paragraph did not reflect the content of the Convention as adopted in the Committee of the Whole.
116. With that reservation, the revised text of the resolution was adopted as amended.

### **Resolution concerning the effective enforcement of certification requirements of the Maritime Labour Convention**

117. The Vice-President of the Government group, representing the Working Group, introduced this resolution, indicating that governments had to satisfy multiple certification requirements. He pointed out the practicality of allowing Governments the possibility of combining ILO inspections with inspections under the ISM Code. If an inspector was already in the office of a shipowner in an ISM Code audit, he should not be obliged to ignore a shortcoming under the ILO Convention. The revised text tabled sought effective enforcement and he indicated that the social partners had suggested the possible wording for the operative paragraph. He would be prepared, however, to delete all reference to the ISM Code, as evidenced by the title of the revised text as submitted.
118. A Shipowner member, speaking on behalf of the group, did not support the resolution. The IMO had become involved in the harmonization of survey certification requirements. The task had proved complicated and he believed remained uncompleted. The ILO would now have a stand-alone Convention, which had survey and certification requirements. At this early stage, before the Convention was even adopted, proposals for harmonization with the ISM Code were out of place. The ILO would not achieve much with this resolution.
119. The Seafarer Vice-Chairperson agreed with the Employers’ group. The new Convention would address labour issues and was devised for ratification. Certificates issued would be the first ever on seafarers’ labour rights. He believed that the Convention should stand alone and be subject to specific inspection rounds. The Convention should not be linked with ISM procedures and he could not support the resolution.
120. The Vice-President of the Government group said the Working Group stressed that the intent of the resolution was in its operative paragraph and concerned the issue of global and uniform implementation and enforcement. He suggested deleting the three paragraphs that mentioned the ISM Code, leaving only the operative paragraph.
121. A Shipowner member, speaking for his group, said that he still had concerns regarding the intent of the operative paragraph. The Convention itself created effective and uniform

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methods for enforcement. Discussions with the IMO were not necessary to give legality to the Convention's certificates.

122. The Government member of Greece suggested that the resolution be withdrawn but that the Governments' intention in putting forward this resolution should be recorded.
123. The Seafarer Vice-Chairperson concurred with the Shipowners. Title 5 of the Convention had given rise to more arguments than any other Title in the new instrument and it constituted a delicate compromise. He was confident that Title 5 provided effective global implementation and enforcement and called on governments to implement the Convention as intended. He was strongly opposed to joint consideration with other organizations and would not accept the resolution even with the non-operative paragraphs deleted. He would welcome withdrawal.
124. The Government member of the Bahamas supported the Seafarers and said that independent certification should be maintained for the Convention.
125. The Government member of Norway said that governments were missing the chance to streamline the implementation of two instruments for two different organizations by carrying out two inspections simultaneously on one ship. A legal basis for simultaneous inspection was required. In view of the discussion before the Committee, however, he saw himself obliged to withdraw the resolution.
126. The Government member of the United Kingdom echoed the comments made by the Government member of Norway and foresaw a duplication of work for shipowners, masters and for inspectors in the future. He reluctantly agreed to the withdrawal of the resolution, advising that he believed that this decision would prove prejudicial to all in the long run.
127. By agreement of the sponsoring member States present, the resolution was withdrawn.

## **Resolution concerning the practical implementation of the issue of certificates on entry into force**

128. The Government member of Norway introduced this resolution. It should be seen as a practical way to manage initial implementation in order to get the certification system running. He also indicated that he was ready to consider a period of one year instead of two to achieve certification of ships, after the initial entry into force of the Convention, if necessary.
129. The Seafarer Vice-Chairperson sympathized with the arrangement requested and accepted the phasing-in process. However, he felt strongly that within that phased process certification activity should be undertaken with initial focus on the certification of bulk carriers and passenger ships being completed at the time of the Convention's coming into force. He therefore proposed a subamendment, to insert text from Article 8, paragraph 3, "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's gross tonnage of ships of 33 per cent". He also suggested allowing one year, instead of two, for certification of the remaining ships after the Convention's entry into force. He believed that this, to the extent that it proved constitutionally and legally possible, would give sufficient flexibility to Members that had ratified the Convention before it came into force. Moreover, he understood that Members could establish their systems early and issue certificates to bulk carriers and passenger ships even though the certificates were not legally required until the

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Convention came into force. Afterwards, they could work on certifying the remaining ships for an additional year.

**130.** The Government member of the United Kingdom explained the difficulties facing governments certifying ships. He suggested that governments should work closely with the social partners to achieve this difficult task.

**131.** The Government member of Norway supported the resolution as subamended.

**132.** The Shipowner Vice-Chairperson supported the resolution as subamended as it gave Members ample time to conform to the requirements. He recognized that those which ratified it afterwards, would have less flexibility.

**133.** The resolution was adopted as amended by the Committee.

### **Resolution concerning young seafarers**

**134.** The resolution was not supported and as such fell.

Geneva, 21 February 2006.

*(Signed)* V. Albuquerque,  
Chairperson and Reporter.

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## Resolutions submitted to the Conference

### Resolution concerning the promotion of the Maritime Labour Convention, 2006

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Noting that the success of the Convention will depend upon its being widely ratified and the effective implementation of its requirements,

Mindful that the core mandate of the Organization is to promote decent working and living conditions,

Confirming the resolution concerning technical cooperation to strengthen the capacities of the national administrations responsible for maritime labour inspection, adopted by the Preparatory Technical Maritime Conference of the International Labour Organization (Geneva, 13-24 September 2004);

Invites the Governing Body of the International Labour Office to request the Director-General to give due priority in the allocation of resources to conducting the outstanding tripartite work required for effective implementation of the Convention,

Further invites the Governing Body to request the Director-General to give due priority in the allocation of the resources of the Organization's technical cooperation programme to promoting the ratification of the Convention and to assisting countries which request assistance in its implementation in such areas as:

- technical assistance for Members, including on capacity building for national administrations and the drafting of national legislation to meet the requirements of the Convention;
- the development of training materials for inspectors and other staff;
- the training of inspectors;
- the development of promotional materials and advocacy tools for the Convention; and
- national and regional seminars, as well as workshops on the Convention.

### Resolution concerning the promotion of opportunities for women seafarers

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Recalling the resolution concerning women seafarers adopted by the 29th Session of the Joint Maritime Commission,

Noting the findings of the Office's report *Women seafarers: Global employment policies and practices*,

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Mindful of the mandate of the Organization to promote equality of opportunity for women and men;

Invites the Governing Body of the International Labour Office to request the Director-General to give due priority in the use of resources to examining measures which can further promote career opportunities and appropriate working and living conditions for women seafarers.

### **Resolution concerning the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Noting and commending the work undertaken by the Joint IMO/ILO Ad Hoc Working Group, which has the potential to make a significant contribution to ensuring decent work for seafarers,

Noting also that the Joint IMO/ILO Ad Hoc Working Group found that there was a gap in the international legal regime addressing this issue,

Considering that the text in the Convention does not address many of the provisions set out in the Guidelines on Shipowners' Responsibilities in respect of Contractual Claims for Personal Injury to or Death of Seafarers and the Guidelines on Provision of Financial Security in Cases of Abandonment of Seafarers, which have been adopted by both the Assembly of the International Maritime Organization and the Governing Body of the International Labour Office;

Believes that the Joint Ad Hoc Working Group should continue its work,

Recommends to both organizations that the way forward would be for the Joint Ad Hoc Working Group to develop a standard accompanied by guidelines, which could be included in the Maritime Labour Convention or another existing instrument, at a later date.

### **Resolution concerning the development of guidelines for port State control**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Considering that this Convention aims to establish a new pillar of international legislation for the shipping industry,

Mindful of the core mandate of the Organization to promote decent working and living conditions,

Noting paragraphs 4 and 7 of Article V, and Regulation 5.2.1, Standard A5.2.1, Guideline B5.2.1 of the above Convention, which provide for port State responsibilities and control under the term of "no more favourable treatment",



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Noting that the success of the Convention will depend, among others, upon the uniform and harmonized implementation of port State responsibilities in accordance with its relevant provisions,

Considering that, given the global nature of the shipping industry, it is important for port State control officers to receive proper guidelines for the performance of their duties;

Recognizing the work done by the IMO in this area, and the importance the international community attaches to cooperation between international agencies;

Invites the Governing Body of the International Labour Office to request the Director-General to convene a tripartite expert meeting to develop suitable guidance for port State control officers and to request that the Office utilizes the technical expertise of the IMO in this area.

### **Resolution concerning the development of international standards of medical fitness for crew members and other seafarers**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Considering that this Convention aims to establish a new pillar of international legislation for the shipping industry,

Noting that resolution 9 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended in 1995, invited the International Maritime Organization, in cooperation with the International Labour Organization and the World Health Organization, to develop international standards of medical fitness for seafarers,

Noting also the existing ILO/WHO Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers (ILO/WHO/D.2/1997),

Recognizing the importance of seafarers being medically fit so as not to endanger their own health and safety or that of others,

Recognizing also the importance of easily understood and globally implementable medical fitness standards for seafarers in ensuring safe, environmentally sound and efficient shipping;

Invites the Governing Body of the International Labour Office to request the Director-General, in cooperation with the International Maritime Organization and the World Health Organization, to consider whether a review of the existing ILO/WHO Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers (ILO/WHO/D.2/1997) is necessary, taking into consideration whether different standards are appropriate for seafarers according to the duties they have to perform on board, and to report their recommendations to the Organization for further consideration and action as appropriate.

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## **Resolution concerning the promotion of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Having also adopted the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), at the 91st Session of the International Labour Conference,

Recalling that the 91st Session of the International Labour Conference adopted a resolution concerning decent work for seafarers, which noted, inter alia, that access to shore facilities, shore leave and facilitation of transit are vital elements of seafarers' general well-being and, therefore, to the realization of decent work for seafarers,

Mindful that the core mandate of the Organization is to promote decent working and living conditions,

Noting the continued difficulty that seafarers experience in being able to enjoy shore leave in certain countries;

Urges the Governing Body of the International Labour Office to request the Director-General to contact all member States and remind them of the importance of the speedy ratification and implementation of ILO Convention No. 185 and to invite member States to promote decent work for seafarers and, in this regard, to permit seafarers to enjoy shore leave within their territory;

Calls for the Governing Body to remain seized of this issue.

## **Resolution concerning information on occupational groups**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Noting that many of the maritime instruments consolidated within the Maritime Labour Convention contained different definitions of the term "seafarer",

Considering the need for clarity over the issue of the definition in the Convention,

Recognizing that situations may arise in which a Member may have doubts as to whether or not certain categories of persons who undertake periods of work on board a ship should be regarded as seafarers for the purpose of the Convention,

Recognizing also that there is need for clarification on this subject to help to provide uniformity in the application in the rights and obligations provided by the Convention,

Noting that Article II, paragraph 1(f), of the Convention provides that:

"*Seafarer* means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies",

Noting also that Article II, paragraph 3, provides that:

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“In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners’ and seafarers’ organizations concerned with this question”;

Decides that the International Labour Organization should seek to ensure uniform implementation of the Convention and invites member States to maintain the intent of Article II, paragraph 1(f), through the application of Annex 1.

## **Annex**

### **Maritime Labour Convention, 2006**

#### ***Information on occupational groups***

##### **General**

The Convention recognizes in Article II, paragraph 3, that there may be doubts whether a particular category or categories of persons who may perform work on board a ship covered by the Convention should be regarded as seafarers for the purpose of the Convention.

This Annex has therefore been adopted by the General Conference of the International Labour Organization to assist administrations in resolving any difficulties that might arise.

There are persons who principally work onshore, but who occasionally spend a short period working on a ship. These may not be seafarers. There are persons who regularly spend a short period on a ship. These may be seafarers. In both cases, their work may or may not be directly concerned with the routine business of the ship.

Persons who might not be determined to be seafarers include harbour pilots and portworkers, as well as certain specialist staff such as guest entertainers, ship inspectors, superintendents and repair technicians.

Persons who regularly spend more than short periods aboard, even where they perform tasks that are not normally regarded as maritime tasks, may still be regarded as seafarers for the purpose of this Convention regardless of their position on board. For example, repair and maintenance squads and specialist ship staff engaged to work at sea on particular ships may well be regarded as seafarers and entitled to be covered by the rights and obligations provided for in this Convention.

The Convention provides seafarers with significant rights and benefits covering their working and living conditions that might not always be available to them in their home countries. Therefore, in resolving doubts about whether particular persons are seafarers, account should also be taken of the extent to which their national legal and social system provides protection for their labour standards comparable to that provided for under the Convention.

##### **Categories**

An administration may have doubts about designating a particular category of persons working on board as a seafarer under Article II, paragraph 1(f), because:

- (i) the nature of their work is not part of the routine business of the ship (for example, scientists, researchers, divers, specialist offshore technicians, etc.);
- (ii) although trained and qualified in maritime skills, the persons concerned perform key specialist functions that are not part of the routine business of the ship (for example, harbour pilots, inspectors or superintendents);
- (iii) the work they perform is occasional and short term, with their principal place of employment being onshore (for example, guest entertainers, repair technicians, surveyors or portworkers).

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A person or category of persons should not automatically be excluded from the definition of seafarers solely on account of falling within one or more of the categories listed above. These lists are simply illustrative of situations where doubts may arise.

Special factors in the situation may lead the administration to determine when a person is or is not a seafarer.

## Criteria

In considering how to resolve such doubts, the following issues should be considered:

- (i) the duration of the stay on board of the persons concerned;
- (ii) the frequency of periods of work spent on board;
- (iii) the location of the person's principal place of work;
- (iv) the purpose of the person's work on board;
- (v) the protection that would normally be available to the persons concerned with regard to their labour and social conditions to ensure they are comparable to that provided for under the Convention.

## Resolution concerning seafarers' welfare

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Recalling the resolution concerning seafarers' welfare adopted by the 29th Session of the Joint Maritime Commission,

Mindful that the core mandate of the Organization is to promote decent working and living conditions and that seafarers' welfare facilities are important in this regard,

Considering that, given the global nature of the shipping industry, seafarers need special protection and that the provision and access to seafarers' welfare facilities is important in this regard,

Noting that, because of the structural changes in the industry, seafarers have fewer opportunities to go ashore and, as a consequence, welfare facilities and services for seafarers are needed more than at any time,

Recognizing the vital role of the voluntary organizations and their expertise in providing welfare facilities,

Noting also that the new security regime and the denial of shore leave mean that seafarers may not be able to take advantage of welfare facilities provided for them in ports,

Noting further that the port facilities in certain countries are making excessive charges or imposing unreasonable procedures in order for seafarers to leave the ship and visit welfare facilities provided for them in ports,

Recognizing also that many governments rely solely on voluntary or charitable organizations and in many cases transfer their responsibilities to regional/local governmental bodies in order to maintain such welfare facilities and services for seafarers;

Requests the Governing Body of the International Labour Office to invite the Director-General to take all necessary measures to strongly encourage member States to

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ensure that seafarers on ships in their ports are able to secure access to seafarers' welfare facilities,

Requests also that the Director-General propose to the Governing Body to convene a tripartite meeting of experts to examine the provision of and difficulties in securing access to seafarers' welfare facilities.

## **Resolution concerning maintenance of the Joint Maritime Commission**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Noting the long history of the Joint Maritime Commission (JMC) and the important contribution it has played in addressing key issues within the shipping industry and thereby ensuring that ILO activities remain relevant to the realities of the shipping industry,

Noting also that the important contribution made by the JMC was recognized by the Governing Body of the International Labour Office at its 280th Session when it agreed to establish a JMC Subcommittee on Wages of Seafarers, which should meet every two years, without budgetary implications for the Office, in order to review the ILO minimum basic wage for an able seafarer,

Recognizing the unique role played by the JMC in promoting social dialogue within the shipping industry and that social dialogue is one of the four pillars of decent work,

Recognizing also that the adoption of the Maritime Labour Convention is of great importance in terms of regulating maritime labour standards and that there will also be a need, in the future, for the ILO to address other aspects of decent work in the shipping industry,

Considering that, given the global nature of the shipping industry, seafarers need special protection and that the JMC plays an important role in this regard;

Requests the Governing Body of the International Labour Office to ensure that this important body is adequately funded and resourced,

Invites the Director-General to ensure that adequate resources are provided for activities relating to the maritime sector within the International Labour Organization so that the continued relevance of the ILO to the sector can be maintained in the future.

## **Resolution concerning addressing the human element through international cooperation between United Nations specialized agencies**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Noting the significance of issues related to the human element in shipping,

Mindful of the core mandate of the Organization to promote decent working and living conditions,

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Recalling the resolution on this issue adopted by the 29th Session of the Joint Maritime Commission,

Recalling the cooperation agreement between the International Labour Office and the International Maritime Organization and how well it has functioned over time and the beneficial results which have resulted from the establishment of joint bodies,

Considering that the human element is multifaceted and can only be addressed in a holistic manner, and that such an endeavour would come within the core competencies of the International Labour Office and the International Maritime Organization;

Invites the Governing Body of the International Labour Office to request the Director-General to give due priority in the use of resources to promoting the role of the human element in shipping and to work with the International Maritime Organization to establish a Joint IMO/ILO Working Group on the Human Element.

### **Resolution concerning recruitment and retention of seafarers**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Mindful that the core mandate of the Organization is to promote decent work,

Being aware that shipping is the engine of the globalized economy and carries around 90 per cent of world trade in terms of tonnage, and that the shipping industry and the smooth transportation of goods are essential to world trade, which will require the availability of a sufficient number of suitably qualified seafarers,

Being aware also that ships are crewed by suitably trained seafarers who have a crucial role in achieving safe, secure and efficient shipping on clean oceans and that it is fundamental to the sustainable operation of this strategic sector that it is able to continue to attract an adequate number of quality new entrants,

Noting that there is a projected shortage of suitably qualified seafarers, that many essential shore-based shipping positions require trained seafarers and that filling some of these positions with suitably qualified seafarers is essential to overall maritime safety,

Noting also that traditional maritime countries are going through a process of industrial change and have lost substantial parts of their maritime skills base,

Noting further that there is a need for proper career paths for officers and ratings alike,

Considers that, while there is a need to improve the image of the shipping industry, there is also a need to improve the conditions of employment and of work and opportunities for many seafarers,

Considers also that issues such as access to shore leave and security from attack by pirates and armed robbers need to be addressed,

Considers further that all flag States should encourage operators of ships which fly their flag to provide training berths for new seafarers and for cadets,

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Recognizes that the recruitment and retention of seafarers in a global labour market is a complex issue, which involves a social, political and economic dimension and, where appropriate, the provision of suitable policies by governments and industry alike,

Believes that the International Labour Office is well placed to undertake work in this area and invites the Director-General to request the Governing Body to convene a tripartite meeting of experts to examine the issues and propose a set of suitable policy recommendations.

### **Resolution concerning the effects on the industry of piracy and armed robbery**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Mindful that the core mandate of the Organization is to promote decent working and living conditions,

Noting the continued incidence of cases of piracy and armed robbery in many parts of the world and the increasing violence directed against seafarers that is associated with such attacks, as well as the trend to hold seafarers hostage against the payment of a ransom,

Noting also the impact that this is having on seafarers and that it has been agreed that, given the global nature of the shipping industry, seafarers need special protection,

Being aware of the work undertaken by the International Labour Organization in this area,

Being aware also of the concern the United Nations General Assembly has expressed in various resolutions on the law of the sea in recent years at the continuing problem of transnational organized crime and threats to maritime safety and security, including piracy, armed robbery at sea and smuggling, and noting the deplorable loss of life, injuries to seafarers and adverse impact on international trade resulting from such activities;

Urges the Governing Body of the International Labour Office to request the Director-General to work closely with the International Maritime Organization and the United Nations in encouraging all member States to ensure that adequate measures are introduced to prevent such attacks and to ensure the safety and security of seafarers in their waters and off their coastlines,

Calls for the Governing Body to remain seized of this issue.

### **Resolution concerning the development of guidelines for flag State inspection**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Considering that this Convention aims to establish a new pillar of international legislation for the shipping industry,

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Noting paragraphs 1, 2 and 3 of Article V, and Regulation 5.1.1, Standard A5.1.1, Guideline B5.1.1 of the above Convention, which provide for flag State responsibilities, inspection and certification of maritime labour conditions,

Noting that the success of the Convention will depend, among others, upon the uniform and harmonized implementation of flag State responsibilities in accordance with its relevant provisions,

Considering that, given the global nature of the shipping industry, it is important for flag State inspectors to receive proper guidelines for the performance of their duties;

Invites the Governing Body of the International Labour Office to request the Director-General to give due priority, through tripartite meetings of experts, to developing suitable guidance for flag State inspection.

### **Resolution concerning occupational safety and health**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Mindful that the core mandate of the Organization is to promote decent working and living conditions and a global strategy on occupational safety and health,

Recognizing that the occupational safety and health of seafarers and the risks they face on board vessels are inextricably linked to the effective implementation of the International Safety Management (ISM) Code of the International Maritime Organization, which endeavours to ensure the safe management of ships,

Noting the importance of a culture of safety on board ships, addressed by the provisions contained in the ILO code of practice on accident prevention on board ship at sea and in port,

Emphasizing the need to promote the establishment of shipboard safety committees and to appoint crew safety representatives;

Urges the Governing Body of the International Labour Office to allocate resources for the promotion of awareness of the health, safety and accident prevention provisions contained in Title 4 of the Maritime Labour Convention,

Requests the Director-General to invite the Governing Body to convene a tripartite expert working group on seafarers' occupational safety and health, to consider how best to undertake this work.

### **Resolution concerning search and rescue capability**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Recognizing the need for the comprehensive coverage of a prompt and efficient search and rescue service to aid seafarers in distress,



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Further recognizing the problem faced by the governments of developing countries in fulfilling the requirements of the International Maritime Organization (IMO) Search and Rescue Convention, 1979, and the need for the governments of the developed world to contribute to the IMO Search and Rescue Fund;

Urges governments to assist developing countries by sharing technology, expertise and resources to facilitate adequate training both ashore and on board ships and to develop the necessary infrastructure to enable a swift and effective response to accidents at sea,

Invites the Governing Body of the International Labour Office to request the Office to work closely with the IMO to minimize hazards to seafarers' occupational health by promoting the Search and Rescue Convention.

## **Resolution concerning social security**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Noting the Declaration of Philadelphia of 1944 concerning the aims and purposes of the International Labour Organization, which include the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care,

Noting also that the principal aim of the Organization is the achievement of decent work for all and that social protection is one of the four pillars of the ILO's Decent Work Agenda,

Noting further that the provision of social protection and the other pillars of decent work are mutually reinforcing in addressing poverty reduction, which is one of the principal aims of the Millennium Development Goals,

Being aware of the considerable work undertaken by the Organization to enhance the coverage and effectiveness of social protection for all,

Noting that the Maritime Labour Convention, 2006, requires that member States provide seafarers with social security protection no less favourable than that enjoyed by shoreworkers resident in their territory,

Recalling that the Social Security (Minimum Standards) Convention, 1952 (No. 102), establishes the framework for the promotion of social protection by the Organization,

Considering that, although Article 77 of ILO Convention No. 102 expressly excludes seafarers and sea fishers from the application of that Convention, the ILO should not exclude these sectors from the ongoing work of the Organization to secure effective social protection for all,

Considering also that, given the global nature of the shipping industry, seafarers need special protection;

Invites the Director-General of the International Labour Office to promote the provision of effective social protection and social security for seafarers,

Suggests that such work could be facilitated by an inventory on the provision of social protection and social security for seafarers,

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Further invites the Director-General to propose to the Governing Body that such a document be prepared by the Office and discussed at a future tripartite meeting of experts.

## **Resolution concerning the practical implementation of the issue of certificates on entry into force**

The General Conference of the International Labour Organization,

Having adopted the Maritime Labour Convention, 2006,

Recalling Article VIII, paragraph 3, concerning the entry into force 12 months after the date on which the required number of ratifications have been registered,

Noting that flag States and recognized organizations would not be in a position to recruit, train and have in place a sufficient number of inspectors until there is a good degree of confidence as to the probable date of entry into force,

Noting that even when a sufficient number of inspectors is in place to ensure a continuing level of inspection and enforcement, it will not be possible to review, inspect and certify all the ships (possibly 40,000 ships) required to carry a maritime labour certificate and declaration of maritime labour compliance within the 12 months before entry into force,

Noting also that should this certification effort be accomplished notwithstanding, these inspectors will be largely idle until the next peak of inspections two years after entry into force,

Recognizing the practical difficulties in providing a maritime labour certificate and a declaration of maritime labour compliance to all ships immediately following entry into force;

Requests governments 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,

Requests further that, during a period of one year following the initial entry into force of the Convention, Members (both flag and port States) give due consideration to allow ships to continue to operate without the certificate and declaration referred to, provided that their inspectors have no evidence that the ships do not conform to the requirements of the Convention.

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## CONTENTS

	<i>Page</i>
<i>Reports of the Selection Committee</i>	
Second report .....	1