

**First sitting**

Tuesday, 7 February 2006, 10.15 a.m.

*Presidents: Mr. Tomada, Chairperson of the Governing Body of the International Labour Office, and Mr. Schindler*

*(The opening of the session was preceded by a DVD presentation on the context and structure of the proposed maritime labour Convention.)*

**OPENING OF THE SESSION**

*Original Spanish: Mr. TOMADA (Chairperson of the Governing Body of the International Labour Office)*

It is a great honour to declare open the 94th Session of the International Labour Conference, which is the Tenth Maritime Session. As stated in paragraph 1 of article 25 of the Conference Standing Orders, the Chairperson of the Governing Body of the International Labour Office declares the Conference open. For me it is a particular privilege to have the opportunity to open a Conference which promises to be extremely important and certainly very interesting. You yourselves will soon hear that all the work which has resulted in this session of the Conference was very closely followed by the Governing Body and had its full support. The work of this session will be of fundamental importance for the further consolidation and enhancement of the development of international standards which is the work of the International Labour Organization. Furthermore, it will once again emphasize our ongoing focus on the fundamental principle of tripartism as a way of seeking solutions to the needs of our current times, an area and a focus for which the ILO is very well known. So everything points to this being a Conference of historic import.

Our first task this morning is to elect the President of the Conference, and I would like now to give the floor to Mr. Zhang, Chairperson of the Government group, to propose a candidate for the President of this Conference on behalf of the Government group.

**ELECTION OF THE PRESIDENT OF THE CONFERENCE**

*Mr. ZHANG (Government, China; Chairperson of the Government group)*

It is my great pleasure and honour, on behalf of the Government group of the 94th (Maritime) Session of the International Labour Conference, to propose the candidature of Mr. Jean-Marc Schindler (Government delegate, France) as President of the Conference. Mr. Schindler is so well known to this assembly that he does not require any introduction. He very ably presided over the work of the Preparatory Technical Maritime Conference in September 2004 and his dedication and commitment to the entire process of the elaboration of the draft consoli-

dated maritime labour Convention has been remarkable. I should also add that he has recently been appointed to the very important post of Administrator General of Maritime Affairs of France. I have no doubt that Mr. Schindler will be an exceptional President of this Conference.

*Original Spanish: Mr. TOMADA (Chairperson of the Governing Body of the International Labour Office)*

I would like to thank Mr. Zhang for proposing the candidature of Mr. Schindler for the post of President of the Conference. I now give the floor to Mr. Lindemann, Shipowners' representative from Germany, who will be speaking on behalf of the Employers' group.

*Mr. LINDEMANN (Employer, Germany)*

The Employers' group wholeheartedly supports the nomination of Mr. Jean-Marc Schindler from France as President of this Maritime Session of the International Labour Conference. We also like to look back to the previous constructive cooperation during the different sessions of the High-level Tripartite Working Group on Maritime Labour Standards and the Preparatory Technical Maritime Conference under Mr. Schindler's leadership.

*Original Spanish: Mr. TOMADA (Chairperson of the Governing Body of the International Labour Office)*

I now give the floor to Mr. Orrell, Seafarers' representative from the United Kingdom, to speak on behalf of the Workers' group.

*Mr. ORRELL (Worker, United Kingdom)*

Jean-Marc Schindler has provided firm leadership throughout our work over the past four years. Our successful progress rests firmly on his diplomacy and cool head. This Conference is a final test of our work, and the Seafarers have every confidence that Jean-Marc Schindler is up to the task. It is with great pleasure that the Workers' group seconds his nomination as President.

*Original Spanish: Mr. TOMADA (Chairperson of the Governing Body of the International Labour Office)*

The nomination of Mr. Jean-Marc Schindler has been duly proposed and seconded. In the absence of other proposals, I declare Mr. Jean-Marc Schindler unanimously elected as President of the 94th (Maritime) Session of the International Labour Conference. I offer him my warmest congratulations and invite him to take the President's Chair. I wish him all the best in carrying out his work.

*(Mr. Jean-Marc Schindler, Government, France, is elected President of the Conference and takes the President's Chair.)*

#### **ELECTION OF THE VICE-PRESIDENTS OF THE CONFERENCE**

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*Original French: The PRESIDENT*

In accordance with article 25, paragraph 2, of the Standing Orders of the International Labour Conference, we shall now proceed immediately with the election of the Vice-Presidents of the Conference. I call on the Clerk of the Conference to read out the nominations made by the groups.

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*Original French: The CLERK OF THE CONFERENCE*

The nominations to the posts of Vice-Presidents of the Conference are as follows:

*Government group:*

Mr. Teranishi (*Japan*)

*Employers' group:*

Mr. Lindemann (*Germany*)

*Workers' group:*

Mr. Orrell (*United Kingdom*)

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*Original French: The PRESIDENT*

If there are no objections, I take it that the proposals are adopted and I invite our three Vice-Presidents to take their seats up here on the rostrum.

*(The proposals are adopted.)*

#### **TRIBUTE TO THE VICTIMS OF THE AL SALAM DISASTER**

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*Original French: The PRESIDENT*

Before we embark upon our work as such, I believe that all of you are very much aware of the terrible disaster which claimed the lives of over 1,000 people in the Red Sea last Friday. On behalf of the Officers of the Conference, I would like to propose that we now observe a moment's silence in memory of the many victims of the sinking of the *Al Salam* and of all those sailors who have died at sea since the beginning of this year. Would you all rise, please?

*(The Conference observes a minute of silence.)*

#### **PRESIDENTIAL ADDRESS**

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*Original French: The PRESIDENT*

It is both an honour and a challenge for me to be made President of this Maritime Session of the International Labour Conference. I am sure that you are all aware that I am very grateful for this honour and I thank you very much for entrusting me with this task. I am particularly grateful to the Government group for the trust it has shown in me by nominating me as President and I am equally grateful to the social partners for having supported that nomination. It seems important to me that I should begin, as I did in September 2004 during the Preparatory Technical Maritime Conference, by reiterating my devotion to the cause and by assuring you that I will spare no effort in working towards the adoption of this future Convention which, as was indicated in the film, will be known as the "maritime labour Convention, 2006".

I believe that, in nominating me, you wanted to ensure that the spirit and the will which were a feature of the work done by the High-level Tripartite Working Group and at the Preparatory Technical Maritime Conference are maintained. This, I am

particularly happy to see here among us tripartite representatives whose clear-sightedness has helped to bring us this far. There are a few people in this room, whom I shall not mention by name but who will recognize themselves and the reference to them, whose personal commitment, understanding, open mindedness and attachment to the importance of the common interest has allowed us, after five years of difficult negotiations, to reach a point where we can now submit the consolidated text that you have before you today. We are therefore now here to adopt that text and I believe that it is in everyone's interest. The lives of seafarers will be improved and made safer and that is, to my way of thinking, essential. The responsibilities of shipowners will be better defined and they will be able to discharge those responsibilities in a broader and more equitable fashion. Governments for their part will have, to a large extent, met their standard-setting obligations and the monitoring of the application of those standards will be greatly facilitated and exercised in a more uniform manner. This, I believe, is a really balanced draft which takes into account everybody's interests. You have already demonstrated this through your commitment and through the range and quality of the negotiations which have taken place and which made this 94th (Maritime) Session of the International Labour Conference possible. All of this is clear testimony to the common will shared by the social partners and the governments.

However, as I was saying a few moments ago, this Conference is also a major challenge. Of course, the drafting of new Conventions and the revision of existing ones in the various sectors is part of the work carried out daily within the ILO. Nevertheless, what has brought us here today is, I think, a new and very special event in the history of the Organization and the specific features of this event constitute the major challenges which we have to meet.

They have served to guide us in preparing our draft Convention and are clearly reflected in the way in which we intend to go about our work.

First of all, the maritime labour Convention which we are submitting for adoption is a sign of the desire for an integrated social standard; Convention No. 147 already having been a step in that direction. This is our first attempt to draw up a global instrument for a given sector. It is a response to the main concerns expressed about the current body of international maritime labour standards, concerns regarding not only the validity of the content of numerous Conventions adopted since 1920 but, moreover, their complex nature and the often restricted manner in which they are applied.

This Convention is more than 100 pages in length making it exceptionally long. This is unprecedented in the ILO, as was pointed out in the film. However, we have a limited amount of time in which to discuss and adopt it. Therefore, we are going to have to be very punctual and organized in our work. I should like to remind you that the purpose of this Convention is to consolidate and replace more than 65 existing instruments.

Furthermore, this Convention will draw strength from its global nature and from the implementation and updating mechanisms which it contains. As we go through the text we should all bear in mind that any change to any one of the provisions of the draft

Convention could have repercussions for other parts of the text.

Lastly, and this is the most important point: for those joining us today, and this is a reminder for everyone else, there is already tripartite agreement on this draft, regarding both the structure of the instrument and the substance of its provisions. This tripartite agreement was reached point by point in the course of the preparatory work which began in 2001. It was formalized during the Preparatory Technical Maritime Conference in September 2004. That Conference brought together more than 500 delegates from more than 80 different countries.

Finally, a special session was held in April 2005 to deal with controversial issues and amendments which it was not possible to examine at the Preparatory Technical Maritime Conference for lack of time.

The provisions of the draft submitted to you today reflect the search for the best possible compromise and pragmatic solutions, in the hope of obtaining near or completely universal adoption and as large a number of ratifications as possible.

Many difficulties and legitimate concerns arose during previous negotiations. Despite the broad range of subjects, the very different legal systems of the many countries involved, and the variety of professions represented within the Workers' and Employers' groups, these concerns and difficulties were taken into account and dealt with. In the same way, during this Conference, no doubt, other concerns will be expressed and we shall give them due consideration. We will also have to respond to them as far as is possible. However, as in the past, we must all bear in mind the spirit of the fundamental principles and rules which we established and freely agreed on during the first session of the High-level Tripartite Working Group. They have provided us with excellent guidance throughout our work particularly during the times when we were locked in disagreement and have brought us to this point. I think it would be useful to go over these principles again, to ensure that we are aware of them and that we continue to apply them in the same way during the work of this Conference.

Firmness in setting out rights and flexibility in implementing them. The need to develop aspects related to implementation and to have an effective mechanism for monitoring the implementation of the standard, as was the case with Conventions Nos. 147 and 178. The willingness to have a simplified and rapid amendment procedure guaranteeing the adaptation of the maritime labour Convention over time to developments in this sector. We are faced with a considerable task and we have to concentrate on the essentials. Above all, we have to ensure that this Convention really will be universal. This will require a very high level of cooperation between delegates – we must all be prepared to listen but we must never lose sight of our final objective; everyone must have a thorough knowledge of the documents which you should have received and this in order to avoid unnecessary requests for information which lead to loss of time for the group as a whole. Here, I would like to highlight the considerable effort made by the Office to ensure that all of us have received these excellent documents and very thorough and detailed general information. I would like to ask the Secretary-General of the Conference to convey our congratulations to all those responsible

– we must also show a great deal of flexibility in seeking out solutions.

Please do not forget, as I have already said, that the text before you is already the subject of tripartite consensus. Consequently we must now focus on what is absolutely essential, in other words, the points which might constitute a real obstacle to ratification.

We also need to bear in mind that this new Convention has a rapid and simplified amendment mechanism attached to it. This means that, if everything is not ideal at the beginning, it will be possible to improve the given provision later on.

Lastly, as Confucius said, we must not forget the need for “moderation in all things”.

The international maritime community is counting on each and every one of you to ensure that this Conference is a success in that it adopts a universal instrument which will improve the working and living conditions of seafarers and facilitate the operation of vessels. As far as I am concerned, I shall do, as I have done thus far, everything in my power to help you and to ensure that this ship is steered safely and successfully into harbour.

#### NOMINATION OF THE OFFICERS OF THE GROUPS

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*Original French:* The PRESIDENT

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We will now proceed with the nomination of the Officers of the groups. I now call on the Clerk of the Conference once again to read out the names of the persons nominated by the various groups.

*Government group:*

*Chairperson:* Mr. Zhang (*China*)  
*Vice-Chairperson:* Mr. Smefjell (*Norway*)

*Employers' group:*

*Chairperson:* Mr. Lindemann (*Germany*)  
*Vice-Chairpersons:* Mr. Cox (*United States*)  
Mr. Akatsuka (*Japan*)

*Secretary:* Mr. Dearsley (*United Kingdom*)

*Assistant Secretary:* Ms. Wiseman (*International Shipowners' Federation*)

*Workers' group:*

*Chairperson:* Mr. Orrell (*United Kingdom*)  
*Vice-Chairperson:* Mr. Crumlin (*Australia*)  
*Secretary:* Mr. Whitlow (*International Transport Workers' Federation*)

#### CONSTITUTION AND COMPOSITION OF THE SELECTION COMMITTEE

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*Original French:* The PRESIDENT

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First of all it is proposed to establish a Selection Committee, whose job will be to arrange the programme of the Conference, fix the time and agenda of its plenary sittings and to act on its behalf on any other routine question.

The list of members of this Committee is contained in a document available in the room.

If there are no objections, may I take it that the Conference approves and adopts the composition of the Selection Committee?

*(The proposal is adopted.)*

**CONSTITUTION AND COMPOSITION OF THE  
OTHER CONFERENCE COMMITTEES AND  
ORGANIZATION OF WORK**

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*Original French:* The PRESIDENT

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It is proposed that a number of particular procedural arrangements be made to enable this Conference to complete the work required for the adoption of an international labour Convention of unprecedented length. Having considered these suggestions, the Officers of the Conference would like to make the following five proposals.

Firstly, in accordance with article 40, paragraph 1, of the Standing Orders of the International Labour Conference, we propose that the discussions be based upon the proposed Convention in Report I(1B), and that these should take place in a single Committee of the Whole. This working method is best suited to ensuring the coherence of the whole text; it also takes into account the limited resources of certain delegations. The Committee of the Whole will be open to all delegates and technical advisers who register as members of the Committee in accordance with normal Conference procedures. Registration will make it possible to calculate the weighting coefficient for voting. If necessary, the Committee of the Whole will set up working groups to enable rapid agreement.

Secondly, we propose that the Conference establish a Steering Committee, in accordance with article 8 of the Standing Orders, and along the lines of the Steering Committee which was established for the Preparatory Technical Maritime Conference in September 2004. This Committee would be able to take decisions dealing with the general functioning of the Conference and of the Committee of the Whole directly. In particular, it would be able to monitor the progress being made in the Committee of the Whole, provide advice to its Officers and take any measures which might be necessary to facilitate the building of consensus within the Committee of the Whole. Functions traditionally discharged by the Selection Committee, such as issues relating to the composition of the Committee of the Whole and the provisions for meetings, will continue to be discharged by that Committee or on its behalf. The Steering Committee will be relatively small to enable it to take quick decisions as and when necessary.

We propose that the composition of this Steering Committee be as follows: the President of the Conference, who will also be Chairperson of the Steering Committee; the three Vice-Presidents of the Conference; the Chairperson of the Committee of the Whole; five Government members of the Committee of the Whole; two Employer members of the Committee of the Whole; two Worker members of the Committee of the Whole; the Chairperson of the Government group; the Vice-Chairperson of the Government group; the Chairperson of the Selection Committee; the three Government members of the Drafting Committee; the Employer member of the Drafting Committee; and the Worker member of the Drafting Committee.

Our third proposal concerns the Drafting Committee. Generally speaking, there is a drafting committee for the Conference itself and one per technical committee. Given that there will only be one committee which actually falls within that category, and in order to ensure consistency, we propose that just

one drafting group be established for the Conference, in accordance with article 6 of the Standing Orders. The committee would meet on a permanent basis in parallel with the Committee of the Whole. It would provide the same services as did the Drafting Committee at the Preparatory Technical Maritime Conference; in other words, it would provide permanent drafting assistance to the Committee of the Whole at the latter's request and in accordance with its instructions.

We propose that the Drafting Committee of this Conference be composed, as was the Drafting Committee at the Preparatory Technical Maritime Conference, of the following: three Government members; one Employer member; and one Worker member; and, naturally, people who are traditionally part of the Drafting Committee at the Conference: the President of the Conference or his representative (and I will ensure I am represented because this work will be very important); the Secretary-General of the Conference or his representative; the Legal Adviser of the Conference and his deputy; and the Director of the International Labour Standards Department. When necessary the Drafting Committee would be provided with support from the reporters of the Committee of the Whole concerned by the point under consideration.

I have two further proposals to submit to you. The purpose thereof is to ensure that the Committee of the Whole spends all the time made available to it reviewing and considering the text of the proposed Convention.

Our fourth proposal concerns resolutions which may be submitted in connection with the question on the agenda of the Committee of the Whole. We propose that these resolutions be examined by the plenary after the Selection Committee, acting on behalf of the Committee of the Whole, has examined them and has reported to the Conference. The Selection Committee will have to set a deadline for the submission of draft resolutions so that they can be dealt with within the time available.

Our fifth and final proposal is to facilitate, in so far as possible, the preparation and examination of the report from the Committee of the Whole. Given that the composition of the Committee of the Whole and that of the Conference are by definition essentially identical, the holding of an additional meeting to adopt the report presenting the work of the Committee in detail would seem to be an unnecessary formality and would also take up a great deal of time. We therefore propose that the report be prepared and distributed to all participants in the form of a draft, as quickly as possible after the end of discussions in the Committee of the Whole. Participants would then be invited to submit any possible corrections which they may wish to make to their statements as they figure in the report, by an established deadline the day after the document is distributed. The corrections would be submitted to the reporters of the Committee before being included in the report. When the finalized version of the report is submitted to the Conference, the reporters will indicate clearly, for the purpose of the record, any changes to the report originally distributed in draft form.

Lastly, let me inform you that statements by participants in the general discussion on the reports of the Chairperson of the Governing Body and of the Director-General in plenary will be reproduced either in English, French or Spanish, in accordance

with the language selected by the Government of the speaker's country for the purpose of official correspondence with the Office.

If we are to fully implement some of the proposals which I have just outlined to you, some slight adjustments will have to be made to the Standing Orders. I shall return to this point in a moment. However, first of all, let me quickly recapitulate the proposals for your approval. Firstly, there is the proposal to set up a Committee of the Whole responsible for examining the proposed text of the Convention presented by the Office and to draw up a report on its work; secondly, the proposal to set up a Steering Committee, the terms of reference and the membership of which I have outlined to you already; thirdly, the proposal to have just one Drafting Committee with the terms of reference and membership which I have outlined to you; fourthly, the proposal to submit resolutions to the Selection Committee which can examine them and report back to the Conference; and, fifthly, the proposal concerning the procedure for preparation and distribution of the report of the Committee of the Whole before it is examined by the Conference.

If there are no objections, may I take it that the Conference approves and adopts these proposals?

*(The proposals are adopted.)*

#### SUSPENSION OF CERTAIN PROVISIONS OF THE STANDING ORDERS OF THE CONFERENCE

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*Original French:* The PRESIDENT

As I have already said, the implementation of certain proposals which we have just accepted will require certain amendments to the Standing Orders. Article 76 of the Standing Orders states that, on the basis of a unanimous recommendation of the President and three Vice-Presidents, the Conference may exceptionally decide, in the interests of its orderly and expeditious functioning, to suspend any provision of the Standing Orders in order to deal with a specific non-controversial question. Therefore, and on behalf of myself and the three Vice-Presidents, I would like to make the following recommendations: firstly, that paragraph 2 of article 6, and paragraph 1 of article 59 of the Standing Orders, relating to the drafting committees of the Conference, be suspended; secondly, that paragraph 4 of article 63 of the Standing Orders be suspended in so far as is necessary to enable the Selection Committee to establish a deadline for the submission of resolutions; thirdly, that the final part of the last sentence of paragraph 3 of article 57 of the Standing Orders be suspended in order to enable the reporters of the Committee of the Whole to present the report of the result of their work to the Conference, after submitting it to the Officers but without submitting it to the Committee itself for approval; and fourthly, that paragraph 5 of article 24 of the Standing Orders be suspended only with regard to the translation and circulation of speeches in English, French and Spanish.

As you can see, these correspond completely to the decisions which we have just taken. However, pursuant to article 76 of the Standing Orders, it is not possible for us to take a decision on these changes during our first sitting. I will therefore submit these proposals again this afternoon at a very short plenary sitting at which we will also consider

the report of the Selection Committee on the proposed arrangements.

*(It is so decided.)*

#### OPENING STATEMENT OF THE SECRETARY-GENERAL OF THE CONFERENCE

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*Original French:* The PRESIDENT

I will now give the floor to Mr. Somavia, Director-General of the International Labour Office and Secretary-General of the Conference, for some comments on the occasion of the opening of this session. On Monday, 20 February, Mr. Somavia will be submitting and presenting his Report on developments in the maritime sector.

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The SECRETARY-GENERAL OF THE CONFERENCE

It is, of course, an honour and a pleasure to welcome you to the opening of the 94th Session of the International Labour Conference – and this Tenth Maritime Session.

Let me begin by thanking all of you and the Conference secretariat, who have laboured many long hours and days throughout many years to bring us here. Quietly, without publicity, your work has been highly productive. This Conference is a testament to your vision, hard work, and commitment to tripartism and dialogue. Thank you, Governments, Shipowners and Seafarers for what you have already done together.

*(The speaker continues in French.)*

Thank you very much, President Schindler, for your leadership which, once again, has been demonstrated in the extraordinary speech which you have given us, showing us very concisely what this meeting is about. Once again I would like to thank Cleo Doumbia-Henry and the staff of the ILO who have made so many efforts to ensure that you would be here with us today, and also the Commission of the European Union because they have contributed to this Conference, and how could we forget, of course, our meeting in Nantes, in France, which was an important stage in our work.

*(The speaker continues in English.)*

We are not finished. The last lap is still in front of us in the following days. Let me encourage you – all of you – to use that extraordinary consensus-building capacity that the maritime world has so often shown in the past, so that you can bring this Convention safely to port. You have in your hands – as key actors of the maritime world – the possibility of actually making history. This is not often given to us but you do have it in your hands!

We meet at a time when both the rule of law and the role of law are under a great deal of pressure and scrutiny. This may be especially the case with international law. For some, international law may appear far removed. It is outdated, some claim. It is difficult to enforce and keep up to date. It is even a constraint to national interests. These are concerns we hear, but do not agree with. The rule of law – national and international – expressed in fair and enforceable legal instruments remains one of the essential pillars upon which to build a society and address the many new social and economic changes brought on by the phenomenon of globalization ... to help bridge growing divides in our societies ... to advance people's security and the dignity of work

... to ensure that globalization can create opportunities for all.

This Conference is a concrete effort to address the challenges facing international law by adopting a twenty-first century tack, modernizing our approach while anchoring it in universal and core values.

In that very real and relevant sense, this Maritime Session is setting an example that flows far beyond any one sector, any one industry or any one concern and yet is unmistakably maritime.

Your objective over the course of the coming days is ambitious and doable. It is to come away with an agreement that takes the dozens of existing maritime labour instruments adopted by the ILO through the years and bring them together in a single new Convention. Something that, as you know very well has never been done before in any productive sector.

A Convention some have called a Seafarers' Bill of Rights, one that sets out seafarers' rights to decent conditions of work in the context of their own responsibilities, a living instrument that is globally applicable, easily understandable, readily updateable, and uniformly enforced once it comes into force.

If this framework Convention is adopted by the Conference, it would be an effective, modern and global response for a truly global industry.

Let me once again put your work in a larger context. As stated in my Report to the Conference, as a result of our broader concerns for securing the relevance and effectiveness of international labour standards, the Office's approach now includes activities aimed at: preparing the ground for new standards more thoroughly; exploring new methods of standard setting; engaging in deeper analysis of existing standards, their synergy, and their impact on various groups; accelerating the revision of outdated instruments to build on progress already made and promoting priority standards as problem-solving tools; enhancing the usefulness of supervision of standards; and reasserting the role of ILO standards in the greater global context.

The primary objective behind the development and adoption of international standards must not be forgotten. Any new Convention should, at minimum, respond to the primary role of the ILO today, which is to promote opportunities for men and women to obtain decent and productive work in conditions of freedom, equity, security and human dignity, and let me say that one of the biggest problems that I see in the world today is a certain devaluation of the dignity of work. Work that is essential for the individual because we prove ourselves through work; dignity and work which are essential for the stability of families, which is essential for peace in the community because the community at work is a community at peace; essential for the credibility of the institutions, of politics first, but also of the way the economic system works.

The dignity of work is probably one of the biggest challenges: restoring, reflecting, ensuring, promoting, descending. The dignity of work is one of the biggest challenges facing us. Productive work, work that comes from the productive system that has the dignity of not being a commodity and I am happy to say that the development of the proposed maritime labour Convention 2006 has followed these broader ILO approaches and objectives with regard to decent work.

This was already clear in 2001. I remember a meeting with you in which one of your spokespersons said, "we want to show that the maritime sector can lead the way in implementing decent work". That was in 2001. In 2003 when the tripartite maritime constituents adopted the framework of Convention No. 185, the resolution concerning decent work for seafarers, and it stated, and I quote, "all possible measures should be taken to promote decent work for seafarers", and this is what you will be doing in the following days and weeks.

In this context I will also note that the process of development of this Convention has differed from the more usual method of drafting international labour instruments. The Office has remained responsible for the overall text, however, both the underlying structural approaches and principles and much of the text, particularly in challenging areas such as social security protection or enforcement, are the result of proposals from Governments, Shipowners, and Seafarers and these have shaped the nature of this Convention.

The proposed maritime labour Convention 2006 contains a number of innovations as far as ILO standards are concerned. These innovations are based on approaches that have been successful in other widely accepted international Conventions in this sector. For example, the idea of standing firm on rights, but providing for some national flexibility on the precise method of implementation is not new to the ILO. However, the novelty is to make this firmness on rights and flexibility on the means of implementation a key concept, as the President has highlighted, of this very comprehensive instrument.

It is a way of addressing the reality of diverse legal, economic and other situations of ILO Members and its constituents. Flexibility to ensure the most appropriate ways of compliance, not flexibility to weaken workers' rights. Another important innovation is the elaboration of what is believed will be an effective enforcement and compliance system. It draws upon the best existing practices in the maritime sector, but I add further elements related to the ILO's well-established supervisory system and complaint mechanisms.

I think this is a major step forward in ensuring better protection of workers, particularly in the context of workers employed in transnational and global sectors, but also to bring clarity, stability and a level playing field for shipowners; in sum, greater productivity, safety and security for all. At the same time, the approach that is set out in the proposed Convention remains well within the bounds of existing international law and practice. The development of this balanced system and what I hope will be the necessary cooperational support for the further development of the related ILO responsibilities is, I think, a major accomplishment and may provide the impetus and support for equally progressive approaches in other sectors.

This 94th Session of the International Labour Conference – the Tenth Maritime Session – thus marks something that you are all aware of. It marks a very significant point and, in this maritime context, some might be forgiven for even saying a "sea change" in the approach to these issues in ILO standard-setting activities.

The aim, of course, is the adoption of a single Convention of unprecedented importance in the history of the maritime activities of the Organization, but this Convention will also be seen in the broader

context of developments in the ILO's approach to standard setting and to ensuring the relevance of its standards in this era of globalization of production and work.

Your joint endeavour truly serves as an excellent example, providing proof that tripartism can be a way forward to finding solutions to some of the more difficult, often seemingly intractable issues that we face in this twenty-first century.

If there is an area in which tripartism has proven its worth, it is in the maritime sector, and I have to congratulate you for this permanent capacity in issue after issue to find common ground, common sense and a route to understanding in which all three parties to the deal see that our interests have been protected.

Let me transmit to all of you all the energy necessary for the important task facing you in the days ahead. Thank you for having the courage to move forward, the capacity to conceive a path-breaking Convention and the conviction that it is possible.

#### **PRESENTATION OF THE REPORT OF THE CHAIRPERSON OF THE GOVERNING BODY: SUBMISSION**

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*Original French:* The PRESIDENT

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I now give the floor to Mr. Carlos Tomada, Minister of Labour, Employment and Social Security of Argentina and Chairperson of the Governing Body of the International Labour Office, so that he can introduce his report on the work of the Governing Body relating to the maritime sector since the last Maritime Session of the Conference.

This report is contained in *Provisional Record* No. 1 and, together with the Report of the Director-General, will be the subject of the discussion which will begin in plenary on Monday, 20 February.

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*Original Spanish:* Mr. TOMADA (*Chairperson of the Governing Body of the International Labour Office*)

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As Chairperson of the Governing Body of the International Labour Office, I had the great honour of declaring the current session of the International Labour Conference open. I now have the privilege of presenting the report of the Chairperson of the Governing Body which can be found in full in *Provisional Record* No. 1.

In accordance with article 25, paragraph 5, of the Standing Orders of the Conference, this report relates to the work of the Governing Body in the maritime sector since the last Maritime Session of the International Labour Conference in October 1996.

Personally, I find it particularly stimulating to be able to participate in this important Maritime Session of the Conference. A great deal of my experience at national level in the world of work, and particularly at the ILO, is linked to work in the maritime sector. For exactly 30 years I have had the honour of participating in previous Maritime Sessions where important maritime standards were adopted. Therefore, it is a great source of personal satisfaction that my mandate as Chairperson of the Governing Body should coincide with the holding of this session of the Conference which is destined to take an historic step forward: the adoption of the consolidated Convention which, by bringing together maritime standards, provides them with coherence and new tools for their effective implementation.

It must be emphasized that ILO standards are not an end in themselves. They are a means to an end, undoubtedly the most important ones which the Organization has to ensure decent work.

My report focuses on the key aspects of Governing Body activities carried out in the maritime sector, particularly those activities relating to the subject of this session. The report is quite detailed, so I will simply focus on the key areas which I believe to be worthy of special attention.

The Director-General has just spoken about the importance of the present session of the Conference because of the impact it could have on ILO activities in setting international standards. The Governing Body is also fully aware of the fundamental importance of this session of the Conference in the broader context of its work. The procedure followed in adopting this crucial instrument could have knock-on effects on the standard-setting procedure as a whole, rendering it more participative and in so doing ensure a result achieved through agreement and participation.

The maritime sector has had in the past, and continues to occupy, a key role in the International Labour Organization, particularly with regard to the drafting of standards and to international social dialogue. Among the first international labour instruments were instruments aimed at improving the working conditions of seafarers. A Recommendation adopted in 1920 – one year after the establishment of the ILO – already demonstrated the importance of establishing an international codification for seafarers that would clearly set out the rights and obligations inherent in this sector.

Since the beginning, matters specifically concerning the situation of seafarers have been examined at a special session of the International Labour Conference, known as Maritime Sessions. The First Maritime Session of the Conference took place in 1920. This is the tenth session. It has been a long path of discussion and consensus – a path of great value for developing working conditions in the maritime sector.

The basis of the consolidated maritime labour Convention really came about when the Governing Body decided to undertake a comprehensive review of existing international labour Conventions. On that occasion, the Governing Body looked at ways to improve and guarantee the relevance of ILO standards and enhance the supervisory mechanisms of the Organization. This concern has guided, and continues to guide, the work of the Governing Body and the way in which it approaches the issues referred to it. This is particularly relevant for issues concerning the maritime sector because many of the situations faced by seafarers anticipate the problems which will arise in many sectors as a result of the increasing globalization of labour. Therefore, in dealing with the seafarers' situation, the Organization has had the opportunity to try out new approaches and new ideas to deal with the negative effects of such trends.

In the decision taken at its 280th Session in March 2001, the Governing Body initiated the unanimous recommendation which had been formulated by the Joint Maritime Commission with a view to holding a Maritime Session in 2005 to adopt a single instrument which would consolidate the bulk of the corpus of existing standards. Since then, the Governing Body has supported and closely followed all



of the efforts made concerning the proposed Convention.

The second important step was the resolution known as the Geneva Accord, which was reached between shipowners' and seafarers' representatives in January 2001.

In fulfilling the recommendation made by the Joint Maritime Commission, the Governing Body established a High-level Tripartite Working Group on Maritime Labour Standards. The growing interest shown by governments and the very high level of commitment and dedication shown throughout these five years have been noteworthy. The concern shared by all was that the 40 Conventions and 29 Recommendations still did not actually have a sufficient impact on the working and living conditions of seafarers. On the other hand, this was potentially an economic drawback for shipowners and governments, who would have to offer decent working conditions.

When drafting the Convention, it was sometimes necessary to adopt more flexible procedures and mechanisms. The Governing Body fully supported such procedures every time they were necessary or decisive in order to ensure a comprehensive examination of the issues under discussion. It is this procedure which has today established an important precedent. Furthermore, it has demonstrated the value of the well-established methods of the ILO.

We have seen, moreover, that when the tried and tested procedures of the ILO have to meet new challenges, it is enough to make a few adjustments for them to be effective. The flexibility that holds together the ILO's framework and values also enables it to progress and adopt new approaches to meet the needs of the moment, and has been a common denominator throughout the process of drafting the Convention.

I mentioned the year 2001 as a watershed. In fact, the process that culminated in the preparation of this Convention began soon after the last Maritime Session of the International Labour Conference, in 1996, when the Governing Body asked for a major revision of international labour Conventions. In the mid-1990s, the Governing Body examined a number of general issues, one of them being how to improve and guarantee the relevance of ILO standards and strengthen the Organization's supervisory system. This concern guided and continues to guide the Governing Body's work and its approach to the issues submitted to it, in particular those relating to the maritime sector. This is due in part to the fact that many of the conditions faced by seafarers foreshadow the problems that will emerge in many sectors as a result of increasing globalization of the workplace. Thus, in addressing the situation of seafarers, the Organization has had the opportunity to try new approaches and devise solutions to cope with the negative effects of these trends.

In this respect, the report indicates that, in addition to the revision of standards, the Governing Body also supported essential and progressive efforts to apply and develop existing maritime labour Conventions, such as the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180), and the adoption of the very important Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), which addresses current needs in regard to security and seafarers' identity documents. During the last decade, the Governing Body also carried out and supported other important activities

and meetings on the maritime sector, on key issues such as the minimum wage, the effect of international registers, seafarers' health, and liability and compensation in the event of death, injury and abandonment of seafarers.

Seen from the perspective of this Tenth Maritime Session of the International Labour Conference convened in 2006, the ILO's work in the maritime sector since the adoption in 1920 of the National Seamen's Codes Recommendation, 1920 (No. 9), can be perceived as a sustained, concerted effort to achieve decent work for seafarers through an international body of standards.

Clearly, in order to achieve the goal of decent work, as already pointed out in 1920, these rights and duties will have to be "embodied" in national legislation.

Therefore, this session of the Conference should also look forward to the future and consider the measures that will have to be adopted once it has concluded its work, in order to maintain the impetus that has driven our work in the last five years and brought us to this point.

I wish you every success in the work of this Conference.

This draft consolidated Convention, known as the "fourth pillar" of regulation of maritime activities, will contribute to improving working and social conditions throughout the industry, with a view to rapid ratification by most maritime nations.

This is what we expect from the exceptional tripartite impetus that drove the preparatory work, and especially the unexpected commitment on the part of the Government representatives.

However, I would state most emphatically that if we are to achieve the goal of decent work, as already pointed out in 1920 these rights and duties will have to be "embodied" in national legislation. We need to convince many countries that sometimes agree to vote for a Convention without seriously intending to support its ratification vis-à-vis the competent authority.

This session of the Conference also has to take place with the future in mind. Our major challenge will be to plan and implement the measures that will have to be adopted once it is over in order to maintain the impetus that has driven our work over the last five years and brought us to this point. In particular, efforts will have to be made to ensure the rapid entry into force of the consolidated Convention we hope to adopt, as well as wide ratification by member States. Moreover, it should be borne in mind that adequate implementation of the Convention, in particular for developing countries, will require important adjustments that will call for technical assistance from the Office.

Disseminating the instrument and supervising its application, as well as continual monitoring, among other tasks, will lend vitality and visibility to the future Convention.

Lastly, I would like to thank Ms. Doumbia-Henry for her work. I consider this Convention a genuine and original contribution to strengthening the social dimension of globalization and promoting decent work – the two commitments I made when I took on the responsibility of serving as Chairperson of the Governing Body.

I am honoured by this opportunity to participate with you, as one of the actors here today, and wish you every success in the work of this session of this historic Conference.



That now brings us to the end of our work for this first sitting of the plenary. I would just like to ask the Director-General for permission to bring in an innovation in our work. We have already made several, and I should like to bring in one final one which concerns the chairing of discussions by the President.

The President of the Conference has a tool in order to do his job, a gavel, with which to establish some order if discussions get a bit heated. Seafarers, however, are not particularly used to handling a gavel, and I should like to replace it with an instrument which is much more familiar to all of us, and

which most seafarers will be used to. It was used for calling the watch, and is still used for signalling especially in foggy weather. All ships of any size are equipped with it. I am talking about a bell. I should be much happier with a bell than with the gavel.

*(Applause.)*

Thank you very much in advance for your cooperation. I now close this first sitting of the 94th (Maritime) Session of the International Labour Conference.

*(The Conference adjourned at 11.40 a.m.)*

## Second sitting

Tuesday, 7 February 2006, 4.45 p.m.

President: Mr. Schindler

### SUSPENSION OF CERTAIN PROVISIONS OF THE STANDING ORDERS OF THE CONFERENCE (CONT.)

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*Original French:* The PRESIDENT

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In the course of this second plenary sitting, we are required to take a decision concerning recommendations on the suspension of certain provisions of the Standing Orders of the Conference, which the Officers of the Conference submitted to you at this morning's plenary sitting.

I would now like to remind you of the content of these recommendations: firstly, that paragraph 2 of article 6, and paragraph 1 of article 59 of the Standing Orders, in respect of the drafting committees of the Conference, be suspended; secondly, that paragraph 4 of article 63 of the Standing Orders be suspended to the extent necessary to allow the Selection Committee to set a deadline for the submission of resolutions; thirdly, that the last sentence of paragraph 3 of article 57 of the Standing Orders be suspended in order to allow the Reporters of the Committee of the Whole to submit the report on the outcome of its discussions to the Conference after submitting it to the Officers of the Committee, but without submitting it to the Committee itself for approval; lastly, that paragraph 5 of article 24 of the Standing Orders be suspended, solely as to the translation and circulation of speeches in English, French and Spanish.

As I see no objections, may I take it that the Conference adopts these proposals?

*(The proposals are adopted.)*

### FIRST REPORT OF THE SELECTION COMMITTEE: SUBMISSION, DISCUSSION AND APPROVAL

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*Original French:* The PRESIDENT

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We now move on to the report of the Selection Committee, and I would like to give the floor to Ms. Ribeiro Albuquerque, the Chairperson of that Committee, to present the first report of the Selection Committee. This report is contained in *Provisional Record* No. 3, which the secretariat is now distributing.

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

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I have the honour to present the first report of the Selection Committee to this 94th (Maritime) Session of the International Labour Conference. The

report is contained in *Provisional Record* No. 3 and sets out various decisions taken concerning the work of the Conference which I shall now summarize.

In view of the Conference decision to refer to the Selection Committee, for its review and report, all proposed resolutions relating to items included on the agenda, the Selection Committee decided that the deadline for receipt of resolutions is 5 p.m. on 13 February 2006. Moreover, the Committee noted and supported the Conference decision, pursuant to article 76 of the Standing Orders, to suspend article 63, paragraph 4, of the Standing Orders, solely as to the timing of submission of resolutions prior to discussion in the meeting.

The Selection Committee decided that the discussion of the reports of the Chairperson of the Governing Body and of the Director-General would begin on Monday, 20 February at 10 a.m. and that the list of speakers would be closed on Wednesday, 15 February at 6 p.m., under the usual conditions.

The Selection Committee endorses the general plan of work for Committees which, although not binding, will enable them to take maximum possible account of the overall needs of the Conference. This plan of work is appended to the Committee's report in Appendix III. I should also like to draw the attention of the Conference participants to the suggestions in the report, which were confirmed by the Selection Committee, concerning quorum, punctuality and negotiations in committees – all of which are designed to ensure the smooth work of the Conference.

In respect of member States that have lost the right to vote participating as regular committee members, the Selection Committee confirms, as in previous years, that the calculation of weighted coefficients for votes in committees should be based on the number of regular Government members entitled to vote.

The Committee noted that a number of international non-governmental organizations might be represented on the Committee of the Whole.

Furthermore, the Committee took a number of decisions regarding the composition of the Credentials Committee, the Steering Committee and the Drafting Committee. Because of the particular form of this Conference and the decisions taken to allow it to perform its tasks in the most efficient way, the Selection Committee noted and supported the Conference decision, pursuant to article 76 of its Stand-

ing Orders, to suspend the following articles of the Standing Orders: article 24, paragraph 5, solely as to the requirement of translation and circulation of speeches in English, French and Spanish; article 57, paragraph 3, solely as to the reference in the last sentence to presentation of a report to the Committee for its approval; article 6, paragraph 2, and article 59, paragraph 1, in respect of the Drafting Committee.

In closing, I should like to draw your attention to Appendix I to this report, which explains the electronic voting system, and to Appendix II recommended by the Committee, which provides information on submission of speeches for the discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

I recommend the first report of the Selection Committee to the Conference for approval.

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*Original French:* The PRESIDENT

If there are no objections, may I take it that the Conference approves all the proposals contained in this report?

*(The report is approved.)*

#### **DELEGATION OF AUTHORITY TO THE OFFICERS OF THE CONFERENCE**

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*Original French:* The PRESIDENT

Since the Conference will not be meeting in plenary until Monday, 20 February, the daily tasks related to the organization of the Conference will therefore be carried out by the Officers of the Conference, if the Conference wishes to confer on them the necessary powers. I therefore now call on the Clerk of the Conference to read out, for your approval, the delegation of authority.

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The CLERK OF THE CONFERENCE

The General Conference of the International Labour Organization hereby delegates to its President and three Vice-Presidents authority to take any decisions or perform any functions which fall within the competence of the Conference with respect to any matter that needs to be dealt with before the Conference resumes its plenary sittings, unless the Officers consider that the Conference should hold a

sitting to discuss such matters. Decisions taken under this authority will be set out in the *Provisional Record* of the work of the Conference. This delegation of authority shall take effect at the end of this sitting and shall terminate when the Conference resumes its plenary sittings.

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*Original French:* The PRESIDENT

If there are no objections, may I take it that the delegation of authority is accepted?

*(The delegation of authority is accepted.)*

#### **ELECTION OF THE CHAIRPERSON OF THE COMMITTEE OF THE WHOLE**

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*Original French:* The PRESIDENT

I give the floor to Mr. Zhang, Chairperson of the Government group, in order to allow him on behalf of his group to propose a candidate for the chairmanship of the Committee of the Whole.

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Mr. ZHANG (*Government, China*)

I am very happy to propose Mr. Bruce Carlton, the Government representative of the United States, as Chairperson of the Committee of the Whole.

Mr. Carlton is a senior official in the Maritime Section of the Department of Transport in the United States, and his guidance as Chairperson of Technical Committee I of the Preparatory Technical Maritime Conference (PTMC) and, above all, the subsequent Tripartite Intersessional Meeting on the follow-up to the PTMC in 2005, was outstanding. I am sure that he will manage equally well as Chairperson of the Committee of the Whole.

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*Original French:* The PRESIDENT

As this is a proposal from the Government group, I declare that Mr. Bruce Carlton (United States) is elected as Chairperson of the Committee of the Whole. Mr. Carlton, allow me to congratulate you and wish you every success in your work.

All that remains for me now then is to say that we will meet together again on Monday, 20 February. I now declare closed the second plenary sitting of the 94th (Maritime) Session of the International Labour Conference.

*(The Conference adjourned at 5 p.m.)*

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