



Evaluation Summary



International
Labour
Office

Evaluation
Office

Sweden-ILO Partnership Programme Phase II 2012-18 Outcome 18 – Maritime Labour Convention (Global Product) - Final Evaluation

Quick Facts

Countries: Global

Final Evaluation: May 2014

Mode of Evaluation: Independent

Administrative and Technical backstopping:
ACT/EMP

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Project Code: GLO/11/59/NOR

Donor: Norway, Partnership Evaluation

Background & Context

The 94th (Maritime) Session of the International Labour Conference (ILC) adopted the Maritime Labour Convention, 2006 (MLC, 2006), an international agreement that consolidates almost all of the 70 existing ILO maritime labour instruments in a single modern globally applicable legal instrument. The MLC 2006 establishes comprehensive minimum requirements for almost all aspects of working conditions for seafarers. In 2006, the International Labour Office drafted the

MLC, 2006 Action Plan 2006-2011 in order to achieve rapid and widespread ratification and effective implementation of the Convention.

In 2009, the International Labour Organisation (ILO) and the Swedish International Development Cooperation Agency (SIDA) signed a Partnership Programme (PP) Agreement for 2009-2013. The PP in its second phase included funding reserved for Outcome 18 aiming at increasing ratification, effective implementation and more widespread and systematic use of international labour standards by the tripartite constituents to respond effectively to the needs of the world of work. Funding was outcome-based rather than project-based, which provided the ILO Standards Department with flexibility to allocate resources to areas where they most effectively contribute to implementation.

This component of the PP had 4 immediate objectives:

- Immediate objective 1: Increased ratification and effective implementation of the MLC, 2006 with a focus on countries with scarce resources and limited capacity.

- Immediate objective 2: Strengthened capacity for enforcement and compliance with MLC, 2006 requirements, with a particular focus on capacity building of maritime labour inspectors.
- Immediate objective 3: Increased awareness and capacity to assess risks and comply with the health, safety and accident prevention provisions of the MLC, 2006.
- Immediate objective 4: Better application of the principles contained in Convention No. 169 on Indigenous and Tribal Peoples in the Central Africa Republic, in conformity with the comments of the supervisory bodies of the ILO.

Main Findings & Conclusions

In only 7 years since its adoption, the Maritime Labour Convention, 2006 has been ratified by 54 member states covering over 80% of the gross tonnage worldwide. This not only permitted the MLC to come into force in 2012 despite its restricting requirements, but has laid the ground to encourage further ratifications to ensure a level playing field in the maritime sector. It is expected that several countries will ratify the instrument in the following 12 months.

In promoting ratification and effective implementation of the MLC, 2006, the ILO has taken an innovative approach of supporting constituents during all stages of the process, including before ratification by assisting countries in bringing their national legislation in line with the requirements of the Convention. The ILO has supported legal gap analyses in 30 countries and participated in the preparation of draft legislation for some 20 countries. The

development process followed in the legal gap analyses has built local capacity, promoted national ownership and responsibility and encouraged social dialogue.

The ILO has also supported constituents by conducting a number of technical missions to address the gaps identified in different countries and strengthened capacities and skills of government authorities involved in the implementation of the Convention. All technical assistance missions have included a set of activities, designed to meet the specific needs of each country individually.

These missions have required a coordinated approach between ILO HQ and regional or sub-regional offices. Taking a look at the support received by countries in the different regions, there seems to be a gap in the support received by Spanish speaking countries. To ensure that the MLC provisions are uniformly applied worldwide, and that all countries who need support can have access to the high level technical advice and capacity building, more efforts need to be focused on these regions.

To scale effectiveness and impact of the assistance, different handbooks, guidelines and tools have been created to help constituents adapt their legal frameworks and facilitate understanding of the MLC, 2006. These tools have been made available in different languages through a specific webpage dedicated exclusively to the MLC and its practical application, which in only 4 years has become the 11th most visited page of the ILO website, receiving visits from almost all countries.

The Maritime Labour Academy in Turin now conducts five highly specialized courses creating a coherent and complementary program for the different constituents and stakeholders who apply the Convention. The MLA has not only been able to strengthen the skills and capacities

of 412 individuals during 2012 and 2013, but has also trained trainers who back in their home countries have held awareness rising activities and trainings for over 11,200 people. The MLA has also set the foundations to ensure that the training conducted by private companies worldwide on maritime issues and the application of the MLC, 2006 is accurate and consistent.

The progress that ratifying countries have made in applying the Convention in practice can only be measured after the assessment made by the ILO supervisory bodies. 31 ratifying countries will submit first reports to the CEACR in 2014 and 20 countries in 2015. In the coming months we will be in a better position to assess the progress made, identify the remaining gaps and recognize where further efforts are required. If the Office designs, collects and consolidates indicators to measure such progress, it will facilitate the assessment of effectiveness, efficiency and impact of work done. It will also allow to measure progress of ratifying countries over time and to compare the impact of different measures.

With the Convention in force, the ILO's efforts and focus will be placed in effective implementation through national legal frameworks. The ILO should continue to provide support to countries in drafting legislation in compliance with the Convention and should strengthen their capacity to meet their reporting obligations.

With respect of the work done in the Central Africa Republic to support constituents in the application of the principles and rights contained in Convention No. 169 on Indigenous and Tribal Peoples, unfortunately the armed conflict has derailed the normal functioning of the project. Different reports denounce the widespread-targeted killings and serious human rights violations, including

indigenous people. The CEACR has urged all stakeholders, and specifically the governmental authorities, to ensure full respect of the human rights of indigenous peoples, especially of children and women of the Aka and Mbororo ethnic groups.

Given the tragic events, the ILO continues to support the CAR constituents and indigenous peoples as much as possible from the Yaoundé ILO Office with activities that do not require any physical presence of project staff or ILO officials in the country. The active engagement in all processes and activities of constituents, civil society and indigenous peoples increases the possibilities of resuming the work without losing all efforts made by the project once the situation improves.

Previously to the military coup and despite the challenges, the Government was able submit its first national report on the application of Convention No. 169 to ILO supervisory bodies which allows an open and constructive dialogue between the Government and the CEACR on the adequacy of their legal framework and the practical application of the provisions.

Continuing with the activities from the Yaoundé Office is an opportunity for the CAR experience of ratification to continue to be discussed, to ensure that the tragic events do not overshadow the relevance of the convention of the sub-region and to continue to stimulate the protection and promotion of indigenous peoples' rights in the region.

Recommendations & Lessons Learned

RECOMMENDATION 1: Verify the progress that ratifying States and countries that have received ILO support in this period are making regarding implementation of the MLC, 2006.

RECOMMENDATION 2: Design, regularly collect and consolidate indicators to measure progress made by Governments in applying the Convention.

RECOMMENDATION 3: Provide further support to Spanish speaking and French speaking countries to increase the number of ratifications and to increase the number of ratifications in all regions equally and support countries in their implementation efforts.

RECOMMENDATION 4: Provide support to countries to meet reporting obligations.

RECOMMENDATION 5: Design coherent and structured programs with national constituents to conduct advisory and training activities in the field within an agreed framework, action plan and specific timeframes.

RECOMMENDATION 6: Integrate training measurements at different levels (satisfaction, learning, job transfer and impact) in all training activities (MLA and ILO Officials trainings) to evaluate training outcomes.

RECOMMENDATION 7: Consider further alternatives to increase access to training resources to more constituents in all regions at viable cost.

RECOMMENDATION 8: Ensure an efficient project management administration so administrative matters do not interfere with an effective delivery of initiatives and activities.

RECOMMENDATION 9: Consider the financial feasibility and sustainability of the MLA courses

RECOMMENDATION 10: Continue with the project activities from the Yaoundé Office as an opportunity for the CAR experience of ratification to continue to be discussed and looked at by neighbouring countries.