

# ***Guide to the Preparatory Technical Maritime Conference***

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## ***Preparatory Technical Maritime Conference***

***Geneva, 13-24 September 2004***



< [www.ilo.org/public/english/standards/relm/maritime/index.htm](http://www.ilo.org/public/english/standards/relm/maritime/index.htm) >

*Preparatory Technical Maritime Conference  
Geneva, 13-24 September 2004*

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# Preparatory Technical Maritime Conference (PTMC)

**Dates:** Monday, 13 September to Friday, 24 September 2004

**Place:** *Palais des Nations* and the headquarters of the International Labour Office, Geneva

**For details concerning registration, see sections 8 (Participation) and 10 (Practical arrangements).**

## 1. Agenda of the Conference

The PTMC will consider the draft, recommended by the High-Level Tripartite Working Group on Maritime Labour Standards, of a consolidated maritime labour Convention and propose a text, with a view to the adoption of the Convention by the 94th Session (Maritime) of the International Labour Conference scheduled for autumn 2005.

**It is important for delegations to take due account of the unprecedented features of this agenda:** The proposed consolidated maritime labour Convention is designed to replace almost all the maritime labour Conventions that have been adopted since 1920; it will thus be a single instrument covering a wide variety of different subjects. It will place great emphasis on compliance and enforcement measures in order to ensure a “level playing field” for all countries and shipowners that are concerned with providing decent conditions of work for seafarers. It will also contain a simplified amendment procedure allowing the technical details of the Convention to be rapidly updated. For the instrument to be of value, it must obtain the broadest possible ratification by the maritime Members of the International Labour Organization.

In this connection, it should be borne in mind that the present draft of the consolidated Convention incorporates a considerable measure of flexibility; at the same time, it covers the substance of about 30 existing maritime labour Conventions, thus increasing the chances of a particular provision or provisions constituting an obstacle for one or more member States in the ratification of the Convention ultimately adopted by the Conference. **Governments should therefore ensure that the recommended draft is reviewed by national experts covering the fields addressed with a view to identifying any such potential obstacles (cf. section 8 below).**

The recommended draft will be accompanied by a Commentary explaining the background and providing clarifications with respect to some of its provisions. In addition, the Office’s contact point for inquiries on the substance of the recommended draft (see Appendix I to this *Guide*) is available to explain the background and intention relating to draft provisions that may be of concern to governments and, where necessary, to arrange for advice to be provided by the Legal Adviser or the International Labour Standards Department of the ILO.

## 2. Rules of procedure of the Conference

The Governing Body has decided that this PTMC will be governed by rules of procedure contained in the Standing Orders it approved at its 289th (March 2004) Session. They are reproduced in Appendix II to this *Guide*.

The Standing Orders include some novel features to take account of the special situation indicated in section 1 above. In particular, they implement a recommendation made by the High-Level Tripartite Working Group on Maritime Labour Standards at its

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fourth meeting at Nantes in January 2004. This recommendation, set out in the resolution reproduced in Appendix III to this *Guide* and endorsed by the Governing Body, takes account of the fact that this wide-ranging draft has been prepared under the guidance of the High-Level Tripartite Working Group and its Subgroup in a total of six meetings held since December 2001. The result has been, on the one hand, the elaboration of a significant number of provisions that can be considered as mature and, on the other, the identification of provisions which have not yet been discussed or for which further discussion is required in order to achieve consensus. The resolution aimed to give priority to the discussion of these latter provisions; proposals relating to the other provisions could be discussed in a second stage, provided that they had sufficient support. This procedure would enable the Conference to complete its agenda, and is implemented, in particular, by paragraph 4 of the Standing Orders, which provides that the Steering Committee, established under article 4, “shall, taking into account the recommendations of the Governing Body, establish time limits for the submission of amendments to the proposed instrument and the order and procedure for the examination of such amendments”.

### 3. Conference programme

#### ■ **Monday, 13 September**

**From 9.30 a.m. (continuing as required):** *Group meetings* for Government, Shipowner and Seafarer members. The groups convene officially to elect their Officers, determine their membership of the different committees, become acquainted with Conference procedure and hold group discussions on the content of the text proposed. They will meet in the following rooms:

Government group:      Governing Body room at the ILO;

Shipowners' group:      Room V at the ILO;

Seafarers' group:      Room II at the ILO.

#### ■ **Tuesday, 14 September**

**10 a.m.:** *Opening sitting* in the Assembly Hall of the *Palais des Nations*. At the opening sitting, delegations will be called on to elect the four Officers of the Conference<sup>1</sup> and eight further delegates who, together with the Officers and three representatives of the Governing Body, will constitute the Steering Committee (cf. section 5 below). The various committees will also be established at this first sitting. The *Steering Committee* will meet immediately after the opening sitting of the Conference to take decisions concerning arrangements for the Conference.

**3 p.m.:** *Committees* commence their work at ILO headquarters. Sitings continue until Wednesday, 22 September, 1 p.m.

#### ■ **Thursday, 23 and Friday, 24 September**

Submission and discussion of committee reports in plenary sitting, *Palais des Nations*.

<sup>1</sup> President, Government, Shipowner and Seafarer Vice-Presidents.

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## 4. Plenary

The plenary sittings of the Conference will be held in the Assembly Hall on the first floor of the Assembly Building of the *Palais des Nations*. Access is through doors Nos. 13 and 15, which lead to the entrance hall of the building, and then by staircases Nos. 12, 13, 15 and 16 or lifts Nos. 12, 13, 15, 16 and 29.

After its opening sitting, at 10 a.m. on Tuesday, 14 September, the Conference will, in principle, not meet in plenary until the second week of its work. Committee reports, draft provisions and any resolutions will be submitted to plenary for discussion on **Thursday, 23 and Friday, 24 September**.

## 5. Committees

### Technical committees

Provision has been made for the establishment of three technical committees. The decision regarding allocation of work to technical committees will be taken by the Conference. To help governments to plan their participation in the Conference, the Officers of the High-Level Tripartite Working Group intend to make proposals regarding the subject matter to be entrusted to each technical committee; relevant information will be communicated to constituents in July 2004.

**Registration in technical committees:** For Shipowners' and Seafarers' delegates, this is undertaken at the group meetings on Monday, 13 September, or by obtaining registration forms from the group secretariats; Government delegates may register during the Government group meeting on Monday, 13 September, or subsequently at the Clerk's Office.

### Steering Committee

The Steering Committee is composed of the Officers of the Conference and four Government delegates, two Shipowners' and two Seafarers' delegates (cf. article 4 of the Standing Orders). It is responsible, inter alia, for setting the programme of the Conference, fixing the time and agenda of its plenary sittings and acting on its behalf on any other routine questions. The Steering Committee will also determine the work assigned to each committee and, as indicated in section 2 above, establish time limits for the submission of amendments to the proposed instrument and the order and procedure for the examination of such amendments.

### Drafting Committee

In accordance with article 11, paragraph 2, of the Standing Orders, a drafting committee may be established comprising one delegate from each of the three groups, as well as the Secretary-General of the Conference and the Legal Adviser or their representatives. It will consider the texts referred to it by the technical committees and ensure the preparation of the final draft text of the Convention for submission to the Conference for adoption. During the discussions, it may be entrusted with the task of drafting any decision or text in order to formulate it in the appropriate way.

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## 6. Documentation

### Communication of the recommended draft

The recommended draft of the consolidated Convention and the related Commentary will be communicated to member States at least two months before the meeting. These documents will be available in English, French, Spanish, Arabic, Chinese, German and Russian. They will also be placed, with this *Guide to the PTMC*, on the ILO's web site at the following address:

[www.ilo.org/public/english/standards/relm/maritime/index.htm](http://www.ilo.org/public/english/standards/relm/maritime/index.htm)

To enable all participants to prepare fully for the discussions, governments are urged to distribute the reports sent to them in good time to Government delegates, as well as to those representing the Shipowners and Seafarers. Conference participants are encouraged to bring the documents thus received with them to Geneva and to refrain, where possible, from requesting additional sets once on the Conference site.

## 7. Interpretation

Interpretation services at Conference meetings will be provided in English, French, Spanish, Arabic, Chinese, German and Russian.

## 8. Participation

### Composition of delegations

All Members of the International Labour Organization have been invited to send a delegation to the Preparatory Technical Maritime Conference. Each delegation is to be composed of **three** delegates: **one** Government delegate, **one** delegate representing the Shipowners and **one** delegate representing the Seafarers.

Each delegate may be accompanied by advisers. **Travel and living expenses of delegates and their advisers are to be borne by their respective member States.**

Member States must ensure that their **delegations are fully tripartite**, and that the delegates are able to act in full independence of one another. They are required to nominate non-Government delegates chosen in agreement with the shipowners' and seafarers' organizations, if such organizations exist, which are most representative of shipowners and seafarers in their respective countries.

Constituents are also asked to remember **that the success of the discussions depends on the competencies of participants**. It is therefore of critical importance that participants should be chosen not only for the technical expertise required, but also with a view to adopting a coordinated approach, involving action shared between several different government administrations. In this case, it is important to ensure that each country's delegation combines the necessary expertise, including practical experience if possible, not only in the employment and social conditions of seafarers, but also in other specialized fields in the maritime sector – in particular, social security protection, occupational safety and health, the design and construction of shipboard accommodation, labour inspection and certification procedures.

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**Governments are asked to bear in mind the need to ensure a proper gender balance as in the case of the International Labour Conference.**

## **Credentials**

Credentials of delegates and their advisers should be deposited with the International Labour Office **at least 15 days** before the date fixed for the opening sitting, i.e., on or before **Monday, 30 August 2004**.

The form for the submission of credentials is attached to the letter of convocation. Contact addresses are given in Appendix I to this *Guide to the PTMC*.

## **9. Health and safety**

All persons attending the Conference are reminded of their responsibility to have **appropriate travel and health insurance** for the period of their attendance.

Participants should only travel when in good health, and are encouraged to pay serious attention to such medical procedures as may be introduced at departure and arrival points.

Whilst every effort will be made to ensure a safe and healthy Conference environment, delegates are requested to raise any concerns they may have in these areas with the secretariat. Medical support services will be available to delegates throughout the Conference.

## **10. Practical arrangements**

### **Delegates with a disability**

The Conference premises are fully accessible to persons with a disability.

### **Accommodation for delegations in Geneva**

It is advisable to make reservations for accommodation in Geneva well in advance. Since the International Labour Office **does not have a hotel reservation service**, delegations to the Conference should request the diplomatic representations of member States in Geneva or, where applicable, in Bern, to make the necessary reservations with hotels in the Geneva area. Reservations may also be made through the:

**Office du tourisme de Genève**  
**18, rue du Mont Blanc**  
**P.O. Box 1602**  
**CH-1211 Genève 1**

**Telephone: +41 22 909 70 00**

**Facsimile: +41 22 909 70 11**

**Internet site: [www.geneve-tourisme.ch](http://www.geneve-tourisme.ch)**

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## Entry visas for Switzerland and France

Entry visas for Switzerland are issued primarily by Swiss diplomatic representations abroad. Delegates to the Conference who require an entry visa should submit, well in advance, a personal request to the Swiss embassy or consulate in their country of residence. Delegates may wish to note that visas are issued upon arrival at the airport in Geneva only in **exceptional** circumstances.

The French Consulate in Geneva is not authorized to issue entry visas for France to temporary visitors to Switzerland without first referring the application to the French embassy or consulate in the applicant's home country. Consequently, members of delegations wishing to visit or stay in France during the session should obtain the necessary single or multiple entry visas for France in their own country before leaving for Switzerland.

**The Office may only intervene with Swiss diplomatic representations on behalf of delegates and their advisers if their credentials have been received in Geneva by Monday, 30 August 2004.**

## Registration on arrival

Delegates will be required to register personally at the **International Labour Office (headquarters building)** where, on presentation of a valid identity document, they can pick up their badges **as from 7 a.m. on Monday, 13 September**, provided that the Office has received their credentials. This registration is essential for the calculation of the quota for each vote. Subsequently, the registration desk will be open from **8 a.m. to 6.30 p.m.**

All delegates must be in possession of a personalized badge to gain access to the *Palais des Nations* complex and the ILO building. Badges must be worn visibly at all times.

A mini-bus service will be available to ferry participants between the ILO headquarters building and the *Palais des Nations* (5-10 minute ride) on Tuesday 14, Thursday 23 and Friday 24 September.

Additional information, giving greater detail on practical arrangements, will be at the disposal of delegates when they arrive in Geneva.



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## Appendix I

### Contact numbers

**ILO web site: [www.ilo.org/public/english/standards/relm/maritime/index.htm](http://www.ilo.org/public/english/standards/relm/maritime/index.htm)**

	Contact person and tel. No.	Email address	Fax number
<b>Inquiries on the substance of the recommended draft</b>	Ms. Doumbia-Henry	sector@ilo.org	+41 22 799 70 50
<b>Credentials</b>			
By post or fax to: Office of the Legal Adviser ILO CH-1211 Geneva 22	JUR+41 22 799 65 25	credentials@ilo.org	+41 22 799 85 70
<b>Official Relations Branch</b> (for general inquiries)	REL OFF+41 22 799 77 32	reloff@ilo.org	+41 22 799 89 44
<b>Documentation</b>	DISTR+41 22 799 80 40	distr@ilo.org	+41 22 799 63 61

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## Appendix II

### Preparatory Technical Conference on Maritime Labour Standards

#### Proposed Standing Orders

##### ARTICLE 1

###### *Composition*

1. The Conference shall be composed of the delegates appointed by each of the States Members invited by the Governing Body to participate. Each State Member is invited to appoint three delegates (one Government delegate, one Shipowners' delegate, and one Seafarers' delegate).
2. The Governing Body shall be represented at the Conference by a tripartite delegation.
3. Each delegate may be accompanied by advisers. The advisers accompanying a delegate shall have the right to take part in the discussions and to vote under the same conditions as the delegate, unless the delegate indicates otherwise in a written note to the Secretary-General.

##### ARTICLE 2

###### *Officers of the Conference*

1. The Officers of the Conference shall consist of a President and three Vice-Presidents (one from each group), and three representatives of the Governing Body. It shall be the duty of the Officers to arrange the programme of the Conference, to set the date, time and agenda of the plenary sessions, and to draw up proposals regarding the establishment and composition of other committees.
2. The President shall preside over the sittings of the Conference. The Vice-Presidents shall preside in turn over the sittings or parts of sittings at which the President cannot be present.
3. The President shall direct the debates, maintain order, ensure the observance of the Standing Orders, accord or withdraw the right to address the Conference in accordance with the provisions of these Standing Orders, put questions to the vote and announce the result of the vote.

##### ARTICLE 3

###### *Secretary-General of the Conference*

The Director-General of the International Labour Office or a person appointed by him for that purpose shall act as the Secretary-General of the Conference.

##### ARTICLE 4

###### *Committees*

1. The Conference shall appoint a Steering Committee consisting of the Officers of the Conference, four Government delegates, two Shipowners' delegates and two Seafarers' delegates, representing each of the three groups. It shall be the duty of the Steering Committee to arrange the programme of the committees, to fix the date, time and agenda for the committees, and to report to the Conference on any other questions requiring a decision for the proper conduct of business or in implementation of these Standing Orders.
2. The Conference may appoint other committees or working parties after due notice has been given to the three groups.

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## ARTICLE 5

### *Admission to sittings*

The sittings of the Conference and its committees shall be public unless it is otherwise decided.

## ARTICLE 6

### *Right to participate in the work of the Conference*

1. Observers from non-member States who have been invited by the Governing Body may participate in the proceedings without a vote.
2. Representatives of official international organizations which have been invited by the Governing Body to be represented at the Conference may participate in the proceedings without a vote.
3. No delegate, adviser or observer shall address the Conference without having asked and obtained the permission of the President.
4. The President may require speakers to resume their seats if their remarks are not relevant to the subject under discussion, or if they go over the time limit established by the Officers of the Conference.
5. The President may, in agreement with the Vice-Presidents, permit representatives of non-governmental international organizations with which the International Labour Organization has established consultative relationships, and representatives of other non-governmental international organizations which have been invited by the Governing Body to be represented at the Conference, to make or circulate statements for the information of the Conference on questions which are being examined by the Conference. If agreement cannot be reached, the matter shall be referred to the Conference for decision without discussion.

## ARTICLE 7

### *Amendments, motions and resolutions*

1. Amendments, motions and resolutions may be discussed only if they have been seconded.
2. (1) Motions as to procedure may be moved verbally and without previous notice. They may be moved at any time, except after the President has called upon a speaker and before the speaker has terminated his or her speech.  
(2) Motions as to procedure include the following:
  - (a) a motion to refer the matter back;
  - (b) a motion to postpone consideration of the question;
  - (c) a motion to adjourn the sitting;
  - (d) a motion to adjourn the debate of a particular question;
  - (e) a motion that the Conference proceed with the next item on the agenda for the sitting;
  - (f) a motion to ask for the opinion of the President, the Secretary-General or the Legal Adviser of the Conference;
  - (g) a motion for the closure of the discussion.
3. Amendments and resolutions other than motions as to procedure must be submitted in writing in one of the official languages of the Conference. They must be translated and distributed before the discussion.

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4. The Steering Committee shall, taking into account the recommendations of the Governing Body, establish time limits for the submission of amendments to the proposed instrument and the order and procedure for the examination of such amendments.
  5. Only amendments to amendments already submitted under the conditions referred to above may be submitted without prior distribution.
  6.
    - (1) Amendments shall be voted on before the resolution to which they refer.
    - (2) If there are several amendments to a motion or resolution, the President shall determine the order in which they shall be discussed and put to the vote.
    - (3) If a motion or resolution is amended as the result of a vote, that motion or resolution as amended shall be put to the Conference for a final vote.
  7.
    - (1) Any amendment may be withdrawn by the person who moved it, unless an amendment to it is under discussion or has been adopted.
    - (2) Any amendment so withdrawn may be moved again without previous notice by any other delegate to the Conference.
  8. No draft resolution shall be receivable unless it relates to the subject of the Conference.

## ARTICLE 8

### *Closure*

1. Any delegate may move the closure either on a particular amendment or on a general question.
2. The President shall put a motion for the closure to the vote if it is supported by at least one-fifth of the delegates present at the sitting. Before putting it to the vote, however, the President shall read out the names of those persons who have already indicated their wish to speak.
3. If application is made for permission to speak against the closure, it shall be accorded to one speaker from each group at the request of the chairperson of the group. If the closure is voted, one speaker from each group may, at the request of the chairperson of the group, speak on the question under discussion.

## ARTICLE 9

### *Voting and quorum*

1. Subject to the provisions of article 13, paragraph 4, of the Constitution, every delegate shall be entitled to vote individually on all matters which are under consideration by the Conference.
2. The votes of Shipowners' delegates and Seafarers' delegates shall be weighted so as to ensure that each of these two groups has half the voting power of the total number of governments represented at the Conference and entitled to vote.
3. Decisions shall be taken by a simple majority of the valid votes cast.
4. A vote shall not be considered valid if the number of votes cast, in favour or against, amounts to less than half the total voting power.
5. The Conference shall vote by show of hands or by record vote.
6. If the result of a vote by show of hands is challenged, the President shall cause a record vote to be taken.
7. A record vote shall also be taken if a request to that effect is made by a show of hands by at least one-fifth of the delegates present at the sitting, whether such request be made before or immediately after the vote by show of hands.
8. No amendment, motion or resolution shall be adopted if an equal number of votes is cast for and against.

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## ARTICLE 10

### *Languages*

1. The International Labour Office shall make arrangements for the interpretation of speeches and translation of documents into and from French and English as well as Spanish and, as the case may be, into and from other languages in order to meet the convenience of delegates, subject to the availability of facilities and staff.
2. The report and the conclusions of the Conference shall be established in English, French and Spanish.

## ARTICLE 11

### *Standing Orders of committees*

1. These Standing Orders shall apply, *mutatis mutandis*, to committees.
2. The Conference shall have the right, if it deems it to be necessary, to appoint a drafting committee comprising one delegate from each of the three groups, as well as the Secretary-General of the Conference and the Legal Adviser or their representatives.
3. The Conference or a committee may entrust the task of drafting any decision or text to the drafting committee in order to formulate it in the appropriate way.

## ARTICLE 12

### *Conference groups*

1. Subject to the Standing Orders, each group shall control its own procedure.
2. At its first meeting, each group shall elect a chairperson, at least one vice-chairperson and a secretary. The chairperson and vice-chairperson or vice-chairpersons shall be elected from among the delegates or advisers constituting the group; the secretary may be selected from persons outside the group.
3. Each group shall hold official meetings for:
  - (a) nominations required in pursuance of these Standing Orders, such as nomination of Vice-President of the Conference and nomination of members of committees or working parties;
  - (b) any other matter referred to groups by the Steering Committee or the Conference.

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## Appendix III

### Resolution of the fourth meeting of the High-Level Tripartite Working Group on Maritime Labour Standards

The High-Level Tripartite Working Group on Maritime Labour Standards,

Having been convened in accordance with a decision taken by the Governing Body of the International Labour Office at its 280th Session (March 2001), and having met in its fourth session held in Nantes, France from 19 to 23 January 2004,

Noting the decision taken by the Governing Body at its 286th Session (March 2003) to hold a Preparatory Technical Maritime Conference from 13 to 24 September 2004,

Further noting its decision that the Preparatory Technical Maritime Conference should discuss, and make recommendations concerning an instrument to consolidate maritime labour standards on the basis of a draft to be submitted to it by the Office,

Considering the considerable preparatory work that has been undertaken during the last four sessions of the High-Level Tripartite Working Group and of the two sessions of its Subgroup as well as the number of reports that have been prepared by the Office to serve as a basis for discussions;

Adopts this twenty-third day of January 2004 the following resolution:

The High-Level Tripartite Working Group on Maritime Labour Standards recommends to the Governing Body of the ILO that:

- (1) the Office be requested to submit to the Preparatory Technical Maritime Conference a draft instrument based on the results of the important preparatory work undertaken in the framework of the High-Level Tripartite Working Group;
- (2) the draft instrument be considered as containing mature provisions on which consensus has been reached on a significant number of provisions;
- (3) the Preparatory Technical Maritime Conference deal in the first place with the provisions included in the draft instrument which are placed inside square brackets;
- (4) the Preparatory Technical Maritime Conference, in the second stage, deal with proposals concerning the draft instrument which have sufficient support;
- (5) it take the necessary measures for the adjustment of the Standing Orders of the Preparatory Technical Maritime Conference.