
Proposals by the Officers of the High-Level Tripartite Working Group on Maritime Labour Standards

Committees

1. In accordance with paragraph 2 of article 4 of the Standing Orders, it is proposed that the PTMC establish three *technical committees*; open to all delegates or their advisers, subject to the registration of the delegate or adviser in the committee concerned.
2. The terms of reference of these committees would be to consider the draft Convention (“the recommended draft”) recommended by the High-Level Tripartite Working Group on Maritime Labour Standards (“the High-Level Group”) and propose a draft text to the plenary of the Preparatory Conference.
3. *Committee I* would deal with the *Articles and Title 5* (including appendices), as well as the “explanatory note” following the Articles.

Committee II would deal with *Titles 1 to 3*.

Committee III would deal with *Title 4*.

4. In accordance with paragraph 1 of article 4 of the Standing Orders, there is to be a *Steering Committee* consisting of the President and the three Vice-Presidents of the Conference, three representatives of the Governing Body, four Government delegates and two Shipowners’ and two Seafarers’ representatives. The Officers propose that the chairpersons of the three technical committees also attend the Steering Committee to keep the Steering Committee informed of the committees’ progress. They further propose that, in accordance with practice, the chairperson of the Government group and the secretaries of the Shipowners’ and Seafarers’ groups also attend the meetings of that Steering Committee.
5. It is furthermore proposed that the PTMC establish a *Drafting Committee* with the composition and functions provided for in article 11, paragraphs 2 and 3, of the Standing Orders. The Drafting Committee could, in view of its heavy workload, request a technical committee to provide one or more of their members to assist it in its work.

Procedure for proposing amendments to the recommended draft

1. The Officers would like to express the following views for consideration by the Steering Committee, established under article 4 of the Standing Orders.
2. Under paragraph 4 of article 7 of the Standing Orders, the Steering Committee will have the task of establishing time limits for the submission of amendments to the recommended draft and the order and procedure for the examination of such amendments “taking into account the recommendations of the Governing Body”. These include, in particular, the recommendations of the High-Level Group at its fourth meeting in Nantes that the draft instrument be considered as containing mature provisions on which significant consensus has been reached and that the PTMC therefore:

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- (a) deal, in the first place, with the provisions included in the recommended draft which are placed inside square brackets; and
- (b) deal, in a second stage, with proposals concerning other changes to the (non-bracketed parts) recommended draft which have sufficient support.
3. At the suggestion of the Officers, the recommended draft in fact uses two types of “square” brackets: square brackets with solid underlining, i.e. [xxxxx], for controversial matters, and curved or soft brackets with broken underlining, i.e. {xxxxx}, for proposals that have not yet been discussed (which may or may not be controversial). In the light of the recommendation in (a) above, the Officers consider that these bracketed and underlined portions of the text should be taken up before the rest of the text, with preference being given to the resolution of controversial matters. At this stage, only consequential amendments should be admissible in the case of text that is without bracketing and underlining. At the same time, the Officers note that the High-Level Group had always envisaged the possibility of restrictions being proposed for the scope of application of the various Titles, in view of the comprehensive definition of “seafarer”. They therefore recommend that any such proposals should be treated in the same way as proposals relating to bracketed text.
4. Having regard to the length of the recommended draft and to the constructive approach that has successfully been adopted in the various meetings of the High-Level Group and its Subgroup, the Officers recommend that the amendment procedures to be established by the Steering Committee in accordance with paragraph 4 of article 7 of the Standing Orders could be along the lines set out in paragraphs 5 and 6 below.
5. **Special procedure for proposals relating to the bracketed text.** In accordance with the recommendations referred to above in paragraphs 2, 3 and 4, proposals relating to bracketed text (as well as proposals relating to the scope of any of the first four Titles) would be dealt with in two steps. **Step one**, a less formal procedure, is intended to operate as a filter to help the committee rapidly identify the provisions on which it appears that consensus can be easily reached in the technical committee, with the least possible resort to the normal and often time-consuming ILO amendment procedures. **Step two** would be the normal, more formal, ILO amendment procedure. The following process is envisaged:

Step one

- (a) *Decision on alternatives.* Where the recommended draft contains alternative provisions that cannot coexist,¹ a formal decision will be needed as to which of the alternatives should be taken as the basis of examination. This decision could be taken with the minimum of discussion, by a show of hands if a consensus has not been reached, as members in favour of the other alternative would be free to incorporate parts of it in their own proposals for amendment of the selected alternative.
- (b) *Group reports.* In order to give members as much notice as possible, the three groups would be encouraged to report to the relevant technical committee on the main proposals to be made with respect to the bracketed provisions that are to be considered at a forthcoming meeting of the committee.
- (c) *Order of consideration.* Subject to the decisions taken by the Steering Committee, the chairperson of the technical committee concerned, after consulting the other officers

¹ The provisions concerned are: article III; article VI, paragraph 4; paragraph 1 or paragraphs 1 and 2 of Regulation 5.1.5; and Standard A5.1.4, paragraph 7(c).

of that committee, would decide upon the order in which the bracketed provisions would be taken up, giving priority to those believed to be the more controversial.

- (d) *Informal discussion.* For each such provision, the technical committee concerned would first seek to reach an understanding as to its substance. For this purpose, members would inform the committee of the substance of their concern and the precise changes that they have in mind. Changes in wording, other than very simple ones, would be handed in to the secretariat prior to the discussion, in one of the official languages of the Conference, so as to ensure that they are properly understood in the various working languages.
- (e) *Procedure where substantial agreement is reached.* Where agreement is reached on the general substance of a provision, the Drafting Committee would be requested to draw up a new provision reflecting the technical committee's discussions. In case of doubt as to what were the precise intentions with respect to a particular aspect, the Drafting Committee would consult the officers of the technical committee. It would in no case make any changes of substance.
- (f) *Procedure where substantial agreement is not reached in the informal discussion.* As soon as it became clear that substantial agreement could not be reached on a bracketed provision, discussion on the particular provision would be adjourned and the Steering Committee would be informed. Subject to any directions given by the Steering Committee, the text contained in the recommended draft or, where applicable, the alternative selected (see (a) above) would immediately move into the step two process, the normal, more formal, ILO amendment procedure (see (g) and (h) below), unless the technical committee agreed on another procedure, such as reference to a working group.

Step two

- (g) *Initiation of the normal ILO procedure in the case of substantial agreement.* The text prepared by the Drafting Committee would be circulated as soon as possible and be laid open to formal proposals for amendment within a deadline, which would be set by or under the authority of the Steering Committee. The deadline in this case should be short, perhaps 24 hours, after the Drafting Committee text has been distributed to all participants of the technical committee. Subject to any directions given by the Steering Committee, the chairperson of the technical committee concerned, after consulting the other officers of that committee, would decide on the most appropriate moment for the new wording to be taken up in the committee and dealt with by consensus or a vote in accordance with the normal procedures.
- (h) *Procedure where substantial agreement was not reached in the Step one discussion.* Where the discussion of the text is moved directly to step two (see (f) above), the same process that is set out under (g) would apply, however the deadline for submission of amendments may be shorter since the amendments would relate to text in the recommended draft.

6. Special procedure for proposals relating to changes to non-bracketed text. The Officers suggest that proposals for amendments relating to these parts of the recommended draft, containing provisions considered to be mature, should follow the normal ILO amendment process that is set out above for step two, subject to minor modifications to reflect the recommendations of the High-Level Group referred to in paragraph 2(b) above. Accordingly it is proposed that:

- (a) *Deadline for proposals.* The Steering Committee would set a deadline for proposals relating to non-bracketed text (including proposals for the addition of new text) to be

handed in to the secretariat in one of the languages of the Conference. The Officers recommend that this deadline be the end of Friday, 17 September, in order to enable the early translation and distribution of all such proposals. Proposals transmitted outside the deadline would not be considered by the technical committee.

- (b) *Sufficient support.* The Officers recommend that the Steering Committee:
- (i) define what should generally be considered as the necessary “sufficient support”, referred to under 2(b) above, to allow a proposed amendment to be put forward for consideration and possible adoption by the technical committee. This could, for example, be defined by the Steering Committee as support from a group or by at least eight (or any other number taking into account the size of the Conference) other delegates or advisers registered in the technical committee concerned; and
 - (ii) at the same time permit members unable to obtain such support in a particular case within the deadline referred to in (a) above, to request the Steering Committee to allow the member to submit the proposal in the technical committee. The Steering Committee could only accept such a request if it is satisfied that it is in the interest of the Conference that the proposal be considered.

Proposals that did not obtain the required support or the Steering Committee’s authorization would not be considered by the technical committee.

- (c) *Consideration of proposals relating to non-bracketed text.* The chairperson of the technical committee concerned, after consulting the other officers of that committee, would decide on the most appropriate moment for consideration of such proposals, bearing in mind the need to consider them after the proposals relating to the bracketed text have been discussed.