



First sitting

Tuesday, 14 September 2004, 10.15 a.m.

Presidents: Mr. Ndjemba Endezoumou, Mr. Schindler

OPENING OF THE CONFERENCE

Original French: Mr. NDJEMBA ENDEZOU MOU (Government delegate, Cameroon; representative of the Governing Body)

In my capacity as Ambassador and head of the Government delegation of Cameroon, and also in my capacity as the Government member representing the Governing Body at this, the Preparatory Technical Maritime Conference, it is an honour and a privilege for me to wish each and every one of you a most warm and cordial welcome to this meeting. It is also my pleasure and honour to declare this Conference open.

Our first task is that of electing a President for this meeting and with that in mind, I will now give the floor to Mr. Zhang, the Director of the International Cooperation Division within the Ministry of Communication of China, and the Chairperson of the Government group, who will propose to us a candidate for the presidency.

ELECTION OF THE PRESIDENT OF THE CONFERENCE

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

It is my great privilege to serve as the Chairperson of the Government group for the Preparatory Technical Maritime Conference. In that capacity, I have the honour of presenting the nomination of the Government group for the President of this Conference, Mr. Jean-Marc Schindler of the Government of France. I assume that it is unnecessary to introduce Mr. Schindler to you. As Chairperson of the High-level Tripartite Working Group he has, over the last three years, guided the preparation of the draft Convention to be discussed at this Conference. His excellence in that role is very well known.

Original French: Mr. NDJEMBA ENDEZOU MOU (Government delegate, Cameroon; representative of the Governing Body)

You have all noted that Mr. Schindler from the Maritime and Transport Department of the Government of France has just been proposed by the Government group. I would now like to invite Mr. Lindemann, Shipowners' delegate of Germany, to take the floor on behalf of the Shipowners' group.

Mr. LINDEMANN (Shipowners' delegate, Germany, speaking on behalf of the Shipowners' group)

The Shipowners' group wholeheartedly supports the nomination of Mr. Jean-Marc Schindler from France as President of this Preparatory Technical Maritime Conference.

Original French: Mr. NDJEMBA ENDEZOU MOU (Government delegate, Cameroon; representative of the Governing Body)

I now invite Mr. Orrell, Seafarers' delegate of the United Kingdom, to take the floor on behalf of the Seafarers' group.

Mr. ORRELL (Seafarers' delegate, United Kingdom, speaking on behalf of the Seafarers' group)

The Seafarers have considerable respect for Mr. Schindler. He has guided us several years with competency and respect through the meetings on the subject since December 2001 and it gives us great pleasure to accept the proposal that he be our President for the Conference.

Original French: Mr. NDJEMBA ENDEZOU MOU (Government delegate, Cameroon; representative of the Governing Body)

Our Conference now has before it a proposal made by the Government group supported by the Shipowners' group and by the Seafarers' group. Are there any other proposals or any counterproposals? I see none. I assume then that we can declare Mr. Schindler, the delegate of the Government of France, unanimously elected to the presidency of the Preparatory Technical Maritime Conference of the ILO.

Speaking personally and also on behalf of all delegates present here, I would like to extend to Mr. Schindler my heartfelt congratulations on his election. I have no doubt that his skills and competencies will allow us to be successful in our work.

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

Original French: The PRESIDENT (Mr. SCHINDLER)

It is both an honour and a challenge to have been entrusted with the responsibility of presiding over the discussions at this Preparatory Technical Maritime Conference of the ILO. It is an honour of which, as you can well imagine, I am very much aware and for which I thank all of you most sincerely. I would like in particular to thank the Government group for the trust that they have shown by putting forward my candidacy.

Some of you probably considered that I ought to know something about the subject since I was involved to some extent in the work of the High-level Tripartite Working Group. Today, I should like to assure you all that I am devoted to this cause and that I shall do my utmost in seeking to serve this Conference. This responsibility is also a challenge, given the importance and the scale of the task that we have to perform this week. But I shall go into more detail on this matter in a few minutes' time.

Since I certainly believe in setting an example, my introductory remarks will be brief. We shall now move right on to the rest of our agenda to complete the election procedures.

The second item on the agenda concerns the election of the three Vice-Presidents of the Conference who, along with the three representatives of the Governing Body and myself, will make up the Officers for this Conference. As you know, the groups met yesterday and a number of proposals were made. I would, therefore, like now to invite the Clerk of the Conference to read those proposals to us.

ELECTION OF THE VICE-PRESIDENTS OF THE CONFERENCE

Original French: The CLERK OF THE CONFERENCE

In addition to the tripartite delegation of the Governing Body which, as you know, is made up of the Government delegate of Cameroon, of Mr. Suzuki, from the Employers' group and of Mr. Blondel from the Workers' group, the Vice-Presidents nominated by the groups are as follows:

Government Vice-President:

Mr. Teranishi (*Japan*)

Shipowner Vice-President:

Mr. Lindemann (*Germany*)

Seafarer Vice-President:

Mr. Orrell (*United Kingdom*)

Original French: The PRESIDENT

I presume that there are no objections to these proposals made by the groups? This seems to be the case. We can therefore consider that these nominations are adopted.

(The proposals are adopted.)

CONSTITUTION AND COMPOSITION OF CONFERENCE COMMITTEES

Original French: The PRESIDENT

On behalf of the Officers of this Conference, I would like to put to you a number of proposals concerning the work of this Conference. In accordance with article 4, paragraph 2, of the Standing Orders, the Conference shall establish three technical committees. These committees shall be open to all delegates and technical advisers, provided that they are registered with the committee concerned. These committees will be entrusted with the task of examining the draft Convention recommended by the High-level Tripartite Working Group on Maritime Labour Standards and then to propose a draft text to the Preparatory Technical Maritime Conference when it meets in plenary on Thursday, 23 and Friday, 24 September.

Committee 1 will deal with the Articles and with Title 5, including the appendices, and the explanatory notes following the Articles. Committee 2 will consider Titles 1-3 and Committee 3 will consider Title 4. The composition of these committees, as you no doubt know, was decided upon in the wake of the group meetings. The list of the members of each committee can be obtained from the information office of the ILO Conference.

I shall give the floor to the Clerk of the Conference to read out to you the proposals that have been put to the secretariat by the three groups.

Original French: The CLERK OF THE CONFERENCE

The Officers of Committee No. 1 are as follows: the Chairperson will be Mr. Carlton of the United States, the Vice-Chairperson will be Mr. Jeon of the Republic of Korea, the Shipowner Vice-

Chairperson will be Mr. Hajara, assisted by Ms. Wiseman, the Seafarer Vice-Chairperson will be Mr. Orrell, assisted by Mr. Whitlow, and the Reporter will be Mr. Shinguadja of Namibia.

The Officers of Committee No. 2 are as follows: the Chairperson will be Mr. Smefjell of Norway, the Vice-Chairperson will be Mr. Moreno of Chile; the Shipowner Vice-Chairperson will be Mr. Lindemann, assisted by Mr. Wengel Nielsen, the Seafarer Vice-Chairperson will be Mr. Crumlin, assisted by Mr. Bainbridge, and the Reporter will be Mr. Dirks of Germany.

The Officers of Committee No. 3 are as follows: the Chairperson will be Ms. Baldoz of the Philippines, the Vice-Chairperson will be Ms. Lewandowska of Poland, the Shipowner Vice-Chairperson will be Mr. Cox, assisted by Mr. Hollaar, the Seafarer Vice-Chairperson will be Ms. Smith, assisted by Ms. James, and the Reporter will be Ms. Elhamid of Egypt.

Original French: The PRESIDENT

According to the provisions of paragraph 1 of article 4 of the Standing Orders, the Conference shall also establish a steering committee made up of the Officers of the Conference, the three representatives of the Governing Body, as well as four Government delegates, two Shipowners' delegates and two Seafarers' delegates.

It is proposed that the Chairpersons of the three technical committees participate in the meetings of the Steering Committee in order to keep the Steering Committee informed of progress made within their respective committees. In accordance with practice, it is also proposed that the Chairperson of the Government group and the secretaries of the Shipowners' and Seafarers' groups attend the meetings of the Steering Committee.

I now invite the Clerk to read out the proposed composition of the Steering Committee.

Original French: The CLERK OF THE CONFERENCE

The Officers of the Steering Committee are as follows: the Chairperson will be the President of the Preparatory Technical Maritime Conference, Mr. Schindler, and the Vice-Chairpersons will be the Officers of the Conference, Mr. Teranishi, Mr. Lindemann and Mr. Orrell.

The Government delegates will be Ms. Christova (Bulgaria), Mr. de Almeida (Brazil), Mr. Azuma (Ghana) and Ms. Malhotra (India).

The Shipowners' delegates will be Mr. Cox and Mr. Hajara.

The Seafarers' delegates will be Mr. Oca and Mr. Almeida.

The representatives of the Governing Body will be Mr. Ngantcha of Cameroon for the Government group, Mr. Suzuki for the Employers' group and Mr. Blondel for the Workers' group.

The Chairpersons of the technical committees, Mr. Carlton, Mr. Smefjell and Ms. Baldoz, will attend the meetings of the Steering Committee.

The Chairperson of the Government group, Mr. Zhang of China, and the secretary, Mr. Van den Berg of the Netherlands, will attend the meetings of the Steering Committee.

The secretary of the Shipowners' group, Mr. Dearsley, assisted by Ms. Wiseman, and the secretary of the Seafarers' group, Mr. Whitlow from the International Transport Workers' Federation, will attend the meetings of the Steering Committee. We

will also be inviting the members of the Drafting Committee, Mr. Roussel of Canada, with Mr. Sadler as the substitute member, to the meetings of the Steering Committee.

Original French: The PRESIDENT

We now have to consider the Drafting Committee created under paragraph 2 of article 11 of the Standing Orders. This involves the Secretary-General of the Conference and the Legal Adviser, or representatives of those persons, and three delegates from each of the three groups. I invite the Clerk to read out the proposals of the three groups for the Drafting Committee.

Original French: The CLERK OF THE CONFERENCE

For the Drafting Committee, the Government group has proposed Mr. Roussel of Canada, Mr. Yahmadi of Tunisia and Mr. Sadler of the United Kingdom.

The Shipowners' group has proposed Mr. Dearsley and the Seafarers' group has proposed Mr. McEwen, assisted by Mr. Tseientis.

Original French: The PRESIDENT

If there are no objections, I take it that the proposals are adopted.

(The proposals are adopted.)

NOMINATION OF THE OFFICERS OF THE GROUPS

Original French: The PRESIDENT

All that remains for us now is to inform you as to the nominations for the Officers of the groups. I should like to ask the Clerk of this Conference to read out the names of those persons nominated by the various groups following the meetings held yesterday.

Original French: The CLERK OF THE CONFERENCE

The Government group, as I have already said, has elected Mr. Zhang of China as its Chairperson. The Vice-Chairperson of the Government group is Ms. Solling Olsen of Denmark, and the Secretary of the Government group is Mr. Van den Berg of the Netherlands. The Chairperson of the Shipowners' group will be Mr. Lindemann and the Secretary of that group will be Mr. Dearsley, assisted by Ms. Wiseman. In the Seafarers' group, the Chairperson of the group will be Mr. Orrell, the Vice-Chairperson of the Seafarers' group will be Mr. Fay and the Secretary of the Seafarers' group will be Mr. Whitlow from the International Transport Workers' Federation.

DELEGATION OF AUTHORITY TO THE OFFICERS OF THE CONFERENCE

Original French: The PRESIDENT

In order to conclude on this item, it is proposed – as is customarily done – that the Conference authorize its Officers to resolve, on its behalf, any urgent matter not of a controversial nature that may arise between now and the next plenary session, which is scheduled for the morning of Thursday, 23 September. If there are no objections, I take it that the proposal is adopted.

(The proposal is adopted.)

GENERAL STATEMENTS

Original French: The PRESIDENT

We are going to move on to the next phase of the Conference's work which is devoted to general statements. I shall begin by giving the floor to Mr. Tapiola, the Executive Director of the Standards and Fundamental Principles and Rights at Work Sector and Secretary-General of this Conference.

The SECRETARY-GENERAL OF THE CONFERENCE (Mr. TAPIOLA)

As the Secretary-General of this Conference, it is my great pleasure to welcome you to this Preparatory Technical Maritime Conference for a consolidated maritime labour Convention. Your interest and commitment to the social justice goals of the ILO is evident from the significant number of members that are not only participating at this Conference but, indeed, have participated in the several meetings of the working groups leading up to this Conference.

Other speakers will refer more specifically to the recommended draft for the consolidated Convention, which you will be reviewing over the next two weeks of this Conference. I trust that several of you will highlight its innovative aspects, which are indeed very interesting. A constructive dialogue among social partners has been an essential ingredient of the progress that has been achieved so far. This is combined with their shared will to address, in an imaginative way, some of the difficulties posed by an increasingly globalized economy and an international industry with an international workforce.

I would like to highlight, this morning, the way in which the new Convention will fit into the normative framework of the International Labour Organization. I am referring to the Organization's traditional roles in two related areas. One is setting standards through international labour Conventions and Recommendations. The other is reviewing the extent to which Members are individually implementing the standards in the Conventions that they have ratified. In short, this concerns both the setting of standards and their supervision.

The aim of standard setting is, of course, to achieve progress in social justice. As stated in the Preamble of the ILO Constitution, conceived in the aftermath of the First World War: "Universal and lasting peace can be established only if it is based on social justice." The approach of the ILO since its creation in 1919 is based upon tripartite cooperation and the adoption of agreed minimum standards for labour rights that specifically respond to the needs of social justice at a given point in time and are designed to be achievable by all Members of the ILO. If there is to be progress in the achievement of social justice, each new set of standards adopted must add a new element to what has been adopted previously. This new element should ensure adequate and improved international protection of the workers concerned in light of changed circumstances, established needs and experience gained.

In the present case, since the new Convention is intended to consolidate existing standards, the new elements, other than necessary updating, do not change the substance of the particular standards. Rather, other important new elements that will amount to progress in terms of social justice are reflected in the recommended draft. Examples of

this are comprehensive protection covering all areas of decent work for all seafarers, the formulation of legal provisions in a way that will make them universally acceptable, and general applicability of the protection extending beyond the ships of the States that have ratified the Convention.

The idea of a level playing field among actors competing in the international economic sphere has always been considered an essential element. As the founders of the ILO also observed in 1919, and I quote again from those old but still topical texts: "The failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

All these elements are valuable and must be developed. At the same time, in order to ensure that the new Convention will contribute to the ILO's standard-setting action, care must be taken to avoid any dilution of the international protection generally available now under existing international labour Conventions.

I wish also then to touch upon the other aspect of the ILO's normative activities that I mentioned in the beginning – the supervision of the implementation of ratified Conventions. It starts with the submission by each ratifying Member of reports under article 22 of the ILO Constitution. This is followed by the careful review of progress in the Member's implementation of the Convention concerned by a committee of eminent and impartial experts, established in 1927. The report of the Committee of Experts is transmitted to the annual session of the International Labour Conference and discussed in depth by its tripartite Committee on the Application of Conventions and Recommendations. This supervisory system is reinforced by the ad hoc representation or complaints procedures under articles 24 and 26 of the Constitution, and the special procedures in the area of freedom of association.

The recommended draft outlines the process for the continuous promotion of effective national implementation, which also offers a remarkable potential for facilitating the work of the Committee of Experts and the other ILO bodies responsible for the supervision of the application of standards. Again, in this respect, the objective must be to contribute to an even greater effectiveness of the ILO's supervisory procedures, without in any way duplicating them.

The draft Convention that you have been asked to consider at this Preparatory Technical Maritime Conference will be a significant step towards achieving the ILO's social and economic goals, by providing minimum standards of decent work for seafarers and doing so in an effective way. To be effective, those standards must be accepted, adopted and applied by the vast majority of maritime countries and, of course, we would hope by all of them. They must also be seen to be followed both at the national level and in the international supervisory procedures.

I wish you all success in this important stage for the preparation of a unique international labour Convention; in fact, maybe we could call it a real consolidated maritime labour code that meets the ambitious requirements.

Original French: The PRESIDENT

I now invite Ms. Doumbia-Henry, Director of the Sectoral Activities Department and representative

of the Secretary-General of the Conference, to present to us the technical aspects of this meeting's work.

Ms. DOUMBIA-HENRY (*representative of the Secretary-General of the Conference*)

I have the very special honour to be the representative of the Secretary-General for this Preparatory Technical Maritime Conference. As many of you know, I am, as indicated by the President, the Director of the Sectoral Activities Department, which is in the Social Dialogue Sector of the International Labour Office. Ms. Sally Paxton is the Executive Director of that Sector. She has followed and supported all the hard work that has been undertaken until now. She has requested me to extend to you her best regards for a successful Conference.

The task of this Preparatory Technical Maritime Conference is more than just reviewing the recommended draft Convention, which is contained in document PTMC/04/1, for adoption by the International Labour Conference in about one year's time. Members will be cooperating in the preparation of an international instrument which each Government representative here must be able to confidently recommend to his or her country for implementation in its entirety and for early ratification. It must also be an international instrument which will convince the Seafarer representatives that their members will be covered by decent conditions in all areas of their work, not just on paper but in fact. At the same time, these must be conditions of work which the Shipowner representatives are convinced that their members can reasonably deliver and can do so in the knowledge that those conditions will be applied equally; again, not on paper, but throughout what has been described as "the world's first genuinely global industry".

As is pointed out in the Commentary, which is contained in document PTMC/04/2, the recommended draft for the consolidation of maritime labour Conventions is the response developed so far to the pressing requests made to the ILO Governing Body by the Joint Maritime Commission in January 2001 in a resolution that has come to be known as the Geneva Accord. It is a response that embodies an immense amount of work over the last three years on the part of Government representatives in exceptionally high numbers, of Seafarer and Shipowner representatives, and of the Office.

As also explained in the Commentary, the proposed draft has remained true to the principles established three years ago for the Convention's content and structure and the approach it has taken. It is the culmination of many meetings, consultations, discussions, debates and, ultimately, sufficient consensus in the High-level Tripartite Working Group to enable the presentation to this Conference of a text that can actually be described as a recommended draft.

The passage of time between 2001 and 2004 and the intensive consultations involved have presented some challenges, as new ideas emerged and events external to the work of the High-level Group have impacted on the Convention discussions. Many people have influenced and shaped the development of the recommended draft. While the majority of governments represented here today have been actively involved in the process, there are also many participants at this Conference who are new to the draft instrument. Provided that the instrument con-

tinues to remain true to the principles on which it is based, this mixture of the familiar and the new is to be welcomed. It is an opportunity to ensure that the consolidated maritime labour Convention which will finally be presented for adoption is as close to universally acceptable as possible; that – in so far as is reasonably possible – it meets the requirements of all maritime countries and of all relevant sectors within the governments of those Members and it satisfies the needs of both seafarers and shipowners.

In order to achieve the unprecedented goals set for this Convention, a number of innovative solutions have been developed. These have, from time to time, prompted questions from Government representatives familiar with the ILO's traditional Conventions. However, many of what may appear to be novel features from an ILO perspective, in fact rely on recognized and well-accepted approaches in other Conventions in the maritime sector primarily, those of the International Maritime Organization (IMO). This is the case for the recommended structure of the recommended draft, with its simplified amendment procedure and with its system for the certification of ships for compliance with the requirements of the Convention. But it is also important to realize that the recommended draft does not simply import IMO solutions. There are very different constitutional requirements, procedures and philosophical considerations that govern the ILO context. The solutions adopted so far have made the best use of the best features of the approaches that have worked effectively elsewhere in the sector, but have been carefully tailored to meet ILO concerns and interests.

For example, in order to understand the reason why a particular structural or other innovation has been considered necessary, it is often useful to look at this feature in the context of the problem that it is designed to resolve. The multilevel structure of the recommended draft is just one illustration of what I mean. The approach is similar in form to one of the more well-known IMO Conventions, one containing a human element – the International Convention on Standards of Training, Certification and Watch-keeping (1978), as amended (the STCW Convention).

But why is it proposed for this Convention? There are basically two reasons. The recommended draft seeks to, in the first place, set out in the Articles and Regulations a firm set of principles and rights and ensure in Title 5 that the principles and rights are properly complied with and enforced. Secondly, it seeks to achieve more universal application and greater ratification by allowing, through the Code, a considerable degree of flexibility in the particular way in which Members implement those principles and rights, through the concept of substantial equivalence and through the legal nature of, and the relationship between, the two parts of the Code – Parts A and B.

This is but one example of the kinds of issues that have been faced, and the solutions that have been devised in developing the recommended draft. There are many other examples of carefully crafted solutions.

But, not everything has been solved. Although the High-level Tripartite Working Group felt that many of the provisions in the draft instrument could be regarded as “mature”, there are a number of important points which are either controversial or where the ideas and text presented are relatively new and

in need of further discussion. The special procedures that have been adopted by the Governing Body to govern the work of this Conference and its committees mean that the proposed three technical committees will give priority to addressing the text that could not be resolved by the High-level Tripartite Working Group in time for this Conference or that, while not necessarily controversial, needs more time for review and discussion by this Conference. This will ensure that the efforts of the last three years in developing the text to this point are not lost and that issues that have not been given attention or are providing some difficulties are given the time and attention needed to find solutions and to develop the best possible text.

As you can see, it is not a small undertaking that you have before you over the next two weeks. But so far, the considerable efforts devoted to the Convention have achieved a significant measure of success. It has been a wonderful example of successfully working together to achieve a common cause – decent work for all seafarers – with governments working with other governments from countries in very different situations and with different interests; with tripartism at its best, in the cooperation in various meetings of governments, shipowners, and seafarers; and finally, with the highly creative and constructive synergy between the work of the tripartite bodies overseeing the drafting and the work of the Office. The Office will do its very best to ensure that this synergy continues in strength during the next two weeks.

I will conclude my statement by informing you that at this time 644 participants have been accredited to the Conference. I would also like to introduce my deputy, Mr. Norman Jennings. He will be the deputy representative of the Secretary-General. Many ILO staff, including our maritime experts and many other persons, will be assisting you over the next two weeks and working with you in the technical committees. We have more than 200 staff assigned to the Conference and 120 interpreters. You will see many of them in the committees, but remember that there will be many who are behind the scenes and whom you do not see, but whose work will contribute to the success of this Conference. This is the second time this year that they have been asked to contribute to a Conference within the space of just a couple of months. They have already done a lot to prepare for this Conference and they will be here for you over the next two weeks. A special word of thanks from my part to them all.

Original French: The PRESIDENT

Quite a number of you have been closely associated with the work of the High-level Tripartite Working Group and its Subgroup, which led to the production of the text of the recommended draft of the consolidated maritime labour Convention, which is before this Conference.

Quite a number of you, therefore, will know that the work has been characterized by a true spirit of cooperation and the will to find innovative solutions, thus making it possible for us to make progress in our common cause, which is the establishment of a solid international system that will guarantee decent working conditions for seafarers now and in the future.

This spirit of innovation and cooperation must continue in the two weeks ahead if we wish to

achieve our objective of a unique international labour Convention.

The recommended draft is an exhaustive document which deals with almost every aspect of the professional lives of seafarers. It tries to consolidate the key principles, as well as the rights and standards, which are contained in some 60 international labour Conventions and Recommendations that have been drawn up since the 1920s. Some of those texts had considerable support, others had almost none at all. Many of the texts are now obsolete and no longer applied. And yet, all these instruments were very carefully negotiated, often after lengthy debate and concerted proposals which led to compromises before being finally adopted by the International Labour Conference. All these texts have to be considered as containing rights and standards which are of very great significance for the maritime sector.

The recommended draft that we will be considering over the next two weeks aims to synthesize these rights and standards and maintain the principles which exist, and its innovative structure and approach also tries to take into consideration the diversity of views and practices that in the past made it impossible for many Members to ratify existing Conventions. If there are still specific points which call for discussion and issues to be resolved, it is nevertheless quite remarkable that the High-level Tripartite Working Group did manage to look at all these issues, some of which were very difficult, and then produce the text which is now before you as the recommended draft. This draft takes up the substance of the existing maritime labour instruments in a coherent and comprehensible manner and tries to ensure that the texts will be quick to be adopted and have a wider application.

While the recommended draft consolidates the existing Conventions, it is also a pioneering work in many respects and should be examined from that point of view.

I am thinking particularly of its completely new structure, the provisions relating to updating and the introduction of obligations as regards implementation. If we want a Convention which will be universally accepted, truly implemented and which remains based in reality, it is essential that we elaborate and encourage this type of approach in the future.

That being so, we now have to adopt new ways and means of collaborating in the elaboration and negotiation of these texts. The numerous Government representatives who were present at the last session of the High-level Tripartite Working Group held in March recognized that it was not possible to approach the new Convention by trying to avoid modification of national legislation. And so the discussions which we are going to be involved in this week should not aim to adopt the new text of the Convention to match as closely as possible the national legislation already at our disposal. That would, I believe, be impossible. On the contrary, we should perhaps change our legislation in certain areas and to different degrees to take into consideration a new and innovative text. For each Government, therefore, the question should quite simply be the following: What degree of change is perhaps necessary, justifiable, of course, and acceptable, obviously, taking into consideration the important rights and principles at stake?

But, what important rights and principles, and when can we speak of simple details necessary for implementation? The approach that has often been underlined in the process leading to the production of the recommended draft before us was a firm attitude as regards rights and principles and a wide range of means to implement them.

That is why we have to know now and not when it is too late, which is, in my view at the next Maritime Session of the International Labour Conference, which will take place in about one year from now, which points in the recommended draft create particular difficulties for the various Governments.

I appeal to you to let us know what these difficulties are now, so that the Preparatory Technical Maritime Conference can consider in full knowledge of the situation, whether this is a fundamental right that must be included in the consolidated Convention or whether this is a detail that can be dealt with in the text.

The flexibility required to achieve our objectives must also be apparent in the working methods of the Preparatory Technical Maritime Conference. In accordance with the Standing Orders of the Governing Body, the Steering Committee will soon examine the provisions and procedures necessary to ensure that we have at our disposal a mechanism which will allow us to study in detail this important document.

The procedures, and I think common sense, require that our attention be first and foremost given to that part of the text which is still controversial or which has been considered as requiring a more in-depth examination.

We shall then look at all the changes which might have been proposed to the text adopted by the High-level Tripartite Working Group. The suggestion was made this morning that the majority of this work should be done in the three technical committees, with the assistance of the Drafting Committee. Obviously, the Steering Committee will meet frequently to ensure the smooth running of the Conference.

Once we have concluded our work in this opening session we shall meet again in plenary only at the end of the Conference in order to examine the work done by the technical committees under the leadership of their respective Chairpersons.

I would like to say now that I am absolutely convinced that the three Chairpersons of the technical committees will shoulder their responsibilities to the very best of their ability and that they will be able to count on the support and cooperation of the delegates and technical advisers so that the committees may conclude their discussions in the best possible circumstances. They can also count on the support and assistance of the President of the Conference and the entire secretariat.

There are two other aspects which I hope will contribute to the success of the Conference. First, productive discussions in the three groups guided by, and I repeat, a spirit of cooperation with a common objective and the will of each of the groups to make known to the others their concerns as early as possible, in order to facilitate everybody's work. Second, another element which will contribute to the success of the Conference is, as I see it, my dual role as President of this Conference. On the one hand, I shall do everything possible to ensure that the procedural regulations of the Conference are duly observed and, in particular, that the time at-

tributed for our meetings is duly respected. That is a very important point. The distribution of interpreters and interpretation services has been carefully worked out so that we can benefit fully and we have, therefore, to respect times and schedules. On that point I shall be very strict. And, along the same lines, to ensure that there is a calm atmosphere in our discussions, I would ask you to please ensure that your mobile phones are switched off or are on silent mode during the plenary and the committee meetings. On the other hand, as President, I shall at all times be prepared to serve as a mediator and to act as a catalyst to help the Conference to find a solution if there are disagreements arising on certain provisions of the recommended draft.

In conclusion, allow me to remind you of the progress that has already been made, as others have already mentioned. I make this point because I wish to say that over the years and months of our work we have had many lengthy discussions and debates. We have listened to each other's arguments and, generally speaking, we have understood those arguments. But now the time has come to take decisions. We have to look at all the parts of the text which are in square brackets. I invite you now to be daring, to take all the decisions with a single objective in mind – a consolidated maritime labour Convention which will be balanced, fair and effective.

I wish you all every success in your work.

Mr. SUZUKI (*Employer member of the Governing Body*)

It is my pleasure and honour to be amongst you, representing the Employer members of the ILO Governing Body. The Secretary-General and his representative spoke to you in ILO language. Therefore, I would like not to repeat what they have said and be very brief; and I would like to speak in business language.

First of all, your work is not in isolation. It is an integral part of the ILO process in making international labour standards very close to the reality to increase relevancy of international standards to the real world. A second point I would like to emphasize is the uniqueness of your industry. Maritime business is uniquely international. Maritime business is uniquely private business. Therefore, you need strong governance. Without your own governance, no one will help you. In order to achieve governance, I think the ILO, including the Governing Body, is trying to consolidate international labour standards. That is a major objective. Also, to increase your governance, without peace in the world, your business will not be successful. The purpose of consolidation is also therefore to achieve peace of the world; it is also for creating, enhancing and maintaining a trust relationship among persons on vessels, so that you can help yourself and keep order on the international seas and on board vessels. These are very important aspects of globalized international business. For that purpose, I have to congratulate the ILO and you – you are the ones making this process a reality.

Employer members of the Governing Body have also placed great emphasis on the importance of this sector and we sincerely hope you will make a success.

Another point I would like to emphasize is that we are placing great, great expectations in you. I am Japanese and I came here last Sunday night. I got up, because of jetlag, at 4 a.m.; I opened the curtains in the room and saw a big star shining in the

sky, which I think is named the morning star, and I was very impressed by this star. I think all seafarers, including captains, would be very much guided by this star shining in the sky; and we regard your sector as our morning star to make international standards more relevant and closer to reality to be effective. These are the points on which I express my sincere expectations and I hope you will fulfil these aspirations. I will be together with you to help you achieve this success.

Original French: Mr. BLONDEL (Worker member of the Governing Body)

At the very start of my brief statement, I would like to congratulate the President on the task with which he has been entrusted. I would also like to congratulate the Vice-Presidents. Being quite frank, I must say that, despite the fact that we are here in an international body, having a Frenchman in the Chair means that I feel a certain responsibility and sense of honour.

By addressing you, the participants of this Conference, I would like to try to convey the great importance the Governing Body attaches to your work. Of course, we are particularly interested in the financial support required for this kind of activity. I would ask all members of the Governing Body to back me up here in saying that we have frequently tried to respond, and responded, to the needs of and funding required for holding meetings, tripartite conferences or other conferences needed for conducting and supporting your work. I am also pleased to say that some initiatives were taken by some countries individually to help this work to make progress.

I do not want you to imagine that we are here, given that, I represent the Workers' group at the Governing Body in the Programme, Financial and Administrative Committee, to check exactly what you are doing with the money that the Governing Body has given you. My reason for being here is quite different. I am here to pay tribute to the innovative work that you are doing. It has been said already many times this morning, and I am sure that it comes up in your discussions all the time, that the very specific nature of the work of seafarers means that you are an international first, an international number one, some kind of super multinational company. I would remind you of the fact that this Organization, the ILO, operates on a tripartite basis with a system of group autonomy and while recognizing state responsibility. So, we are closely following what you are doing and we are firmly convinced that States cannot fail to get involved in this kind of activity. We certainly do not think that moving forward consists in relieving States of their responsibilities. This is essential, and we must continue to work in this way. Yet, at the same time, we must take due account of specific features of particular sectors. I would like to dwell upon the specific features of your sector for a few moments, although, of course, I myself am not an expert in the maritime sector. I do not know all the details or aspects of the texts and recommendation you have produced, but what I am saying is that we will be very attentive of all the innovative elements.

For those who do not know, I would remind you that it was on the basis of a recommendation of a committee, chaired by Mr. Ventejol, that the idea of consolidating all of the maritime Conventions initially arose, and the idea of having some kind of

charter or code that would apply to your particular sector came into being. You are actually one of the first sectors to have tried such a thing. I know how tricky this kind of tidying up can be – we may forget some specific features which may appear to be obsolete to some but which to others are still features and provisions that must be applied. I am sure that we will all be very careful not to sideline any provisions that, however strange it may seem, do guarantee certain elements required for work that is as difficult as yours.

I have also noted that there is a difference that has to be borne in mind here – there is a difference between Conventions and Recommendations. What you have done is to initiate something completely new. It is a kind of guideline. We welcome such innovative thinking. We are following this experiment and we certainly think this may prove to be a very good and useful idea that could be adopted for other Conventions, particularly if any other occupational sectors show a willingness to come together.

There is another point I would like to make and it is an important one, namely the updating of the text and, if necessary, the possibility of bringing it up to date without having to produce a new Convention. This is something that we are very interested in. We will be following how you work, how it works, the tangible results of all of this, and whether or not this type of procedure could be applied to other sectors. Of course, it is not always the case that more Conventions lead to greater progress in improving the situation for workers. Sometimes, in fact, you are actually calling into question some things that already exist. This is of concern to us and the Workers' group never hesitates to recall this, either at meetings or in the Governing Body.

I do not want to go into any great detail, but I would just like to put my statement within the general context in which we are living today. I am afraid I am not a poet like Mr. Suzuki. I am not going to talk about the Shepherd's Star. I am, however, like him, going to talk about the notion of international peace. Of course, international labour standards are a recognized means of trying to regulate and organize competition. However, they are also a way of trying to provide all workers with guarantees that they would not otherwise have; guarantees of work, salaries, protection, occupational safety and the possibility of social security. All efforts to bring all of this onto the international arena should only be welcomed. You must now not only work towards the safety of seafarers, but also in terms of environmental safety. Also, given the way the world is today, we cannot overlook the fact that we are working in a context of efforts to combat terrorism and terrorist attacks. You may need to take certain measures in this area. I would like to urge you to respect the dignity of seafarers. Adopting a Big Brother approach is not going to help matters. We must not overlook the fact that seafarers, like all other human beings, are individuals and must be respected as such. Guarantees are required but respecting seafarers is just as important.

Before concluding, I would like once again – and you will call me materialistic – to refer to a small financial matter – I am talking here particularly to Government representatives. We would like to see the ILO budget increased. Since 1994, virtually we have had a zero-growth budget within the ILO. If you could go back to your governments and tell them to put more money into the world of work,

rather than war, for instance, that would be a good initiative.

Lastly, I would like to say that I wish this Conference every success. If I have noted correctly, and maybe I am wrong, more than 70 countries are represented. Unfortunately, more than 14 countries do not have tripartite representation in their delegation. How can we talk about the kind of problems we are faced with if we do not respect the basic principle of tripartism, which indeed requires Government representatives, but also Employer and Worker representatives? So, speaking personally, I am shocked to see that 14 countries have come to this Conference without tripartite representation. I must also say, and it breaks my heart to do so, that four countries that are members of the Governing Body of the ILO have not provided funding for Workers' travel expenses, I will not cite the names of those countries owing to the kind of meeting we are at. In other circumstances, I would have had no hesitation in referring to them by name, but there certainly seems to be a misinterpretation or, indeed, a kind of effort to cheat on the basic principles that should govern our work. I can perfectly remember the debate held in the Governing Body. I perfectly remember it being said on repeated occasions that delegates could be sent if they were willing to cover their own expenses. But, I also remember, because it is in the Standing Orders of the International Labour Conference – which are in fact virtually the standing orders of this Conference – that it is up to States to cover the travel expenses of Employer and Worker representatives. I am sorry to have to end on such a note, but I would ask you to do your utmost to ensure that this kind of situation does not occur again.

As you will have noted, this Conference is not something that just came into being by accident. This Conference is part of the ongoing work done by the ILO. It is part of the constant efforts made by the ILO to make its work more efficient and more effective. I would like to publicly commit myself to being at your disposal throughout the duration of this Conference, to assist you in any way that I can in the hope that after this preparatory Conference we will be prepared for the final Conference that will allow us to bring into being an innovative, almost revolutionary creation for us here within the ILO.

Mr. LINDEMANN (*Shipowner Vice-President of the Conference*)

On behalf of my colleagues in the Shipowners' group I would like to congratulate you on your election as President of this Preparatory Technical Maritime Conference. At the last meeting of the High-level Group in Nantes, you have been cited in the shipping journal "Lloyds List" with these words: "... Our objective is to have the Convention ratified at the same level as SOLAS and MAPO. We hope that it would be ratified by around 100 countries."

Over the years we have worked together under your chairmanship in several forums already in preparing for this Conference. We have all the trust in your ability to steer this important meeting in the right direction so that it can fulfil its ambitious remit in a responsible and timely manner and at the same time fulfil your own personal aspirations which, by the way, are shared by many of us.

According to the ILO, the shipping industry, after having played a pioneering role in the elaboration of international labour regulations, today finds itself one of the most deregulated industries after a quarter of a century of structural changes.

We have been invited to come to Geneva for a truly important mission: to lay the foundation for the “cover-all” ILO maritime regulatory contract that will in future govern the working and living conditions of the worldwide seafaring community by consolidating and updating all existing ILO maritime instruments.

Many of us have been working together at the different stages of preparing for this act for a number of years already – to be exact: some of us as long as six years – so that we might not be conscious any longer of what makes our task this time so unique – but at the same time so risky.

Firstly, there is no precedence in the ILO for the sheer number of revisions that are carried out at any one time. The future so-called “Maritime Labour Convention” aims to incorporate and update all 68 existing maritime instruments created by our forefathers – and mothers and ourselves during 85 years of existence of the ILO. The new Convention will cover virtually all aspects of work at sea including, notably, contracts of employment and their particulars, working hours and rest periods, food and accommodation, training, safety and health, social security cover and also pay, through the minimum wage provision adopted by the ILO in 1996.

Secondly, the new Convention will break with the ILO standard-setting procedure to have on any relevant issue separate mandatory Conventions and non-mandatory Recommendations. Instead, we will see in the future an “all-in-one” consolidated Convention with different layers of responsibilities: (layer one) basic legal specifications and obligations for ratifying member States in the “Articles” of the Convention; (layer two) basic binding principles and rights of seafarers in the “Regulations” complemented by (layer three) more specific binding “Standards” in Part A; and finally, (layer four) non-binding – but still not to be ignored – “Guidelines” in Part B of the Code. In this context the most significant progress made at the last meeting of the High-level Group is the common understanding we have reached on the legal status of Part B of the Code, the Guidelines. This understanding has removed one of the main uncertainties that we faced when considering the text of the earlier draft Convention.

Thirdly, process-intensive and extensive tripartite consultations and discussions have taken place already prior to this Conference. You will have noticed that there was no questionnaire to inquire into the constituents’ views which is the traditional procedure. The concept of having a group like the High-level Group and its Subgroup to discuss and develop the text of the draft Convention before it would be considered by a Conference was entirely new within the ILO system and we had no precedence and no procedures for our guidance.

Fourthly, the new Convention seeks not only to incorporate and update existing Conventions but offers simplified fast track modification procedures to enable it to be updated without having to wait ten years or more to find a place on the agenda of an ILO Maritime Conference. This creation of a mechanism to easily update the instrument is a nov-

elty in the ILO which will ensure prompt entry into force of any necessary changes.

Fifthly, the social partners – though different on certain specific issues – are united in their desire and enthusiasm for a successful instrument and are committed to provide proposals developed between themselves that can allow governments to resolve some concerns.

Sixthly, with the adoption of a “no more favourable treatment clause”. the shipping industry takes note of its true universal nature. With this concept the idea of a level playing field in labour and social matters for all ships irrespective of the flag they fly will not only assist seafarers having access to their rights, but will also encourage Members to ratify the Convention – because not ratifying it will not give Members an advantage by applying less stringent regulations than are contained in the Convention.

The project for the creation of the new consolidated maritime Convention was launched by the Seafarers’ group and the Shipowners’ group by adoption of the so-called “Geneva Accord”, at a session of the ILO Joint Maritime Commission in January 2001. Under this agreement, the social partners established that there was a need to consolidate and update all existing maritime labour instruments simultaneously. This was the starting point for the ILO to pursue the ambitious goal to create a comprehensive maritime labour Convention.

Given the importance and inherent complexity of this project and the ILO’s strong commitment to create a widely ratifiable instrument, the Organization has given social partners and interested member States the opportunity to shape this instrument already from the early beginnings. To this effect the ILO’s Governing Body decided to form a High-level Tripartite Working Group on Maritime Labour Standards and a Subgroup which met six times altogether during the past three years. The last meeting in Nantes allowed the Working Group to develop a final draft of the Convention.

Although it was not possible for the High-level Group and the Subgroup to deal with the whole of the Convention during its different sittings, the general result of its discussions has been to greatly narrow the areas of potential disagreement and consequently to facilitate the work of the Preparatory Conference. In order to enable the Preparatory Conference to concentrate on settling points of disagreement and to avoid any unjustified discussion of provisions that have matured over the years of discussion in the High-level Group and its Subgroup, the High-level Group in Nantes adopted a resolution recommending to the Governing Body the general lines of an appropriate procedure.

We had originally hoped that the draft text of the Convention would be more or less agreed upon by all groups before this Preparatory Conference has commenced. This has, of course, proved to be too ambitious as a lot of square and squiggly brackets still remain in the text. But we are encouraged that so much of the text on the maritime labour standards in Titles 1-4 is completely uncontroversial and we are optimistic that we will be able to find solutions to the remaining issues mainly in the Articles and in Title 5 on compliance and enforcement. Social protection is also still a major issue to be resolved at this Conference, though we are satisfied that much progress has been made since the last

meeting of the High-level Group in Nantes where this important issue in connection with the unwieldy Convention No. 165 almost became a stumbling block.

When discussing and adopting new regulations during this Conference, there will be many instances, I am sure, where delegations will point out that they cannot accept the proposed text because their national law is different from those rules. We will have to face the fact that not every new clause will comply with all existing national laws and regulations. Member States, therefore, will have to accept that it is almost inevitable that they will have to make some adjustments to their legislation in order to be able to ratify the Convention.

We, the Shipowners' group, are very happy with the progress that has been made so far and we commend the Office for the production of the proposed draft Convention and the Commentary before us. We are impressed by its quality and, at the same time, the small number of staff headed by Ms. Doumbia-Henry who actually did such thorough work in such a short time.

However, there are still major issues to be resolved.

As a general point, we still have a lot of work to do to make sure that the text is clearly and unambiguously written so that seafarers and shipowners understand their rights and obligations.

Our guiding principle is to ensure the highest achievable common international standards in this Convention – widely ratified and effectively enforced on a worldwide basis. Therefore, the prime test the Shipowners' group will apply to considering provisions in the draft instrument will be whether a particular provision will encourage or discourage ratification. If it appears that the inclusion of a particular provision will discourage widespread ratification, we will support the removal of that provision.

Several Articles of the draft Convention refer to rights and entitlements arising from certain ILO core Conventions and Declarations and other UN bodies. The Shipowners' group has serious doubts that repeating these references in the consolidated Convention is both useful and necessary. We understand that this is more an issue for the Governments – but if it is their problem it is ours too.

The draft Convention is still much too long and still contains too many obligations that are too detailed or simply not necessary. This will discourage widespread ratification. The Shipowners' group will therefore support efforts to delete or shorten such texts.

More work is needed regarding the definitions, including the definition of a "seafarer", and the scope of application of the detailed Title provisions. If the definition of a "seafarer" is kept wide open, we need some restriction in the application. The working hour regime and its application to masters and senior officers is one example where such flexibility is needed.

We know that the new Convention represents "tremendous progress". But existing ILO maritime Conventions would nevertheless stay in force for a long time to come. They could be expected to coexist with the new Convention for 30 or 40 years, depending on whether individual governments choose to adopt the new Convention straight away or stay with the existing ones.

Once again let me reiterate that the Shipowners' group has been actively involved in the proposal for the new consolidated Convention and wants to see a successful highly ratified instrument. We will do all we can do in this preparatory Conference to help to deliver this objective. Let us get started now and get concentrated on the immense work before us.

Mr. ORRELL (*Seafarer Vice-President of the Conference*)

I am privileged to make an opening statement on behalf of the Seafarers.

First of all, we would like to express our congratulations to the Officers who have been elected and our appreciation to the Office for the text that has been produced. We believe the text provides a good foundation for our discussions over the next two weeks and accurately reflects the outcome of the six meetings that have already been held in order to reach this stage.

The Seafarers remain committed to the original objectives we set ourselves when this process began. We want to secure the adoption of a new Convention which is clear, easy to ratify, easy to implement and capable of swift and forceful enforcement. At the same time, it needs to provide meaningful minimum standards which will be effectively implemented in practice and which establish a level playing field. While we want the new Convention to secure widespread ratification, this should not be taken as meaning that we agree to the reduction of the existing standards. We are talking about a Seafarers' Bill of Rights and our target is to secure decent living and working conditions for seafarers and, in doing so, to further the Decent Work Agenda of this Organization.

In our deliberations, we need to take into account that we are consolidating existing ILO standards. And many seafarers are currently enjoying the rights and principles which are established by the mandatory instruments. We need to be very careful that in the consolidation process we do not deprive them of those rights. If the new Convention is to further the Organization's Decent Work Agenda, it needs to improve the current situation and cannot merely legitimize the status quo in which many seafarers and marginal workers are subject to gross exploitation. We are looking to an ILO Convention which will address the findings of the International Commission on Shipping which set out in their report, *Ships, Slaves and Competition*. We also consider that the ILO Convention should go some way to remedy the decent work deficit which was identified and expressly referred to in the consensual statement adopted by the 2002 ILO Meeting of Experts on Working and Living Conditions of Seafarers on Board Ships in International Registers.

Many governments have said that they have difficulties with the various provisions because of their national law and practice. This is not how you negotiate international instruments – and the governments need to be prepared to make some changes to their laws if we are to be able to secure the adoption of a meaningful instrument. As Seafarers, we are not prepared to accept the lowest common denominator approach and the adoption of meaningless provisions.

As we have made clear at the previous meetings, there are a number of issues which are so fundamental to us that they are not negotiable. This should not be surprising as we are, after all, not discussing abstract provisions but rather, in many

cases, the existing rights of our members. And no one should expect us to sell them out by giving away their rights and compromising on issues which are of fundamental principle. We hope that the Shipowners' and Government groups would take this on board so that the Seafarers are not placed in a situation where we would have to take a perfectly rational decision to stick with the existing Conventions, imperfect as they are, because that would ensure that issues of fundamental principle were retained.

Let us stress again that we see our work here in the next two weeks as developing a Bill of Rights for seafarers and not an opportunity for further de-regulation by the removal of long-established maritime standards. If our work does not in practice establish a set of minimum standards which are enforceable and which provide meaningful rights for seafarers, then we will have failed and, for the seafarers, it would be preferable to retain the existing instruments, with all their faults.

It might be helpful for us to set out at this stage the issues that are indeed fundamental to us. These include: the need to ensure that existing more favourable conditions are protected; the definition of seafarer and the need to ensure there is no weakening in the courage and scope of the Convention; fundamental rights and principles based on the principles established by Convention No. 147; the definition of substantial equivalence; ensuring that there are meaningful consultations with real and representative seafarers' organizations; the protection of existing public recruitment and placement services; the inclusion of masters and chief engineers and indeed all seafarers in the hours of work or rest provisions; continuity of employment; the provision of decent accommodation which ensures seafarers are provided with better facilities than those enjoyed by many prisoners; the provision of social security and recognition of the role of a flag State which would ensure that the principles established by UNCLOS are not undermined; and ensuring that the on-board complaints procedure does not impinge on the fundamental human rights of seafarers and that it preserves their equality before the law. We need to protect the rights of seafarers under other instruments and not discriminate against seafarers as an occupational group, who have been recognized by both the IMO and the ILO, in recently adopted Conference resolutions as needing special protection.

Our final comment is that this PTMC is radically different from previous ones. There have been six previous meetings, which means that the text before us has already been debated for two more weeks than the normal process of a PTMC and International Maritime Labour Conference would allow. Previous Maritime Labour Conferences have established committees to develop separate Conventions. Here we are embarked on a more ambitious task. The Committees will prepare sections of a single interrelated instrument. The size of the text is perhaps without precedent in ILO standard setting and this requires different procedures and a more disciplined approach. We appreciate the Standing Orders and recognize that they reflect a substantial departure from normal ILO practice. However, that might not be enough and we believe that the procedures will need to be applied in a flexible manner if we are to go through all the text and prepare the ground for a Maritime Labour Conference.

Government delegation of Bahamas

I would like to congratulate the President and the other Officers on their election to preside over and to guide the work of this Conference. I am sure that the President, in particular, will do a very fine job.

The Bahamas regards this Convention as a major opportunity to create a new era in the protection of the seafarer.

The Bahamas has played an active, positive and constructive role at each stage of the development of the present draft, which we consider now contains most of the elements for a successful outcome to this Conference.

There are, of course, a number of major issues still to be resolved. Yesterday, in the Government group, we were given an indication of the size of the task ahead, and I am sure, from what we have heard, that the social partners will have other serious concerns.

To make progress, we will need cooperation and compromise. In all of our earlier meetings of the High-level Tripartite Working Group and its Sub-group, we have seen a willingness to negotiate to reach agreement. If this spirit continues, we are sure that the Conference will be successful.

The Bahamas will continue to do its utmost to bring about a worthwhile Convention which will improve the seafarers' lot for many years to come and which will attract widespread and early ratification.

Government delegation of Pakistan

First, let me congratulate the President on his unanimous election. The Pakistan delegation conveys the greetings of the people and the Government of Pakistan to the ILO and all attending delegates from across the world. I would be failing in my duty if I did not commend the excellent job carried out by the secretariat and those who burnt the midnight oil in compiling the draft document.

We have scrutinized the document by holding joint meetings of government, shipowners and seafarers and have jointly agreed to appreciate and simultaneously to convey our concerns, which will be taken up in the technical committees, and to seek support for logical amendments.

The Government of Pakistan remains fully committed to honour its commitment and to comply with all instruments and Conventions. We are in full compliance with IMO instruments and ranked among the 13 countries who complied with the ISPS Code before the cut-off date of 1 July 2004.

Our seafarers are highly skilled and inferior to none, and well sought after by shipowners around the world. However, post-9/11 tightening of visa regimes and stringent rules and regulations have rendered our seafarers jobless. Thus, I take this opportunity to seek the assistance of the ILO in restoring seafarers' employment.

We are extremely grateful to the secretariat of the ILO for extending all possible hospitality and, lastly, I assure you that we have come with the purpose of having this draft document approved and subsequently ratified. It has been an excellent equation of the seafarers' union, the shipowners and the government, and this is an example that, in our country, we can accommodate all and remain flexible.

I should like to congratulate the President and other Officers on their election.

The Government of India congratulates the ILO, all member States and the social partners for the preparation of the draft Convention which envisages to improve the relevance of 68 existing maritime standards to the needs of all stakeholders of the maritime industry.

The draft instrument achieves its objective of providing greater consistency, clarity, rapid adaptability and general applicability.

As a member State of the ILO, the Government of India supports the draft instrument placed before the Preparatory Technical Maritime Conference.

During the Conference it shall be the endeavour of this delegation to highlight and specify the areas of responsibilities of member States so that scope for subjective interpretation is eliminated.

As public institutions and other organizations are earmarked for the job of inspection and certification, a clear identification of these bodies is required for successful implementation of the Convention.

The details in the instrument should be limited to the explanation of the core rights and principles and the obligations of Members ratifying the Convention to ensure wide ratification.

This delegation extends full support to the Conference in adopting global standards whereby the fundamental principles and rights at work of seafarers are adequately protected.

I should like, as others have done before me, to congratulate the President on his election and assure him that we will try to assist him to the best of our abilities in his difficult task. May I also congratulate all the other Officers.

And now I should like to address the 600 participants at this Conference. This morning I did not know whether or not I would take the floor on behalf of my delegation because no one knew if there would be a long list of Governments wishing to speak. And I thought that I, unlike my nature, should show some modesty in this. However, I think it is essential that Governments speak up when there is a need for their support and their dedication and their engagement.

We are, I would say, almost at the end of our journey. The ship that we have been sailing on for some time has almost reached its final destination. As on board every ship, there has been disagreement sometimes about the performance of the tasks and duties in hand – but I think that the way that we have worked as a team has enabled us to make progress and to reach our goal. We have had, on the bridge, good guidance and steering by the secretariat and specifically by Ms. Doumbia-Henry. I would say, that without her dedication and commitment, this project or this ship would never have set sail.

We have in front of us a draft where we now have a clear picture of the seafarers' rights and it is a good draft to work on. This draft has been developed during a number of meetings and a lot of work has been invested in the text. Let us not lose all that work. We have in front of us the draft of a modern, up-to-date instrument which will be easily adjustable comprising regulations from seafarers' agree-

ments and social standards. Furthermore, it will bring the new ILO instrument in line with a whole group of global instruments, such as the SOLAS or the STCW Convention founding a regulation for the world fleet. Our expectations for the outcome of this Conference and the final Conference have been the same during these last four years. We want a global Convention which will be widely ratifiable. We want global standards for all seafarers – and I would say standards at a sufficiently high level – not those of the lowest denominator – ensuring global standards for all seafarers regardless of the flag under which they serve. We also want a level playing field, with equal regulations for all. Of course, in the text, we will find some elements or some changes upon which we would like to speak – and we shall also be willing to work with others to try to find solutions to some of their problems, which will enable us to reach our goal.

The Government of the United Kingdom of Great Britain and Northern Ireland is very pleased to be participating in this Preparatory Technical Maritime Conference.

This is an extremely important piece of work that we have embarked upon which, when completed, this Government recognizes will in all probability require changes to some of our national laws and practices. In particular, the new Convention encompasses a number of principles that are important to my Government when considering the maritime international regulatory framework.

Consolidating, and, where appropriate, updating the existing ILO Conventions and Recommendations with the aim of achieving the widest possible global ratification is consistent with our aim to provide a regulatory level playing field that can be effectively and uniformly implemented and enforced. We also welcome that this new Convention places emphasis on the people that work in our industry, which is also a priority for this Government. Taking effective action on providing a globally implemented and enforced regulatory regime that focuses on people will provide an effective weapon in our growing armoury to use in the fight against the scourge of our industry – substandard shipping.

In the shorter term, my Government will be preaching three beliefs during this Conference.

First, we believe that we need to avoid overlap and duplication with other existing international maritime regulations, especially the ISM Code and the STCW Convention instruments which fall under the purview of the International Maritime Organization.

Second, we believe that we need to review very carefully the text that we have before us to consider if all of it is needed, if it adds value and to make sure that it does not include provisions which are so detailed that they cause problems. In short, we want a text that is simple, easy to understand and concise.

Third, we believe that, while we recognize the way in which our social partners initiated this piece of work in the Joint Maritime Commission and the valuable input they continue to provide to the process, it is now time for Governments to indicate clearly their positions and to take a leading role in the final stages of this process.

We will work with you, Mr. President, and with our social partners and all Governments to achieve a successful outcome to this Conference.

The Tunisian delegation is delighted to congratulate the President on his election. We would like also to congratulate all the members of his team who will be working in the various committees and we hope that their joint efforts will be crowned with great success.

Tunisia would also like to express its thanks to the ILO for the results obtained thus far, working through its tripartite structure, in consolidating and updating the maritime Conventions into a single uniform text. This has taken three years of meetings, but a significant result has been achieved and we would like to express support for that international effort.

We call upon all those concerned to continue to cooperate actively in the work that is now under way within the specific committees to enrich this draft further and to ensure its necessary effectiveness.

I would also like to take this opportunity to note that we are all equally responsible for this work and we believe that it is incumbent upon us now to further the opportunities available to us as member States to allow us to implement all the provisions of this Convention, with all that that implies in the area of additional responsibilities that will be entrusted to the respective administrations.

With that in mind, my country would like to request that greater weight be given to international cooperation, so that this forms part of the obligations borne by all countries, to assist and support those countries that may require such assistance to modernize and upgrade their inspection systems and to implement all the provisions of this international Convention. We believe that a work programme on international cooperation over the next few years could only serve to improve the potential for administrations to develop the human resources capabilities that will be required for the effective implementation of the instrument.

Lastly, we must ensure that this Convention has the appropriate legal status, with global and flexible criteria to ensure that ratification is as broad as possible and that effective implementation can take place as soon as possible.

Government delegation of Nigeria

The Nigerian delegation congratulates the President and other Officers on their election. We are very grateful to the members of the High-level Tripartite Working Group, of which Nigeria is a member, and the International Labour Office, especially Ms. Doumbia-Henry; the efforts of the past three years have not been in vain.

My delegation takes special note and we are encouraged with the provisions in the draft proposed consolidated maritime labour Convention regarding the integration of fundamental rights and principles at work with measures for their compliance and enforcement. This, no doubt, will improve the seafaring and shipping business.

However, we wish to reiterate our earlier position, and that of the developing countries, that the proposed consolidated maritime Convention should, as far as possible, be simple, understandable, enforceable and ratifiable by member States.

Finally, we wish to inform the President and the delegates here present that Nigeria has ratified the SID Convention, which is a stand-alone Conven-

tion, as a sign of our commitment to the improvement of working conditions in the maritime industry.

Original French: Government delegation of Algeria

Like preceding speakers, I, on behalf of the delegation of Algeria, would like to extend congratulations to the President and to the other Officers who have been elected to helm this Preparatory Technical Maritime Conference. This Conference has a very heavy task before it – the task of completing the consolidated maritime labour Convention to be submitted to the International Labour Conference in June 2005. The President's election to preside over this Conference is in itself a guarantee of success and we say that because we know his skills and experience of working in the maritime sector.

The delegation of Algeria welcomes the high quality of the work that has been accomplished thus far by the High-level Tripartite Working Group – the Group that the President chaired at the Nantes meeting. The adoption of a new international instrument that will take into account the core elements of the many Conventions and Recommendations that have been adopted in this area since the 1920s will undoubtedly represent a considerable step forward in terms of affording protection to seafarers in the course of their duties. We recognize that their job does include certain features that are peculiar to the very nature of their profession.

Algeria considers this to be an extremely important document that will undoubtedly have a positive impact on promoting this vital sector of the global economy; it will also allow us to upgrade protection for seafarers, no matter where they may be working. That goal is certainly fully in line with one of the main concerns that this august body, the ILO, has always held dear. That being so, my country would like to pay particular tribute to the ILO for the effort it is making in this area as it seeks to afford decent working conditions for all throughout the world.

Lastly, Algeria legitimately hopes that much will be achieved at this Conference. It has been the destiny of the President to steer the deliberations of our meeting and once again I believe we will see another triumph for tripartism at this Conference which is the very hallmark of everything that is done by the ILO.

Government delegation of Brazil

This moment is historical as we are about to create a new level of working protection in our economic field, mostly influenced by international trade.

This step, taken by workers, employers and governments, is a big one and responds to the challenges of the new work organization of maritime commercial navigation. Establishing a balanced competition among shipowners, the draft consolidated Convention, as provided for by the Tripartite High-level Working Group, has in its framework the main elements to achieve the goals set by the International Labour Organization, since its work began in this area in 2001; inflexibility on labour rights and flexibility on implementation.

Brazil has been present since the first meeting and fully supports this initiative. We also sponsored a Conference for American countries in 2003 in Rio de Janeiro on this issue. It is now our responsibility to continue with this approach and conclude the job so that we may present its results to the next year's

Maritime Conference. Furthermore, it is also our responsibility to promote the new Convention when it is approved, assuring wide-scale ratification, and to show real commitment with its implementation at national level.

I expect this change will produce a vigorous labour standard and improve maritime social and working conditions.

Government delegation of the Philippines

The Philippine delegation expresses its congratulations to the President of this Conference upon his election. It is confident that with his competence and skilful leadership he will be able to steer the work of this Conference to its successful conclusion.

The Philippines, as one of the biggest suppliers of highly competent and dedicated seafarers to the world's maritime fleet, looks forward to the adoption of an historic and powerful instrument that will provide an efficient and effective legal framework for the advancement of the maritime profession, in recognition of the fact that the maritime industry is the first global industry.

We express our support for the text of the draft consolidated maritime Convention that ensures adequate protection for the employment and social rights of seafarers in pursuit of universal goal of social justice and decent work for all, while assuring at the same time a level playing field for all the stakeholders. Although there are a few provisions upon which we still express certain reservations, our Government is nevertheless ready to exercise its political will to influence our national legislation and even our jurisprudence to ensure the speedy and smooth ratification of the Convention upon its final adoption.

Original French: Government delegation of Italy

The Italian delegation attaches very great importance to the work of the Preparatory Technical Maritime Conference. You know very well that we live in a world which is becoming increasingly globalized, which calls for a framework of standards that is as complete, effective and proficient as possible in providing the most comprehensive protection to the various interests, in particular those of seafarers.

The task of the Conference is an ambitious one. We have to put in place a new instrument, a new maritime labour code that will encompass most of the essential aspects of work in that sector.

The technical work that has been done to prepare this recommended draft of a consolidated Convention represents, we believe, an excellent basis on which to collaborate to finalize a text that would be generally acceptable. Our attitude, therefore, is a positive one and it is characterized by optimism. That is why we would like to say that, in our opinion, this draft does not present any real problems or controversial points, but rather a number of sensitive issues where the various parties will be able to exchange ideas and try to find a common point of agreement, taking into consideration their different requirements. This objective is a very attractive one, and we assure you that our delegation is ready and willing to contribute to the success of this Conference, and to be daring in our efforts.

Original Spanish: Government delegation of Spain

I would like to congratulate the President and also the other Officers of the Conference on their elec-

tion. I would also like to congratulate the High-level Tripartite Working Group, which has worked hard to prepare this excellent text that provides us with a unique opportunity to have a single document that will regulate working conditions on board maritime transport merchant vessels.

This instrument is innovative in both its structure and the implementation and monitoring aspects. The Spanish Government will make every effort to ensure that we succeed in our goal. Spain, having ratified more than 100 Conventions, has always spoken in the ILO in favour of progress and cooperation. We should not lose sight of the fact that the ILO is a tripartite organization and that the basic principles of progress and social justice should always prevail in our actions and our thoughts. Our ultimate objectives and ends are to enhance the rights of workers and to improve their conditions of work on board ship.

We would like to emphasize one specific point which we think is particularly sensitive, and that is the implementation *a posteriori* of the Convention once it has been adopted. Our concern is more particularly centred on the issue of establishing an inspectorate that is adequately trained and that has the necessary skills to be able to carry out its implementation.

Original Chinese: Government delegation of China

First of all, please allow me to congratulate the President on his election as President of this Preparatory Conference – and also my congratulations to the three other elected Vice-Presidents.

As a maritime country with a large number of seafarers, the Chinese Government attaches great importance to the effort by the ILO to consolidate Conventions on maritime work and we believe that this new Convention will provide an adequate protection to seafarers and adapt to the new requirements of the modern shipping industry. We hope that this Convention will be widely accepted and applied by the greatest possible number of member States of the shipping countries. We are pleased to note that while the draft of the Convention still has a number of problems for further discussion and exploration, the framework and the major content of this draft Convention have already been agreed upon. The process of consolidating the Convention has made substantial progress.

The Chinese delegation will adopt a realistic and positive attitude, work with the social partners and representatives from other countries so as to jointly promote the process of this consolidated Convention. Although this Preparatory Conference is faced with a heavy task, we are convinced that under the President's guidance and with the assistance of the three other Vice-Presidents and the assistance of all delegates, this Conference will achieve its set objectives.

Government delegation of Norway

Allow me first to congratulate the President upon his election. Continuity in the important work at hand is very important, as is his leadership.

As for this delegation we have three clear objectives for our important work with the new Convention. First, poor working and living conditions must not be allowed to be an advantage in the industry – i.e., that seafarers should not pay for the competitive edge with their working and living conditions. Loss of lives, injuries, occupational illness and

competitive advantages derived from pure working and living conditions and substandard shipping cannot be tolerated.

Second, we also aim for a level playing field so that the majority of shipowners and flag States who take their responsibilities seriously shall not be disadvantaged or eliminated from this truly international industry by those who do not take their responsibilities seriously. Nor do we want those who do not take these responsibilities to set the standard.

Finally, we want a framework Convention on maritime labour standards to be the fourth pillar in the international shipping industry, together with SOLAS for ships' safety, MARPOL for the marine environment and STCW for training and certification.

We wish to emphasize the need for a strong Convention which is sufficiently dynamic and flexible to respond to the changing needs of the industry now and in the future.

We sincerely appreciate the hard work done which has laid a sound foundation for the new Convention. It is clear to us that we still have some serious work ahead and there are still some issues which need to be resolved. It is important to remember that the success of our work can only be measured when we see the ratification rate of the new Convention and the impact that it has on the maritime industry and especially on the seafarers' working and living conditions on the oceans of the world.

Government delegation of Japan

We are extremely happy to welcome the President to the Chair of this important Conference. Our sincere appreciation goes to the Office for its dedication in preparing the text as an excellent guide for the great task ahead of us. Moreover, we are happy to welcome the many new Government representatives who are gathered here for the first time as our new friends and we would like to renew our strong friendship with our social partners and Government colleagues. Having experienced many years of discussion, I am even more encouraged that we now are on the right track to reach a successful completion of our mission. As in the past, we will certainly have to face ups and downs in this Conference but I am convinced that we can overcome any bumps in good faith, based on the tripartite spirit.

Although we are so close to our goal, we have concerns in some areas. At this outset of the Conference, I shall confine myself to referring to the treatment of fundamental rights and principles; hours worked for masters; introduction of occupational safety and health management systems; and the scope of port state control. Because of a language barrier, this delegation sometimes might not seem to say what it wants to say. However, please do note that Japan is most strongly committed to the successful completion of our common task to secure seafarers' decent working conditions based on a solid Convention which enjoys wide ratification. We should tailor the Convention so that it is practicable and workable and make it serve a level playing field. Having said that, we are very much looking forward to collaborating strongly with all of you.

Original French: The PRESIDENT

We now have a few minutes left. Article 6, paragraph 5, of our Standing Orders stipulates that the

President, in agreement with the Vice-Presidents, may allow non-governmental international organizations to make statements, if they wish to do so. I therefore propose that, since we have this extra time, we give the floor to the International Association of Classification Societies (IACS) as they have requested to speak.

STATEMENT BY THE INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES

Thank you for this first invitation to IACS to attend an ILO meeting. We appreciate the effort being made to create this new consolidated Convention.

We do have some comments on the present draft which the Conference may wish to consider, as they are based on IACS members' long experience in acting as recognized organizations for scores of maritime administrations in respect of international maritime Conventions and, especially, in respect of the ISM Code. Contributing these comments does not commit any IACS member to accepting the role of recognized organization under the prospective Convention, although they may be minded to do so, provided the regulations and requirements are sufficiently clear and defined to allow for practicable and uniform verification of compliance in practice.

With regard to technical matters, many areas of the regulations and requirements of the Convention are considered by the IACS members to be unclear or vague. This may be due to the need for a flexible implementation of the Conventions, as highlighted by many speakers and in the "Explanatory note". However, we are concerned because these vague requirements could lead to significant difficulties in their practical application and to non-uniform implementation, even under a single flag. As examples, in Title 3, in several parts the word "adequately" is used with respect to performance characteristics of systems but no standards or technical criteria are given on how to design and verify such systems. There is, therefore, as yet, no uniform standard by which "adequately" can be judged. Several times the wording "to be approved" is used with respect to equipment, without clarifying the standard or requirements with which this equipment is to comply. All of these standards and performance criteria will have to be established in due course if the Convention is to be uniformly applied worldwide.

With regard to Title 5 – the vital "compliance and enforcement" – the basic principles set out in the IMO ISM Code are not, in our view, reflected in the draft Convention, even though many of the Regulations are already complied with through procedures audited under that Code. In particular, there is no provision relevant to the company's management system and there is no equivalent on an ISM document of compliance aimed at ensuring that the company has in place documented procedures for establishing, monitoring and maintaining compliance with the mandatory requirements. An equivalent would enable a fleet-wide approach to monitoring compliance, rather than the treatment of a single ship in isolation. IACS strongly recommends that such requirements be included within the Regulations.

It would be desirable also that the term "deficiencies" indicated in A5.1.2, which is with regard to the authorization of recognized organizations, be

better defined so that it does not include individual disputes mentioned in Regulation 5.1.4.7(c).

The period of validity of the certificate is proposed to be five years with one intermediate inspection which is of the same scope as a renewal. In comparison with the verification mechanism set out in the ISM Code, which requires at least an annual DOC verification, IACS considers that this is too long a period – two to three years – between inspections for verification of compliance with many of the requirements of the draft Convention. A tighter system of controls based either on that applied by the ISM Code or utilizing annual on-board inspections of compliance is needed to have reasonable checks on compliance with requirements. In matters which can very easily fall out of compliance with the requirements in a short time, it can be expected that there will be numerous port state control in-

spections finding deficiencies unless a more robust and frequent system of flag state verifications, together with a strong link to shore-based management, is imposed through the Convention than is provided in the current draft.

Original French: The PRESIDENT

With that, we have now reached the end of this part of the agenda concerning the general statements.

As regards the next plenary sessions of the Conference, they will take place in this same room on Thursday, 23 September, and Friday, 24 September.

With that, I wish you full success in your work and I declare this opening sitting of the Conference closed.

(The sitting adjourned at 1 p.m.)

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