



Third report of the Steering Committee

Amendments to unbracketed text and drafting of the text proposed for the Maritime Session of the International Labour Conference

1. The Steering Committee decided, at its meeting of 20 September 2004, that it would consider possible ways for examining amendments submitted relating to unbracketed text, after satisfying itself that all three technical committees had had sufficient time to complete discussion of text in brackets, in accordance with the procedure agreed at the first sitting of the Committee (*Record of Proceedings* No. 2A).
2. Since all technical committees had not completed their discussion of bracketed text on the eve of their last sitting, the Steering Committee came to the conclusion that it would not be possible for the Preparatory Technical Maritime Conference (PTMC) to consider amendments submitted to unbracketed text.
3. The Committee observed that there was at present no procedure for bringing forward amendments tabled at a preparatory maritime conference to the Maritime Session of the International Labour Conference. As there was general agreement that the consideration of those amendments would contribute to a large extent to the success of the Maritime Session of the International Labour Conference, the Committee considered, however, that innovative mechanisms should be devised to permit an analysis and tripartite discussion of the amendments submitted to the PTMC, with a view to taking them into consideration, to the extent possible, in the preparatory stages of the Conference.
4. The Steering Committee also noted that, on account of the length of the recommended draft of a consolidated maritime labour Convention submitted to the PTMC, its Drafting Committee could not fully perform its normal functions (i.e. ensuring throughout the text the consistency of terminology, structure and drafting, as well as agreement between the English and French versions of the text), in addition to those it has been entrusted with under the procedural arrangements specifically agreed for the PTMC. The Steering Committee therefore considered that those functions should be performed before the Maritime Session of the Conference through a tripartite drafting group.
5. For these two reasons, the Committee unanimously recommends to the plenary session of the PTMC that it adopt the following resolution:

The Preparatory Technical Maritime Conference, convened in Geneva by the Governing Body of the International Labour Office from 13 to 24 September 2004;

Considering that significant progress has been achieved at the PTMC in the resolution of issues that had remained outstanding or controversial in the two years

of work accomplished prior to the PTMC, as reflected in the bracketed text which has been given priority in the discussion;

Considering that, given time constraints and the volume of amendments submitted to unbracketed text, the PTMC has not been in a position to consider such amendments;

Considering that the examination and discussion of those amendments will facilitate the work of the Maritime Session of the International Labour Conference;

Considering also that it was not possible for the PTMC Drafting Committee to review in detail the whole text of the proposed consolidated maritime labour Convention, as regards both form and consistency between the English and French versions;

Requests the Governing Body to instruct the Office to examine all receivable amendments submitted to the PTMC and to prepare a compendium accompanied by an explanatory note;

Establishes a tripartite working group, composed of the officers of the PTMC and the parties having submitted amendments to unbracketed text, to consider the compendium prepared by the Office; the working group shall communicate to the Office any amendment or group of amendments on which there is consensus for inclusion in the report to be prepared by the Office for the Maritime Session of the Conference in accordance with article 38, paragraph 4(b), of the Standing Orders of the Conference; the working group, taking into consideration the need for these further consultations, shall meet on this occasion at no direct cost to the Office;

Appoints a tripartite drafting group composed of one Government representative, a representative of the Shipowners and a representative of the Seafarers to review in extenso the wording of the draft instrument adopted by the PTMC, as well as the agreement between the English and French versions of the text, along the lines of the terms of reference of drafting committees appointed under the Standing Orders of the General Conference; the drafting group shall finish its work on time for the translation and distribution of the text to member States within the time frame provided for in article 38 of the Standing Orders of the Conference.

Composition of national delegations and payment of their expenses

6. The list of delegations to the PTMC shows that of the 88 member States accredited to the Conference, 23 are exclusively governmental,¹ four comprise a Seafarers' delegate but not a Shipowners' delegate,² and one has a Shipowners' delegate but not a Seafarers' delegate.³ In addition, representations have been made to the Preparatory Technical Maritime Conference alleging non-respect by several member States of their obligation to

¹ Algeria, Bahamas, Bahrain, Cameroon, Chile, Congo, Costa Rica, Ecuador, Guatemala, Honduras, Ireland, Kenya, Lebanon, Madagascar, Malaysia, Mauritius, Nicaragua, Peru, Qatar, Sri Lanka, Togo, Uruguay and Viet Nam.

² Benin, Brazil, Croatia and Panama.

³ Kuwait.

bear the travel and subsistence expenses of their tripartite delegations.⁴ These data could indicate that a significant proportion of States represented at the Conference have not fully met their obligation to ensure the participation of a full tripartite delegation in the work of the PTMC.

7. At the same time, no provision has been made for a mechanism within the PTMC to consider credentials, objections to credentials or complaints of non-payment of expenses similar to the procedure for the Credentials Committee of the General Conference. While the Steering Committee therefore notes that it has no express mandate to deal with the issues referred to in the preceding paragraph, it wishes to convey to the Governing Body, through the PTMC, its concern over the situation so that appropriate action can be taken to prevent, in the future, that responsibility for the appointment of Shipowner and Seafarer representatives to meetings attended by tripartite national delegations, as well as payment of the cost for their participation, is left to the good will of governments with no possibility of scrutiny.
8. To this end, the Steering Committee recommends to the plenary session of the Preparatory Technical Maritime Conference that it adopt the following resolution:

The Preparatory Technical Maritime Conference, convened in Geneva by the Governing Body of the International Labour Office from 13 to 24 September 2004;

Recalling the importance of the effective respect of tripartism and, in particular, the obligation for each member State to select fully tripartite delegations to conferences convened by the Organization and to bear the costs of their participation;

Noting with concern the number of cases in which this obligation has not been fully respected at the Preparatory Technical Maritime Conference;

Considering that the absence of a mechanism at the PTMC to examine credentials and ensure respect for this obligation has almost certainly contributed to the extent of the situation;

Urges the Governing Body of the International Labour Office:

- (a) *to ensure that, in future, there shall be a tripartite mechanism to verify credentials and to examine objections relating to the selection by governments of Shipowner and Seafarer representatives and complaints alleging non-payment of their travel and subsistence expenses for all meetings where governments are responsible for the composition of national tripartite delegations, similar to that of the Credentials Committee of the General Conference;*

⁴ Representations have been received from the *Confédération démocratique du Travail* concerning the Seafarers' delegation of Morocco; from Ms. Brighi, Worker member of the Governing Body of the ILO, on behalf of the CGIL, the CISL and the UIL, concerning the Seafarers' delegation of Italy; from the *Orden de Capitanes y Pilotos Navales de la República Mexicana, Similares y Conexos*, concerning the Seafarers' delegation of Mexico; from the National Union of Seafarers of India concerning the Seafarers' delegate of India; and from the *Syndicat national des inscrits maritimes et assimilés du Cameroun* concerning the Seafarers' delegation of Cameroon. The Conference has also been informed of complaints alleging non-payment of travel and subsistence expenses of the Seafarers of the Republic of Korea, Pakistan and Tunisia.

(b) *to remind governments of their obligation to nominate non-government delegates and advisers in agreement with the industrial organizations, if such organizations exist, which are most representative of shipowners and seafarers, as the case may be, in their respective countries; and to pay the travelling and subsistence expenses of their tripartite delegations.*