



FIRST ITEM ON THE AGENDA

**Follow-up on consultations concerning
Conventions regarding seafarers****Contents**

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Introduction

1. This document is submitted for examination by the Working Party at its tenth meeting during the 277th Session (March 2000) of the Governing Body. It contains a detailed report on the result of follow-up action in 1999 on decisions regarding instruments concerning seafarers¹ and includes an analysis of information received from 43 member States in the course of consultations conducted in 1999.²
2. The consultations were conducted in accordance with the Governing Body's decisions inviting member States to inform the Office on three separate issues: (1) whether the revision of two Conventions should be considered separately or as joint items; (2) obstacles and difficulties encountered, if any, that might prevent or delay the ratification of six Conventions, or that might point to a need for their full or partial revision; and (3) the intentions of member States to ratify certain revised Conventions concerning seafarers, and denounce at the same time the corresponding older, outdated Conventions. The results of the consultations on these three issues will be examined separately in the present document. While the first two parts result in proposals to the Working Party to recommend a course of action to take with respect to the instruments examined, the Working Party is invited to take note of the information provided in the third part.
3. In accordance with the Working Party's recommendation, governments have been invited to undertake tripartite consultations in order to implement the Governing Body's decisions and to forward to the Office any observations they might wish to make. With a few exceptions, the responses received indicated that tripartite consultations had been conducted, and in most cases the views and opinions of employers' and workers' organizations were reflected in the information provided to the Office.³
4. It should be recalled that, in order to assist the Working Party, the views of the constituent members of the Joint Maritime Commission (JMC) have been requested. An informal joint working group of the shipowners' and seafarers' members (Joint Working Group) met in Geneva in July 1998, and in 1999 undertook a case-by-case analysis of the instruments in question and formulated recommendations.⁴
5. The 29th Session of the JMC will be held in January 2001, and one of the items on its agenda is the review of the relevant ILO maritime instruments. It might be expected that the JMC, in addition to expressing views on the form and technical content of possible instruments to be revised, might also express its views on how these instruments or their content could be integrated into a possible framework Convention in line with the

¹ GB.273/LILS/WP/PRS/4, GB.273/LILS/4 (Rev.1), GB.274/LILS/WP/PRS/2 and GB.274/LILS/4(Rev.1).

² The decisions were communicated to member States on two occasions in 1999, together with a request to forward their observations to the ILO. It has not been possible to consider replies received after 15 January 2000.

³ The views of the social partners have been indicated separately only when they explicitly differ from those of their governments.

⁴ Their views are reproduced in the context of each Convention examined below. See also Appendix IV to GB.274/LILS/WP/PRS/2.

indications in the Director-General's Report to the 87th Session (1999) of the Conference, *Decent work*. The inclusion of one or more Conventions in the portfolio for a possible revision is without prejudice as to the best manner in dealing with them, including the possibility of a framework approach.⁵

I. Decisions to revise

C.16 – The Medical Examination of Young Persons (Sea) Convention, 1921

C.73 – The Medical Examination (Seafarers) Convention, 1946

Background

6. In the course of the examination of the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)⁶ and the Medical Examination (Seafarers) Convention, 1946 (No. 73)⁷ it was noted that one of the problems concerning their implementation had been that fitness standards for seafarers vary widely. In order to seek to remedy this situation, the ILO and the WHO in 1997 jointly developed a set of Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers. Against this background the Governing Body decided that Conventions Nos. 16 and 73 should be revised.
7. The Governing Body also decided that the member States should be consulted on whether a revision of these Conventions should be considered as separate items or jointly.⁸
8. This request for information was addressed to all ILO member States, of which 90 were parties to either Conventions No. 16 and/or No. 73. Thirty-two replies were received, including 24 replies from parties to either one of the two Conventions, as well as one from a workers' organization.⁹

⁵ Support for such an approach was expressed by *New Zealand* and *Australia*.

⁶ GB.273/LILS/WP/PRS/4, under III.4.

⁷ GB.274/LILS/WP/PRS/2, p. 14.

⁸ GB.273/LILS/4(Rev.1), appendix to GB.273/8/2, para. 65 and GB.274/LILS/4(Rev.1), Appendix 1 to GB.274/10/2, para. 27.

⁹ *Angola, Australia, Azerbaijan, Belgium, Brazil, Cambodia, Canada, Chile* [differing views expressed by two government agencies], *Croatia, Cuba, Czech Republic, El Salvador, Estonia, Finland, Greece, Guatemala, Japan, Jordan, Republic of Korea, Lithuania, Morocco, New Zealand, Norway, Poland, Portugal, Romania, Saudi Arabia, Slovenia, St. Vincent and the Grenadines, Togo, United Arab Emirates and United Kingdom* [countries in bold are bound by one or both of Conventions Nos. 16 and 73] and the Pakistan National Federation of Trade Unions [the Government of Pakistan did not respond].

Consultations

9. A majority of 21 countries and one workers' organization were in favour of a joint revision of the two Conventions.¹⁰ Five countries emphasized their common object and argued that the medical examination of young persons could be considered within the medical examination requirements for seafarers generally.¹¹ Three countries specified that the revision of the two instruments should result in the adoption of a single Convention.¹²
10. Among the eight countries¹³ in favour of separate consideration, two¹⁴ underlined the need to ensure special protection for young persons. In addition, one country believed that there was no need to revise the two Conventions.¹⁵
11. In addition, four countries offered the additional view that the provisions of the two Conventions should be revised to reflect current technological and normative developments such as the IMO's Conventions on Standards of Training, Certification and Watchkeeping for Seafarers (IMO-STCW convention).¹⁶

Remarks

12. A large majority of the countries responding were in favour of considering jointly the revision of these instruments. This view seems to be supported by the need to ensure the application of common standards in this area, demonstrated by the development of the ILO/WHO Guidelines referred to above. It would also seem that a joint revision of these two Conventions would not in itself be an obstacle to ensuring special protection for young persons if such provisions were to be considered. The Working Party might therefore wish to propose that the revisions of Conventions Nos. 16 and 73 should be included in the portfolio for joint consideration.

Proposal

13. ***The Working Party is invited to recommend to the Governing Body that the Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16), and the Medical Examination (Seafarers) Convention, 1946 (No. 73), should be included in the portfolio of proposals for the agenda of a future session of the International Labour Conference for joint consideration.***

¹⁰ Australia, Azerbaijan, Belgium, Brazil, Canada, Cuba, Czech Republic, Estonia, Finland, Jordan, Republic of Korea, Lithuania, New Zealand, Norway [the Norwegian Union of Marine Engineers considered, however, that the revisions should only take place at special maritime conferences and treated as separate items], Poland, Portugal, Romania, Saudi Arabia, Slovenia, St. Vincent and the Grenadines, United Kingdom and the Pakistan National Federation of Trade Unions.

¹¹ Australia, Brazil, Republic of Korea, New Zealand and Slovenia.

¹² Brazil, Finland and Republic of Korea.

¹³ Angola, Cambodia, El Salvador, Guatemala, Japan, Morocco, Togo and United Arab Emirates.

¹⁴ Guatemala and Japan.

¹⁵ Greece.

¹⁶ Bahrain, Czech Republic, Morocco and Poland.

II. Requests for additional information

14. In the case of the six Conventions examined in the following, member States were invited to inform the Office of the obstacles and difficulties encountered, if any, that might prevent or delay the ratification or which may point to the need for their full or partial revision. The Working Party is invited to re-examine the following six Conventions in the light of the previous discussions and the consultations held.

2.1. C.22 – Seamen’s Articles of Agreement¹⁷ Convention, 1926

Background

15. In the course of the previous examination of this Convention,¹⁸ it was noted, inter alia, that although there seemed to be no specific indications that pointed towards a particular problem with the Convention, it was fairly old and employment practices in shipping had changed considerably since its adoption in 1926. These changes were reflected in the course of the revision of the Placing of Seamen Convention, 1920 (No. 9) through the adoption of the Recruitment and Placement of Seafarers Convention, 1996 (No. 179). The Joint Working Group¹⁹ recommended that this Convention be revised.

16. Thirty-nine countries, including 18 of the 22 parties to Convention No. 22, as well as one workers’ organization, responded to the request for information.²⁰

Consultations

17. Seven countries indicated that they saw no obstacles or difficulties that might point to a need for full or partial revision of Convention No. 22,²¹ and two additional countries were not in favour of a revision of Convention No. 22 as it was contained in the appendix to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), which they were

¹⁷ The signing of Articles of Agreement is the standard means for entering into a contract of employment to work on board ship. The contents of such Articles, and the procedures for signing them, are set out in Convention No. 114.

¹⁸ GB.274/LILS/WP/PRS/2, p. 23 and GB.274/10/2, paras. 41-42.

¹⁹ See para. 4, above.

²⁰ *Angola, Australia, Austria, Azerbaijan, Bahrain, Belgium, Brazil, Cambodia, Chile* [differing views expressed by two government agencies], *Croatia, Cuba, El Salvador, Estonia, Finland, Greece, Guatemala, Hungary, Japan, Jordan, Republic of Korea, Lithuania, Mexico, Morocco, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Romania, Saudi Arabia, Slovenia, St. Vincent and the Grenadines, Swaziland, Syrian Arab Republic, Togo, Turkey, United Arab Emirates* and *United Kingdom* [parties to Convention No. 22 in bold] and the Pakistan National Federation of Trade Unions [the Government of Pakistan did not respond].

²¹ *Azerbaijan, Hungary, Lithuania, Slovenia, St. Vincent and the Grenadines, Togo* and *United Kingdom*.

parties to.²² Furthermore, four countries and one workers' organization simply referred to the fact that Convention No. 22 had been ratified.²³

- 18.** In the replies received a majority of 14 countries and one workers' organization were in favour of a revision of Convention No. 22.²⁴ In addition, one country stated it would not have any objections to a revision.²⁵ Several of these countries offered views on the direction that revision of this Convention should take: the Convention should be adapted to the changes that had taken place in the shipping sector since its adoption 74 years ago;²⁶ Convention No. 22 contained highly prescriptive requirements which were not tailored to current employment arrangements, such as company contract arrangements;²⁷ the Convention was based on ship-specific articles of agreement, while current practice and legislation seemed to be evolving towards shipowner-specific articles of agreement;²⁸ there was a need for a comprehensive review and formulation of Conventions more appropriate to current conditions in the light of the changes in the sector of maritime business;²⁹ the Convention should be revised to maximize flexibility and minimize administrative problems;³⁰ the field of application of the Convention should be expanded to cover fishermen and Articles 3.2 and 4 should be revised "considering the improvement in current educational level of seamen, active operations of the labour unions, and excessive demand for administrative power".³¹

Remarks

- 19.** Of the 14 countries reporting that they considered this Convention to be in need of a revision, several offered detailed reasons why, while ten countries did not see any need for revision. In addition to these views and the recommendation by the Joint Working Group, the Working Party may on balance wish to bear in mind the changes in employment arrangements and practices that have occurred since the adoption of the Convention demonstrated, inter alia, by the recent adoption of the Labour Inspection (Seafarers) Convention, 1996 (No. 178), the Recruitment and Placement of Seafarers Convention, 1996 (No. 179), and the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180). Against this background the Working Party may wish to propose that

²² *Greece and Morocco.*

²³ *Belgium, Cuba, Japan, Norway and the Pakistan National Federation of Trade Unions.*

²⁴ *Angola, Australia, Bahrain, Finland, Jordan, Republic of Korea, Mexico, New Zealand, Nicaragua, Portugal, Poland [a different view held by the Polish Shipmasters' Union], Saudi Arabia, Syrian Arab Republic and United Arab Emirates.*

²⁵ *Brazil.*

²⁶ *Australia, Bahrain, Finland, Republic of Korea, New Zealand, Poland and United Arab Emirates.*

²⁷ *Australia.*

²⁸ *Finland.*

²⁹ *Bahrain.*

³⁰ *United Arab Emirates.*

³¹ *Republic of Korea.*

Convention No. 22 should be revised and be included in the portfolio of proposals for the agenda of a future International Labour Conference.

Proposal

- 20.** *The Working Party is invited to recommend to the Governing Body the revision of the Seamen's Articles of Agreement Convention, 1926 (No. 22), and the inclusion of this item in the portfolio of proposals for the agenda of a future International Labour Conference.*

2.2. C.68 – Food and Catering (Ships' Crews) Convention, 1946

C.69 – Certification of Ships' Cooks Convention, 1946

- 21.** Both Conventions are of relevance to the provision of adequate food to seafarers. Convention No. 68 has attracted 23 ratifications and has been declared applicable to 17 non-metropolitan territories (NMTs). In addition, Article 5 of Convention No. 68 is listed in the appendix to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147). Article 5 of Convention No. 68 therefore applies to 22 additional countries based on the "substantially equivalent" provision in Article 2(a) of Convention No. 147. Convention No. 69 is not referred to in the appendix to Convention No. 147. It has received 36 ratifications and has been declared applicable to 21 NMTs.
- 22.** In the course of the previous examinations³² it was noted that these Conventions related to a subject that had become increasingly important, namely the need to ensure that seafarers received adequate and well-prepared food. At present seafarers often spent weeks or months on board a ship without any alternative food supply. In addition, serious deficiencies had been revealed relating to food and catering for seafarers. The Joint Working Group recommended that both Convention No. 68 and Convention No. 69 be revised.
- 23.** In view of the complementarity between these two Conventions, the Working Party is invited to consider a common course of action with respect to both of them. For clarity of presentation, however, the result of the consultations will be reported separately.

Consultations concerning Convention No. 68

- 24.** A total of 33 countries, including 13 parties to either Convention No. 68 and/or Convention No. 147, and one workers' organization responded to the request for information.³³

³² For Convention No. 68 see GB.274/LILS/WP/PRS/2, pp. 19-20 and GB.274/10/2, paras. 36-37 and for Convention No. 69 see GB.274/LILS/WP/PRS/2, pp. 27-28 and GB.274/10/2, paras. 50-51.

³³ *Angola, Australia, Azerbaijan, Bahrain, Brazil, Chile* [differing views expressed by two government agencies], *Cuba, Czech Republic, Estonia, Finland, Greece, Hungary, Japan, Jordan, Republic of Korea, Lithuania, Mexico, Morocco, New Zealand, Nicaragua, Norway, Poland, Portugal, Romania, Saudi Arabia, Slovenia, St. Vincent and the Grenadines, Syrian Arab Republic,*

25. One country³⁴ was examining the possibility of ratifying Convention No. 68, and according to responses from 11 countries and one workers' organization³⁵ there seemed to be no obstacles or difficulties hampering ratification or that pointed to a need for full or partial revision of the Convention. One country suggested as an alternative to a revision of Convention No. 68 that it could be complemented by a Recommendation or Code of Conduct (with the assistance of the WHO) providing information and guidelines on the quantitative and qualitative requirements of the Convention in the light of current views on hygienic nutrition.³⁶
26. Six countries reported on certain obstacles to ratification. With reference to the fact that Convention No. 68 was applicable within the framework of Convention No. 147, two countries were considering ratifying Convention No. 147 and thought that ratification of Convention No. 68 should be evaluated within this framework.³⁷ Four countries considered that ratification of Convention No. 68 was unnecessary because they had already ratified Convention No. 147.³⁸ National legislation appeared to be an obstacle to ratification in two countries.³⁹
27. A majority of 15 countries among those responding were in favour of revision.⁴⁰ Six of these stressed that Convention No. 68 was dated and was not likely to reflect recent practice, technological developments or legislative provisions in the maritime sector.⁴¹ One country suggested that a future revision of Convention No. 68 should be made jointly with a revision of Conventions Nos. 69, 74 and 92 culminating in an umbrella or framework Convention.⁴² The same country was further wondering whether these Conventions had not been rendered obsolete by the adoption of the IMO-STCW convention which includes provisions on the same subjects. According to this view, close consultations with the IMO would be needed in order to avoid overlapping.

*Togo, Turkey, United Arab Emirates, **United Kingdom** and Venezuela* [parties to either Convention No. 68 or No. 147 marked in bold] and the Pakistan National Federation of Trade Unions [the Government of Pakistan did not respond].

³⁴ *Romania.*

³⁵ *Azerbaijan, Czech Republic, Greece, Hungary, Lithuania, Morocco, Norway, Slovenia, St. Vincent and the Grenadines, Poland* [the Polish Seafarers' Union, National Maritime Section NSZZ "Solidarnosc", and Union of Polish Shipowners were in favour of a revision], *Togo, United Kingdom* and the Pakistan National Federation of Trade Unions.

³⁶ *Greece.*

³⁷ *Estonia and Turkey.*

³⁸ *Brazil, Greece, Morocco and Slovenia.*

³⁹ *Japan and Republic of Korea.*

⁴⁰ *Angola, Australia, Bahrain, Brazil, Cuba, Finland, Jordan, Mexico, New Zealand, Nicaragua, Portugal, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Venezuela.*

⁴¹ *Australia, Bahrain, Brazil, Finland, New Zealand, United Arab Emirates and Venezuela.*

⁴² *Finland.*

Consultations concerning Convention No. 69

- 28.** A total of 29 countries, including ten parties to Convention No. 69, and one workers' organization responded to the request for information.⁴³
- 29.** No obstacles or difficulties that might point to a need for full or partial revision were indicated in responses from ten countries and one workers' organization.⁴⁴
- 30.** Two countries noted ratification difficulties due to differences between the provisions of the Convention and national legislation on the issue of qualification prerequisites for ships' crews.⁴⁵
- 31.** Sixteen countries were in favour of a revision.⁴⁶ Six of them stressed that Convention No. 69 was dated and was not likely to reflect current practices, technological developments and legislative provisions in the maritime sector.⁴⁷ It was also held that both Conventions Nos. 68 and 69 had been rendered obsolete by the adoption of the IMO-STCW convention and that close consultations with the IMO would be needed in order to avoid overlapping.⁴⁸ Two countries emphasized the complementary character of Conventions Nos. 68 and 69 and suggested that they should be revised jointly, perhaps as part of a wider review of seafarers' training and certification arrangements or in relation to a revision of Conventions Nos. 68, 74 and 92.⁴⁹
- 32.** One country suggested that the provisions of the Convention could be supplemented by a Recommendation or a Code.⁵⁰

⁴³ *Angola, Australia, Azerbaijan, Bahrain, Brazil, Chile* [differing views expressed by two government agencies], *Cuba, Czech Republic, Finland, Greece, Hungary, Jordan, Republic of Korea, Lithuania, Mexico, Morocco, New Zealand, Nicaragua, Norway, Poland, Portugal, Saudi Arabia, Slovenia, St. Vincent and the Grenadines, Syrian Arab Republic, Togo, United Arab Emirates, United Kingdom* and *Venezuela* [parties to either Convention No. 68 or No. 147 marked in bold] and the Pakistan National Federation of Trade Unions [the Government of Pakistan did not respond].

⁴⁴ *Azerbaijan, Greece, Hungary, Lithuania, Norway, Slovenia, St. Vincent and the Grenadines, Poland* [the Polish Seafarers' Union was in favour of revision while the National Maritime Section NSZZ "Solidarnosc" believed that the Convention should be shelved], *Togo, United Kingdom* and the Pakistan National Federation of Trade Unions.

⁴⁵ *Republic of Korea and Morocco.*

⁴⁶ *Angola, Australia, Bahrain, Brazil, Cuba, Czech Republic, Finland, Jordan, Mexico, New Zealand, Nicaragua, Portugal, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Venezuela.*

⁴⁷ *Bahrain, Brazil, Finland, New Zealand, United Arab Emirates and Venezuela.*

⁴⁸ *Finland.*

⁴⁹ *Australia and Finland.*

⁵⁰ *Greece.* Also see above comments on Convention No. 68.

Remarks

- 33.** Although several countries saw no particular obstacles to ratification nor any need for revision of these Conventions, the majority view among those responding was that both Conventions should be revised. This trend confirms the conclusions of the Joint Working Group, which was in favour of a revision. Against this and the factual background reported above regarding deficiencies detected in recent years relating to the health aspects of handling food and catering arrangements on board ships, the Working Party might wish to propose that both Conventions Nos. 68 and 69 be revised. The complementarity between these Conventions has been noted by several countries. No arguments have been raised in favour of a separate revision of these Conventions. The Working Party may therefore wish to recommend a joint revision of Conventions Nos. 68 and 69. Furthermore, the Office notes the calls made to take corresponding IMO instruments into account in the context of a revision of Conventions Nos. 68 and 69. The Working Party may therefore wish to request the Office to examine these questions.

*Proposal***34. The Working Party is invited –**

- (a) *to recommend to the Governing Body the revision of the Certification of Ships' Cooks Convention, 1946 (No. 69), in conjunction with the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), and the inclusion of this item in the portfolio of proposals on the agenda of a future International Labour Conference;*
- (b) *to recommend that the corresponding IMO instruments be taken into account in the context of a revision of Conventions Nos. 68 and 69.*

2.3. C.74 – Certification of Able Seamen Convention, 1946*Background*

- 35.** In the context of the previous examination of this Convention,⁵¹ it was noted, inter alia, that Convention No. 74 was not well ratified⁵² and that it had attracted ratifications at a decreasing rate over the last three decades. It was also pointed out that the IMO-STCW convention, as revised, had introduced a new and modern approach to the training and certification of seafarers which might point to a need for revision of Convention No. 74. The Joint Working Group recommended a revision of this Convention.
- 36.** A total of 29 countries, including six parties to Convention No. 74, and one workers' organization responded to the request for information.⁵³

⁵¹ GB.274/LILS/WP/PRS/2, pp. 29-30 and GB.274/10/2, Point Nos. 52-56.

⁵² As at 31.12.1999 this Convention had been ratified by 27 member States.

⁵³ *Angola, Australia, Azerbaijan, Bahrain, Brazil, Chile* [differing views expressed by two government agencies], *Cuba, Czech Republic, Finland, Greece, Japan, Jordan, Republic of Korea, Lithuania, Mexico, Morocco, New Zealand, Nicaragua, Norway, Poland, Portugal, Saudi Arabia, Slovenia, St. Vincent and the Grenadines, Syrian Arab Republic, Togo, United Arab Emirates,*

Consultations

37. Six countries and one workers' organization saw no obstacles or difficulties that might point to a need for full or partial revision.⁵⁴ Two other countries stated that ratification of Convention No. 74 was unnecessary because they had already ratified the IMO-STCW convention.⁵⁵ Another country stated that the IMO standards should be the only applicable requirements and that a revision of Convention No. 74 should be avoided in order to prevent overlaps with the IMO-STCW convention.⁵⁶
38. Nineteen countries were in favour of revision.⁵⁷ Eight countries emphasized the need to modernize Convention No. 74, which did not reflect current practice, technological developments and legislative provisions in the maritime sector.⁵⁸ Three of these countries considered that Convention No. 74 was obsolete in the light of the up-to-date IMO-STCW convention,⁵⁹ and one of them suggested shelving Convention No. 74.⁶⁰ According to one view a future revision of Convention No. 74 should be made in conjunction with a revision of Conventions Nos. 68, 69 and 92 and close consultations with the IMO would be needed in order to avoid overlapping.⁶¹ Another country was in favour of revision in order to harmonize the provisions of Convention No. 74 to the IMO-STCW convention.⁶²

Remarks

39. A clear trend in the consultations was to consider Convention No. 74 as outdated. This would seem to be confirmed by the decreasing interest in this Convention reflected in the levels of ratification. A major issue was how the IMO-STCW convention affected or should affect a decision to revise Convention No. 74. A majority view was that Convention No. 74 should be revised. While the IMO-STCW is the modern international instrument on the training and certification of seafarers, the Working Party may wish to consider that it does not deal with all the issues of relevance to labour standards. In addition, different

United Kingdom and *Venezuela* [parties to Convention No. 74 in bold] and the Pakistan National Federation of Trade Unions [the Government of Pakistan did not respond].

⁵⁴ *Azerbaijan, Lithuania, Slovenia, St. Vincent and the Grenadines, Togo, United Kingdom* and the Pakistan National Federation of Trade Unions.

⁵⁵ *Japan* and *Morocco*.

⁵⁶ *Greece*.

⁵⁷ *Angola, Australia, Bahrain, Brazil, Cuba, Czech Republic, Finland, Jordan, Republic of Korea, Mexico, New Zealand, Nicaragua, Norway, Poland* [the Shipmasters' Union considered Convention No. 74 obsolete while the Polish Seafarers' Union, the National Maritime Section NSZZ "Solidarnosc" and the Union of Polish Shipowners were in favour of a revision], *Portugal, Saudi Arabia, Syrian Arab Republic, United Arab Emirates* and *Venezuela*.

⁵⁸ *Australia, Bahrain, Brazil, Finland, New Zealand, Norway, United Arab Emirates* and *Venezuela*.

⁵⁹ *Australia, Finland* and *Norway*.

⁶⁰ *Australia*.

⁶¹ *Finland*. Also see above, comments on Convention No. 68.

⁶² *Republic of Korea*.

supervisory mechanisms are applicable to IMO and ILO Conventions. Against this background, and the recommendation of the Joint Working Group, the Working Party may wish to propose that Convention No. 74 be revised either separately or as part of any framework Convention and included in the portfolio for the agenda of a future International Labour Conference. Furthermore, the Office notes the calls made to take corresponding IMO instruments into account in the context of a revision of Convention No. 74.

Proposal

40. The Working Party is invited –

- (a) to recommend to the Governing Body the revision of the Certification of Able Seamen Convention, 1946 (No. 74), and the inclusion of this item in the portfolio of proposals on the agenda of a future International Labour Conference;*
- (b) to recommend that corresponding IMO instruments be taken into account in the context of a revision of Convention No. 74.*

2.4. C.92 – Accommodation of Crews Convention (Revised), 1949

Background

- 41.** In the course of its previous examination⁶³ it was noted, inter alia, that this Convention was included in the appendix to Convention No. 147 and that it contained detailed technical provisions regarding accommodation on board ship. While it had been ratified by 42 countries⁶⁴ and had received a steady flow of ratifications, the shipping sector had undergone profound technical developments since the adoption of this Convention. The IMO had also revised its instruments covering the construction of ships. The Joint Working Group recommended that Convention No. 92 be revised. The Working Party considered that a decision to revise the Convention was premature and recommended requesting further information only on the possible obstacles and difficulties encountered that might prevent or delay the ratification of this Convention.
- 42.** There is a close link between Convention No. 92 and the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133). The latter is included in the Protocol of 1996 to Convention No. 147 and supplements Convention No. 92. Pursuant to its Article 3, States parties to Convention No. 133 must comply with Parts II and III of Convention No. 92, which contain fundamental provisions concerning “Planning and control of crew accommodation” and “Crew accommodation requirements” respectively.

⁶³ GB.274/LILS/WP/PRS/2, pp. 17-18 and GB.274/10/2, paras. 31-35.

⁶⁴ Convention No. 92 has been declared applicable to 20 NMTs and it also applies to ten additional countries, parties to Convention No. 147.

43. A total of 32 countries, including 15 parties to either Convention No. 92 and/or Convention No. 147, and one workers' organization responded to the request for information.⁶⁵

Consultations

44. Twelve countries and one workers' organization indicated that they had identified no obstacles or difficulties that might point to a need for full or partial revision of the Convention.⁶⁶
45. Two countries noted the existence of difficulties to ratification but did not conclude on a need to revise this Convention.⁶⁷ Two countries were considering the ratification of Convention No. 147 and were of the view that the ratification of Convention No. 92 should be evaluated within this framework.⁶⁸ In addition, three countries that had already ratified Convention No. 147 considered that ratification of Convention No. 92 was unnecessary.⁶⁹ One of those countries further noted that Convention No. 147 was adequately complemented by Convention No. 133 and that there were no current developments that would necessitate complementary arrangements.⁷⁰
46. Fifteen countries were in favour of revision.⁷¹ One country suggested that a future revision of Convention No. 92 should be made in conjunction with a revision of Conventions Nos. 68, 69 and 74.⁷² Five countries stressed that Convention No. 92 was dated and was not likely to reflect current practice, technological developments or legislative provisions

⁶⁵ *Angola, Australia, Azerbaijan, Bahrain, Brazil, Chile* [differing views expressed by two government agencies], *Cuba, Czech Republic, Estonia, Finland, Greece, Hungary, Japan, Jordan, Republic of Korea, Lithuania, Mexico, Morocco, New Zealand, Nicaragua, Norway, Poland, Portugal, Saudi Arabia, Slovenia, St. Vincent and the Grenadines, Syrian Arab Republic, Turkey, Togo, United Arab Emirates, United Kingdom* and *Venezuela* [parties to Convention No. 92 and/or No. 147 in bold] and the Pakistan National Federation of Trade Unions [the Government of Pakistan did not respond].

⁶⁶ *Azerbaijan, Cuba, Czech Republic, Greece, Hungary, Lithuania, Morocco, Norway, Slovenia, St. Vincent and the Grenadines, Togo, United Kingdom* and the Pakistan National Federation of Trade Unions.

⁶⁷ *Japan* and *Republic of Korea*.

⁶⁸ *Estonia* and *Turkey*.

⁶⁹ *Brazil* [all while not opposed to a revision], *Greece* and *Morocco* [the two latter concluded that there was no need for a revision].

⁷⁰ *Greece*.

⁷¹ *Angola, Australia, Bahrain, Brazil, Finland, Jordan, Mexico, New Zealand, Nicaragua, Poland, Portugal, Saudi Arabia, Syrian Arab Republic, United Arab Emirates* and *Venezuela*.

⁷² *Finland*. Also see above, comments on Convention No. 68.

in the maritime sector.⁷³ It was also specifically stated that the Convention should be updated to ensure that it reflected, but did not overlap with, current IMO standards.⁷⁴

Remarks

47. The views expressed in the consultations reflect a rather even split between those reporting no obstacles to ratification and those in favour of revision. As noted, Conventions Nos. 92 and 133 are closely related. Against this background, and as the Governing Body has decided to maintain the status quo with respect to Convention No. 133, the Working Party might wish to propose the same measure for Convention No. 92.

Proposal

48. *The Working Party is invited to recommend to the Governing Body the maintenance of the status quo with respect to the Accommodation of Crews Convention (Revised), 1949 (No. 92).*

2.5. C.134 – Prevention of Accidents (Seafarers’ Convention, 1970)

Background

49. In the course of the examination of this Convention,⁷⁵ it was noted, inter alia, that the Ventejol Working Parties of 1974 and 1987 both classified this Convention in the category of “instruments to be promoted on a priority basis”, and that it was likely to receive further ratifications. Reference was also made to the ILO Code of practice on accident prevention on board ship at sea and in port (1994) (code of practice) and the relevance to accident prevention of the IMO-STCW convention. As at 31 December 1999 Convention No. 134 had been ratified by 27 countries and had been declared applicable to four NMTs. As Articles 4 and 7 of Convention No. 134 are listed in the appendix to Convention No. 147, the Convention applies to an additional 17 countries. The Joint Working Group recommended that Convention No. 134 be revised.
50. A total of 32 countries, including 14 parties to either Conventions No. 134 and/or No. 147, and one workers’ organization responded to the request for information.⁷⁶

⁷³ *Bahrain, Brazil, New Zealand, Venezuela and United Arab Emirates.*

⁷⁴ *Australia and Finland.*

⁷⁵ GB.274/LILSWP/PRS/2, pp. 16-17 and GB.274/10/2, paras. 28-30.

⁷⁶ *Angola, Australia, Azerbaijan, Bahrain, Belgium, Brazil, Chile* [differing views expressed by two government agencies], *Cuba, Czech Republic, Estonia, Finland, Greece, Hungary, Japan, Jordan, Republic of Korea, Lithuania, Mexico, Morocco, New Zealand, Nicaragua, Norway, Poland* [the Government and the Union of Polish Shipowners thought that the Convention did not require revision. The Shipmasters’ Union, the Polish Seafarers’ Union and the National Maritime Section NSZZ “Solidarnosc” took the opposite stance], *Portugal, Saudi Arabia, Slovenia, St. Vincent and the Grenadines, Syrian Arab Republic, Togo, United Arab Emirates, United Kingdom* and *Venezuela* [parties to either Convention No. 134 or No. 147 in bold] and the Pakistan National Federation of Trade Unions [the Government of Pakistan did not respond].

Consultations

- 51.** The responses from 12 countries and one workers' organization indicated that there were no obstacles or difficulties that might point to a need for full or partial revision.⁷⁷ One country was examining the possibility of ratification.⁷⁸ Another country noted that even though the Convention did not need revision, the code of practice provided precious guidelines for the achievement of the Convention's objectives.⁷⁹
- 52.** One country considered the level of detail of the provisions of the Convention to be an obstacle to ratification.⁸⁰ Two countries remarked that ratification of Convention No. 134 was unnecessary because they had already ratified Convention No. 147.⁸¹ Two other countries were considering ratifying Convention No. 147 and would evaluate the possibility of ratifying Convention No. 134 in this context.⁸²
- 53.** Sixteen countries⁸³ were in favour of a revision. One of them stressed that the revision needs of Convention No. 134 were limited to complementing it with provisions on safety management.⁸⁴ Another country considered the ratification level and apparent widespread compliance problems, as indicated in the Working Party reports, to be a reason for revision.⁸⁵ Five countries stressed that Convention No. 134 was dated and was not likely to reflect current practice, technological developments or legislative provisions in the maritime sector.⁸⁶

Remarks

- 54.** The majority view in the consultations was clearly in favour of revision. In addition to these views, the Working Party may wish to consider the adoption of the modern IMO-STCW convention in relation to Convention No. 134 as additional indications that the latter is in need of revision. The Working Party may therefore wish to propose that Convention No. 134 be revised and included in the portfolio for the agenda of a future International Labour Conference. Furthermore, the Office notes the calls made to take

⁷⁷ *Azerbaijan, Belgium, Greece, Hungary, Japan, Lithuania, Morocco, Norway, Slovenia, St. Vincent and the Grenadines, Togo, United Kingdom and the Pakistan National Federation of Trade Unions.*

⁷⁸ *Belgium.*

⁷⁹ *Greece.*

⁸⁰ *Republic of Korea.*

⁸¹ *Morocco and Slovenia.*

⁸² *Estonia and Turkey.*

⁸³ *Angola, Australia, Bahrain, Brazil, Cuba, Czech Republic, Finland, Jordan, Mexico, New Zealand, Nicaragua, Portugal, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Venezuela.*

⁸⁴ *Finland.*

⁸⁵ *Australia.*

⁸⁶ *Bahrain, Brazil, New Zealand, United Arab Emirates and Venezuela.*

corresponding IMO instruments into account in the context of a revision of Convention No. 134.

Proposal

55. The Working Party is invited to recommend to the Governing Body –

- (a) the revision of the Prevention of Accidents (Seafarers') Convention, 1970 (No. 134), and the inclusion of this item in the portfolio of proposals for the agenda of a future International Labour Conference;*
- (b) that corresponding IMO instruments be taken into account in the context of a revision of Convention No. 134.*

III. Promotion of the ratification of revised Conventions

56. As follow-up on the Governing Body's decisions, a request for information was sent to 85 countries parties to older, outdated Conventions concerning seafarers' minimum age, recruitment and placement, hours of work and manning, crew accommodation, annual leave and repatriation. For each party to the Conventions at issue the Office identified the specific action requested. Consequently, the Office letter to member States included in each case tables specifying the Conventions whose ratification was encouraged, as well as the corresponding outdated Conventions by which the country remained bound. Where relevant, it was specified whether the outdated Conventions could be automatically denounced, or whether their denunciation depended on an act of denunciation within specified time periods.

57. The requested follow-up action generated responses from 34 countries, which are analysed below.⁸⁷

3.1. Minimum age

Conventions proposed for ratification	Conventions proposed for denunciation
Minimum Age Convention, 1973 (No. 138)	Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age Convention, 1973 (No. 138), or if they are not in a position to do so; Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)	Minimum Age (Sea) Convention, 1920 (No. 7); Minimum Age (Sea) Convention (Revised), 1936 (No. 58) ⁸⁸

⁸⁷ *Bangladesh, Brazil, Belgium, Canada, Chile, Colombia, Croatia, Cuba, Denmark, Dominican Republic, Egypt, Estonia, Finland, Greece, Guatemala, Iceland, India, Italy, Jamaica, Lebanon, Mexico, Morocco, Myanmar, New Zealand, Norway, Pakistan, Panama, Portugal, Singapore, Sri Lanka, Switzerland, Trinidad and Tobago, Ukraine and United Kingdom.*

⁸⁸ The invitation to the States parties to Convention No. 58 to ratify Convention No. 180 is not accompanied by an invitation to denounce Convention No. 58.

- 58.** The follow-up action in this area focused on the three older Conventions (Nos. 7, 15 and 58) which have been determined to be out of date.⁸⁹ The 41 remaining parties to either of these Conventions were invited to contemplate ratifying Convention No. 138.⁹⁰ Convention No. 138 is the modern and comprehensive standard on minimum age for admission to employment and work.⁹¹ It was, however, noted that the recently adopted Convention No. 180 contained in Article 6 a provision stipulating the minimum age of 16 years for work on ships. The invitation to the parties to the older Conventions therefore included a provision that if they were not in a position to ratify Convention No. 138, they were invited to contemplate ratifying Convention No. 180.
- 59.** In the consultations 21 of the 41 countries parties to either Convention No. 7, No. 15 and/or No. 58 responded.⁹²

Consultations

- 60.** The ratification prospects for Convention No. 138 seemed promising in several countries. One country drew the attention of the Office to the fact that it had now ratified Convention No. 138.⁹³ Ratification of Convention No. 138 seemed to be imminent in four countries.⁹⁴ In one of them, a proposal to ratify Convention No. 138 and denounce Convention No. 15 had been submitted to the competent authority.⁹⁵ Seven others indicated their intention to ratify Convention No. 138, but in some cases only after modifying national legislation.⁹⁶
- 61.** Four countries stated that they were not in a position to ratify Convention No. 138.⁹⁷ One of them considered that a specific statutory minimum age for admission to employment

⁸⁹ As concerns Convention No. 15, the Working Party noted that the activities covered by the Convention no longer exist. The Governing Body therefore decided that the Convention should be shelved with immediate effect and that it should be considered in due course for abrogation by the Conference when the constitutional amendment enabling abrogation enters into force.

⁹⁰ GB.273/LILS/WP/PRS/4, II.1, III.2 and III.3, GB.273/LILS/4(Rev.1), paras 53-62 and GB.274/LILS/4(Rev.1), paras. 20-24. See also GB.274/LILS/WP/PRS/1, paras. 42-43 concerning the promotional campaign regarding Convention No. 138 as one of the ILO's fundamental Conventions.

⁹¹ Convention No. 138, as well as Conventions Nos. 7 and 58, are listed in the appendix to Convention No. 147. It is optional under Convention No. 147 whether a State party wants to base its legislation on the provisions in Conventions Nos. 7 or 58 or 138 in so far as such States are not otherwise bound to give effect to any of these Conventions in question by virtue of having ratified them. As at 31.12.1999 Convention No. 7 still binds 21 countries.

⁹² *Bangladesh, Brazil, Canada, Colombia, Dominican Republic, Estonia, Iceland, India, Jamaica, Lebanon, Mexico, Morocco, Myanmar, New Zealand, Norway, Pakistan, Panama, Portugal, Sri Lanka, Trinidad and Tobago and United Kingdom.*

⁹³ *Dominican Republic.*

⁹⁴ *Colombia, Iceland [ratified 6.12.1999], Myanmar and United Kingdom.*

⁹⁵ *Myanmar.*

⁹⁶ *Brazil, Estonia, Jamaica, Morocco, Sri Lanka [the Office is responding to a request for technical assistance related to Article 2(a) of the Convention], Trinidad and Tobago and United Kingdom.*

⁹⁷ *Bangladesh, Canada, Mexico and New Zealand.*

would place an unwarranted restriction on work experience opportunities for young people.⁹⁸ In one country the question of ratification of Convention No. 138 would be considered after the enactment of federal legislation concerning minimum age.⁹⁹

- 62.** As regards the complementary invitation to contemplate ratifying Convention No. 180, eight countries stated that this question was being considered in consultations with the social partners.¹⁰⁰ In one country a proposal for ratification had been submitted to the Senate.¹⁰¹ In another country a decision had not yet been taken on ratification, but provisions in the Convention were considered to be in line with national legislation.¹⁰² One country with very limited maritime activities did not consider it necessary to ratify Convention No. 180.¹⁰³

Remarks

- 63.** It seems reasonable to expect that Convention No. 138 will receive several additional ratifications, although obstacles seem to remain in a few reporting countries. As regards Convention No. 180, it will be easier to assess its ratification prospects after the conclusion of the ongoing examinations of this issue.

3.2. Recruitment and placement

Convention proposed for ratification	Convention proposed for denunciation
Recruitment and Placement of Seafarers Convention, 1996 (No. 179)	Placing of Seamen Convention, 1920 (No. 9)

- 64.** In this area the follow-up action focused on Convention No. 9, adopted in 1920, which was recently revised by Convention No. 179.¹⁰⁴ This latter Convention thus constitutes the modern standard in this field.¹⁰⁵ Sixteen of the 39 remaining States parties to Convention No. 9 responded to the consultation.¹⁰⁶

⁹⁸ *New Zealand.*

⁹⁹ *India.*

¹⁰⁰ *Brazil, Canada, Croatia, Guatemala, Iceland, Mexico New Zealand and Panama.*

¹⁰¹ *Mexico.*

¹⁰² *Brazil.*

¹⁰³ *Guatemala.*

¹⁰⁴ As of 31.12.1999, this Convention had been ratified by four countries. It will enter into force on 22.04.2000 as a result of the ratification by Ireland on 22.04.1999.

¹⁰⁵ GB.273/LILS/WP/PRS/4, section II.1, and GB.273/LILS/4(Rev.1), paras. 47-51.

¹⁰⁶ *Belgium, Chile* [the government and the social partners disagree as to the appropriate course of action], *Colombia, Croatia, Cuba, Denmark, Egypt, Estonia, Finland, Greece, Italy, Lebanon, Mexico, New Zealand, Norway and Panama.*

Consultations

- 65.** Two countries drew the attention of the Office to the fact that they had now ratified Convention No. 179.¹⁰⁷ One expected to do so soon¹⁰⁸ and in yet another country a proposal for ratification has been submitted to the Senate.¹⁰⁹ Nine countries stated that they were examining, or would be examining in the near future, the possibility of ratifying the Convention.¹¹⁰ In addition, one country stated that it saw no obstacles to ratification.¹¹¹
- 66.** Four countries reported obstacles or difficulties to ratification. One of them stated that the provisions in Convention No. 179 were inconsistent with the framework of its labour market legislation and also fell outside the health and safety reach of measures in national legislation concerning seafarers' employment.¹¹² Two countries referred to lack of conformity with national legislation.¹¹³ In another country opposition to ratification by the social partners blocked the question.¹¹⁴ One country had decided to defer ratification.¹¹⁵

Remarks

- 67.** Additional ratifications were registered or imminent in four countries; ten others reported considering the question; four countries reported obstacles or difficulties to ratification. Against this background the outlook seemed positive for a move towards more modern standards in this area.

3.3. Hours of work and manning of ships

Convention proposed for ratification	Conventions proposed for denunciation
Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)	Hours of Work and Manning (Sea) Convention, 1936 (No. 57) Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76) Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93) Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)

¹⁰⁷ *Finland and Norway.*

¹⁰⁸ *Belgium.*

¹⁰⁹ *Mexico.*

¹¹⁰ *Colombia, Croatia, Denmark, Egypt, Estonia, Lebanon, Mexico, Panama and Ukraine.*

¹¹¹ *Italy.*

¹¹² *New Zealand.*

¹¹³ *Estonia and Lebanon.*

¹¹⁴ *Greece.*

¹¹⁵ *Cuba.*

68. This part of the consultation concerned an invitation to the remaining parties to one or several of four Conventions to contemplate ratifying the recently adopted and modern standard in this area, Convention No. 180. In the course of examination of Conventions Nos. 57, 76, 93 and 109¹¹⁶ it was noted that none of the four Conventions had entered into force¹¹⁷ and that the entry into force of Convention No. 180 will close them to further ratifications. In the consultations held, 13 of the 26 parties to the outdated Conventions responded.¹¹⁸ In addition, two countries not bound by either of the older Conventions also replied.¹¹⁹

Consultations

69. Two countries expected to ratify Convention No. 180 soon.¹²⁰ In six other countries consultations with the social partners or studies were ongoing.¹²¹ No obstacles were reported in one country.¹²²

70. Three countries reported on obstacles and problems in ratifying Convention No. 180.¹²³ In addition, two countries which had not ratified any of the four Conventions informed the Office that they would not ratify Convention No. 180.¹²⁴ Finally, one country did not plan to ratify due to limited maritime activities.¹²⁵

Remarks

71. The reported forthcoming ratifications would cause Convention No. 180 to enter into force. This might positively affect the outcome of the ongoing examination of the possibility to ratify this Convention which is currently taking place in six other countries.¹²⁶

¹¹⁶ GB.274/LILSWP/PRS/2, section II, 2.5 to 2.8 and GB.274/LILSWP/4(Rev.1), paras. 66-69.

¹¹⁷ As was further explained in the course of the examination of these Conventions, the special entry into force requirements apply to most of the Conventions concerning seafarers. Cf. preceding note.

¹¹⁸ *Belgium, Brazil, Colombia, Croatia, Cuba, Estonia, Guatemala, Italy, Lebanon, Mexico, Norway, Panama and Portugal.*

¹¹⁹ *Canada and New Zealand.*

¹²⁰ *Belgium and Estonia.*

¹²¹ *Brazil, Colombia, Croatia, New Zealand, Norway and Panama.*

¹²² *Italy.*

¹²³ *Cuba, Mexico and Portugal.*

¹²⁴ *Canada and New Zealand.*

¹²⁵ *Guatemala.*

¹²⁶ Since 1996, within the European Union two Council Directives (1996/63/EC and 1999/95/EC) and a Commission Recommendation (1999/130/EC) relate to the application of Convention No. 180 and the Protocol of 1996 to Convention No. 147.

3.4. Accommodation of crews

Convention proposed for ratification	Convention proposed for denunciation
Accommodation of Crews Convention (Revised), 1949 (No. 92) and Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)	Accommodation of Crews Convention, 1946 (No. 75)

72. In the course of the examination of Convention No. 75 it was noted that it had only received one ratification and had never entered into force: it had been revised by Convention No. 92 and was closed to further ratification. The Governing Body decided that its withdrawal may be placed on the agenda of a future session of the Conference. The Governing Body also invited the sole State party¹²⁷ to Convention No. 75 to contemplate ratifying Convention No. 92 and Convention No. 133. The country concerned has not yet responded to this invitation.

3.5. Annual leave

Convention proposed for ratification	Conventions proposed for denunciation
Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)	Holidays with Pay (Sea) Convention, 1936 (No. 54) Paid Vacations (Seafarers) Convention, 1946 (No. 72) Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)

Background

73. Convention No. 146¹²⁸ is the modern standard in this area and the three older Conventions Nos. 54, 72 and 91 are clearly outdated. The Governing Body has already decided that the two former will be considered for withdrawal in due course, while the latter has been shelved for the time being and will be considered for possible abrogation when its ratification level had substantially decreased.

74. In the consultation held, six of the 21 parties to one of the three Conventions Nos. 54, 72 and 91 responded.¹²⁹

Consultations

75. In one country a proposal for ratification had been submitted to the Senate,¹³⁰ and in another country ratification was expected soon.¹³¹ Two additional countries reported that they were examining the possibility of ratifying Convention No. 146.¹³²

¹²⁷ *Bulgaria.*

¹²⁸ As at 31.12.1999 ratified by 13 countries.

¹²⁹ *Belgium, Croatia, Cuba, Iceland, Mexico and Norway.*

¹³⁰ *Mexico.*

¹³¹ *Belgium.*

¹³² *Croatia and Iceland.*

76. One country stated Article 3, paragraph 3, of the Convention was an obstacle to ratification,¹³³ and another country had decided to defer ratification.¹³⁴

Remarks

77. In spite of the few responses it was positive to note that at least two new ratifications of the modern standard could be expected soon.

3.6. Repatriation

Convention proposed for ratification	Convention proposed for denunciation
Repatriation of Seafarers Convention (Revised), 1987 (No. 166)	Repatriation of Seamen Convention, 1926 (No. 23)

78. In the course of the examination of Convention No. 23,¹³⁵ it was noted that Convention No. 166¹³⁶ was the modern standard in this area. Convention No. 23 is included in the appendix to Convention No. 147, while Convention No. 166 is listed in the Supplementary Appendix to the Protocol of 1996 to Convention No. 147¹³⁷ in Part B.
79. In the consultations held, 14 of the 45 States parties to Convention No. 23 and one workers' organization responded.¹³⁸

Consultations

80. In two countries the necessary ratification procedure had started or would soon start.¹³⁹ A further three countries indicated that they would, in consultation with the social partners, examine the possibility of ratifying Convention No. 166.¹⁴⁰ One country did not foresee any obstacles to ratifying Convention No. 166.¹⁴¹
81. The prospects for ratification did not seem as encouraging in six countries. One country stated that the provisions in Convention No. 23 were adequate and there was no need to

¹³³ *Norway.*

¹³⁴ *Cuba.*

¹³⁵ GB.274/LILS/4(Rev.1), paras. 43-46.

¹³⁶ As at 31.12.1999 ratified by seven countries.

¹³⁷ As at 31.12.1999 ratified by one country.

¹³⁸ *Belgium, Colombia, Croatia, Cuba, Egypt, Estonia, Greece, Italy, Mexico, New Zealand, Panama, Portugal, Switzerland, United Kingdom* and the Federation of Maritime Trade Unions of Ukraine [no reply received from the Government].

¹³⁹ *Belgium and Egypt.*

¹⁴⁰ *Croatia, Estonia and Portugal.*

¹⁴¹ *Italy.*

ratify Convention No. 166.¹⁴² National legislation in two other countries was an obstacle to ratification.¹⁴³ A workers' organization considered that it would be premature for the country to ratify Convention No. 166.¹⁴⁴ Three other countries did not intend to ratify the Convention.¹⁴⁵ In one country a proposed ratification had not been approved by Parliament.¹⁴⁶

Remarks

82. The reports concerning the ratification prospects of Convention No. 166 were mixed among the relatively few responses received. A few new ratifications could, however, be expected.
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Final remarks

83. The follow-up action reported in Parts I and II above resulted in a proposal to recommend a joint consideration of the revision of two Conventions, proposals to recommend the revision of five Conventions and a recommendation to maintain the status quo regarding one Convention.
84. As regards the follow-up action reported in Part III, it seems relevant to emphasize that the success of follow-up measures is dependent on the active role of governments and social partners. Against this background it could be noted that the overall response rate to this follow-up action was rather low. In terms of the results achieved it may, however, be too early to evaluate the full effects of this follow-up, as both the ratification and, in relevant cases, the denunciation process necessarily involves rather lengthy procedures at the national level
85. As regards the Conventions that were the subject of specific follow-up action, it may be noted that the clear trend to ratify Convention No. 138 is continuing and the prospects for further ratifications of Convention No. 179 seem positive. As for the remaining Conventions, the results remain rather limited and the Office should actively pursue its promotional efforts as regards these instruments, drawing the attention of member States to the need to follow up on the Governing Body's recommendations in order to modernize the standards system of the ILO.
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¹⁴² *New Zealand.*

¹⁴³ *Panama and Switzerland.*

¹⁴⁴ Federation of Maritime Trade Unions of Ukraine [no reply received from the Government].

¹⁴⁵ *Cuba, Greece and United Kingdom* [seafarers' organizations in favour of a ratification].

¹⁴⁶ *Colombia.*

86. *The Working Party is invited –*

- (a) to examine the proposals presented above in Parts I and II of this paper and to submit its recommendations on the subject to the Committee on Legal Issues and International Labour Standards;*
- (b) to take note of the information contained in Part III of this document.*

Geneva, 24 February 2000.

Point for decision: Paragraph 86.