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SWISS MARITIME NAVIGATION OFFICE HEAD LECTURES ON THE NEW MARITIME LABOUR CONVENTION

Dr. Reto Dürler, Head of the Swiss Maritime Navigation Office and Member of the IMLI Governing Board, recently visited IMLI and delivered a lecture on the new Maritime Labour Convention of ILO.



Dr. Reto Dürler lecturing to the Class of 2006-2007

During his lecture, Dr. Dürler explained the structure of the new Maritime Labour Convention which was adopted at an International Maritime Conference held within the International Labour Organization in Geneva in February 2006.

He stated that this new Maritime Labour Convention would constitute the fourth pillar of the important maritime conventions, the others being MARPOL, SOLAS and STCW of IMO. The Convention brings together in a single instrument practically all the existing ILO labour conventions and recommendations covering the rights and welfare of seafarers. The new Convention will come into force twelve months after the ratification of 30 countries representing at least 33% of total world gross tonnage. With the adoption of this new Convention, all the other 60 odd existing conventions covering seafarers' rights shall no longer be open for ratification.

The Convention was created to address the danger of substandard shipping and to ensure that minimum standards are in place to protect the rights of seafarers.

Dr. Dürler explained that the drafters intended the Convention to be easily understandable, readily updateable and uniformly enforced. The international instrument is composed of 16 articles which form the core of the Convention, the regulations, and the Code which assures uniform implementation. The Code comprises two parts: Part A contains mandatory standards and Part B contains non-mandatory guidelines which have to be given due consideration when implementing the regulations and standards. The Code is subject to a tacit amendment procedure which is found in article XV of the Convention. This simplified amendment procedure allows parts of the Convention to be easily updateable.

To address the concern of substandard shipping and to highlight the genuine link, the Convention requires the flag State to exercise control over ships registered under its flag through the issuance of two certificates evidencing compliance with the requirements of the Convention: the "Maritime Labour Certificate" and the "Declaration of Maritime Labour Compliance". Port State Control is also enshrined in the Convention. Article V (7) provides in summary that a State which has not ratified the convention shall not be treated more favourably than a State which has ratified it. This provision is intended to encourage States to ratify the Convention, because being a non-State party can be detrimental.

Dr. Dürler has been Head of the Swiss Maritime Navigation Office since 2005. He is a member of the IMLI Governing Board as representative of the Government of Switzerland which has generously supported IMLI since its inception.

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