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Current Legal Developments

International Labour Organization

Introduction

The International Labour Organization (ILO or the Organization) has been active in promoting safe working standards for seafarers and fish-workers since its inception in 1919.¹ The National Seamen's Codes Recommendation 1920 was the first international instrument to foresee the establishment of an international seafarers' code, incorporating a series of standards promoting safe working practices at sea. Since that time, the ILO has adopted numerous instruments aimed at improving social and labour standards in the shipping and fishing industries. Developments in these sectors have continued with the adoption of two major instruments in 2006 and 2007.

Maritime Labour Convention 2006

The maritime sector has a special place in the ILO, partly reflected by special procedures for the adoption of labour standards in this field. In particular, the ILO is advised on maritime issues by the Joint Maritime Commission, a body of ship-owner and seafarer representatives nominated by the Governing Body and the International Labour Conference.² In addition, labour standards in

¹ The constitution of the Organization was originally contained in Part XIII of the 1919 Treaty of Versailles. The Organization became part of the UN system as a specialized agency following the Second World War. In addition, the aims of the Organization were modified in 1944 by the Declaration of Philadelphia to reflect a broader interest in human rights, employment, living conditions, development and social welfare; see H B de la Cruz, G von Potobsky, and L Swepston, *The International Labour Organization: The International Standards System and Basic Human Rights* (Westview Press, Oxford: 1996), at pp. 3–15.

² See the Standing Orders of the Joint Maritime Commission, Article 1.

this sector are usually adopted at special maritime sessions of the International Labour Conference.³

The latest (tenth) maritime session of the International Labour Conference adopted the Maritime Labour Convention 2006 (hereinafter, 2006 Convention).⁴ This treaty has been dubbed as a “bill of rights for seafarers.”⁵ It is a consolidation convention which seeks to create “a single, coherent instrument”,⁶ replacing 37 previous labour conventions dealing with the working conditions of seafarers,⁷ as well as accompanying recommendations. Two treaties touching on maritime labour standards are unaffected by the new treaty: the Seafarers’ Identity Documents Convention 1958 and the Seafarers’ Identity Documents Convention (Revised) 2003.

The drafting of the new Maritime Labour Convention took place over several years. In 2001, the Joint Maritime Commission adopted a resolution recognising that “the development of an instrument which brings together into a consolidated text as much of the existing body of ILO instruments as it proves possible to achieve should be a priority for the maritime sector in order to improve the relevance of these standards to the needs of all the stakeholders of the maritime sector.”⁸ Following the recommendations of the Commission, the ILO Governing Body created a High-Level Tripartite Working Group (HLTWG) to oversee the development of a consolidated maritime labour convention.⁹ This body met four times between 2001 and 2004 to draft the new convention. It consisted of 12 government members, 12 seafarer members and 12 ship-owner members, although other observers were permitted to participate.¹⁰ The HLTWG was instructed to proceed by consensus.¹¹ The International Labour Office also played a significant role in preparing proposals and texts for the HLTWG and servicing its meetings.

³ C.f. the 2003 Seafarers’ Identity Documents Convention (Revised) (No. 185) which was adopted at an ordinary session of the International Labour Conference. The text of the Convention is available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C185> (checked 5 November 2007).

⁴ The text of the Convention is available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C186> (checked 27 September 2007).

⁵ High Level Tri-Partite Working Group, Report of First Meeting, at para. 13.

⁶ 2006 Convention, Preamble.

⁷ For a list, see Article X of the 2006 Convention.

⁸ 2001 Resolution of the 29th session of the Joint Maritime Commission.

⁹ Decision of the ILO Governing Body, 280th session, March 2001, para. 12 (a).

¹⁰ It was assisted by a Sub-Group whose task was to aid the International Labour Office in the preparation of documentation.

¹¹ Decision of the ILO Governing Body, 280th session, March 2001, para. 12(b).

A draft convention was submitted to a Preparatory Technical Maritime Conference in September 2004. However, not all issues could be resolved at the Preparatory Conference and a Tripartite Inter-Sessional Meeting was convened from 21 to 27 April 2005 in order to iron out the creases in the draft Convention before it was submitted to the 94th session of the International Labour Conference in February 2006. The negotiations at the Conference continued on the basis of consensus¹² and the outcome is an instrument that attracted widespread support. The Convention was adopted by the Conference on 23 February 2006 with a vote of 314 in favour with 4 abstentions; no negative votes were cast.¹³ As one delegate at the International Labour Conference noted, “what we have achieved is the highest possible level of tripartite agreement on a variety of topics which cover almost every aspect of a seafarer’s life.”¹⁴

It is not only the substantive rights contained in the Convention that are important, but also the structure and design of the Convention itself. The 2006 Convention is intended to provide a flexible and evolutionary framework for the protection of seafarers’ rights. It is divided into three principal parts: Articles, Regulations, and the Maritime Labour Code; the latter is further sub-divided into binding Standards and non-binding Guidelines. The purpose of this structure is to facilitate the modification of the treaty. Amendments to the Maritime Labour Code can be made according to a simplified procedure set out in Article XV. Under this procedure, an amendment must be adopted by a Special Tripartite Committee and the International Labour Conference. Once adopted, an amendment is deemed to be accepted by all parties to the Convention, unless more than forty per cent of the parties, representing at least forty per cent of gross tonnage, make formal objections to the Director-General within a defined period.¹⁵ Amendments enter into force for all Members which have ratified the Convention and which have not objected to them.¹⁶ It is also possible for a Member to notify the Director-General that it will only be bound by the amendment after express acceptance.¹⁷ Members can further delay the application of an amendment to them

¹² Provisional Record, 94th (Maritime) session of the International Labour Conference, 2006, 7th sitting, at pp. 16/3–16/4.

¹³ Provisional Record, 94th (Maritime) session of the International Labour Conference, 2006, 9th sitting, at p. 17/1.

¹⁴ Mr. Bell, speaking at 94th session of the International Labour Conference, Provisional Record, 7th sitting, at p. 16/3.

¹⁵ 2006 Convention, Articles XV(6) and (7).

¹⁶ *Ibid.*, Article XV(8).

¹⁷ *Ibid.*, Article XV(8)(a).

for up to one year.¹⁸ Despite these caveats, this procedure is a significant improvement over earlier ILO Conventions which were criticised for their “cumbersome revision procedures.”¹⁹ This innovation has been clearly inspired by similar practices in International Maritime Organization (IMO) treaties and it should allow the Convention to be up-dated at regular intervals.

The 2006 Convention brings together all types of social protection under the umbrella of a single treaty. The Convention covers, *inter alia*, age,²⁰ medical requirements,²¹ training and qualifications,²² recruitment procedures,²³ conditions of employment,²⁴ accommodation, recreational facilities, food and catering,²⁵ and health, safety and welfare.²⁶

More importantly, the 2006 Convention has much stronger enforcement and compliance mechanisms than previous ILO treaties in this sector.²⁷ All contracting parties are required to ensure that ships flying their flag are regularly inspected and certified to show that they comply with the substantive standards.²⁸ A certificate issued by the flag state will be valid for a period not exceeding five years.²⁹ It shall be accompanied by a more detailed declaration of maritime labour compliance.³⁰ Additionally, the flag state shall conduct an intermediate inspection between the second and third anniversary of the issuance of the certificate.³¹ A flag state must also investigate any complaint that a ship flying its flag does not conform to the relevant labour standards.³² The 2006 Convention provides further guidance on how inspections should take

¹⁸ *Ibid.*, Article XV(8)(b).

¹⁹ High Level Tri-Partite Working Group, Report of First Meeting, at para. 4.

²⁰ 2006 Convention, Regulation 1.1.

²¹ *Ibid.*, Regulation 1.2.

²² *Ibid.*, Regulation 1.3.

²³ *Ibid.*, Regulation 1.4.

²⁴ Title 2 of the 2006 Convention includes seafarers’ employment agreements, wages, working hours, entitlement to leave, manning levels, repatriation and career development.

²⁵ *Ibid.*, Regulations 3.1 and 3.2.

²⁶ *Ibid.*, Title 4, which includes medical care on board ship and ashore, ship-owners’ liability, health and safety protection and accident prevention, access to shore-based welfare facilities and social security.

²⁷ Compare the Merchant Shipping (Minimum Standards) Convention 1976 (No. 147), Articles 2 and 4. The text of the Convention is available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C147> (checked 5 November 2007).

²⁸ 2006 Convention, Regulation 5.1.1.

²⁹ *Ibid.*, Standard A5.1.3.1.

³⁰ *Ibid.*, Standard A5.1.3.9.

³¹ *Ibid.*, Standard A5.1.3.2.

³² *Ibid.*, Standard A5.1.4.5.

place.³³ In addition to the flag state inspection procedure, the 2006 Convention requires that all ships have an on-board procedure for the fair, expeditious and effective handling of complaints by seafarers.³⁴ This procedure shall allow complaints to be made directly to the master as well as to external authorities.³⁵ Thus, the 2006 Convention does not concentrate solely on top-down enforcement, but also encourages the direct participation of the social partners in monitoring the implementation of standards.

These provisions are supplemented by a system of port state control which permits a port state to inspect any foreign ship calling at its ports in the normal course of business.³⁶ Any ship may be inspected, but a maritime labour certificate and declaration of maritime labour compliance will serve as *prima facie* evidence that the ship complies with the Convention.³⁷ An inspector may only make more detailed investigations if certain conditions are satisfied.³⁸ Thus, a full inspection will only usually follow if it appears that the required documents are for some reason invalid, if there are clear grounds to believe that the ship does not conform to the requirements of the Convention, or if there has been a specific complaint against the ship.³⁹ Should deficiencies be found, the inspector may bring them to the attention of the master or if the deficiencies are significant, to the appropriate seafarers' and ship-owners' associations.⁴⁰ *In extremis*, the port state control officer may prevent a ship from sailing.⁴¹ Port states are also required to have on-shore procedures for complaints to be raised by seafarers themselves.⁴² A resolution adopted by the International Labour Conference at the same time as the Convention calls on the Governing Body to request the Director-General to convene a tripartite expert meeting to develop suitable guidance for port state control officers in implementing these procedures.⁴³

³³ *Ibid.*, Regulation 5.1.4 and Standard A5.1.4. See also the resolution concerning the development of guidelines for flag State inspection.

³⁴ 2006 Convention, Regulation 5.5.1.

³⁵ *Ibid.*, Standard A5.1.5.2.

³⁶ *Ibid.*, Regulation 5.2.1.

³⁷ *Ibid.*, Regulation 5.2.1.2.

³⁸ *Ibid.*, Regulation 5.2.1.2 and Standard A5.2.1.1.

³⁹ *Ibid.*, Standard A5.2.1.

⁴⁰ *Ibid.*, Standard A5.2.1.4.

⁴¹ *Ibid.*, Standard A5.2.1.6.

⁴² *Ibid.*, Regulation 5.2.2.

⁴³ Resolution concerning the development of guidance for port state control adopted by the 94th session of the International Labour Conference. For the text of the resolutions submitted to the Conference, see <http://www.ilo.org/public/english/standards/relm/ilc/ilc94/pr-6.pdf> (checked 5 November 2007).

These developments are clearly influenced by similar procedures found in IMO regulatory conventions, adapting them to the context of labour standards. Indeed, the IMO directly participated at various stages of the drafting of the 2006 Convention.⁴⁴ It is suggested that these two organizations should continue working together to develop harmonised inspection procedures which minimise the burden on shipping whilst ensuring an effective system of enforcement.

The 2006 Convention contains no separate dispute settlement clause. Nevertheless, as with all ILO Conventions, complaints of non-compliance may also be referred to the ILO Governing Body under Article 26 of the ILO Constitution. The Governing Body has the power to appoint a Commission of Inquiry which shall investigate and make recommendations.⁴⁵ If the recommendations are not accepted by the parties to the complaint, the dispute may be submitted to the International Court of Justice.⁴⁶ The International Court of Justice may also be asked to interpret international labour conventions.⁴⁷

2007 Work in Fishing Convention and Recommendation

One limitation of the 2006 Convention is that it does not apply to ships engaged in fishing.⁴⁸ The exclusion of fishing is not unusual. The fishing sector has many characteristics not shared by other maritime industries, and the ILO and other international organizations have often developed distinct standards for the fishing sector.⁴⁹ Nevertheless, the fishing sector has also been the subject of significant developments at the ILO. The Work in Fishing Convention was adopted by the 96th session of the International Labour Conference in May 2007 (hereinafter, 2007 Convention).⁵⁰ Like the 2006 Convention, this

⁴⁴ These two organizations have a long history of cooperation; see the Agreement between the International Maritime Organization and the International Labour Organization, available in *IMO Basic Documents*, vol. 2, (International Maritime Organization, London: 2003) at pp. 69–73.

⁴⁵ ILO Constitution, Article 26. See also Articles 28 and 33–34.

⁴⁶ ILO Constitution, Articles 29–31.

⁴⁷ ILO Constitution, Article 37.

⁴⁸ 2006 Convention, Article II.4. This Article also excludes ships of traditional build and warships or naval auxiliaries.

⁴⁹ For instance, the IMO has adopted separate treaties on training for the fisheries sector; see the 1995 Convention on Standards and Training, Certification, and Watchkeeping for Fishing Vessel Personnel. The text of the Convention is available at <http://www.intfish.net/treaties/watchkeeping.htm> (checked 5 November 2007).

⁵⁰ The text of the Convention is available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C188> (checked 27 September 2007).

treaty is intended to revise and consolidate the existing international labour standards in this field.⁵¹

The process of revision started in 1999 when existing fishing standards were examined by a Tripartite Meeting of Experts and then by the Committee of the Governing Body on Legal Issues and Labour Standards. In 2002, the ILO Governing Body decided to place the item on the Agenda of the 92nd session of the International Labour Conference in 2004. Despite intense discussions at the International Labour Conference in 2004 and again in 2005, delegates failed to achieve sufficient support for the adoption of a convention.⁵² Following further inter-sessional consultations, a new convention was finally adopted at the 96th session of the International Labour Conference in June 2007.⁵³ The 2007 Convention is accompanied by a Recommendation providing further guidance on the implementation of standards contained in the Convention.⁵⁴

Substantive standards are found in Parts III–VI of the 2007 Convention. The scope of standards is very similar to 2006 Maritime Labour Convention, although the content of the standards has been adapted to the fishing industry. Minimum requirements are established relating to the age of fish-workers,⁵⁵ the conduct of medical examinations,⁵⁶ recruitment,⁵⁷ manning and other conditions of service,⁵⁸ accommodation and catering,⁵⁹ medical care, health protection and social security.⁶⁰ Many of the standards are inherently flexible and the application of a particular standard also varies in some cases, depending on the size, age and type of the fishing vessel involved.

⁵¹ 2007 Convention, Article 46.

⁵² In 2005, the Convention was not adopted because the quorum was not attained due to a high number of abstentions. Oddly, the Conference proceeded to adopt the accompanying Recommendation. It was subsequently agreed to postpone consideration of the issue until 2007; see Provisional Record, 93rd session of the International Labour Conference, 19th sitting, 16 June 2005, at pp. 25/3–25/5.

⁵³ The Convention was adopted by 437 votes in favour, 2 against, and 22 abstentions. See Provisional Record, 96th session of the International Labour Conference, 18th sitting, Thursday 14 June 2007, at pp. 25/3–25/4.

⁵⁴ 2007 Recommendation concerning work in the Fishing Sector (No. 199). The Resolution was adopted by 443 votes in favour, 0 against, and 19 abstentions. The text of the Resolution is available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?R199> (checked 5 November 2007).

⁵⁵ 2007 Convention, Article 9.

⁵⁶ *Ibid.*, Articles 10–12.

⁵⁷ *Ibid.*, Article 22.

⁵⁸ *Ibid.*, Articles 13–21, 23–24.

⁵⁹ *Ibid.*, Articles 25–28.

⁶⁰ *Ibid.*, Articles 29–39.

As well as up-dating standards, one of the aims of the 2007 Convention is to make them applicable to a greater number of the world's fisher-workers.⁶¹ The 2007 Convention applies to “all fishers and all fishing vessels engaged in commercial fishing operations”⁶² regardless of whether these take place on lakes, rivers or the sea, whereas many of the earlier treaties only applied to maritime fishing in salt water⁶³ or allowed exceptions for fishing vessels of a particular type or size.⁶⁴ Yet, there are exceptions in the 2007 Convention as well.⁶⁵ First, Article 3 provides that “where the application of the Convention raises special problems of a substantial nature in the light of particular conditions of service of the fishers or of the fishing vessels’ operations concerned, a Member may exclude from the requirements of this Convention or from certain parts of it (i) fishing vessels engaged in fishing operations in rivers, lakes, or canals; (ii) limited categories of fishers or fishing vessels.” This is not a blanket exemption, as parties to the Convention are required to extend progressively the requirements to any excluded vessels and they must report to the Organization on their progress.⁶⁶ Article 4 also allows the progressive implementation of certain Articles in relation to ships under 24 metres in length, which are at sea for less than seven days or which do not navigate beyond the continental shelf. Given the characteristics of the world fishing fleet, many vessels fall within this category.⁶⁷ Thus, the 2007 Convention has not made as

⁶¹ *Ibid.*, Preamble.

⁶² *Ibid.*, Article 2.

⁶³ For instance, the Medical Examination (Fishermen) Convention 1959 (No. 113) applied to ships or boats engaged in maritime fishing in salt waters; Article 1.1. The text of the Convention is available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C113> (checked 5 November 2007). Similar provisions are found in the Fishermen's Articles of Agreement Convention 1959 (No. 114) available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C114> (checked 5 November 2007); Minimum Age (Fishermen) Convention 1959 (No. 112) available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C112> (checked 5 November 2007); Accommodation of Crews (Fishermen) Convention 1966 (No. 126) available at <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C126> (checked 5 November 2007).

⁶⁴ For instance, the Fishermen's Articles of Agreement Convention 1959; Article 1.2. Similar provisions are found in the Medical Examination (Fishermen) Convention 1959. The Accommodation of Crews (Fishermen) Convention 1966 excludes vessels of less than 75 tons or less than 80 feet; Articles 1.2 and 1.3.

⁶⁵ Article 2 of the 2007 Convention starts, “except as otherwise provided...”.

⁶⁶ *Ibid.*, Articles 3.2 and 3.3.

⁶⁷ The FAO report that “in 2002 the world fishing fleet numbered about four million vessels: about one-third were decked while the remaining two-thirds were undecked (generally less than 10 m in length)”; <http://www.fao.org/fi/website/FIRetrieveAction.do?dom=topic&fid=1616> (checked 23 August 2007).

significant advances as some may have hoped. However, it should perhaps be recognised that this sector poses particular challenges for regulation, given the small-scale and informality of operations in some regions.

Another weakness of the 2007 Convention is its amendment provisions. Unlike the 2006 Maritime Labour Convention, there is no general amendment procedure in the 2007 Convention. A tacit amendment procedure is only available for amendments to the Annexes, which include the particulars for fishers' work agreements and the specifications for accommodation for new fishing vessels remaining at sea for more than 24 hours. Amendments to these Annexes must be approved by a vote of two-thirds of the International Labour Conference.⁶⁸ Amendments adopted in this way will be binding on all parties which have not objected within a prescribed period.⁶⁹ However, amendments to standards found in the main text of the Convention can only be made by adopting a revising treaty,⁷⁰ a cumbersome process which is unlikely to facilitate the evolution of the standards.

Finally, the 2007 Convention does not contain as detailed enforcement mechanisms as are found in the 2006 Convention, although it does provide a limited obligation of flag state oversight⁷¹ and it foresees port state control in some circumstances.⁷² These mechanisms could be further developed through the adoption of additional guidelines.

Prospects for the Conventions

These two treaties make important improvements to the rights of seafarers and fish-workers, in particular the 2006 Convention, which has been described by one source as “the fourth maritime regulatory pillar” alongside the major IMO treaties.⁷³ Of course, the new ILO treaties will only translate into improvements to living and working conditions at sea if they are widely accepted and implemented by states. This is recognised in the text of the Conventions⁷⁴ as well as in resolutions adopted by the International Labour Con-

⁶⁸ *Ibid.*, Article 45(1).

⁶⁹ *Ibid.*, Article 45(2).

⁷⁰ *Ibid.*, Article 53.

⁷¹ *Ibid.*, Articles 40–42.

⁷² *Ibid.*, Article 43.

⁷³ Lindemann, speaking at the 94th session of the International Labour Conference, Provisional Record, 7th sitting, at p. 16/4.

⁷⁴ Preamble to the 2006 Convention.

ference.⁷⁵ The Conventions are open to participation by any ILO Member State, of which there are currently 178.⁷⁶ Only those states which have become a party to international labour conventions are obliged to comply fully with their terms. However, all ILO Members are under an obligation to submit any convention or recommendation adopted by the Organization to the competent authorities for consideration and to report on their application, whether or not they have been ratified.⁷⁷ The UN General Assembly has encouraged states to become a party to the 2006 Maritime Labour Convention.⁷⁸

States may also have to consider implementing the conventions as a result of certain provisions in the 1982 United Nations Convention on the Law of the Sea (hereinafter, LOS Convention). Both of these new instruments recognise that the LOS Convention provides the legal framework for the conduct of all activities in the oceans and the seas.⁷⁹ Article 94 of the LOS Convention requires all flag states to exercise jurisdiction and control over administrative, social, and technical matters on ships flying their flag. This includes taking “such measures as are necessary to ensure safety at sea with regard to... the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments.”⁸⁰ Arguably, this provision requires states to do no more than implement standards which they have already agreed to apply.⁸¹ However, Article 94 continues to provide that “in taking the measures called for in paragraphs 3 and 4, each State is required to conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to secure their observance.”⁸² This is a much stronger provision, as it obliges states to implement standards which, whilst generally accepted, a state may not have necessarily agreed to apply to its own ships. In other words, it creates an international

⁷⁵ Resolution concerning promotion of the ratification of the Work in Fishing Convention 2007; Resolution concerning the promotion of the ratification of the Maritime Labour Convention 2006. The text of the resolutions submitted to the Conference is available at <http://www.ilo.org/public/english/standards/relm/ilc/ilc94/pr-6.pdf> (checked 5 November 2007).

⁷⁶ See www.ilo.org (checked 22 March 2007). For the conditions on entry into force see 2006 Convention, Article VIII; 2007 Convention, Article 48.

⁷⁷ ILO Constitution, Article 19(5) and (6).

⁷⁸ United Nations General Assembly, *Oceans and the Law of the Sea*, UN Document A/Res/61/222, adopted on 20 December 2006, at para. 51. The text of the resolution is available at <http://www.un.org/Depts/dhl/resguide/r61.htm> (checked 5 November 2007).

⁷⁹ 2006 Convention, preamble; 2007 Convention, preamble.

⁸⁰ Law of the Sea Convention, Article 94(3)(b).

⁸¹ See W Van Reenan, ‘Rules of Reference in the New Convention on the Law of the Sea’, (1981) *Netherlands Yearbook of International Law* 3–39, at pp. 12–13.

⁸² Law of the Sea Convention, Article 94(5).

minimum standard.⁸³ The rule of reference in Article 94 of the LOS Convention thus extends the application of generally accepted standards to all states, whether or not they are formally bound thereby. Moreover, standards incorporated under Article 94 may be justiciable under the dispute settlement procedures of the LOS Convention,⁸⁴ enhancing the international oversight of their implementation.

The principal question under Article 94 of the LOS Convention is: what amounts to general acceptance? One argument is that an instrument will be generally accepted if it has been formally accepted by a substantial majority of states, as is the case with instruments such as the International Convention on the Safety of Life at Sea which has 158 parties comprising 98.8% of world tonnage.⁸⁵ Another argument is that an instrument can be accepted through the actual practice of states. Thus, if a significant proportion of states act in accordance with an instrument, it can become universally binding as a generally accepted standard regardless of its formal status. In both cases, the threshold of general acceptance is high, but it is one way in which standards such as those in the 2006 and 2007 Conventions can become universally applicable.

Governments and the social partners have laboured long and hard over these improvements to the standards applicable to work at sea. They have largely succeeded in creating a coherent framework for labour rights in the fishing and shipping industries. However, the rights contained in these two treaties will only be realised if they are widely ratified or generally accepted by states.

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⁸³ See B Oxman, “The Duty to Respect Generally Accepted International Standards”, (1991) 24 *New York Journal of International Law and Politics* 109–159, at p. 127.

⁸⁴ Law of the Sea Convention, Part XV.

⁸⁵ See <http://www.imo.org/> (checked 20 August 2007).

