

YEARBOOK MARITIME LAW

VOLUME II

1985–1986

General Editor

Ignacio Arroyo

Kluwer Law and Taxation Publishers
Deventer · Antwerp
London · Frankfurt · Boston · New York

ILO

SEMINAR OF THE INTERNATIONAL LABOR ORGANIZATION ON RULES OF MARITIME EMPLOYMENT FOR THE COUNTRIES OF WEST AND CENTRAL AFRICA

SUMMARY: I. INTRODUCTION: ORIGIN AND OBJECTIVES. –
II. WORK IN PROGRESS. – III. RECOMMENDATIONS.

I. Introduction: origin and objectives

In Brazzaville, from November 26–30, 1985, the Seminar on rules of maritime employment for the countries of West and Central Africa was held. The seminar was organized in the framework of the ILO to assist countries worldwide with legislation and rulemaking regarding maritime employment. Other sponsors of the conference were the United Nations Economic Commission for Europe and the Republic of the Congo.

The seminar was the second in a series of meetings of the same type organized by the ILO in order to assist the developing maritime countries draft or improve legislation and national practices with regard to working conditions of seamen in commercial ships. Its origins are found in a resolution on rules to be applied in commercial ships which had been adopted in 1976 during the 62nd session of the International Labor Conference, in which governments were exhorted to apply the provisions of Convention no. 147 Recommendation no. 155 on the merchant marine both adopted in 1976.

The need to modernize and harmonize the maritime legislation of the African countries has existed for some time. The disparities between the rules in effect in the English, French, and Portuguese-speaking countries are not in accord with the actual situation of the countries in question, and this tends to impede the development of national transport industry and an effective regional cooperation with respect to maritime industry.

In this manner difficulties arise, particularly with regard to guarantees for international loans for improvement of port facilities and maritime transport, the establishment in ports of rules, practices, and uniform standards to facilitate maritime traffic, as well as the application of international agreements such as the Code of Conduct for Linear Conferences drafted by the United Nations Conference on TRADE and Development, the Law of the Sea, and ILO instruments regarding maritime employment.

With respect to the application of the conventions and recommendations of the ILO on maritime employment, few countries of West or Central Africa have incorporated or adopted the following ILO conventions:

- Convention no. 145 on continuity of employment of seamen, 1976;
- Convention no. 147 on the merchant marine (minimum rules), and supplementary recommendations;
- Convention no. 9 on employment of seamen, 1920;
- Convention no. 16 on medical examination of minors (maritime labor), 1921;
- Convention no. 73 on medical examination of seamen, 1946;
- Convention no. 53 on certificates of officials' ability, 1936;
- Convention no. 92 on lodging of the crew (amended), 1944;
- Convention no. 133 on lodging of the crew (supplementary provisions), 1970;
- Convention no. 22 on the contract of engagement of seamen, 1926.

The Seminar, organized in this context, had as its goal to permit the representatives of the governments and organizations of shipowners and seamen of West and Central Africa who were interested in maritime legislation to acquire a better understanding of the principles which serve as a basis for international norms on maritime employment adopted by the ILO, as well as the familiarization of conditions of employment of seamen in the developed maritime countries, the interchange of certain experiences, and the formulation of suggestions capable of possible application in national industries of maritime transport.

The Seminar brought together 20 participants from 17 West and Central African countries. The following countries were represented: Burkina Faso, Cameroon, Cabo Verde, Congo, Ivory Coast, Chad, Gabon, Ghana, Guinea-Bissau, Mali, Niger, Nigeria, Norway, Central African Republic, Sierra Leone, and Zaire. Experts from the Popular Republic of the Congo, Ethiopia, Norway, the Benelux countries and the ILO also participated.

II. Work in progress

Based upon the documents presented and discussions held, the Seminar was able to identify the principal points of convergence and divergence among the different countries in relation to legislation and national practices of maritime employment, as well as working conditions of seamen. Several manners of improving the situation were suggested, especially a greater application of the ILO norms on maritime employment, a broader harmonization of laws and practices concerning seamen, an effort of cooperation within the interior of the region with reference to the training of personnel and discovery of solutions for landlocked nations, as well as a technical cooperation of the ILO for the drafting of national legislation on maritime employment and for investigation on questions of maritime commerce.

Additionally, the Seminar emphasized the necessity of reinforcing international cooperation as the most appropriate and efficient means to insure the modernization and uniformity of national maritime legislation in the subregion.

III. Recommendations

The Seminar formulated a series of recommendations for the improvement of working conditions of seamen, as follows:

a) Standardization

Standardization of current legislation through ratification or acceptance of maritime conventions adopted by the ILO, in particular Convention no. 147 on the merchant marine (Minimum rules), 1976.

b) Minimum rules

Incorporation of the following minimum rules contained in Convention no. 147:

1. minimum age: 14 years as minimum age to obtain maritime employment
2. duties incumbent upon the shipowner in cases of sickness, accident, or death: liability of the shipper in the event of:
 - sickness or accident suffered during the period of a seaman's contract, or death resulting from such sickness or accident
3. social security: the right of seamen to the following benefits:
 - medical assistance;

- in kind assistance for inability to work due to sickness, unemployment, or old age;
 - pensions for retired seamen.
4. prevention of work-related accidents: general provisions relating to the prevention of accidents and to sanitary conditions, applicable to employment of seamen, and specification of the measures to be taken for the prevention of accidents on board ship, referring particularly to structural characteristics of vessels, machinery, security measures to be taken both above and below deck, material for maintenance, prevention and extinguishment of fires, anchors, chains and cables, dangerous cargo and ballast, as well as first aid measures.
 5. lodging of crew members: maintenance of bunks, eating facilities and sanitary installations in all ships of 500 or more gross tons, and in ships of 200–500 gross tons if possible and justified.
 6. certificates of ability: possession by all persons exercising or contracted to exercise the functions of captain or official of a certificate of capacity delivered or approved by the public authority of the territory where the ship is registered.
 7. contracts of engagement in accordance with the following clauses:
 - signature of a contract of engagement by the shipowner or his representative and each seaman employed or engaged on board his ship, regardless of job titles held;
 - guarantee that the engagement contract does not contain any stipulation by which the parties agree in advance to disregard the normal rules of jurisdictional competence;
 - clear mention of the respective rights of the shipowner and seaman.

c) programs of action

1. on the international level: to render assistance to the countries of the region, generally by highly qualified experts, for the development of national laws and regulations favoring and facilitating the application of international rules of maritime employment with particular attention given to safety and hygiene at the workplace. Assistance rendered by the ILO particularly with regard to:
 - measures to foment development of African countries in the study and search for appropriate technologies;
 - cooperation between African countries for the promotion of economic and social development;
 - maritime problems of countries without a coastline, and in particular the sending of delegations of promotion and information to these countries.

2. on the subregional level: adoption by the Ministerial Conference of the West and Central African States on maritime transport of measures designed to:
 - reactivate the provisions of resolution no. 30/4/78 establishing an ad hoc committee charged with bringing up to date and harmonizing the maritime laws of the member States in order to facilitate cooperation in the subregion in the area of maritime transport;
 - insure the training of administrative and technical personnel in order to permit the countries of the subregion to have sufficient numbers of a qualified workforce;
 - promote the effective regionalization of the regional maritime training centers in Abidjan and Accra so as to facilitate the establishment of training programs which respond to the needs of the countries of the subregion;
 - foment the organization of training seminars; and
 - intensify the delegations sent to countries without a coastline in order to help them to resolve their fundamental problems and to call the attention of the coastal states to the importance of these delegations.

3. on the national level: adoption by the nations of the subregion of measures tending to:
 - modernize national maritime regulations with a view towards adapting them to current needs; and
 - insure ratification of ILO and IMO Conventions improving the rules of safety at sea and maritime employment.

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