

Maritime Labour Convention, 2006

Action Plan 2006–2011

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ACTION PLAN

to achieve rapid and widespread ratification and effective implementation of the Maritime Labour Convention, 2006

PROGRAMME OUTLINE

Title	Action plan to achieve rapid and widespread ratification and effective implementation of the Maritime Labour Convention, 2006
Geographic coverage	Global (all ILO member countries with a maritime interest)
Project language	English (other languages, as required)
Counterpart agencies	In partnership with relevant government agencies, the International Transport Workers' Federation (ITF), the International Shipping Federation (ISF) and in cooperation with the International Maritime Organization (IMO) and other intergovernmental and non-governmental organizations
Duration	Five years initially
Starting date	1 September 2006
Estimated donors' contribution	US\$5,152,400
ILO units responsible	International Labour Standards Department and Sectoral Activities Branch , in collaboration with ILO field offices.

Action plan to achieve rapid and widespread ratification and effective implementation of the Maritime Labour Convention, 2006

I. Background and justification

The 94th (Maritime) Session of the International Labour Conference (ILC) (Geneva, February 2006) adopted the Maritime Labour Convention, 2006 (MLC, 2006), an important new international agreement that consolidates almost all of the 70 existing ILO maritime labour instruments in a single modern globally applicable legal instrument. The MLC, 2006, establishes comprehensive minimum requirements for almost all aspects of working conditions for seafarers including, inter alia, conditions of employment, hours of work and rest, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection. It combines rights and principles with specific standards and detailed guidance as to how to implement these standards at the national level.¹

When the MLC, 2006, comes into force and is effectively implemented in all countries with a maritime interest:

- all seafarers, whatever their nationality, serving on a ship to which the Convention applies, whatever flag it flies, will have decent working and living conditions and an ability to have concerns addressed where conditions do not meet the requirements of the Convention;
- various mechanisms in the Convention will serve to ensure, to the greatest extent possible, that the Convention requirements are respected, even on the ships that fly the flag of countries that do not ratify the Convention;

¹ A more detailed discussion of the MLC, 2006, and its innovations is available in the background documentation relating to the Convention – see, in particular, International Labour Conference, 94th (Maritime) Session, 2006, Report I(1A), *Adoption of an instrument to consolidate maritime labour standards*. For a convenient summary (prepared after adoption of the Convention) see also: *Maritime Labour Convention, 2006 – Frequently asked questions* and other materials available in hard copy, on the ILO web site and on a promotional CD.

- governments and shipowners committed to establishing decent working and living conditions for seafarers will have a level playing field with strong protection against unfair competition from substandard ships.

The MLC, 2006, was developed through an unprecedented five-year process of intensive international tripartite consultation, social dialogue and consensus building, engaging more than 100 ILO member countries and, at the final International Labour Conference, more than 1,000 participants. Its adoption, without objection, was described by the Director-General of the ILO as “making labour history”. It also marked the beginning of a new era for the international standard-setting activities of the ILO in general and specifically for its activities in the maritime sector.

The MLC, 2006, was expressly designed to be a globally applicable, easily understandable, readily updatable and uniformly enforced legal instrument that, once it enters into force, will be the “fourth pillar” of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO): the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW) and the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). Effective national implementation of the MLC, 2006, will necessarily contribute to the achievement of “decent employment and social conditions” for seafarers and will also support the safety, security and environmental protection objectives of these other important international Conventions by improving shipping operations in the industry worldwide and helping to eliminate substandard shipping operations. These ambitious objectives will be achieved through the rapid ratification of the Convention by a majority of countries active in the maritime sector.

The MLC, 2006, will come into force 12 months after ratification by at least 30 ILO member countries with a total share of at least 33 per cent of the world’s gross tonnage of ships. This demanding ratification formula reflects the importance that the representatives of the governments, seafarers and shipowners concerned placed on the need to achieve “on the ground” or “real” change for

the sector through global standards that are effectively implemented, at a national level, in the countries that are responsible under international law for regulating conditions on the majority of the world's merchant fleet. The MLC, 2006, aims to be effective through widespread (as close to universal as possible) ratification and implementation and by establishing a new continuous "compliance awareness" at every stage from the national systems of protection up to the international system. The Convention establishes a comprehensive enforcement and compliance system, based on cooperation among all ratifying States, which will ensure that decent working conditions, once certified by a flag State, are continuously maintained, no matter where the ship travels. In order to become a truly effective system a significant number of countries will need to ratify and implement the Convention.

The ratification of the Convention at a sufficient level to make it a truly global instrument can realistically be expected for a number of reasons, largely related to the high degree of consensus obtained through the development process and reflected in its adoption by 314 votes, without objection, by the 94th (Maritime) Session of the ILC. The ratification of the MLC, 2006, in June 2006, less than four months after its adoption, by Liberia, currently the second largest flag State (by gross tonnage), provides important support for this view. However, in order to bring the Convention into force and achieve these objectives a concentrated strategic multi-level and multi-partner campaign will need to be carried out by the ILO in order to support and maintain the momentum achieved during the preparatory work and at the ILC and to ensure that the Convention's aspirations become a reality.

The five-year action plan outlined in the subsequent sections is designed to achieve, first, the goal of rapid and widespread ratification in order to bring the Convention into force and second, the related objective of laying a foundation, including developing the institutional and other tools, for assuring effective national-level implementation to meet the objectives of the Convention. It reflects the recommendations made to the Governing Body of the ILO in the form of resolutions adopted by the 94th (Maritime) Session of the ILC and the more specific strategic advice provided to the Office by a tripartite body, the Officers of the 94th (Maritime) Session of the ILC, regarding the follow-up steps to be taken after adoption of the Convention.

Both the Preparatory Technical Maritime Conference (PTMC) in September 2004 and the ILC in February 2006 adopted important resolutions regarding the promotion of early and wide-spread ratification of the Convention and the need to provide technical support to countries requesting assistance in securing effective national-level implementation, particularly in the areas mentioned in those resolutions. The resolution concerning the promotion of the MLC, 2006, specifically noted that the success of the Convention will depend upon its being widely ratified and upon its requirements being effectively implemented, and requested that priority in the allocation of the resources of the Organization's technical cooperation programme be given to promoting the ratification of the Convention and to assisting countries which request assistance in its implementation in areas such as:

- technical assistance for Members, including on capacity building for national administrations and the drafting of national legislation to meet the requirements of the Convention;
- the development of training materials for inspectors and other staff;
- the training of inspectors; the development of promotional materials and advocacy tools for the Convention;
- national and regional seminars, as well as workshops, on the Convention.

Other resolutions adopted by the 94th (Maritime) Session of the ILC:

- noted the need also to ensure uniform and harmonized implementation of port State and flag State responsibilities in accordance with the Convention through guidelines for authorized officers in port States (port State control) and flag State inspectors to help them with the performance of their duties (these guidelines are to be developed by the International Labour Office with the assistance of tripartite expert meetings);
- noted the need for measures to promote career opportunities and improve working conditions for women seafarers;

- noted the need for an inventory of social protection and social security arrangements and measures for seafarers;
- recommended to the IMO and the ILO that the way forward would be for the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers to develop a standard accompanied by guidelines, which could be included in the MLC, 2006, or another existing instrument, at a later date.

Promoting ratification and providing technical assistance, where needed, for implementation are interrelated activities: in many cases, ratification will depend upon the availability of technical assistance to help governments to develop national laws and institutional and administrative capacity.

II. Overview of the action plan

The Office's action plan is based upon the advice of the Officers of the 94th (Maritime) Session of the ILC regarding a strategic approach to follow-up activities to be undertaken by the ILO after the adoption of the MLC, 2006. The action plan focuses, first, on achieving the goal of rapid widespread ratification by countries with significant maritime interests (flag States, port States and labour-supplying States) with a specific focus on ratification by major flag States. The second goal of the action plan, to ensure effective national implementation in the ratifying countries, is directly related to the first goal and will, in most cases, be a by-product of national-level activities related to ratification. However, under this five-year action plan the concern will be to lay a firm foundation for assuring effective implementation through the development of institutional mechanisms in the ILO and through the development of knowledge tools and other resources to assist governments to implement the Convention effectively, once ratified. Assuring effective implementation and enforcement of the Convention will also be the focus of longer term, more sustained processes and a programme of activities, once the Convention enters into force.

This action plan explicitly adopts a multi-level and multi-partner strategy to achieve its goals building upon:

- existing partnerships and relationships between the ship-owners' and seafarers' organizations and the interested governments drawn from all regions to assist with promotion of the Convention at all levels;
- existing ILO and other relevant maritime regional and international organizations and meetings as well as con-

The primary purpose of this action plan is to ensure that the Maritime Labour Convention, 2006, comes into force for ILO member countries with major maritime interests, as rapidly as possible and, ideally, with ratifications in five years (60-month anniversary – August 2011) by at least 30 ILO Members with a total share of at least 33 per cent of the world's gross tonnage of ships, and the subsequent entry into force of the Convention 12 months later.

centrating on key countries in the various regions as key to its strategic approach.

The promotional work of the ILO in connection with the MLC, 2006, will not, however, cease at the point of entry into force: subsequent efforts and programmes will be focused on:

- ensuring effective implementation in ratifying countries and securing ongoing compliance in ships of the ratifying countries;
- ensuring that the MLC, 2006, is ratified by most of the other ILO member countries with a maritime interest, namely,
 - the remaining flag States that have the primary responsibility for ensuring decent working and living conditions for the seafarers on their ships;
 - to the extent that they are not flag States, the port States, which voluntarily play an important role in the enforcement and compliance process; and
 - the States with responsibility for the supply of the world's seafarers, which are, in particular, responsible

for ensuring that their seafarers are not the victims of exploitation during their recruitment, are only engaged on ships that respect the requirements of the Convention and are covered by proper contractual conditions.

In order to achieve the primary goal (rapid and widespread ratification of the MLC, 2006) of this action plan:

- the immense momentum that has gathered over the five years of preparation of the Convention, among the tripartite participants (governments, shipowners and seafarers), and that has led to the adoption of the Convention, must be maintained;
- certain aspects of the Convention, especially its novel features, as well as its advantages for governments, shipowners and seafarers, must be brought to the attention of constituents that have not so far been involved;
- legal and technical guidance will need to be provided on an ad hoc basis and in the form of guidelines, particularly in the areas mentioned above;
- interested countries must be identified and must be in a position to ratify: many countries will need assistance especially with respect to their legislation implementing the requirements of the Convention and to their systems for the inspection of ships for compliance with those requirements;
- interested countries will need to be sure that they can implement the requirements of this Convention in harmony with the action that they are already taking in related areas, especially in the implementation of the Conventions of the IMO and in international cooperation under the regional Memoranda of Understanding (MOUs) relating to port State control.

In addition, the ratification process must be accompanied by action at the international and regional level to strengthen the basis for international and regional cooperation, including uniformity in port State inspections and an adequate international database to record problems coming to light as a result of the port State inspections and seafarers' complaints.

Tripartite partnerships in the action plan

Active involvement of ILO constituents

The five-year action plan will involve several parallel levels or “tracks” for action, including activities that specifically engage governments, industry, other relevant national, regional and international organizations and relevant intergovernmental organizations (IGOs) and non-governmental organizations (NGOs). It builds upon and incorporates the existing MLC, 2006, expertise – the national and industry “ambassadors” – representing all regions of the world, who have been involved in the five years of tripartite consultation that developed the Convention.

As indicated above, the Officers of the 94th (Maritime) Session of the ILC supported the Office adopting a strategic follow-up approach premised on continued support and active participation of the key constituents that had been involved in the five-year process leading up to the adoption of the Convention (“the ambassadors”). Under this action plan the Office does not act alone, but, rather, it will play a coordinating and facilitative role by providing information, knowledge tools and other resources to promote the Convention and to support the activities and interests of interested constituents. One of the reasons for the successful adoption of the Convention was the constant guidance received from the three ILO constituents (governments, employers and workers) and the actual drafting of parts of the Convention by constituents having particular expertise. As a consequence, the key participants had a sense of ownership of the Convention and provided the essential expertise needed to ensure that the Convention in fact reflected contemporary needs and conditions in the sector. This sense of ownership as well as this expertise will be essential to the success of the action plan, especially in regard to the range of activities that may be entailed and the need to generate support in the industry at the national level.

Accordingly, elements of the action plan will be carried out by the constituents themselves through regional and subregional cooperation. Where such cooperation appears feasible, the role of the Office will be to stimulate the cooperation and provide the necessary advice and other facilities needed. In all cases, repre-

representatives of the shipowners' and seafarers' organizations will be involved in the implementation of the action plan and will sometimes be the key players. The Office will also take advantage of cooperation from, and the advice and assistance provided by, other relevant international and intergovernmental, regional and non-governmental organizations such as the IMO, WHO, the regional MOUs on port State control, the International Maritime Health Association (IMHA) and the International Committee of Seafarers' Welfare (ICSW).

Tripartite advisory committee

The action plan will also benefit from ongoing guidance provided by a tripartite advisory committee on the MLC, 2006.

Within the framework of the standard ILO procedures, an advisory committee consisting of a representative of the International Transport Workers' Federation (ITF), the International Shipping Federation (ISF) and key government representatives drawn from all regions, including major donors, will provide the ILO with guidance in the implementation of the action plan. The advisory committee will meet at least once a year. Participation by these representatives in the advisory committee will be at the cost of the organizations and governments concerned and will not be paid from programme funds.

Once the Convention is in force, the special tripartite committee to be established by the Governing Body of the ILO (MLC, 2006, Article XIII) would replace this advisory committee and provide direction on further strategic activities and any changes needed in the Convention text or approaches to secure its objectives.

Strategic approach to action plan activities

An overview of a three-pronged strategic approach to action plan activities is provided under the following headings:

- (1) maintaining the momentum and mobilizing support;
- (2) the provision and exchange of information (knowledge tools and resources);
- (3) assistance for implementation (to enable rapid ratification).

The specific time frame and proposed activities are dealt with below, in more detail, in section V. In general, the action plan does not specifically indicate the responsibility for carrying out each of the actions noted above. In some cases, the Office may be acting alone, with the guidance of the advisory committee, particularly at the regional or subregional level, or the action could be carried out by a regional or subregional organization or by representatives of interested governments or shipowners or seafarers, in cooperation with the Office.

1. Maintaining the momentum and mobilizing support

As indicated above, the Convention will lose much of its effect in the absence of widespread and rapid ratification. In most countries, the ratification will have to be approved by national-level parliaments or assemblies, most of which will have limited time and competing priorities. In normal circumstances, the close to universal ratification of a comprehensive instrument, like the MLC, 2006, which addresses sensitive areas such as the provision of social protection, could not be expected for at least two or more decades. Fortunately, there are clear indications that normal circumstances do not apply. These indications, as alluded to in section I above, include:

- the abnormally high participation of governments in the tripartite bodies responsible for guiding the drafting of the Convention;
- the adoption of this comprehensive Convention, comprising over 100 pages of text and introducing a new system for certifying social and labour conditions, by 314 votes in favour and no votes against it by the representatives of more than 106 countries in the International Labour Conference;²
- the registration of the first ratification of the Convention after only a few months, in June 2006, by Liberia, a flag State that has a major share of world gross tonnage.

It is also reasonable to assume that the initial entry into force, after ratification by 30 countries with 33 per cent of world

² The Government representatives of two countries abstained for reasons unrelated to the substance of the Convention.

shipping tonnage, will be an important incentive for further ratifications, as the certificate to be issued to ships by the ratifying countries will in many cases obviate the need for the ships to be subject to detailed inspections (and related delays) in the ports of other countries that have ratified the Convention. The “no more favourable treatment” provisions of the Convention mean that ships flying the flag of non-ratifying countries will not carry a certificate and will, potentially, be subject to more detailed inspections and related delays. This will provide further incentives for widespread ratification.

Nevertheless, the early entry into force of the Convention cannot be taken for granted. A major effort must be made to publicize the Convention and communicate its contents as strategically as possible. The specialized press, in particular, should be used to ensure that the public and all stakeholders of the shipping industry are aware of the Convention, its purpose and its major provisions. The Office, along with the social partners, needs to place the Convention on the agenda of major shipping conferences and meetings. Seminars and similar meetings need to be organized at the regional and national levels to motivate countries to begin ratification procedures without delay. In many cases the responsibility for ratification of international labour Conventions rests with the national ministries of labour, many of which are not involved closely with or familiar with the maritime sector and the international certification system established by the MLC, 2006 (modelled after the IMO Conventions). For this reason it is especially important that the Office ensures that the MLC, 2006, is placed on the agenda of ILO Regional Meetings and that efforts are made to assist in facilitating cooperation and integration at a national level between labour and maritime administrations with respect to any concerns that may arise with respect to implementation of the Convention. Such regional action will also be organized in cooperation with intergovernmental regional organizations such as the MOUs on port State control. They will be invited to include the MLC, 2006, in the relevant regional port State control agreements and to take measures to encourage their members to ratify promptly.

The Office will also take advantage of these meetings to identify and mobilize constituents that are able to contribute to

international technical cooperation, in particular by assisting countries to review or amend their legislation or establish or strengthen their inspection and certification infrastructures (see below, under point 3, “Assistance for implementation”).

The benefits of ratifying the Convention will need to be highlighted by, for example, videos, posters, leaflets and other promotional material targeting governments. Similar materials and presentations targeting seafarers and shipowners will also be useful; in addition to the industry-oriented manuals and presentations discussed below (under point 2, “The provision and exchange of information (knowledge tools and resources)”). The ILO’s sectoral (maritime) and general public Internet sites will need to be redesigned to highlight and promote the Convention and to provide interested parties immediately with specific and general information about the Convention, including information for the general public. In addition, there will be a special Internet site (see below under point 2, “The provision and exchange of information (knowledge tools and resources)”). This site will complement the Office’s normal action to follow up on the obligations (under article 19 of the ILO Constitution) for ILO Members to report on action taken with a view to ratification of Conventions. It will also allow for reporting on action taken with respect to the national-level flexibility mechanisms and the appointment of recognized organizations under the Convention, as well as providing linkages to the compliance/complaints database envisaged by the Convention.

2. The provision and exchange of information (knowledge tools and resources)

A proper understanding of the Convention and its implications at a national, regional and international level is essential in order for a country to determine:

- whether it is in its national interest to ratify the Convention;
- whether it is in a position to ratify and implement the Convention;
- what issues, if any, are delaying or preventing rapid ratification;

- what areas are in need of strengthening, if it is not yet in a position to implement;
- how the Convention can best be implemented, taking advantage of the national-level area of flexibility that it provides.

In particular:

- information and guidance will need to be provided, for the benefit of national officials unfamiliar with the Convention, on the flexibility that it provides in the area of implementing legislation; countries, especially those which have ratified most of the previous maritime labour Conventions (in particular the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)), may simply need to review their existing legislation and other applicable measures in their country, such as collective agreements, to check that all seafarers under their jurisdiction are covered by at least the same, or substantially equivalent, levels of protection as that required by the Convention; the new legislation could be limited to the provisions required to fill the gaps in protection that may be found;
- model implementing legislation and other advisory services should be available to assist countries whose current legislation is insufficient to implement the Convention and also to help countries to fill the gaps found in their legislation and other implementing measures;
- guidance in the area of development of the flag State inspection and certification system will be required for all countries, with special attention given to countries that lack capacity and where inspection systems are insufficiently advanced; under the Conference resolution referred to above, priority is to be given, through tripartite meetings of experts, to developing suitable guidance for flag State inspection; such guidance could take the form of guidelines and training materials for inspectors and other staff;
- as a result of some initial donor support the Director-General has already been able to begin the preparatory work for developing guidelines for port State control officers as rec-

ommended in the resolution, and the Office will utilize the technical expertise of the IMO in this area, as well as the experience of other relevant bodies, in particular those of the MOUs on port State control;

- arrangements must be made to exploit the expertise already developed by many constituents, allowing it to be shared by other constituents; the arrangements will allow exchanges of information, especially in the above areas, through national and regional seminars, as well as workshops, on the Convention;
- high-level tripartite missions will visit countries whose ratification of the Convention is identified as strategically significant either because of the extent of their maritime interest or, for example, because they are key regional leaders that can more rapidly ratify than other countries in a region and will then later cooperate in assisting other countries in the region to move to ratify the Convention; the missions would draw the attention of the authorities to the advantages of ratification and provide clarifications concerning the special features of the Convention;
- knowledge tools, such as “how to” manuals and electronic presentations, should be developed by the Office in cooperation with shipowners’ and seafarers’ organizations and interested governments; these tools would summarize and address application issues relating to the responsibilities of governments and shipowners under the Convention as well as the procedures available to seafarers.

3. Assistance for implementation (to enable rapid ratification)

As noted above, the activities related to national-level implementation and promoting rapid ratification are interrelated. Although the primary focus of this action plan is on achieving widespread and rapid ratification, in order to be in a position to ratify the MLC, 2006, most countries will need to assess their ability to implement the Convention and identify where gaps exist in their legal or institutional capacities. Some countries will need individual assistance in the legislative or operational areas. The Office must be in a position to respond promptly to constituents’ requests in this respect, either directly through missions to the

countries concerned, or through referral to other countries that can provide the required assistance. The Office will need to establish an interactive web site to which queries concerning the Convention and requests for specific information and other assistance can be addressed. Information will need to be provided to countries concerning the steps to be taken, or ways to address problems encountered, with a view to ratification. The Office will also make arrangements for other focal points at regional or subregional levels. In addition to developing the informational and the “how to” constituent tools and resources discussed above at point 2, a major effort will be required to begin to train flag State ship inspectors (and relevant personnel in the recognized organizations that are authorized to carry out inspections on behalf of flag States). Training materials in relevant languages will need to be prepared to enable national and regional authorities to train staff as independently of the Office as possible.

III. Action plan goals and objectives

Primary goals of the action plan

- To help ensure rapid entry into force of the Convention and widespread ratification by countries with major maritime interests and, in particular, flag States and port States.
- To lay a firm foundation for ensuring effective national implementation and enforcement of the Convention by ratifying countries and, consequently, achieve the objectives of the MLC, 2006, namely:
 - achievement, both in law and in practice, of decent working and living conditions for seafarers worldwide;
 - a level playing field for governments and shipowners worldwide with respect to seafarers’ working and living conditions, ensuring fair competition through the marginalization and elimination of exploitative and substandard operations in the maritime sector;
 - greater integration of maritime labour requirements in the existing regional systems for port State control and

the expansion and strengthening of the international maritime regulatory system through increased participation and linkages to the supervisory process of the ILO and other concerned organizations.

Strategic goals of the action plan

- End of 2006: development of a promotional package of knowledge tools and resources, including the dedicated MLC, 2006, ILO web site.
- End of 2007: at least ten ratifications of the Convention or coverage of at least 15 per cent of world gross tonnage.
- Early 2008: complete the development and adoption of international guidelines for port State control.
- Late 2008: development and adoption of guidelines for flag State inspections.
- 2009: development of the training materials for the flag State and port State control guidelines; at least 24 ratifications or coverage of at least 24 per cent of world gross tonnage.
- 2010: complete development of the ILO database to record country reports on flexibility determinations and to record problems and complaints arising in the context of port State inspections.
- 2011 (60 months): at least 30 ratifications with a total share of at least 33 per cent of world gross tonnage.
- Entry into force: 2012 (12 months after the relevant ratification).

Operational objective

The operational objective of this action plan is to promote and enable the ratification of the Convention by all countries with a maritime interest (flag States, port States and States supplying seafarers), through:

- promoting and facilitating sustainable tripartite constituent engagement and involvement in promoting the Convention;
- exchange of information via Internet between the countries concerned and the Office;
- the preparation and dissemination of targeted promotional and other materials and other resources on the Convention to maritime industry and to governments;
- providing rapid support, advice and guidance to assist countries to evaluate their ability to rapidly ratify and implement the MLC, 2006;
- developing implementation-related guidance and institutional cooperation and mechanisms related to an effective enforcement and compliance system;
- the holding of informational and promotional workshops in various regions and countries, participation of the Office and ILO constituents in appropriate forums, in order to elaborate an advocacy component regarding the importance of the instrument for the industry;
- assisting ILO Members, where necessary, to move to a position to ratify the Convention through technical cooperation and other advisory services;
- supporting the inspection services in maritime countries to optimize the implementation of the instrument.

IV. Indicators

The progress of the action plan will be measured in a number of different ways and, consistent with the multi-level and multi-partner approach, at different levels including:

- the number of countries ratifying the Convention and the weights of ratifications in terms of the country's share of world shipping tonnage;
- formal or informal communications by governments of decisions to ratify or to progress towards ratification (as re-

ported under the ILO Constitution within at least 18 months of the adoption of the MLC, 2006);

- the development and adoption of national legislation necessary for ratification;
- the tabling of national legislation necessary for ratification;
- number of countries seeking assistance with reviewing legislation or inspection infrastructures or other national institutions with a view to possible ratification;
- communication by governments of decisions to take steps towards ratification;
- requests by governments for assistance to enable ratification;
- indications of satisfaction – or dissatisfaction – with responses to requests for assistance to enable ratification;
- requests from national authorities for legal opinions or operational advice necessary for ratification or similar indications of steps towards ratification;
- agreement on guidelines for port State control and flag State inspections;
- use by port States and other authorities of the international databases to be established (number of accesses to communicate information or to receive information).

V. Detailed description of action plan activities

First two years (0–24 months) of the action plan

- establishment of the tripartite advisory committee referred to in section II above (see “Tripartite partnerships in the action plan”);
- creation by the ILO of a dedicated interactive MLC, 2006, web site:

- (a) to receive and provide information concerning progress in ratification of the Convention and any problems encountered;
- (b) to provide a prompt response to requests for legal opinions or other information concerning the Convention and to inquiries concerning the assistance available;
- (c) to receive requests for assistance with respect to implementation of the Convention;
- (d) to provide extracts from the preparatory work, including:
 - (i) explanations of Convention provisions including relevant passages from Report I(1A), relevant parts of the PTMC reports and other relevant preparatory work;
 - (ii) legal opinions provided during the preparatory work;
 - (iii) the report of the Committee of the Whole of the International Labour Conference;
- placing promotion of the MLC, 2006, on the agenda of international meetings involving the major players in the maritime industry, including the relevant government ministries, shipowners' and seafarers' organizations, charterers, insurers, banks, ship classification societies, ship managers, and protection and indemnity (P&I) clubs and their respective organizations;
- placing promotion of the MLC, 2006, on the agenda of regional meetings, organized or supported by the Office in cooperation with member States with broad tripartite participation, ISF and ITF and regional or subregional organizations, to promote ratification and implementation of the Convention;
- visits by high-level tripartite missions to key countries, especially those whose national labour departments may not be familiar with the maritime sector and the certification approach adopted in the Convention; the advisory

committee referred to above would be consulted on the composition of the teams and on the countries to be selected by reference to the importance attached to their ratifying the Convention;

- development of general information and promotional materials, including multimedia tools directed to governments, seafarers and shipowners, in particular a brochure, based on the standard ILO brochure, for wide distribution;
- tripartite meetings of experts to draft international guidelines for port State inspectors;
- tripartite meetings of experts on guidelines for flag State inspection and certification system;
- general needs assessments, for specific regions and countries, with respect to possible legislative, infrastructural and training needs in order to be in a position to ratify the Convention, with emphasis on the possibilities of international cooperation to meet those needs;
- assistance to individual governments or subregions upon request to carry out legislative reviews to determine areas of adjustment that may be needed to ratify the Convention;
- measures to encourage countries to establish tripartite national advisory committees to formulate advice on the preparation/revision of legislation covering seafarers;
- assistance to individual governments or subregions upon request to review their capacity to implement the certification and inspection systems required by the Convention;
- involvement of the regional port State control MOUs in the relevant activities of the action plan, such as the preparation of guidelines on inspection and the provision of training on the inspection of ships;
- participation of the ILO in relevant meetings of international bodies, such as the relevant IMO committees, port State control MOU committees and meetings of the recognized organizations (ship classification societies);

- first steps towards the development by the ILO, in cooperation with relevant international bodies, particularly the IMO and the port State control MOU secretariats, of a database to provide information on problems coming to light as a result of port State inspections and seafarers' labour complaints as well as exploring ILO access to the recently adopted IMO flag State voluntary audit system.

Third and fourth years (24–48 months) of the action plan

- continuation of the activities begun in the first two years, including regional and international promotional activities to encourage ratification and to respond to any difficulties that may have been noted particularly in ILO Members' reports under article 19 of the ILO Constitution on action taken with a view to ratification;
- workshops and the provision of experts or training, if requested, for regions, subregions or countries, in the light of the previously assessed needs, to support ratification and implementation of the Convention, with priority given to countries that have already ratified the Convention or are taking concrete steps for doing so;
- cooperation between the Office and key ILO Members, with a view to their providing assistance in response to the previously assessed needs, particularly in their regions or subregions;
- development of model implementing legislation or legal provisions;
- development of joint training materials and workshops in cooperation with IMO and port State control MOU secretariats and relevant private sector organizations with respect to training of personnel in the implementation of the port State control and flag State inspection and ship certification guidelines;
- assistance to States to identify funding sources for administrative costs needed to create and strengthen national capacity.

Fifth year (48–60 months) of the action plan

- evaluation by the action plan team and the advisory committee of the difficulties faced by ILO Members that have not been able to move to ratification;
- ongoing promotional activities with focus on targeted workshops and training sessions for ILO Members that have not ratified the Convention and Members that have ratified but need support for implementation;
- finalization of an international compliance/complaints database and additions to the web site referred to above, under “first two years”, of model documents and other tools that may assist implementation

VI. ILO institutional inputs

The action plan will be the responsibility of the International Labour Standards Department (NORMES) and the Sectoral Activities (Maritime Activities – MARIT) Branch. Experts in these two units will work together as a dedicated MLC, 2006, action plan team, under the guidance of the advisory committee. In addition to the ILO experts normally engaged in promotional, implementation and supervisory work in the sector that will be on this team, a full-time professional staff member will be specifically retained and assigned to serve the action plan programme. Short-term expert consultants and external collaborators drawn from the industry will also be required for ad hoc contributions in the preparation and delivery of the various activities, including the interactive Internet advisory service. The programme will also engage traditional and electronic communications experts and training centres within the existing ILO and other (IMO) maritime training units.

VII. Donor contributions

The ILO is seeking contributions from donors, particularly from countries and organizations with major maritime interests.

Separate agreements will be entered into with each donor covering specific components of the programme, the amount contributed and the relevant duration.

Programme funds will be managed in accordance with applicable ILO rules and procedures.

VIII. Monitoring and evaluation

The progress of the action plan will be regularly monitored and evaluated in accordance with standard ILO procedures. The findings and conclusions of the evaluation will be submitted to an independent review by the tripartite advisory committee, on which major donors will also be represented.

IX. Budget

The action plan has an estimated cost of US\$5,152,400. This is intended to meet the financial requirements for the full 60 months (five years) of action plan activities. Detailed budget information is available to donors considering support for the action plan, in general, or in relation to specific activities or phases or that are interested in providing other forms of technical cooperation support. As noted earlier, costs related to the annual meeting or other participation in the advisory committee, other than the cost related to external expert resources for the committee, will be the responsibility of the governments and the shipowners' and seafarers' organizations represented on the committee.

