



FACILITATION COMMITTEE
34th session
Agenda item 4

FAL 34/4/1
22 December 2006
Original: ENGLISH

ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION

Submitted by ICFTU, ISF, ICS, CLIA, INTERTANKO, INTERCARGO and BIMCO

SUMMARY

Executive summary: This document provides comments to the suggested amendments to the FAL Convention

Action to be taken: Paragraph 7

Related documents: FAL 33/19, resolutions A.930(22), A.931(22) and A.947(23)

Introduction

1 The Committee, at its thirty-third session, discussed a number of amendments to the FAL Convention, including adding a reference to visas in the Standard 2.6.1, covering the data which public authorities can require for inclusion in the Crew List. This proposed amendment was opposed by ISF, ICS, CLIA and ICFTU as well as by a number of Member States in plenary discussions (paragraph 3.22 of FAL 33/19 refers). In view of the concerns expressed, it was agreed (FAL 33/19, paragraph 3.27) that the Committee would note the draft amendments with a view to approval at this session and subsequent adoption at FAL 35.

2 The social partners within the shipping industry believe that this amendment should not be approved. To do so would establish a contradiction in the FAL Convention and other applicable international instruments, especially the Seafarers' Identity Documents Convention (Revised), 2003 (ILO Convention No. 185). It would also send a political message that requiring seafarers to hold a visa for the purpose of shore leave was accepted by the FAL Committee and the Organization. We believe that this would be prejudicial to the operation of the shipping industry and, given the fact that shipping carries 90% of world trade, to the global economy, as it would be a further impediment to the ability of the industry to attract and retain an adequate number of suitably qualified seafarers. In this regard, it should be recalled that there is a growing shortage of suitably qualified officers.

3 The shipping industry also considers that the adoption of such an amendment would be inconsistent with Assembly resolutions A.930(22)¹ and A.931(22)²; resolution 11 of the 2002 SOLAS Conference on Human element-related aspects and shore leave for seafarers,

¹ Resolutions A.930(22) on Guidelines on provision of financial security in case of abandonment of seafarers.

² Resolutions A.930(22) on Guidelines on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers.

which considered that, given the global nature of the shipping industry, seafarers need special protection; and Assembly resolution A.947(23) on the Human element vision, principles and goals for the Organization. It is also clear, from the record of discussions at the last session that the human element implications of such a decision were not considered.

4 Standard 3.45 of the FAL Convention provides that:

“Crew members shall not be required to hold a visa for the purpose of shore leave.”

5 Similarly, the facilitation of shore leave provisions contained in article 6 (6) of ILO Convention No. 185 (the Seafarers’ Identity Documents Convention (Revised), 2003) provides:

“For the purpose of shore leave seafarers shall not be required to hold a visa. Any Member which is not in a position to fully implement this requirement shall ensure that its laws and regulations or practice provide arrangements that are substantially equivalent.”

ILO Convention No. 185 was introduced to facilitate security arrangements for seafarers and there is a real concern that the proposal in this paper is in contradiction to the intention of ILO Convention No. 185.

6 The BIMCO/ISF Manpower 2005 Update suggests that there was a 2.1% deficit in officers in 2005 and that this was likely to increase to 5.9% by 2015. The study also pointed to the growing age profile of senior officers and the high wastage rate. It is likely that the new maritime security regime could have an adverse impact on seafarers and that it could further exacerbate the growing skills shortage.

Action requested of the Committee

7 The Committee is invited to consider this document and to note the concerns that have been expressed by the shipping industry.
