

Governing Body - 343rd Session, November 2021  
Legal Issues and International Labour Standards Section  
Legal Issues Segment  
Workers' Group Comments  
Document for Ballot by Correspondence

GB.343/LILS/4

The Workers group welcomes the results of another successful and productive meeting of the STC and the high participation despite the virtual format. We would like to thank Ms Julie Carlton for her report and for her efficient chairmanship of the STC and welcomes Mr Marini as a new chairperson for a three year period (2021–24).

The workers group welcomes the outcomes of the review of the remaining 39 instruments, while emphasizing once again that any abrogation/withdrawal of outdated instruments should be accompanied by an active promotion of the ratification of the MLC and C188. In that regard, we request the Office to implement as a matter of priority the promotional initiatives in relation to those Member States (referred to in the decision point) which are still bound by the outdated conventions that will be placed for abrogation /withdrawal. The Workers Group also calls upon the Office to continue working with member states bound by the MLC and C188 to ensure their application to non-metropolitan territories.

The workers group supports the follow up recommended in relation to the 2 conventions not revised by the MLC (namely C108 (revised by C185) and C71) and hope the Meeting of Experts on C71 on seafarer's pension will also pave the way for future ILO action.

The Workers Group thanks the Office for the information on the follow up given to the two resolutions adopted by the GB in June 2021 and calls upon Member States to give effect to those resolutions and as a matter of priority step up their efforts regarding repatriation of seafarers, their shore leave and vaccination and their access to medical care ashore, so as to solve the crisis faced by the maritime sector which is having impacts not only on seafarers lives, but on the global supply chains.

We reiterate that urgent measures should be take to address the situation of a large number of seafarers in need of immediate attention who are denied access to medical facilities on shore, as well as to address the situation of those seafarers facing difficulties in being repatriated or joining their vessels to take up employment.

Lastly, recalling the urgent need for enhanced collaboration between the ILO and the IMO on a issues such as abandonment of seafarers - which has increased during the pandemic - , the fair treatment for seafarers detained on suspicion of committing maritime crimes.

**Governing Body 343rd Session (Nov. 2021)**

**Report of the fourth meeting (Part I) of the Special Tripartite Committee established under the Maritime Labor Convention, 2006, as amended (19–23 April 2021)**

**LILS/4**

**U.S. Government Statement**

1. The United States notes the report of the fourth meeting of the Special Tripartite Committee (STC) of the Maritime Labor Committee (MLC), 2006, which convened virtually in April 2021. The report includes several recommendations, including the possible abrogation or withdrawal of several maritime labor instruments.
2. We agree with the STC's substantive findings with respect to the instruments that they no longer reflect current practices and conceptions and for that reason are appropriate as candidates for consideration for abrogation or withdrawal. At the same time, it is our view that only states parties to a convention can abrogate it.
3. We note that the ILO has explained its view that the "abrogation" of a Convention within the meaning of Article 19, paragraph 9 of the ILO Constitution entails only the end of the role of the ILO in supporting the implementation of the Convention and not the termination of the Convention itself or of the rights and obligations the Convention establishes among the states that are parties to it.
4. Accordingly, we affirm that any action taken by the ILO to abrogate particular conventions will not affect the legal status of those conventions as among the states that are parties to them.
5. With that in mind, we can support the point for decision.