

The IMO-ILO conventions, which side are we?

Change.. change.. change... that is the craze around the world today. One can see changes in economy, politics, technology, fashion, design, methodology, rules and many more! Yes, after doing all things the only thing that remains to be done is change. In the Maritime world we also see big changes coming. These changes can mean success and failure depending on which side one stands.

To quote IMO Secretary-General Efthimios E. Mitropoulos on IMO revised STCW Convention and Code, he said *"Our vision of the revised Convention and Code has always been that the two instruments would provide, at any given time, the necessary global standards for the training and certification of seafarers to operate technologically advanced ships today and in the foreseeable future.."* -

On the other hand, the aim of ILO – Maritime Labor Convention 2006 (MLC 2006) is to establish a new pillar of international legislation for the shipping industry. We are aware that the core mandate of the ILO is to promote decent working and living conditions for workers.

The combined effect of these IMO and ILO conventions and codes is to make the ship a safer and better place to live. For ship owners they want that this change would mean a lesser cost that will bring faster return on their investments and more profit. While seafarers hope that this change would mean a higher pay and more conducive working conditions. Notice the conflicting points of these aspirations between ship owners and seafarers; troubling times ahead is inevitable unless harmoniously resolved. We see a gap in the international legal regime addressing liability and compensation regarding claims for death, personal injury and abandonment of seafarers.

As it is in any setting, whenever change is applied there will always be a negating force trying to undermine the change and remain in their respective comfort zones. We have seen that in the “close-open” implementation of our long awaited PRC WES (walk-in examination system) which was funded by the Philippine government in cooperation with private groups supposed to improve the delivery of our seafarers’ professional licenses and certificates. Sadly, those who benefited from the chaotic and vulnerable licensure and certification methods of the past remain unswerving. Paid lobby groups are abound trying to customize the rules in their favor or prevent its implementation if opportunities come their way; we call this scheme democracy in-action. With the advent of the revised STCW Convention and Code we expect orderliness, compliance, and harmony to be fully put in place not only for the country but for the whole world.

The success of the revised IMO-STCW convention and the ILO-MLC 2006 convention depends upon its being widely ratified by contracting parties in addition to the effective implementation of its requirements. The way it looks, in not too distant future, Port State control officers are keen on implementing the rules guided by “no more favorable treatment” policy. The good thing about laws coming from IMO and ILO is that they

provide technical cooperation to strengthen the capacities of the national administration responsible for the maritime.

Filipino seafarers can be considered the most “obedient” type of seafarer on the planet. They follow orders without complain, like the local requirements for training that has no legal basis, to the point that they spend all the money they have and wait early dawn in the front doors of government offices. While we salute our seafarers and call them the “modern heroes” let us not wait the time until they got sick, exhausted and demoralized. Like a virgin forest abused by illegal loggers, our seafarers may soon disappear without willing replacements. Protection from the family of nations is one option that will ensure the continuity of their living a marine life. Imagine a world without dedicated seafarers to run ships.