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Introduction

On February 23, 2006, the Maritime Labour Convention, 2006² (MLC, 2006), comprising more than 100 pages of text, was adopted by the 94th (Maritime) Session of the International Labour Conference³ (ILC) of the

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¹ Dr. Juan Somavia, Director-General of the International Labour Office, International Labour Organization (ILO), speech after the vote to adopt the Convention by the International Labour Conference, 94th (Maritime) Session, Ninth Sitting, Provisional Record No. 17 (Geneva: ILC, 23 February 2006), p. 9.


³ 7–23 February 2006, Geneva. This was also the 10th Maritime Session of the ILO since 1920. For the complete Conference documents see <www.ilo.org/global/What_we_do/Officialmeetings/ilc/ILCSessions/94thSession/lang--en/index.htm>.
International Labour Organization (ILO) by a record vote\textsuperscript{4} of 314 in favour, none against, and two\textsuperscript{5} abstentions for reasons unrelated to the substance of the Convention. This show of tripartite support and the relative dearth of amendments\textsuperscript{6} submitted to the final text proposed by the International Labour Office\textsuperscript{7} for such a comprehensive and complex convention was almost unprecedented in ILO history. This situation is even more remarkable when one considers the fact that the MLC, 2006:

- adopts an entirely new format for ILO conventions;
- brings in a new approach to the updating/amendment of ILO conventions;\textsuperscript{8}

\textsuperscript{4} Under the Constitution of the International Labour Organisation the “State” (the “Member”) is conceived of as a tripartite entity comprising workers, employers and government. Although only governments can ratify conventions (and be held accountable in international law), all three vote on the adoption of international legal instruments using a weighted voting formula. The 314 vote in favour reflects the fact that 106 countries that are Members of the ILO attended the three-week Conference and that tripartite support was obtained in 104 Members. The ILO Constitution is available at <www.ilo.org/ilolex/english/constq.htm>.

\textsuperscript{5} The government representatives of two ILO Members, the Bolivarian Republic of Venezuela and Lebanon (4 votes) abstained for reasons unrelated to the substance of the Convention. The government representatives of Venezuela abstained for reasons relating to its views on the reference in the Preamble of the MLC, 2006 to the 1982 United Nations Convention on the Law of the Sea but placed on record its support for the substance of the Convention: see Provisional Record No. 17, supra note 1, at pp. 1–2. The representatives of Lebanon also abstained and placed on record its support for the Convention but felt it could not vote in favour because of its lack financial capacity to implement Conventions: see Provisional Record No. 17, supra note 1, at p. 2.

\textsuperscript{6} In total, 115 amendments, of which 57 were adopted either as proposed or subamended, International Labour Conference, 94th (Maritime) Session, Eighth Sitting, Provisional Record No. 16 (Geneva: ILC, 22 February 2006), p. 3. Of these, a number related to areas, such as the formula for coming into force and amendment of the MLC, 2006 and its Code, that had been specifically left to be determined at the Conference. See Tripartite Intersessional Meeting on the Follow-up to the Preparatory Technical Maritime Conference, Geneva, 21–27 April 2005, Report PTMC2005/23, paras 48–58.
