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Labor and Social Rights of Seafarers in OSCE Region: Threats and Cooperation

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Dear ladies and gentlemen! Let me represent position of our trade union to problem of seafarers` right in OSCE region.

Today the defense of labor and social rights of seafarers in terms of total globalization of the world trade navigation is a common task for states in the OSCE region. Problems with nondiscrimination of seafarers, effective state guarantees of their rights, compensation practices and problems with implementation of the modern ILO international legal standards of seafarers` rights (such as MLC-2006) demand for intensive cooperation in OSCE region.

Ukraine as the fourth country in world by seafarer officers personnel quantity, that donates the seafarers labor to the global market, during its Chairmanship in OSCE in 2013 must initiate the coherent OSCE activities and lead the process of cooperation in this area.

So the main question is: are the problems of seafarers` rights the part of OSCE mandate, may they be watched as a part of the “third basket” and begin to be developed in ODIHR activities. We answer positively and have such reasons for it.

The ODIHR mandate foresees the "ensuring full respect for human rights and fundamental freedoms”, and “ promoting tolerance throughout society”. So the labor and social rights of seafarers, their right to organize themselves, right do have access to justice and more, common culture and personal rights are the part of human right institution.

More, seafarers now are the group of population that is being discriminated on their nationality. If we`ll see the examples of choosing justice for Ukrainian seafarers in Spain, Greece, the problems of struggle against Ukrainian sea labor in Great Britain (such as RMT union case), the EU resolutions that make quota for non-EU seafarers on vessels as with EU`s

flags so operated by EU ship-owners or crew companies – we will see the strict discrimination of Ukrainian seafarers.

The same problems in other countries have Georgian, Russian, Turkish seafarers. This is caused by internationalization of world shipping, when the international and multinational crews, collected with Asian, European, African seafarers, operated by European and American companies, using the suitable flags of Malta, Cyprus, Moldova, Liberia, Panama etc. – work worldwide. Such labor migration is non-usual as, first of all, it is the duty part of modern economy (multinational crews now transfer by seas the 90 % of all cargo transfers in our world). Such part of world trade is carried on ships seafarers are essential to international trade and the international economic and trade system. Second, such migration in common is not connected with long-term migrants` patriation in a countries of labor – because the today cargo vessel is abroad territory but not the foreign country.

Such migration gives the huge investments to the country of seafarers` origin as the seafarers` families do not migrate with seafarers and are granted by them in national countries. For example the volume of such strict investments to Ukraine by its abroad seafarers is approximately 2-3 milliards of USD per year.

And other question is geographic as OSCE in a regional organization. Why the ODIHR must include the seafarers` problems in its mandate if there exists such UN structures as ILO and IMO? To answer this question we must analyze the origin of ships and people in modern maritime economy. Huge part of world ship-owners and operators are concentrated in states of Western Europe, USA and Canada.

The countries that donate the labor power to the global shipping today represent as traditional maritime states of Western Europe, so, and the most of all – the post-socialistic states with a huge maritime tradition and shorted national merchant fleets. This countries are Ukraine, Russian Federation, Turkey, Romania, Bulgaria, Latvia etc. For example, about 80-100 thousands of Ukrainian citizens now work as seafarers in international crews abroad on vessels with suitable flags.

And, of course, ILO pays the attention to the seafarers` problems, but, first of all in a context of aid to developing countries of Asia, Africa, Oceania and Caribbean, not to the “developed” East-European countries. This situation exacerbated after adoption in 2006 the Maritime Labor Convention (MLC-2006).

The MLC-2006 provides comprehensive rights and protection at work for the seafarers. The Convention aims to achieve both decent work for seafarers and secure economic interests in fair competition for quality ship-owners. The new labor standard consolidates and updates

more than 68 international labor standards related to the Maritime sector adopted over the last 80 years.

The Convention sets out seafarers' rights to decent conditions of work on a wide range of subjects, and aims to be globally applicable, easily understandable, readily updatable and uniformly enforced. It has been designed to become a global instrument known as the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO). The MLC-2006 will be in power since August, 2013.

Today the 31 countries ratified MLC and 15 among them are OSCE countries - Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Denmark, Latvia, Luxembourg, Netherlands, Norway, Poland, Russian Federation, Spain, Sweden, Switzerland.

Other OSCE countries are in process of preparing to its ratification and some OSCE countries encountered with a huge problems in reconstruction the national procedures of seafarers` recruitment and placement, creation the modern mechanisms of defending the own seafarers` rights abroad and of a vessels with a suitable flag, aiding for seafarers` resocialisation and cooperation with seafarers` trade unions, as national so international ones.

As we mentioned in 2006-2012 there were quite any technical aid from ILO to the OSCE region countries for achieving those targets. So our union is proposing to ODIHR OSCE, any other interested OSCE institutions, national governments, NGO of OSCE region to cooperate in a way of establishing the modern standards of seafarers` right such as MLC-2006, to struggle against violation the common, labor and social rights of seafarers and to struggle and prevent the seafarers` discrimination in OSCE region.

For helping us in generalization of proposals please watch the followed questionnaire and point Your opinion on key points of seafarers` problems in OSCE region, point Your view on main threats for seafarers and chose the possible tasks and actions for OSCE in this area.

Thank You for cooperation!