

Third United Nations Conference on the Law of the Sea

1973-1982

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Note dated 20 August 1979 from the International Labour Organisation

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tions, or personnel from member States, particularly from developing countries.

55. The training responsibilities of the contractor could be largely or exclusively fulfilled through an institute, giving the Enterprise the opportunity of indicating its needs and the institute the responsibility of co-ordinating the training programmes offered by the contractor with those of the Enterprise.

56. The institute could also become involved in certain research activities and in information exchange to the extent that training relates to such activities. Its information responsibilities might also encompass such activities as the development of marine-oriented curricula and registers of appropriate institutions, in co-operation with similar programmes presently undertaken in the United Nations system.

57. There are a number of training institutes of various kinds in the United Nations system ranging from the United Nations University and the United Nations Institute for Training and Research to the International Labour Organisation training centre at Turin and to training institutes sponsored or co-sponsored by members of the United Nations system. The structure and mandate of such institutes may be usefully examined as well as the steps taken for their establishment. Particular attention would also need to be given in this exercise to the regional centres that may be established

in conformity with the provisions of the informal composite negotiating text and their working relationship with such a training institute.

Implications of an assessment of training needs, existing opportunities and programme development needs

58. Mentioned frequently in this paper are the functions of the Authority with respect to training, whereas the request of the Chairman of the First Committee and the subsequent suggestion of the delegation of the United Kingdom to establish a voluntary fund for training relate to the period prior to the entry into force of the convention, thus presupposing a training programme initiated and supported by the United Nations itself. Reference must be made, consequently, to the mandate given in General Assembly resolution 3067 (XXVIII) which established a secretariat to service the Conference on the Law of the Sea. The secretariat has drawn extensively on the expertise available in other offices of the United Nations. However, in the case of the present request, wide co-operation will be required from many components of the United Nations system, from other intergovernmental organizations, from Governments and from national and regional institutions, in order to collect and evaluate the information required and to formulate and implement a programme. Such an undertaking would carry financial implications from the initial stage.

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1. The first revised version of the informal composite negotiating text of the Third United Nations Conference on the Law of the Sea (A/CONF.62/WP.10/Rev.1) envisages the establishment of the International Sea-Bed Authority and its Enterprise which will be responsible for exploration, exploitation, transport, processing and marketing of the mineral resources of the sea-bed. The activities of this Authority shall be carried out by its Enterprise and/or by member States or nationals or other legal entities within member States.

2. When the activities are carried out by member States (or their nationals or legal entities), the labour law applying to the personnel employed by them will presumably be that of the State of the flag flown by the ships, vehicles and installations in which they are working. However, as regards ships, vehicles and installations belonging to the Authority or its Enterprise (or in any case not under a national flag), the labour and social conditions, as well as the safety standards, applicable to the personnel employed are not governed by any provisions of the negotiating text. Without excluding the possibility that the personnel working in ships, vehicles and installations operating under a national flag be covered by general uniform provisions, it seems that, as far as the personnel working under the flag of the Authority are concerned, there is a lacuna in the text which should be filled.

3. This point has already been raised by the Portuguese delegation and others, and it is suggested that some provisions could be included in the text drawing attention to the

need for regulations (if the Authority will have the power to create a system of laws and regulations), or standard employment contracts (if it is envisaged that there will be such contracts creating a legal framework), which would take into account the relevant conventions and recommendations of the International Labour Organisation (ILO).

4. It is recalled that ILO conventions and recommendations are adopted, with a two-thirds majority, by the International Labour Conference, at which each country is represented by two government representatives, one employer representative and one worker representative. The adoption of the convention is preceded by a long consultation procedure and a double discussion at two different sessions of the Conference. Therefore, while conventions are legally binding only upon ratifying States and recommendations are always advisory, the manner of their framing gives them an international moral authority appropriate to inspire the determination of the labour and social conditions of the personnel employed by the Authority or the Enterprise.

5. The International Labour Office is studying the existing international labour conventions, with a view to determining which ones could be considered both relevant and applicable to "off-shore" installations. From the studies so far made, it would appear that problems of safety and health, conditions of work (hours of work, minimum age, night work, holidays with pay), migrant workers, freedom of association, the right to organize and the right to collective bargaining, discrimination in employment and occupation, minimum standards in merchant shipping, social security and training could be covered by provisions inspired by ILO conventions. ILO is available to help in drafting such provisions.

* Circulated at the request of the International Labour Organisation.