



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## MLC Not Well Enforced

New research from Seafarers' Rights International (SRI), the international pan-industry body researching maritime and seafarers' law, concludes that the Maritime Labour Convention (MLC) is not being strictly and evenly enforced on a global basis.

The findings identify substantial achievements in the enforcement of the MLC, but also significant gaps. The research has adopted a unique approach of evaluating the involvement of a wide range of stakeholders and role players in the convention. It also presents a table of indicators that assesses the enforcement of the MLC by individual states.

Taking the findings as a whole and aggregating all regions of the world, it is approximated that implementation and enforcement of the MLC is achieving a success rate of around 65%.

SRI executive director Deirdre Fitzpatrick says such findings "challenge any complacency about the MLC working efficiently and uniformly around the world".

"The high level of ratifications and the high percentage of coverage of world tonnage could lead to the view that the MLC is widely effective around the world," says Ms Fitzpatrick.

"But the research shows a different reality and points to where more efforts are needed to address the gaps in the effectiveness of the MLC. The MLC has not yet achieved a single international level playing field."

When the MLC was unanimously adopted by the 94th (Maritime) Session of the International Law Commission in Geneva in February 2006, it was variously described as "an extraordinary accomplishment", "a truly historic event", "epoch-making" and "without precedent".

Ms Fitzpatrick says the research found that the significance of the MLC as a living instrument must also be seen in the changing maritime environment and intrinsically linked with other international conventions and changes that are being seen in the shipping industry, including:

- Maritime Autonomous Surface Ships (MASS)
- environmental, social and governance (ESG)
- climate change

"Some of the barriers to a level playing field appear to be lack of resources and expertise to implement and enforce the convention strictly and evenly by all states around the world.

"States ratify the convention but there are cases where the states then do not implement the provisions of the MLC into their national laws and practices, or they do not report their compliance to the International Labour Organization.

"It is an ongoing task to build capacity and awareness leading to compliance for a more effective MLC around the world."

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