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WORLD MARITIME UNIVERSITY
Malmö, Sweden

**THE IVORIAN SEAFARER'S SOCIAL
SECURITY SYSTEM AND THE MARITIME
LABOUR CONVENTION, 2006**

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Côte D'Ivoire

A dissertation submitted to the World Maritime University in partial
fulfilment of the requirements for the reward of the degree of

MASTER OF SCIENCE
in
MARITIME AFFAIRS

(MARITIME SAFETY AND ENVIRONMENTAL ADMINISTRATION)

2022

Declaration

I promise that all of the content in this dissertation that I did not write is acknowledge and none of the material for which I have a degree is included.

The views expressed in this dissertation are my own and are not necessarily endorsed by the university.

(Signature):

(Date): **20 September 2022**

Supervised by: Dr MAX MEJIA

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Abstract

Title of Dissertation: **The Ivorian Seafarer's Social Security System and the Maritime Labour Convention, 2006**

Degree: **Master of Science (MSc)**

This Master's degree dissertation is a study on the Ivorian seafarer's social security system and the Maritime Labour Convention, 2006. This paper highlights the Ivorian social security system rule in general to see the provision reserved to the seafarer, through a comparison with the MLC,2006 (regulation 4.5 and 5.3), analyse the existing gaps and gives recommendations to improve the situation. As seafarers, the motivation behind this topic is the difficulties faced by Ivorian seafarers after retirement or disability without a lifetime social protection leaving them and their families in a complete precarity condition as if they had never worked before, knowing that the work transition from sea to shore is complex.

Cote d'Ivoire is a labour supply country with a great institution which organized seafaring training through the government authority, but after the training period, seafarers are simply left by the government without any social security plan like in the past when owning ships. Also, the department in charge of seafarer protection is far from reality with a very limited inspection schedule for seafarers' employers. Although Cote d'Ivoire just ratified the MLC,2006 convention in January 2022 which mainly deals with seafarer social security, some efforts have been tried to be in line with the international labour standards for Ivorian seafarers.

However, gaps are still pending and much effort is necessary to provide a minimum lifetime pension to the seafarer and their families. Therefore, it is vital to display the Ivorian social security plan, highlight the seafarer's social regulation in the MLC,2006 and compare it to see what exist for seafarer and then find the countermeasure.

KEYWORDS: MLC,2006, seafarers, social security, Labour supply country, lifetime pension, Flag State, Cote d'Ivoire.

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List of Abbreviations

APA: Autonomous Port of Abidjan

CI: Cote d'Ivoire

CIPRES: International Conference on Social Welfare

FSC: Flag State Control

ILO: International Labour Organization

IMC: Ivorian Maritime Code

IMO: International Maritime Organization

ISSA: International Social Security Association

ITF: International Transport Workers Federation

MARAD: Maritime Administration

MLC: Maritime Labour Convention

MOT : Ministry of Transport

MSA: Maritime Safety Administration

MPF: Military Provident Fund

NPPF: National Police Providence Fund

NHIF: National Health Insurance Fund

PAE: Public Administration Establishment

PMAD : Port and Maritime Affairs Directorate

SYNAMM-CI/NUMS-CI: National Union of Merchant Seafarers of Cote d'Ivoire

UN: United Nation

UNCTAD: United Nation on Trade and Development

UNESCO: United Nation Educational Scientific and Cultural Organization

Chapter 1 Introduction

1.1. Background and problem statement

Seafarer social security is oftentimes not a priority in some various areas of the world, particularly in the developing countries where national economy is not at its utmost and where sea blindness is at the footstep of stakeholders. In the past, Cote d'Ivoire was owning ships flying its flags, so seafarer at that time was recruited, sent abroad for their maritime studies, and directly integrated into national social security which was very pleasant. Unfortunately, the national company has collapsed destroying the good social conditions in place. Since those days, Cote d'Ivoire has become only a supply labour country with a great international maritime institution which trains merchant seafarer without any social security while working. As the country is no longer owning ships, foreign manning agencies externally hired seafarers, though in precarious employment, pretending to give good salary in place of social insurance coverage (Chen et al., 2021). This situation is very complicated putting Ivorian seafarers into continuous stress without a concrete solution.

Social security protection is one of the core elements of respectable employment condition for any worker and is defined as a public financial assistance system that takes effect in the event of permanent illness and/or disability, death, unemployment, pregnancy, or retirement (Jensen et al.,2013). However, seafarers due to the nature of their work and contract are most of the time marginalized when it comes to social security. Indeed, according to the ILO's world employment and social outlook for 2020, there are 3,3 billion employees globally, and seafarer make up a negligible portion of these people. Thus, the tiny size of the seafaring workforce and the absence of visibility tend to disregard seafarers' social rights.

Much of the current literature on seafarer social security highlights that the challenge is due to the complexity of seafaring activities which provide services onboard ships that navigate through different jurisdictions (Piñeiro, 2020). Additionally, according to International Maritime Health (2009), the challenges stem from the shift from an industry in which seafarers' nationality and the ships they worked on were the same to one in which ownership and crewing have grown more international.

Although some findings pointed out that the matter is especially difficult for workers who national boundaries, as they may be denied access to any national program (Taha et al., 2015). Indeed, a recent study on seafarers' social security in Europe explains how complicated the situation is and suggests that ship registration should no longer be the main focus for social security issues. Instead, the seafarer's country of residence should be the one constant in his or her life (Piñeiro,2020). Despite the shortcomings aforementioned, it is important to notice that working and living conditions in the merchant fleet have significantly improved during the latest decades but there are several areas where improvements are needed (Int Marit Health, 2013). In this vein, future research could focus more on seafarers' social security as they have been designated as key workers during the Covid-19 pandemic by IMO (IMO, 2020).

It is in this framework that this research topic has been chosen and the purpose is to study in detail the seafarer situation to light the lantern of public opinion and use it as support for policy-making in Cote d'Ivoire related to seafarers as no study has been done before and propose recommendations for the improvement of Ivorian seafarer social condition.

1.2. Research aims and objectives

This research aims to :

1. Highlight the situation in Cote d'Ivoire regarding social security rules in general, and who is admitted to the system;
2. Display the social security provision available for seafarers (focusing on medical care, unemployment injury benefit and retirement pension) in the country's existing social security plan, identify the gaps and propose solutions;
3. Investigate the potential role that can be played by the Ivorian maritime administration to assure social security coverage for Ivorian seafarers.

1.3. Research questions

1. How does the general social security system in Cote d'Ivoire operate?
2. How are seafarers covered by the existing social security system?
3. How should the maritime administration promote the social security protection of Ivorian seafarers under the MLC,2006?

1.4. Ethical Considerations

All external information required from interviews during the research have been approved by the WMU Research Ethics Committee. Such information would be discarded properly after the research, with all confidentiality maintained.

1.5. Limitations

The area is less researched and the availability of literature and data may be a limitation. Further, the study could be limited by the lack of cooperation of maritime authorities who could be suspicious of the initiative. They could refuse to give necessary information which is indispensable for the research. Furthermore, scarcity of data that may come from different maritime organizations because all information may not be recorded or digitalized.

1.6. Structure of dissertation

This dissertation consists of eight chapters and two appendices containing surveys and interview questions. Following the introductory chapter, the second chapter examines the relevant literature on seafarer social security. In chapter 3, the employed research approach is explicated in detail. The fourth chapter examines the international context of social security. The backdrop of the social security system in Côte d'Ivoire and the applicable provisions for sailors are discussed in Chapter 5. In Chapter 6, the potential role of the marine administration in guaranteeing social security for Ivorian seafarers is examined. Then, in chapter 7, the research findings are presented and discussed. Finally, chapter 6 summarize the work and gives recommendations.

1.7. Expected results

This research is expected to result in a ready source of information and references which will raise awareness of all concerned stakeholders and be used by Ivorian maritime authorities as standards applied to manning agencies.

Chapter 2 Literature review

2.1. Introduction

The social security of workers worldwide has been extensively researched and framed. This is how the international community started to regulate maritime employment centuries ago. Nevertheless, systematic efforts to regulate internationally seafarers' rights were absent until the end of the 19th and the beginning of the 20th centuries. This emptiness was filled by the ILO in 1919, which held special sessions on mariners' issues (Tsandis, 1992). Since its arrival, ILO has adopted various conventions, recommendations and resolutions, which have become part of various national legislation, related to maritime labour and offering the legal framework for minimum working and living standards (Delos Santos, 2008). However, research on seafarers' social security is a rare topic and no previous epidemiological studies of coverage among seafarers have been conducted (Int Marit Health 2013; 64, 1: 30–35) because qualified as too complicated.

Recently, the COVID-19 pandemic has exposed the vulnerability of those who are insufficiently covered by social protection revealing the precarity condition under which seafarers are working. From this situation, stakeholders have started to put seafarers' access to social security on the radar.

Thus, the international social security review (Vol. 73, No. 4) published an open access article by Laura Carballo Piñeiro entitled “Implementation challenges for seafarers' social security protection: The case of the European Union”. The author brings to light the implementation challenges related to seafarer social security in the EU and the advantages of the residence principle in terms of administrative efficiency and effectiveness.

Further, when the seafarer's social security challenges were unknown, an empirical case study has been carried out on the Greek seafarer social security system and confirmed the aforementioned challenges. In fact, according to the study, when it comes to the welfare of Greek seafarers, the social security policy that governs is associated with actions that are not beneficial. For instance, if a seafarer works on a vessel that is foreign-flagged or owned, he is responsible for contributing to both his employer's and his pension plans and this pension is insufficient to pay the costs of living a respectable life for them after retirement.

Furthermore, China, among the most important seamen supplying nations with international shipping (China MSA,2016), provides a social security system with extremely inadequate protection for seafarers (Dong,2016). According to Dong (2016) when the social insurance law was drafted, the unique characteristics of seafarers, which distinguish them from land-based workers, were not taken into account. As a result, it cannot offer Chinese seamen additional protection.

Also, a study carried out on Egypt seafarer reveal that, the national social security system does not cover any of the Egyptian sailors who work on ships owned by private company. But 20% of them are covered by an Age Benefit System set up by their companies. It shows that the system in place is still inadequate for seafarers (Hafez, 1999).

In Cote d'Ivoire, no research regarding seafarer social security has been carried out previously for assessment. Therefore, the current research on the social security of seafarers in Cote d'Ivoire will rely on foreign literature.

This section of the work defines social security and provides a foundational understanding of the concept and the necessity for social security in the maritime industry.

2.2. Definition of Social security

Although the term "social security" is generally associated with income support and welfare services, the concept is differently viewed both as a system and as a concept. In this regard, social security can be understood in a variety of ways.

According to the ILO (2010), social security can be defined as the protection that society provides to individuals and households to ensure access to health care and guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or death. It's a system that provides help and compensation for people when they are facing aforesaid difficulties.

Over time, social security has changed and its practices vary greatly across the globe. So, ILO continues by saying that, social security is when the government takes steps to make sure that everyone who needs protection has a basic income. This is done to prevent people from falling into poverty and financial ruin by replacing the income that has been lost or cut because of things like health care, illness, unemployment, old age, workplace accidents, maternity, invalidity, disability, and an accident.

Consequently, based on the aforesaid definition, social security refers to a set of methods for protection and prevention that enable people to be assisted when they are confronted with various situations having a financial impact. It is the promise that people will always have access to the resources they need to meet their needs, no matter the situation.

2.3. The Concept of social security

The concept of social security has slowly continued to develop. Indeed, in primitive societies, mankind struggled against insecurity and the necessities of today's life. Late on, community living emerged, prompting decision makers to offer suitable social measures for the vulnerable (ILO,2014).

Thus, social security is considered a basic human right recognized by the International Labour Organization Convention of 1944 and United Nations protocols. This concept is supported by Devereaux and Sabates-Wheeler (2004), arguing that social security is a fundamental human right that people should experience during their most difficult transitions. For the author, the primary purpose is to secure people so they do not fall below the poverty line.

Walker (2005) adds saying that the issue of social security is not only about policy and management, but also about principles and quality of life. For him, social security must occupy a big part of the government plan because many things in life can threaten a person's social life.

For Ditch (2005), everybody is concerned about social security because anyone faces difficulties, retirement or disease at some time in life. So social security keeps those in vulnerable situations from sliding into poverty, allowing them to enjoy the bare minimum of human welfare.

Nowadays, due to increasing unemployment rates and the growth of the informal sector in developing nations, social security has become a universal concern in a globalizing world (ILO,2012). In this sense, ILO (2014) reports that only 20 per cent of the world's population has acceptable social security coverage, while more than 50 per cent are not covered at all.

In Côte d'Ivoire, less than 10 per cent of the population is covered by social security provided by the social protection system in place, mostly through pension and health insurance (World Bank, 2019). Most middle-class and poor Ivorians rely on informal social protections like mutual funds, private finances, and community networks. But this is a strategy that often fails in times of unpredictable events, like the COVID pandemic breakdown.

Social security presents two kinds of methods to feed the system namely, the contributory and the non-contributory system. The contributory scheme is a state-run, contribution-based cash benefit program that assists needy individuals based on their contribution status (Walker, 2005). In this scheme, the governments frequently interfere in the insurance market to shield workers from financial troubles in the event of injury or death. These contributing systems might be privately administered, like old mutual life assurance plans, or government-run (Walker, 2005).

On the other hand, the non-contributory methods are usually run by the government and are funded by taxes. They give the most vulnerable people in society access to basic services depending on factors like a disability (Walker, 2005)

2.4. The necessity of social security for seafarers

The conditions under which the seafarer must leave and work are inherently different from those involved in the exercise of other employments (ILO,1970). Unlike other workers, the seafarer does not devote only part of the day to the work that assures his livelihood. He quits his home, and takes leave of his family to live, on the ship, exposed to the perils of the sea.

In addition to the unavoidable perils to seafarer life due to the force of nature, there are other numerous maritime specific risks to which he is exposed. When a contingency such as a sickness or an injury occurs, they may be cut off from their homes and from contact with the institutions through which shore workers are ordinarily provided with medical care (ILO,1970).

Also, the hardship inherent in maritime employment does not permit seafarers to continue their career on board vessels for such a long period as many shore workers continue working, and it is generally difficult for retired seafarers to adapt themselves to shore employment after retirement from sea service (ILO,1970).

Seafaring has long been notorious as a form of employment characterized by irregularity and discontinuity. For instance, a seafarer may suddenly find himself unemployed because the ship has been damaged and the planned repairs will take a long time, or because of a wrecked, an economic depression affecting maritime trade, or because he is paid off before the end of this engagement(ILO,1970).

During such periods of varying and uncertain lengths, the seafarer and his dependents are exposed to unpredictable income, unless some specific measures are taken for their protection (ILO,1970).

All the aforementioned factors begs the question concerning the need for special arrangements for their old-age protection.

2.5. Moving from the flag state principle to the resident principle

Following the unique nature in which seafarers are working, ILO and IMO have tried through regulation to respond. But the truth is that since then, the situation is always on standstill. In this sense, another temptation has been raised to shift from the flag

state principle to the resident principle (MLC,2006). Indeed, in a world of competing flag states and short-term employment, many seafarers find it difficult to enjoy the benefits of a social security system reported by Carballo (2019).

This option has been preferred because it presents advantages which can be beneficial for addressing the seafaring social security issue.

The principle of residence for seafarers makes the government work more efficiently and effectively so it is easier things for the agencies in charge of social security contributions and personal income tax in cross-border situations to work together. In particular, seafarers who have worked in more than one country can only pay social security taxes to one system at a time (ISSA,2020).

In turn, the states involved are required to coordinate and make sure that the principles of aggregation and the maintenance of rights gained by workers during acquisition are followed. They are both responsible for making sure that benefits are paid to people who live abroad. These are general rules for protecting the social rights of workers who move from one country to another (ISSA,2020).

Chapter 3: Research Methodology

3.1 Introduction

This section presents the different methods used to collect data for this research. It gives an overview of the dissertation's methodological framework, which includes the study design, the method for collecting data, and how the research information was gathered.

3.2 Research Design

This research is designed to find out what Ivorian seafarers and maritime managers think about the country's current social security system for seafarers and to suggest appropriate measures for improvement.

It is based on a semi-structured questionnaire intended to produce responses to the research questions. Participants are free to respond as well as provide comments when necessary. Some of the secondary data were also gathered with the strict approval of the marine administration in charge of seafarers' protection

3.3 Method of data collection

The data included in this dissertation came from a combination of qualitative and quantitative sources. This is illustrated in the diagram below :

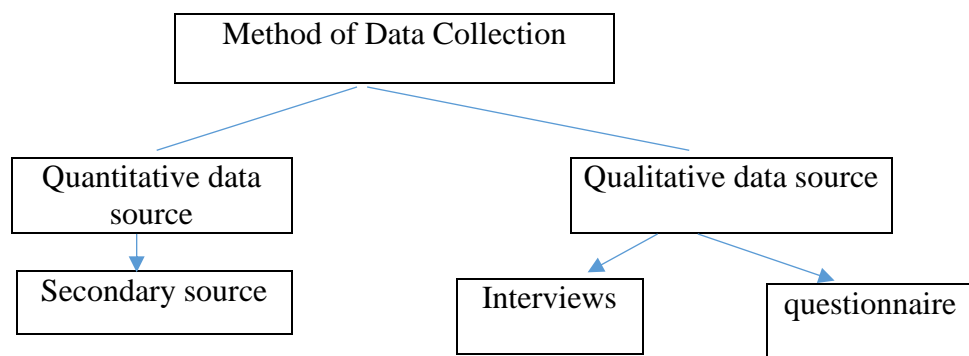


Table 1: Method of data collection

3.4 Interviews

The qualitative interview is a key strategy in a suitable research approach because it allows the scientist to investigate and enter the interviewees' perspectives on what is going on in their environment, how they react to it, and how they understand it (Sobaruddin & Martono, 2007). Due to the limited availability of data and the uncertainty that characterizes this research topic, the interviews are intended to get deep insights into the issue of the social security systems and covered the local missing literature. In our case, a set of semi-structured questionnaires has been sent to Cote d'Ivoire's maritime administrators in charge of seafarer protection. Two people were questioned in total and with their permission, the interviews have been recorded using the software what's app (see appendix).

3.5 Questionnaire

The questionnaires were issued to get feedback from all individuals involved in social security matters. Thus the target people was a wide range of Ivorian seafarer in different companies. The participant which include engine, deck officers as well as the rating crew have received the survey link via different electronic means such as facebook messenger, what's up and e-mail.

Also, the questions were translated into French to avoid translation problems, respondents with a good command of the English language were given the English version and those with low English level got the French version. In total, 43 responses has been collected.

The credibility of the responses can be confirmed since they directly addressed all stakeholders involved in the social security in Cote d'Ivoire situation.

3.6 Secondary data

In terms of secondary sources, this dissertation made use of data obtained from documents produced by UN specialized agencies such as the International Labour Organization (ILO), the Maritime Labor Convention (MLC), 2006, the International Maritime Organization (IMO), and the World Bank as well as literature addressing the issue of social security for seafarers.

In addition, document from Cote d'Ivoire's institutions responsible for social security have been accessed. These institutions include CGRAE (General State Employees Pension Fund) , CNPS (National Welfare Fund), CIPRES(Inter-African Conference on Social Welfare) and others.

Chapter 4: The Maritime Labour Convention, 2006 and its provisions regarding social security

4.1 Introduction

The ILO recognized from the beginning that the working conditions of seafarers, the most internationalised industry, will raise particular problems which were best to be tackled at conferences restricted to seafaring-only countries (ILO,2012).

Out of this, has come the national seamen's code (Dürler, 2010) one of the earliest legal instruments established by the ILO. From this first step began a vast legislative activity concerning seafarers (Dürler, 2010).

Later on, getting feedback on the working danger they suspected, the attention of stakeholders rose to make specialized requirements for seafarers (Christodoulou-Varotsi & Pentsov, 2008). In response to this call, soon in the 1990s, negotiations were initiated between seafarers and shipowners to increase seafarers' rights (Dürler, 2010). The outcome of this discussion resulted in multiple misunderstandings and a failure to compromise on both sides (Durler, 2010) due to extraterritoriality difficulties arising from foreign labour and free employer/ownership relationships (McConnell, 2009).

Thenceforth, the ILO's significant duties action to solve the problem failed due to various marine and seafarer labour regulations since 1920. Indeed, multiple fragmented standards were adopted, applied inconsistently, and their ratification regime was limited (Dolumbia-Henry et al., 2006). Consequently, the ILO has elected to combine all related conventions and recommendations into a single convention (Durler, 2010). As a result, the Maritime Labour Convention, 2006 entered into force on August 20, 2013, and provides comprehensive rights and protection at work and life for seafarers.

This section of the work provided a summary of the overall structure and contents, with an emphasis on the standards for social security.

4.2 The structure and main content of the MLC,2006

Both the content and structure of the MLC,2006 convention is unique among ILO instruments. From a structural aspect, it is fairly similar to the IMO's STCW convention (McConnell, 2009; Durler, 2010) and for better clarity, the provisions include Articles, Regulations, and Codes.

The Articles and Regulations establish the fundamental rights, principles, and obligations of ratifying members, whereas the Code provides the implementation details with two distinct parts. Part A is the mandatory norms, and Part B is a guideline that permits the insertion of inadequately ratified recommendations and conventions without giving them a higher status (Lillie, 2008). The regulation lay down the basics and gives freedom to each member state to personalise the labour standards based on their ecosystem.

The regulations and code are organized into five titles that summarize the ILO treaties on maritime labour standards. Titles include the following features:

Title 1:” Minimum requirements for seafarers to work onboard a ship”.

This first section of the convention addresses minimum standards for seafarers, such as the minimum age to sail, medical certificate, training, and qualification, as well as the baseline for basic and private recruitment agencies.

Title 2:” Conditions of employment”. This part addresses the employment requirement, which includes the employment agreement for seafarers, wages, work and rest hours, annual leave, and sufficient manning levels on board ships. It also

handles seafarer repatriation and career advancement. From the aforementioned, Title 2, includes a provision deemed to be essential for the MLC 2006 namely the obligation that every seafarer must have a seafarers' employment agreement (SEA) which identifies the employer/ responsible ship owner and sets the minimum of information required in a SEA" (McConnell et al., 2011)

Title 3: "Accommodation, recreational facilities, food and catering". Under this title, certain rules are established to safeguard the well-being of seafarers on board ships, including the size and conditions of living quarters, food and catering, etc.

Title 4:" Health protection, medical care, welfare and social security protection". The provisions of title 4 compel shipowners to provide appropriate medical care to seafarers on board ships and ashore and to ensure reimbursement in case of illness or injury when seafarers are employed under a seafarer employment contract. In addition, the Title establishes rules for occupational safety, access to shore-based welfare facilities, and social security.

Title 5:" Compliance and enforcement". The obligations of port states, flag states, and the labour-supplying states to implement and enforce the convention's principles and rights are outlined in Title 5. In this segment, a certification system for social and working conditions is introduced to put them in conformity with the international maritime regulatory regime established by IMO conventions (McConnell et al., 2011).

Each title in the convention contains a group of provisions relating to a particular right or principle or enforcement measure in title 5 with connected numbering. For instance, the first group in Title 1 consists of Regulation 1.1, Standards A1.1 and Guideline B1.1, relating to minimum age.

4.3 Social protection and social security in the MLC,2006

➤ **ILO Conventions regarding seafarer's social security**

Before the MLC,2006 Convention, the ILO introduced multiple regulations on social security to protect seafarers in fulfilment of their duty.

One of the significant obstacles which continuously challenge seafarers throughout their careers is the unemployment benefits. In response to this first issue, the ILO established two complementary provisions in 1936: Convention No. 55, which outlines shipowners' obligations in the event of sickness, injury, or death of seafarers, and Convention No. 56, which handles seafarers' sickness insurance.

Ten years later, the ILO continued to improve the protection of this kind of worker by adopting two conventions: Convention No. 70, which intends to cover all seafarers' social security issues in a comprehensive, global instrument, and convention No. 71, dealing with seafarers' pensions.

The difficulties faced in the approval of the prior convention which never took effect, brought stakeholders to replace all of the above norms with a single, universal document. As a result, the ILO enacted Convention No.165 in 1987, addressing worldwide seafarers' social security.

Despite ILO's efforts to consolidate all conventions into one, many challenges remain in providing the necessary supplementary support to address longer-term risks and offer social protection for seafarers and their dependents (wives and children) following the termination or interruption of their careers.

The MLC,2006 treaty, which covers all areas of social security, intends to reinforce the earlier ILO maritime social security, taking seafarers' constraints into account.

➤ **MLC, 2006 provision regarding social security**

The MLC,2006 convention is the most essential convention supporting social security coverage for all seafarers, reflecting the ILO's commitment to flexibility and recognizing the diversity of social security systems.

Thus, title 4 of the MLC,2006 outlines the social security protection requirements. Regulation 4.5 and the associated provision of the code (Standard A4.5 and Guidelines B4.5) cover social security, mostly through national systems.

○ **Regulation 4.5 - social security**

Under MLC,2006 Regulation 4.5, entitled "social security," each Member is required to take initiatives, both domestically and through international collaboration, to provide seafarers with increasingly comprehensive social security protection. Indeed, each member shall ensure that seafarers are subject to its social security legislation and that their families, to the extent permissible by national law, are eligible for social security protection comparable to that provided by shore employees.

▪ **Mandatory Standards**

The first paragraph of MLC,2006 standard A4.5 states that the branches to be considered to achieve progressively comprehensive social security protection are: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit, and survivors' benefit, which supplement the protection provided for under Regulations 4.1, on medical care, and Regulation 4.2, on shipowners' liability.

Also, paragraph 3 specifies that each member shall, by its national policies, take steps to give extra social security protection to all seafarers ordinarily resident on its territory. This responsibility could be met by proper bilateral or international

agreements, or through contribution-based mechanisms. The ensuing protection must be no less favourable than that afforded to shore employees who live on their territory.

Further, in light of the difficulties that member states could face during the implementation process, paragraph 6 requires member states to investigate several alternative methods of providing similar benefits to seafarers through national practices and beliefs in the absence of comprehensive coverage of the sub-categories covered in paragraph 1.

Furthermore, MLC,2006 Paragraph 8 explains that "each member state shall team up through bilateral or multilateral agreements or other strategies to facilitate the provision of social security rights, provided through contributory or non-contributory schemes, obtained or in the process of acquisition by all seafarers regardless of residence."

- **Guidelines**

In addition to the necessary provisions, the member states were also guided by a few optional clauses. Related to social security branches, the convention stipulates that at the time of ratification, each member's state protection for seafarers must comprise at least three of these nine branches: medical care, sickness benefit, and work-related injury.

Moreover, employment contracts are discussed in paragraph 6, stating that "the seafarers' employment contract should describe the mechanisms through which various social security protection will be supplied to the seafarer by the shipowner as well as any other pertinent information from the shipowner."

4.4 Critique and limit of the MLC,2006 Convention

Social security protection is one of the most essential aspects of decent work, as well as one of the most difficult to achieve. Given resolving this difficulty, the MLC, 2006 convention has been saluted by everybody. However, in contrast to social security convention No.165, which set exact standards for social security benefits, the MLC, 2006 convention remains vague for member states.

Indeed, instead of being strict, the convention simply asks each member to take actions, individually and via international cooperation, to ensure progressively comprehensive social security protection for seafarers, based on their national circumstances. This will be regarded as a reflection of a practical approach to the marketing of social security protection, which would otherwise have constituted a barrier to the Convention's widespread adoption (Li et al.,2000).

In fact, rather than being strict, the convention simply encourages each member to take efforts, both individually and through international collaboration, to offer more comprehensive social security protection for seafarers depending on their national circumstances. This freedom could be a barrier to the convention's widespread adoption."

Similarly, the majority of social security-related obligations under the MLC, 2006, regulation 4.5 and the code are directed to the seafarer's place of residence. It could be a restriction for developing countries where the national economy is limited and where political willingness to act in this sense is questionable.

From the aforesaid, it is obvious that due to the split between mandatory standards and recommended guidelines, the MLC, 2006 did not enhance the social security of marine workers. The convention just consolidates existing rules for seafarers' rights into a single international convention, which does not solve any problems and must therefore be revised to make it more stringent.

4.5 Cote d'Ivoire and the MLC,2006 Convention

Cote d'Ivoire, after signing the ILO convention on workers' social security, has now added another string to its bow by ratifying the MLC,2006 convention in support of Ivorian merchant sailors. Indeed, the Council of Ministers convened on Wednesday, January 19, 2022, at the Palace of the Presidency of the Republic in Abidjan, under the chairmanship of His Excellency Mr. Alassane OUATTARA, President of the Republic, Head of State of Côte d'Ivoire, a law projects authorizing the ratification of the Maritime Labour Convention of 2006 has been adopted.

Adoption of the MLC,2006 convention in Cote d'Ivoire will establishes a single legal framework incorporating all the pertinent requirements of previous ILO conventions and other international agreements applicable to seafarers working on board ships owned by commercially active public or private enterprises. This agreement establishes the criteria for entry into and employment of seafarers and ensures that seafarers have adequate social and working conditions. With this agreement, the social and working conditions on Ivorian-flagged ships will get better; there will be less fighting between shipowners and sailors, and the national flag will be stronger.

At the moment, the Côte d'Ivoire marine administrator in charge of putting the plan into action is still putting together the document that will be given to the national Parliament and put into national law for application reported INT 1.

Chapter 5: Social Security System in Cote d'Ivoire and provision for seafarers

5.1 Introduction

Social security is the guarantee given to everyone that during difficulties and retirement such as unemployment or sickness, the necessary resources to ensure subsistence in decent conditions will be available (Sevilla, 2017). Such a pleasant plan necessitates a financial contribution through respectable employment, which limits access to most developing countries with low unemployment rates.

Cote d'Ivoire is a developing country with a low rate of formal unemployment and an employment quality problem. Indeed, just 17.4% of the employed population has wage jobs, and a significant proportion of wage occupations are informal. Also, employment is highly concentrated in low-productivity occupations, such as agricultural self-employment (66.9% of the employed population) and non-agricultural self-employment (29.3%) (Word Bank, 2019).

In light of the issues described, and given that the country's economy is oriented on agriculture with sea-blind stakeholders, we are interested in assessing Cote d'Ivoire's social security system and discovering the provisions provided for seafarers.

In this regard, this chapter highlights Cote d'Ivoire's social security system, its functioning and the provision reserved for seafarers. The legal regime that administers Cote d'Ivoire's social security system is also addressed.

5.2 Regulatory framework of social security in Cote d'Ivoire

Several stakeholders are essential to the social security domain and affect the overall activities and scope. These institutions include the International Labour Organization (ILO), the International Social Security Association (ISSA), the Inter-African Conference on Social Welfare (CIPRES), and the Republic of Cote d'Ivoire.

➤ **At the International Level**

○ **The International Labour Organization (ILO)**

Under the auspices of the United Nations and within the framework of the peace treaty, the ILO was founded to advance the cause of social justice and contribute to maintaining world peace. As the institution in charge of global labour issues, the ILO develops strategies to help align labour and employment concerns. In 1942, the first worldwide conference on social security was conducted in Santiago, reaffirming its global purpose and establishing it as the most effective international instrument for achieving universal wellbeing. With the so-called PHILADELPHIA statement, the Universal Labour Conference made the theory of social security more international in 1944.

This treaty binds Côte d'Ivoire because it was signed on March 26, 1992. The country recognizes the social security rights of its residents.

- **The International Social Security Association (ISSA)**

The International Social Security Association (ISSA), founded in Brussels in 1927 under the supervision of the ILO, seeks to preserve, promote, and enhance social security around the world. ISSA, is a non-governmental organization that represents social security stakeholders. It brings together services, institutions, and organizations that manage social security, according to its regulatory provisions. ISSA has created various liaison offices around the world to better serve the needs of its members in Africa, Europe, America, Asia, and the Pacific.

ISSA's headquarters in West Africa is located in Cote d'Ivoire. It ensures that all network connectivity regulations are met.

- **At the Regional Level**

- **The Inter-African Conference on Social Welfare (CIPRES).**

Each social security organization's top priority is to ensure the efficient operation of the social security system. CIPRES is the gathering of African institutions of social security in the Franc Zone. It is indeed a collaboration designed to help its members fulfil their commitments. Thus, on September 21, 1993, in Côte d'Ivoire, the fourteen African members of the Franco Zone signed a treaty establishing an integrated institution in charge of the management and monitoring of the agencies responsible for social welfare.

➤ **At the national level**

○ **The Ivorian constitution**

The national constitution of Cote d'Ivoire of 1960 addressed the issue of workers' conditions referring to the Universal Declaration of Human Rights of 1948. The preamble to the constitution restates the basic principles of labour law, such as recognizing the economic and social rights of all citizens, such as the right to work and the right to be protected from unemployment.

The fact that these principles are mentioned in the preamble and the actual text of the constitution, in the chapter about public freedoms, is a big win for workers because it means that not only the legislature but also the government must publish laws and decrees that are in line with the well-known principles that protect workers, or they will be in violation of the constitution.

5.3 Organization of social security system in Cote d'Ivoire

Social security in Côte d'Ivoire is organised around two types of financial management. The first is the pay-as-you-go system, where current workers' contributions are used to provide pensions to retirees during the same period. The second term of financial management is the capitalization in which workers' retirement contributions are accumulated and invested in the financial markets in preparation for their retirement.

The social security system in Côte d'Ivoire is made up of two separate plans. One is run by the National Social Insurance Fund (CNPS) and covers formal workers in the private sector. The other is run by the "General Fund of Civil Servants and Agents of the State" (CGRAE) and covers workers in the public sector.

To be covered by the public system, the citizen must work for the government and have a state registration number. In the private sector, the employee must have a working contract and be registered to the institution by their employer (CNPS, 2012). There are also specific pension programs for parliamentarians, national assembly agents, and ambassadors. Other parts of Côte d'Ivoire's social protection system include institutional or corporate mutuals like the National Police Provident Fund (NPPF) and the Military Provident Fund (MPF), private insurance, and social-purpose associations or specialized structures.

In this work, we will use Cote d'Ivoire's two main social security systems, **CGRAE** and **CNPS**, with a focus on medical care, sickness benefits, unemployment injuries, maternity benefits, and the basic pension for retired people.

➤ **Public Organization: CGRAE**

This institution existed in the country because the colonial authorities had established pension funds. Early in 1962, following independence, legislation was issued establishing and structuring the civil pension plan in Côte d'Ivoire, that is, the retirement scheme for civil officials and agents of the State. It is Law No. 62-405 of November 7, 1962.

Consequently, on April 5, 1977, Ordinance No. 77-206 established the CGRAE as a Public Administrative Establishment (PAE), which was supervised by the ministers of economy and finance.

Although the CGRAE's legal status has changed many times, its pension program has stayed the same.

➤ **Private Organization: CNPS**

The CNPS as it exists today is the outcome of a lengthy process. CNPS, the social welfare institution, was established by decree 2000-487 on July 12, 2000, giving it its current legal structure. The Social Security Code was amended by Law No. 2005-557 on December 2, 2005.

It is also governed by Law No. 99-476 of August 2, 1999, which defines and organizes social welfare institutions. It must administer the necessary social security plan for the private sector and similar workers, which includes family benefits, occupational diseases, old-age annuities, and maternity insurance.

5.4 Characteristics of social security in Cote d'Ivoire

The CNPS provides several types of benefits, including family allowances, maternity, work-related accidents, and retirement (old age, survivors, and invalidity). The institution also manages a health fund that provides members and their families with health benefits.

The CGRAE also offers multiple sorts of social security benefits, such as pensions (including retirement, disability, and survivor), family allowances, and maternity support. A separate department handles the administration of their sickness benefit.

➤ **Sickness benefits**

A sickness benefit is a form of social security that gives financial help to disease-afflicted members of society. Both the private and public insurance systems in Côte d'Ivoire give this option to their insured members. The private sector (CNPS), through its specialized agency NHIF (National Health Insurance Fund), has an

arrangement with numerous medical centres across the territory to give 80 per cent of each covered member's financial support (CNPS, 2012).

In the same way, the national sector (CGRAE), through MUGEFCI (General Mutual for Civil Servants of Cote d'Ivoire), gives all government-employed civilian agents an 80% discount on medical care costs.

➤ **Maternity insurance**

During pregnancy and maternity leave, employed women are entitled to maternity insurance benefits. It consists of daily allowances as well as medical and pharmaceutical costs. In Côte d'Ivoire, public and private social security institutions provide services to covered women.

➤ **Insurance for employment injury**

Occupational injury protection is an insurance policy that protects employees in the event of a workplace injury. These incidents may result in temporary incapacity, permanent disability, or even death. In this situation, the worker or the worker's family members may be eligible for assistance and financial compensation.

In Côte d'Ivoire, CGRAE and CNPS social security system subscribers receive such coverage.

➤ **Retirement benefits**

Pension insurance refers to countries that establish funds to provide citizens with retirement income. This often entails contributions made throughout the citizen's employment years to qualify for future benefits. A basic state pension is a "contribution-based" benefit defined by a person's previous contributions (ILO,

2014). In Côte d'Ivoire, you need at least 15 years of contributions to the public or the private sector to get a lifetime basic state pension.

5.5 Critique of social security in Cote d'Ivoire

When we look closely at Cote d'Ivoire's social security system, we can see that it has two different institutions that work well together. However, social security coverage in the country is very low, with less than 10 per cent, even if it's about the same in most other sub-Saharan African countries, with also around 10 per cent of the population covered (World bank, 2019).

Currently, CNPS, the private pension system, covers 9.5 per cent of the population over 60 years old but only 5.4 per cent of the people aged 15 to 60. Only 104,636 people received old-age pensions, disability benefits, or survival payments from the CNPS between 2016 and 2018 (World Bank, 2019). This means that, for the vast majority of the population, the responsibility for providing old-age income security falls on people and their families.

Similarly, population coverage under the public sector program is extremely low. The aforementioned figures simply show the nature of the labour market, and how unsecured are most people. The two social security systems available, only cover formal sector workers in the public and private sectors with an employment contract or state registration number while the vast majority of the population is employed in the informal sector (Ditch, 2005).

5.6 Provision available for seafarers in the Ivorian social security system

Cote d'Ivoire is a maritime nation with great seafaring advantages due to its approximately 550 kilometres of coastline and vast lagoon belt. In addition, the country possesses a vast marine region with abundant fisheries and energy and is

ranked as Africa's leading tuna port. In 2017, the Ivorian tuna industry generated more than 97 billion CFA francs (approximately 150 million euros) with a high employment rate of around 3,500 people, with 70% of them being women (APA, 2019).

The country has developed its environment to allow it to hold two significant ports in Abidjan and San-Pedro, with projected global traffic of 25 million in 2019 (APA, 2020).

With the expansion of the industry, there has been a persistent demand for educated people to equip the national fleet or manage maritime support companies. In this context, the maritime academy was established in 1975 to train young people interested in a career at sea. Since its establishment, this academy has trained over 2,150 officers who have been directly hired to work on national ships in all social aspects.

Today, the national fleet no longer stands thus to retain the training institution and absorb all unemployed seafarers, the government seek employment abroad on a foreign vessel.

Consequently, what is the social status of these seafarers working onboard the foreign vessel? Are there integrated into the national social security system like before? Are there any provisions for them under them?

This part of the work describes the status of Ivorian seafarers and displays the legal provision available.

➤ **Status of Ivorian seafarer working onboard a foreign ship**

Under the Ministry of Transport, seafarers in Cote d'Ivoire are administered by a maritime administration called the Port and Maritime Affairs Directorate (PMAD). This department is in charge of port and littoral affairs, seafarers' education and administration, seafarers' health, and maritime safety.

This division has additional responsibilities like ship inspection and maritime labour inspection. It is important to note that these inspections are the technical entities responsible for enforcing the regulations governing the safety of navigation and the working conditions of seafarers.

Each year, the maritime administration organizes the admissions process for the maritime academy. During this first step, around twenty prospective officers are chosen. Since 2009, the selection process has been openly available to those interested in a maritime career increasing the number.

Also, regarding rating crew such as chief cook, steward, able seaman, bosun, and oiler, training is not launched by the maritime administration but rather by the interested applicant. But when the training is done, the maritime administration gives out the right certificate giving them the right to go at sea.

Following the training phase, seafarers are hired by a wide range of manning agencies located on the territory and in agreement with the marine administration. When employed by the agencies, the Ivorian seafarers become completely dependent on them and are subject to their laws and regulations. The only remaining link is the renewal of the maritime certificate.

Due to the absence of a merchant fleet in Cote d'Ivoire and the divergent admissions process to the maritime academy, the connection between Ivorian sailors and the MARAD is weak and limited. Therefore, the position of merchant seafarers in Côte

d'Ivoire is not established. They do not belong to the public sector, the private sector, or the military domain. The field is not well known on the land, so no steps have been taken to give Ivorian seafarers the right status to fix the social security problem.

➤ **National provision for Ivorian seafarer**

▪ **Ivorian Maritime Code**

It is broadly acknowledged that the Maritime Code is a crucial component of every nation's legal framework. As shown in Figure 1, it is the only law in Côte d'Ivoire that specifically addresses the social security of seafarers according to interviewee INT1 .

TITRE III : LE REGIME SOCIAL DES MARINS
CHAP. 1 : LES DISPOSITIONS COMMUNES (ART. 477 – 480)
CHAP. 2 : LES DISPOSITIONS SPECIFIQUES (ART.481 – 494)
CHAP. 3 : LE BIEN-ÊTRE DES GENS DE MER (ART. 495 – 498)
CHAP. 4 : LES PRESTATIONS DE LA SÉCURITÉ SOCIALE AUX MARINS ET À LEURS AYANTS DROIT (ART. 499 – 502)
TITRE IV : LES NAVIGATEURS KROOMEN (ART. 503 – 508)
TITRE V : LA MEDECINE DES GENS DE MER (ART. 509 – 512)
TITRE VI : LES DELEGUES D'EQUIPAGE ET LES DIRIGEANTS SYNDICAUX (ART. 513 – 515)

Fig 1: Ivorian seafarers social provision

Translated in English, Fig.1 would be as follows:

Title III: The social regime of seafarers

Chap.1: Common Dispositions (ART.477- 480)

Chap.2: Specifics Dispositions (ART.481- 494)

Chap.3: Seafarer Welfare (ART.495-496)

Chap.4: Social security benefits for seafarers and their dependents (ART. 499-502)

Title IV: Kroomens Navigators (ART.503-508)

Title V: Seafarers medical fitness (ART.509-512)

Title VI: Crew representatives and union leaders (ART 513-515)

Indeed, the advantages of social security to seafarers and their rights are outlined in chapter 4 of the marine code.

Thus article 499 stipulates that to be eligible for social benefits, the seafarer and his family must meet the membership and contribution requirements outlined in the general social welfare system.

- **Disability**

Also referring to disability, article 500 claims that the injured sailor is entitled to a disability pension if he suffers from a permanent partial incapacity assessed according to the scale in effect for occupational accidents under common law, after the consolidation of the injury or stabilization of the state of health caused by an occupational accident.

- **Retirement pension**

Regarding the retirement pension, Article 501 of the Ivorian Maritime Code says that any seafarer is eligible for a lifetime pension if he is at least 55 years old and has worked at least 15 years, including time off for illness or leave period.

- **Others**

Finally, article 502 states that if the sailor continues to sail or perform other services within the framework of his maritime employment contract valid for pension rights after the age of 55, the entry into the enjoyment of the retirement pension is postponed until age 60 or cessation of activity, whichever occurs first.

- **Critique of the Ivorian Maritime Code**

Even though it is the only legal document available for sailors, the Ivorian Maritime Code (IMC) does not address the problem of social security in detail. The IMC indeed has measures for the social security protection of seafarers. Nevertheless, these provisions do not cover all aspects of social insurance for seafarers and are rather limited. The IMC doesn't cover medical care, family benefits, maternity benefits, and survivor's benefits as recommended by the MLC,2006. Even if the convention requires each country to choose at least three branches, the IMC address only two branches.

Further, the two branches covered by the IMC are not controlled toward seafaring manning agencies leaving the document without enough practical effect to protect Ivorian seafarers.

Chapter 6: The potential role that can maritime administration play in the protection of seafarer

6.1 Introduction

Ships handle approximately 90% of global trade, making ship-borne trade a critical pillar of the global economy, which is dependent on a productive and efficient maritime industry (UNCTAD, 2021). Considering the aforementioned, it is obvious that seafarers play a critical role in maintaining stability and fostering sustainable growth in the maritime industry. Since seafarers represent the human element who make up the maritime industry, their social rights must be respected and put first by everyone involved.

6.2 Duties of Flag States

Article 94 of the UNCLOS convention says that flag states must have authority and control over ships flying their flag and keep them safe while they are in their area of responsibility. This includes keeping a list of ships flying their flag and exercising administrative, technical, and social control over the ship, its officers, and its crew by its laws (Goodman & Camille, 2009).

According to Li & Wonham (2000), the flag state has international responsibilities to safeguard the rights of overseas seafarers. In this sense, a foreign seafarer engaged aboard a ship should be treated as a foreign worker within the territory of the flag state and be accorded the same fundamental rights as its national seafarers.

Also, MLC, 2006 Regulation 4.5 (Social Security) and Standard A4.5 outline a flag state's social security obligations for seafarers. Its responsibility is to ensure that the shipowners' social security protection liabilities for seafarers on their ships are met,

particularly those highlighted in Regulations 4.1 (Medical care on board ship and ashore) and 4.2 (Shipowner's liability), which address the provision of medical care on board ship and ashore and injuries or deaths that occur while they are at sea (ILO,2012).

In many circumstances, seafarers are not from the flag state and have no relationship with it other than operating on a ship flying its flag. This affects national social security systems because most are designed to cover residents or those who live and work in the country (ILO, 2012). Consequently, flag states should make sure that a suitable mechanism like a mutual fund, wage insurance, or a social security plan, exists for seafarers working on ships flying their flag to get paid if their employer doesn't do.

6.3 Duties of Ports States

Article 11 of the UNCLOS (1982) says that each state has control over its port. So, a clear sign of this sovereignty is the port state's right to control any ship that comes into its ports and the conditions on that ship (Klein & Natalie 2011). Indeed, by setting conditions for entry, port states have the right to run their ports in a way that protects all of the state's interests.

Regarding seafarers' social protection, article 2 of ILO Convention 163 stated that each state must "ensure that sufficient welfare facilities and services for seafarers are given both in port and onboard ship." Additionally, port states must "see that the proper procedures are put in place for sustaining the facilities supplied to seafarers."

Further, the port state is required to perform a comprehensive inspection under the MLC, 2006 convention if it is believed or reported that the working and living conditions represent an obvious risk to the safety, health, or security of seafarers.

6.4 Duties of Labour supplying country

Cote d'Ivoire is a labour-supplying country, hence it has a commitment under the MLC, 2006 convention to protect seafarers working on foreign ships. According to Li et al. (2000), just like a citizen has responsibilities to his country, the state is expected to protect its people, especially if they travel, reside, or work abroad.

According to Li et al.,(2000), the occurrence of the open registry has recently weakened seafarer protection (2000). As per the author, open-registry countries provide less protection to foreign seafarers operating on their ships than do closed-registry nations. This new system is bad for seafarers because it makes registries keep competing to see who can offer the lowest fees.

Hopefully, the obligation of the labour supply country has now been incorporated into MLC, 2006 regulation 5.3. The concept of "labour supplying obligations" and the description of such tasks constitute a significant advance in the convention. This improvement must be viewed as a reflection of the crucial role of labour-supplying countries in the enforcement of things such as employment agreements, recruiting and placement agencies, and social security protection (Christodoulou et al., 2008).

Under Regulation 5.3 (Labour-supplying responsibilities) of MLC, 2006, the member state has the responsibility to ensure the implementation of the convention's requirements regarding the recruitment and placement of seafarers as well as the social security protection of seafarers who are residents or citizens.

Similarly, under Standard A5.3 of Title 5 (Compliance and Enforcement) of the convention, each member must enforce the requirements of this Convention applicable to seafarer recruitment and placement services established on its territory through a system of inspection, monitoring, and legal proceedings for licensing and other operational violations.

Although seafarers' social protection has been well framed, many of the world's seafarers are not protected by these laws and regulations, either because they are ignorant of their rights or because they lack access to legal aid where their rights may be protected (ILO, 2012). Labour-supplying countries must guarantee their overseas sailors are being decently treated. In this context, national countries may provide free legal aid to their foreign seafarers, especially if they are employed on open-registry ships.

In this sense, labour-supply countries may negotiate bilateral or multiple agreements with seafarer employers to assure international law compliance (Li & Wonham 2000). Foreign shipowners' contractual provisions should prohibit abuse and promote seafarers' well-being.

6.5 The role of seafarer's union

Relevant statutory instruments have been established by ILO, IMO and other UN agencies to protect seafarers' social rights.

Aside from the above, other parties involved include labour unions, which are governed by the International Transport Workers Federation (ITF). Indeed, the ITF is actively fighting to improve the working conditions of maritime workers. ITF aims to raise the bar, protect those who are most vulnerable, and put an end to exploitative practices. To reach its goals, the ITF has a system of inspectors who check on ships, work with other international groups to come to agreements about working conditions, and help seafarers who are in need.

In Cote d'Ivoire, we have three seafarer's unions such as "Seamen's club, "Terre et Mer" and "SYNAMM-CI" . Their actions often involve going on board and inspecting to examine the working conditions of Ivorian seafarers who are onboard the ship, which contributes to social protection measures.

Chapter 7: Research findings and discussion

7.1 Introduction

This research intends to shed light on the social security system in Côte d'Ivoire and the provisions offered to seafarers, analyze coverage gaps and propose viable solutions to improve the seafarer's position. For this reason, it has been crucial to comprehend the viewpoints of those seafarers and maritime authorities who are responsible for the social protection of impacted seafarers. This chapter presents the results of the questionnaires and interviews completed, along with a discussion based on those results.

7.2 Research Findings

➤ **Result from section 1: General information of respondents**

This section is based on the responses of Ivorian seafarers to an online survey. In total, 43 contributors were acknowledged (see figure 2). Six of them are women, while the remaining 37 are men.

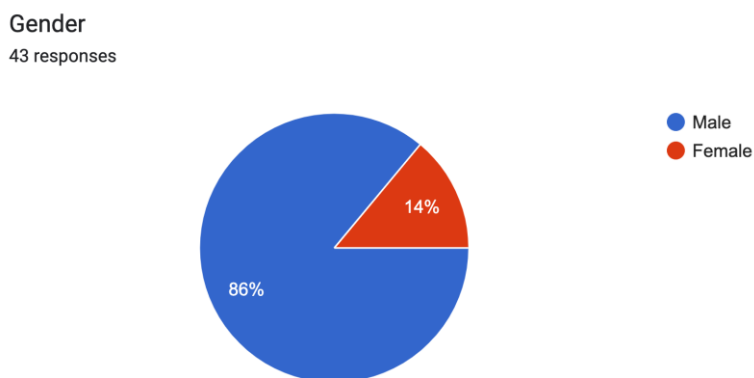


Fig 2 : proportion of respondents genders

The 43 answers from the surveys show that there are a total of 17 deck officers, 11 engine officers, 10 deck ratings, 1 engine rating, and 4 cadets (see figure 3).

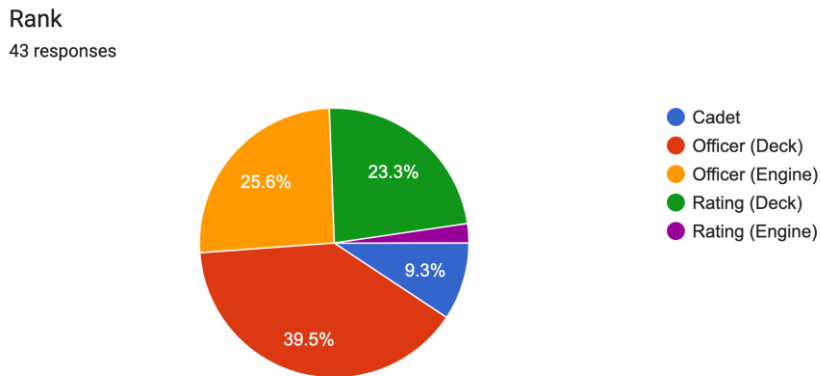


Fig 3: percentage of respondents onboard ranking

15 of the 42 respondents have been on the ship for 0–5 years, 13 have been on the ship for 6–10 years, and 8 have been on the ship for 11–15 years. The remaining responses (7) have been on board for more than 15 years (see figure 4).

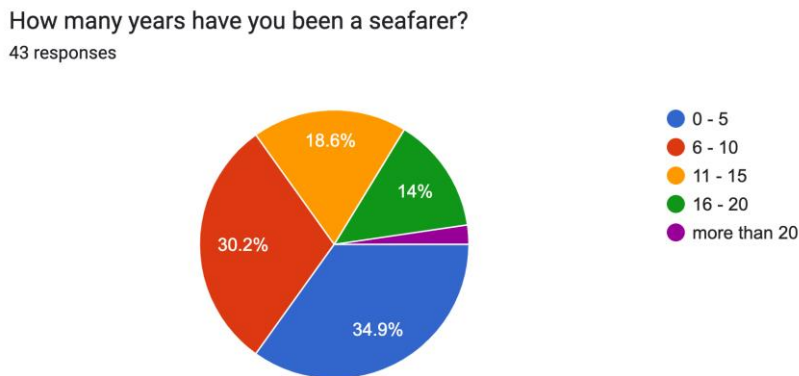


Fig 4: percentage of respondents years at sea

The age range of 26–30 years old makes up 38.1% of the Ivorian workforce respondents in the maritime industry. 35.7% of the population is between the ages of 35 and 45. 16.7% is between the ages of 46 and 55 and 7.1% is between the ages of 56 and 60.

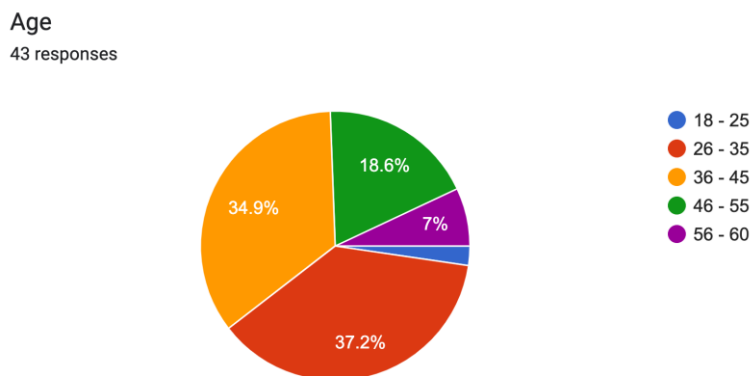


Fig 5: Age range of respondents

➤ **Result from section 2 : Information related to social security**

This part is based on what respondents said about their own social security, how they felt about coverage, what they knew about the MLC convention in general, and what could be done to improve the social security of Ivorian seafarers.

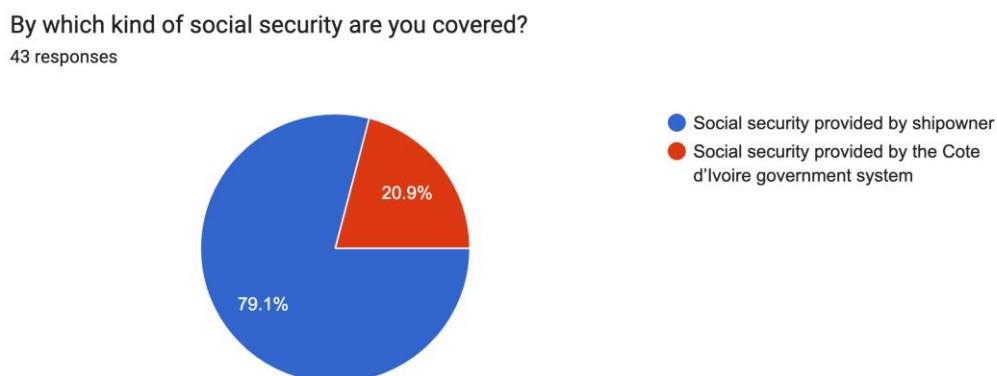


Fig 6: Ivorian seafarer social security coverage

According to the answer, the majority of Ivorian seafarers receive social security from shipowners. As a result, the government plan covers 20.9 percent of the population, while the company approach covers 79.1 percent (see figure 6).

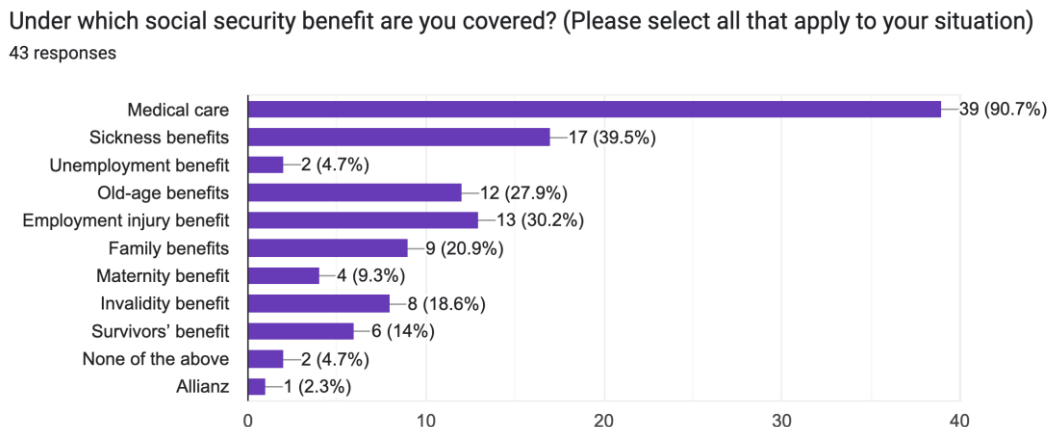


Fig 7 : percentage of respondent social security branches coverage

In accordance with respondents' reality (see figure 7), Ivorian seafarers are protected by the following schemes, whether provided by the government or a private company:

- Medical care: 90.7%
- Sickness benefits: 39.5%
- Employment injury benefits: 30.2%
- Old age benefits: 27.9%
- Family benefits: 20.9%
- Invalidity benefits:18.6%
- Survival benefits: 14%
- Maternity benefits: 9.3%
- None of the above: 4.7%

How do you find the scheme you are covered with?

43 responses

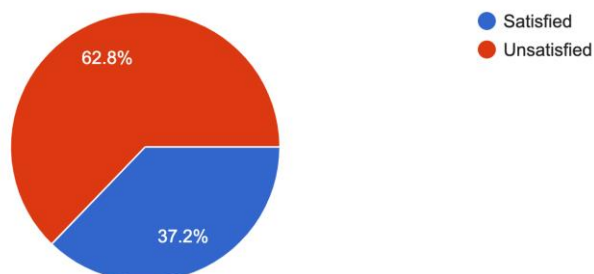


Fig 8: Ivorian seafarer satisfaction regarding social security

The majority of Ivorian maritime workers are unhappy with their social security coverage. As illustrated in figure 9.62.8% of Ivorian seafarers are dissatisfied with their condition, while 37.2% are content with it.

According to you, what can be done to raise awareness regarding seafarers' social security in Cote d'Ivoire?

43 responses

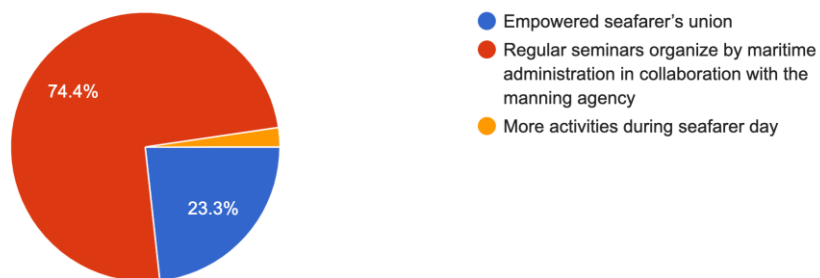


Fig 9: Measures to raise awareness of Ivorian seafarer

74.4 per cent of Ivorian seafarers prefer regular seminars conducted by the maritime organization in partnership with manning agencies. In addition, 23.3% support the

empowerment of seafarer labour unions, while the remaining 2.3% advocate for more activities during seafarers' days.

Which verification measures can be applied by maritime administration toward manning agencies?
43 responses

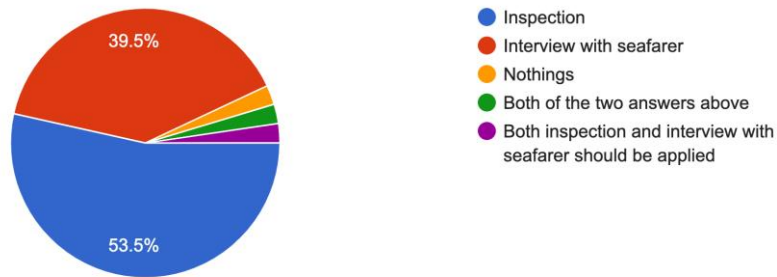


Fig 10 : Respondents proportion of social security verification

As verification measures for the maritime administration towards manning agencies, 53.5% of seafarers prefer an inspection while 39.5% simply prefer interview with the seafarers.

7.3 Discussions

This section aims to examine and investigate the key findings in order to discover opportunities for improvement.

The findings of the questionnaires and interviews confirmed the following hypothesis: The vast majority of seafarers are covered by the company's social security scheme and are unhappy with their current coverage. As shown in the findings, 79.1% are protected by the social security supplied by manning agencies, and 62.8% are dissatisfied for a variety of reasons, revealed by the respondents comments.

The first reason for the Ivorian seafarers' dissatisfaction with their coverage is the restricted number of medical centres to which they have access, despite the fact that 90.1% of medical care is covered by the firm. Additionally, the seaman is obligated to pay for medical expenses before being compensated. This circumstance is especially tough for sailors due to the nature of their contracts, which might result in financial issues that prevent them from receiving care. When a seafarer remains without embarkation, social protection is stopped.

Further, respondents emphasize that family coverage is not reasonable. According to the poll, only 20.9 per cent of mariners' families are covered. The participant explained that due to the low rate of their salary, the amount required by the employer to pay for their family's assurance is quite expensive, leaving them with little funds for their livelihoods. As a result, the rating crew chooses not to pay for family insurance.

Furthermore, respondents expressed regret that they do not have a lifetime pension. In fact, regardless of the number of years served with a private shipping company, seafarers' contributions are returned to them upon retirement or incapacity, while the IMC requires a lifetime pension after a minimum of 15 years of service. Even if a seafarer has worked for 30 years, he or she has no right to this lifetime social protection, and any medical care ends automatically.

Based on the preceding analysis, there are numerous contributing aspects as follows.

➤ **Lack of legal provision for Ivorian seafarers social security**

According to interviewee INT1, the maritime code is the only legal document in Côte d'Ivoire that addresses seafarers' social security. This finding shows that Cote d'Ivoire's seafarer social security system is far from adequate because only one legal provision is available and does not covered all the concerned branches.

From this information, it is obvious that even without including seafarers, the current social security system does not effectively protect all residents with only 10% covered (World Bank, 2019). Indeed, according to interviewee INT1, the absence of a social insurance coverage for the 90 % independent workers is the root of the issue, as seafarers are part of this kind of workers.

Furthermore, interviewee INT 2 stated that the absence of a merchant fleet in the country puts Ivorian seafarers in an uncertain situation, limiting the government from exerting greater effort in terms of legal protection for seafarers. INT2 maintains that the collapse of the national fleet "Sitram" has greatly discouraged the government from ignoring seafarers' interests. As a result, legislation safeguarding sailors' rights and interests is severely limited.

➤ **The disunion of Ivorian seafarers' organizations**

The MLC, 2006 has established a special tripartite committee. Members of the Tripartite Committee represent governments, shipowners, and seafarers. Seafarers are represented by the State Members' Seamen's Union. The Tripartite Committee safeguards the tripartite's rights and interests, forces the government to make reasonable decisions, and gives shipowners and seafarers more political clout. The Seamen's Union's participation in the tripartite is particularly crucial because the treaty is "a consolidated marine labour treaty that preserves seafarers' rights."

In Côte d'Ivoire, three seamen's unions exist. One is affiliated with the ITF, but the other two are not. The union has around 1.000 members, including retired sailors.

In fact, instead of working together to protect the interests of seafarers, the union has split up to pursue the same goal. This segregation weakens the union in the eyes of maritime authorities, which is detrimental to the interests of seafarers.

➤ **The uncertain liability of the crew labour supervision**

According to the results of the survey, 83.7% of seafarers are knowledgeable of the social security provisions in their engagement contract. Indeed, contracts are signed and validated by the maritime administration before each embarkation, allowing stakeholders access to such data. However, the reality is that they do nothing to guarantee impartiality.

INT1 reveal that this situation is due to lack of appropriate mechanism, strategy and plan to adequately address the issue and protect the seafarers. The inspection is only limited to the seafarers engagement contract because compared to the number of seafarers and manning agencies, this kind of survey program requires enough time and the number of inspectors is limited to achieve this goal.

Chapter 8: Conclusion and Recommendation

This chapter summarizes the dissertation's work and seeks to make recommendations based on the findings and discussions.

8.1 Conclusion

The evolution of the maritime sector is greatly influenced by the contributions of seafarers. Therefore, it is of the utmost importance to provide adequate social security because it protects the rights and interests of seafarers and alleviates the worry that seafarers experience while working on ships.

Internally, this protection is important as it can stimulate the growth of the maritime economy, which in turn increases Cote d'Ivoire's worldwide competitiveness as a country wishes to become the "hub" port in West Africa (APA,2019).

To that end, the International Labour Organization has been making efforts to strengthen the social security protections offered to seafarers worldwide. Thus, the MLC 2006 convention included clauses that dealt with the social security and welfare of seafarers. Furthermore, the majority of the countries on the globe that are involved in marine trade have enacted social insurance laws for seafarers that are consistent with the customs of their own nations.

Although the topic of social security for seafarers has not been adequately addressed in Côte d'Ivoire. Primarily, there are not enough legal documents regulating the social security of seafarers. The single one is insufficiently detailed, and several of the MLC, 2006-required branches are absent from the Ivorian maritime code. Similarly, the enormous number of seafarer unions is a significant issue. Rather than uniting their forces to demonstrate their value to Ivorian authorities, they have fragmented their efforts.

Moreover, there is a critical absence of norms at the marine administration for manning agencies that impose their will on Ivorian seafarers, as well as a lack of a suitable social security inspection strategy.

In light of Cote d'Ivoire's imminent implementation of the MLC, 2006, it is imperative that the country's seafarers' social security system move forward quickly.

Thus, we propose the following countermeasure to improve seafarers' social security system in Cote d'Ivoire.

8.2 Recommendations

Following assessment and discussion, the areas requiring improvement or attention gave rise to the recommendations below:

➤ **Increase or customize seafarer social security regulations**

Côte d'Ivoire's decision to join the MLC, 2006 last January is a great chance to make sure that rules for maritime workers are clear and cover all necessary branches.

Given that the IMC is the only legal instrument, further laws or policies focusing on the rights and interests of seafarers must be introduced. These regulations should address the rights of seafarers to appropriate working and living circumstances, as well as earnings, social security, and political rights. Despite the fact that the country is home to a prestigious marine institution and two great ports, Cote d'Ivoire currently lacks a maritime labour law expressly tailored to defend the rights and interests of seafarers. It is now time to establish specific maritime labour legislation. This would let the unique qualities of seafarers be taken into account, making working conditions better for everyone.

➤ **Inspection plan and national standards for manning agencies**

Establishing a standard, norm or instruction for any manning agency operating in the territory is one of the most essential obstacles that must be surmounted. Indeed, it can be as simple as a contract signed and implemented by any organization. This provision should simply declare that all Ivorian sailors must be covered by the national social security system, as it is advantageous for seafarers and their families. It basically means that all Ivorian seafarers working overseas must be acknowledged to the CNPS by their employers' companies. Thus, the seafarer will contribute to the country in which he or she resides and will have access to a lifetime pension, medical care, unemployment benefits, and disability benefits just like a normal worker on shore.

After this initial stage, a continual monitoring system must be in place to ensure compliance. For this, an effective reporting and inspection system must be in place.

Although marine authorities are not always in touch with seafarers, the digitalization of the maritime industry appears to be a perfect answer. In fact, maritime authorities must establish an application that seafarers can use to report any type of misuse involving their social security.

Furthermore, using the data gathered from this platform, inspectors can now conduct unannounced inspections in manning agencies or onboard ships where their seafarers are employed. In the same sense, 53.5 % of Ivorian seafarers believe that proper inspections of manning agencies by maritime authorities are necessary to strengthen their social protection, which is stipulated in the contract but is not always followed.

➤ **Reunite the seafarer union in Cote d'Ivoire**

The existence of three unions for around 1.000 seafarers in Côte d'Ivoire complicates matters. Typically, just one seamen's union is required in order to protect seafarers' rights. This organization must gain authority through time in order to confidently represent seafarers and establish a firm basis with government and shipowner representatives. The Seamen's Union should also assist the maritime authorities in developing an effective department of social protection for seafarers.

➤ **Helping seafarers to learn and apply the MLC,2006**

Despite the fact that 88.4 % of Ivorian seafarers are familiar with the MLC, 2006, 74.4 % believe that a regular seminar bringing together maritime administration, manning agencies, and seafarers to share knowledge about the issue is necessary. In fact, the Ivorian MARAD must take into account the fact that Ivorian seafarers have only a limited understanding of the convention and do not know how to protect their rights.

In this sense, as technology is at utmost era, the Cote d'Ivoire MARAD could put into place a digital platform used to instruct mariners in the same manner by sending weekly or monthly memos containing practical case studies and best practices.

In fact, ratification of the MLC,2006 convention is a great tool for Ivorian seafarer. Indeed, Cote d'Ivoire MARAD must use the Convention as an opportunity to address the gaps and weaknesses of social in the country for seafarer by introducing some specific treatment towards the authorities since it is a requirement set by the Convention.

8.3 Recommendations for future research

Currently, more research must be conducted on the Cote d'Ivoire merchant fleet, which is dwindling due to a lack of research data that prevents maritime authorities from making informed and objective decisions regarding challenges faced by seafarers. Concerning the well-being of Ivorian seafarers, there are many problems to solve, and this research is just a small part of a large amount of work that needs to be done.

In this way, more research could demonstrate how critical it would be for Côte d'Ivoire to establish a merchant marine ministry administered by staff having seafaring background to assist seafarers with their difficulties.

In addition, a thorough analysis is needed to show how important seafarers are to the blue economy now that there are two ports.

Last but not least, an important topic regarding the protection of seafarers from blacklisting by the manning agency after a complaint of abuse, as well as the specific institutes that deal with seafarers' wellbeing after retirement or incapacity, such as ENIM in France.

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Appendices

Interview questions

The interview question focuses on implementing MLC 2006 (Regulation 4.5 social security and 5.3 labour-supplying countries) in Cote d'Ivoire, and how seafarers' social security will be managed as the country just ratifies the convention. How it will apply to recruitment manning agencies and which control measures will be in place:

- As the first responsible seafaring regulator in Cote d'Ivoire, what is the general social security system in Cote d'Ivoire? And how does it cover Ivorian seafarers?
- Do you think this social security scheme fits them?
- Which verification measures do you have to check that seafarers are covered?
- As Cote d'Ivoire has just ratified the MLC convention, how are you planning to implement regulations 4.5 and 5.3?
- As a labour supply country, due to the matter of different jurisdiction, the convention is now requesting each administration to incorporate in their national system the seafarer's social benefits as he/she is a resident of the territory. Are you aware of that? How are you planning to deal with it?
- Which financial strategy will you use to give equal social security to seafarers?
- According to you what role should the recruitment agency play in the protection of Ivorian seafarers under MLC?
- Do you have an idea of the number of all Ivorian seafarers?

- What is the number of manning agencies in Cote d'Ivoire, and how are they planning to inform them about a new resolution regarding social security?

List of participants: Interview

Participants	Position	Organization
INT1	MLC,2006 administrator	MARAD-CI
INT2	Maritime Labour Inspector	MARAD-CI