



FOR INFORMATION

FIFTH ITEM ON THE AGENDA

Maritime matters

(a) Report on the 93rd Session of the IMO Legal Committee concerning the work of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers

1. The Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers (the Working Group) met in its Sixth Session from 19 to 21 September 2005, at the headquarters of the International Maritime Organization (IMO) in London.
2. At its 294th Session (November 2005), the ILO Governing Body received an oral update on the Sixth Session of the Working Group, and took note of the information provided.
3. At the 295th Session (March 2006), the results of this meeting were reported at the Committee on Sectoral and Technical Meetings and Related Issues. At that session, the Governing Body approved:
 - (i) the revised terms of reference for further work of the Working Group, as contained in Annex 1 of the report;
 - (ii) the operation of a database on incidents of abandonment of seafarers on the terms proposed by the Working Group; and
 - (iii) the holding of a Seventh Session of the Working Group, with participation by eight ILO representatives (three Shipowners, one fishing vessel owner, and four Seafarers), at no cost to the ILO.
4. It will also be recalled that the International Labour Conference at its 94th (Maritime) Session (February 2006) adopted a Resolution concerning the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers.

5. At its 92nd Session, held in Paris from 16 to 20 October 2006, the IMO Legal Committee received a progress report on the work of the Working Group. Although there had been no meeting between September 2005 and this 92nd Session, a report was made on the operation of the database which is based in the ILO and which had, as of January 2004, recorded 40 reported cases, 22 of which had been resolved.
6. At that meeting, the Chairperson of the Working Group reminded the Committee that it was important to start working on a possible long-term sustainable solution to address the problem of financial security with regard to compensation in cases of abandonment, death or personal injury of seafarers, and suggested that the time had come to fix the date for the Seventh Session of the Working Group.
7. The IMO Legal Committee encouraged the Working Group to continue its work, and invited the Joint Secretariat to fix a date for the Seventh Session of the Working Group, in consultation with its Chairperson. These results were reported to the 298th Session (March 2007) of the ILO Governing Body for information.
8. At the 93rd Session (October 2007) of the IMO Legal Committee there was consensus that the Working Group should be reconvened as soon as possible. It was suggested that the Working Group should focus on practical and long-term sustainable solutions. It was also proposed that the Working Group should be particularly cautious when considering the adoption of mandatory instruments aimed at proposing long-term solutions. In this regard, it was noted that the Working Group should first demonstrate the existence of gaps in international law before considering further rules.
9. The secretariats of the ILO and IMO consulted with their constituents and, at its 300th Session, the Governing Body of the ILO was informed (document GB.300/Inf.1) that the Seventh Session of the Working Group would take place at the ILO, from 4 to 7 February 2008, at no cost to the ILO.

Geneva, 23 January 2008.

Submitted for information.