



FIFTH ITEM ON THE AGENDA

**Report on the 92nd Session of the
IMO Legal Committee**

**(a) Progress report on the work of the Joint
ILO/IMO Ad Hoc Expert Working Group
on Liability and Compensation regarding
Claims for Death, Personal Injury and
Abandonment of Seafarers**

1. At its 289th Session (March 2004), the Governing Body considered the report of 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). It approved the holding of a Sixth Session of the Working Group, with participation by eight ILO (four shipowner and four seafarer) representatives, at no cost to the ILO.
2. In keeping with the abovementioned decision, 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.
3. At its 294th Session (November 2005), the ILO Governing Body received an oral update on the Sixth Session of the Joint Working Group, and took note of the information provided.¹ At the 295th Session (March 2006), the results of this meeting were reported to 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 Shipowner, one fishing vessel owner and four Seafarer), at no cost to the ILO.

¹ GB.294/12, paras. 29-33.

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 on 16–20 October 2006, the IMO Legal Committee received a progress report on the work of the Joint Working Group. Though 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 agreed as resolved.
6. At that meeting, the Chairperson of the Joint 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 Joint Working Group.
7. The IMO Legal Committee encouraged the Joint Working Group to continue its work, and invited the Joint Secretariat to fix a date for the Seventh Session of the Joint Working Group, in consultation with its Chairperson.

Geneva, 22 January 2007.

Submitted for information.