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JOINT IMO/ILO *AD HOC* EXPERT
 WORKING GROUP ON LIABILITY AND
 COMPENSATION REGARDING CLAIMS
 FOR DEATH, PERSONAL INJURY AND
 ABANDONMENT OF SEAFARERS
 Agenda item 3

IMO/ILO/WGLCCS 6/3/8
 19 August 2005
 ENGLISH ONLY

**EXAMINATION OF THE ISSUE OF FINANCIAL SECURITY FOR CREW
 MEMBERS/SEAFARERS AND THEIR DEPENDANTS WITH REGARD TO
 COMPENSATION IN CASES OF PERSONAL INJURY, DEATH AND
 ABANDONMENT, TAKING INTO ACCOUNT THE RELEVANT IMO AND ILO
 INSTRUMENTS, INCLUDING THOSE CURRENTLY UNDER REVIEW OR LIKELY
 TO BE ADOPTED IN THE NEAR FUTURE**

**Submitted by the International Transport Workers' Federation (ITF) and the International
 Confederation of Free Trade Unions (ICFTU)**

SUMMARY

Executive summary: This document comments on document IMO/ILO/WGLCCS 6/3
Action to be taken: Paragraph 8
Related document: IMO/ILO/WGLCCS 6/3

1 The International Transport Workers' Federation (ITF) and the International Confederation of Free Trade Unions (ICFTU) are providing this document to comment on the parts of the Shipowners' submission (contained in document IMO/ILO/WGLCCS 6/3) which address the database. This document also seeks to provide additional background information and comment.

Background

2 The database on abandoned seafarers was established and is administered by ILO. However, in order to test the system a pilot project was undertaken, which involved restricted access to the database. Access was only granted to the Chair and Secretaries of the social partners. It is on this basis that we find it hard to understand why the International Shipping Federation (ISF) made public complaints at the ninetieth session of the IMO Legal Committee. This resulted in the Chair having no alternative but to take a decision to "freeze" the database pending the outcome of this meeting. This has resulted in a situation where most of the participants at the present meeting will not have been given access to it. It also means that it has not been updated since April 2005. That means that it does not contain the updated information and additional cases provided by ITF/ICFTU and any other information, which may have been provided by Member States or organizations in consultative status. In these circumstances it is evident that the database is not as robust as it could be.

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3 It was envisaged that a live database would be updated at more frequent intervals and that all those enjoying access would be able to contribute in ensuring that it was accurate. It should be clear that the information provided is a snapshot at a given point in time. It is understood that all other parties could verify the accuracy of the information provided in this database, and would report discrepancies to ILO accordingly.

4 It was also clear that the database should provide a historical record of previous cases, even when they had been settled. However, it is clear that there needs to be an easily made distinction between current cases and those that provide precise statistics on the extent of the problem over time.

Comment

5 It should also be noted that ITF/ICFTU has put in place an internal system for the verification of the data we provide and to ensure that any reported case meet all the criteria set out in the Guidelines (IMO Assembly resolution A.930(22)). This means that we err on the side of caution and that there is likely to be an under reporting as we do not submit marginal cases.

6 Given the above, it is clear that the database does not represent a snapshot of the current situation, and that there have been developments since April 2005. It should be understood that we do not agree with all the information provided in Annex 1 of the Shipowners' paper. However, in the circumstances we do not consider that any useful purpose can be served by examining individual cases.

7 ITF/ICFTU also noted that the Guidelines (IMO Assembly resolution A.920(22)) clearly state that:

“These Guidelines also apply to fishing vessels engaged in international voyages.”

Action requested of the Working Group

8 The participants in the Joint IMO/ILO *Ad Hoc* Expert Working Group are invited to note the information provided and to read the sections relating to the database in the Shipowners' paper in the light of the background information and comments we have provided. We would also invite the Joint IMO/ILO *Ad Hoc* Expert Working Group to agree that no useful purpose would be served by an examination of individual cases.