



Report of LEG 105

Legal Committee

23rd – 25th April 2018

International Maritime Organization (IMO), London headquarters

ITF delegation

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The 105th session of Legal Committee was commenced on the 23rd of April 2018 at the IMO. Overall agendas discussed were with regards to seafarers' humanitarian issues:

- Abandonment;
- Fair treatment ;
- Marine Autonomous Surface Ship (MASS) Regulatory scoping exercise;
- Fraudulent registry;
- Increase implementation of HNS Convention¹;
- Provision of guidance for the implementation of IMO instruments;
- IMO Resolution on Human element; and
- Global Integrated Shipping Information System (GISIS) module development.

Outcomes of the Meeting

1. Marine Autonomous Surface Ship (MASS) Regulatory scoping exercise

Establishing task force as well as envisaging further steps by developing strategic plan were discussed. However, propositions were pended owing to the majority concerns related to prematurity. Hence the upcoming MSC 99 decisions would have to be correspond to the Committee's next direction. Nevertheless, the plenary perceived the prospective ambitions for this agenda in the future.

¹HNS Convention: International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996



2. Fraudulent registry

The negative consequences of the act, as such, member States and member Organisations conveyed great attentions by proposing possible measures, *inter alia* mandating deploying insurers' certificates and creating relevant module in GISIS, which renders fraudulent registry information of ships or flag States.

3. Abandonment and Fair treatment

The ITF delegation alluded acute circumstances with ILO/IMO database analysis by countries. The deliberation was supported by many member States, moreover, resulted official commitment to implementing legal systems into their national laws. The ITF delegates foresaw the next steps to contemplate, such as effective enforcement of Casualty Investigation Code, MLC 2006, as amended. On that note, it was considered to be essential reminding flag States that implementing and enforcing such instruments would practically lessen their burden.

The other consideration was any deficiency in Minimum Safe Manning, A. 1047 (27) in terms of replacement in abandoned situations. As a result, this resolution shall be implemented effectively as well as be enforced with a robust mechanism to protect seafarers' fundamental human rights, furthermore, proper operational manning should be adopted, which concurs with the ITF's proliferation.

In the light of presentation on fair treatment, many delegates showed their interests in the first regional workshop on fair treatment, also willingness to host the subsequent events. The workshop will render pragmatic views and tools for implementation and enforcement.

4. Consideration of Human Element

Assembly Resolution 947 (23) was adopted in 2004 to implant the importance of human element. However, it is premature to state it has been successfully rooted in the maritime culture. The ITF delegation will be persistent advocating the Resolution until complete effect is made.

Action point

Legal Committee undertakes major issues on maritime transport workers' wellbeing. Therefore, contribution is paramount and the participation is essential. Any agenda regarding our workers' safety and welling should be more presented at this particular Committee.