

191 It was suggested that the CMI, instead of developing a model national law, might consider working with the Legal Committee with the view to developing an instrument that might develop into customary international law.

192 The Committee took note of the information contained in documents LEG 89/8 and expressed its appreciation for the identification of legal points in LEG 89/8/1. It was decided that no further action was required of the Committee at this time but that the matter could be reactivated at some future meeting by interested delegations.

I FAIR TREATMENT OF SEAFARERS (agenda item 9)

193 The Committee recalled that the Council at its ninety-second session had approved this new item on the Committee's work programme to develop guidelines on the fair treatment of seafarers and agreed that a joint IMO/ILO Working Group should be established. The Committee was informed by the representative from the ILO that the ILO Governing Body, at its 290th session (June 2004), had approved the establishment of a Joint IMO/ILO *Ad Hoc* Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident as a tripartite body (i.e., to be composed of eight Government experts nominated by IMO, as well as four Shipowner and four Seafarer experts nominated by ILO). The ILO representative said the outcome of the Committee's consideration of this issue, including any agreed terms of reference, would be brought to the attention of the next session of the ILO Governing Body in November.

194 The Committee agreed to the Terms of Reference as contained in the annex to document LEG 89/9/1 with an amendment to the fourth bullet, which will read as follows: internationally recognized standards and guidelines on settlement of disputes, including various liability and compensation regimes. The approved terms of reference, as amended, is presented at annex ...

195 It was noted that the terms of reference did not extend to treatment of seafarers following incidents committed with criminal intent.

196 The Committee agreed to appoint the following eight countries to represent the Organization on the Joint *Ad Hoc* Expert Working Group: CHINA, EGYPT, GREECE, NIGERIA, PANAMA, PHILIPPINES, TURKEY and UNITED STATES. The Committee was

informed that other delegations may attend meetings of the Joint *Ad Hoc* Expert Working Group as observers.

197 The Committee was advised that the first meeting of the Joint *Ad Hoc* Expert Working Group was tentatively scheduled to take place from 17 to 19 January 2005 at IMO Headquarters.

198 Documents submitted to this session with proposals (LEG 89/9/1 submitted by IFSMA and LEG 89/9/2 submitted by Brazil), as well as document C 92/6/1 submitted by India to the Council, were referred to the Joint *Ad Hoc* Expert Working Group to be taken into consideration in its work. All delegations, and the social partners (ICS/ISF and ITF/ICFTU) were encouraged to submit proposals to the Group. It was also requested that the IMO and ILO Secretariats prepare a document for the Group containing background materials such as copies of documents referred to in the Terms of Reference.

199 The representative of the CMI informed the Committee that the CMI had established an international working group on fair treatment of seafarers and hoped to make a contribution to the work of the Joint *Ad Hoc* Expert Working Group.

200 The Committee expressed its appreciation to the Secretary-General for his personal efforts in calling attention to the issue of the fair treatment of seafarers.

J MONITORING THE IMPLEMENTATION OF THE HNS CONVENTION (agenda item 10)

201 The delegation of the United Kingdom introduced document LEG 89/10 which reported on the progress of States participating in the HNS Correspondence Group towards ratification of the HNS Convention.

202 As leader of the Correspondence Group, the delegation stated that there was a recognition that the HNS Convention had complexities that differed from the similar IOPC Fund regime, especially in respect of contributions. It also mentioned that the ratification process had been held back to ensure that as many States ratify at or about the same time, thereby triggering the entry into force of the treaty.