



COUNCIL
90th session
Agenda item 21

C 90/21/Add.1
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LONG-TERM WORK PLAN

Note by the Secretary-General

SUMMARY

Executive summary: This document contains the Legal Committee's proposals for its long-term work plan.

Action to be taken: Paragraph 3

Related documents: C 90/21, LEG 86/15

1 As envisaged in document C 90/21, the Legal Committee reviewed its long-term work plan at its eighty-sixth session which was held from 28 April to 2 May 2003.

2 The outcome of this review is reported in the annex to the present document. Any changes agreed to by the Legal Committee at its eighty-seventh session will be reported to the twenty-second extraordinary session of Council in an appropriate manner.

Action requested of the Council

3 The Council is invited to take note of the information in this document.

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ANNEX**PROPOSED LONG-TERM WORK PLAN OF THE LEGAL COMMITTEE FOR THE PERIOD UP TO 2010**

The following is an indicative list of subjects for consideration by the Legal Committee for the period to 2010. This list is not exhaustive and the subjects are not listed in order of priority.

I Specific subjects

- 1 Completion of preparatory work on a convention on wreck removal;
 - The Committee is working towards the objective of having a draft convention on wreck removal ready for consideration by a Diplomatic Conference in the biennium 2004-2005.
- 2 Monitoring 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;
 - The Committee approved two questionnaires, prepared by a Joint IMO/ILO Working Group, intended to assess the implementation of resolutions A.930(22) and A.931(22). The Committee also approved revised terms of reference for the Joint Working Group.
- 3 Revision of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf, 1988 (SUA Convention and SUA Protocol);
 - The Committee is working towards the objective of having draft protocols to the SUA Convention and the SUA Protocol ready for consideration by a Diplomatic Conference in the biennium 2004-2005.
- 4 Follow-up action regarding the question of places of refuge;
 - The Committee considered the international law implications of the draft guidelines on places of refuge developed by MSC and NAV and provided advice in this regard.
 - The Committee also considered the results of a survey conducted at its request by the CMI on the extent to which domestic law deals with the subject. The Committee requested the Secretariat, in conjunction with the CMI, to review international and national law dealing with liability and compensation in relation to places of refuge. In light of the results of the survey, the Committee will take appropriate action.

- 5 Possible comprehensive revision of the Civil Liability and Fund Conventions on liability and compensation for oil pollution damage;
 - During the biennium 2002-2003, the Committee approved a draft protocol to the 1992 Fund Convention to establish a third tier of compensation. The Protocol was considered and adopted by a Diplomatic Conference held in May 2003.
- 6 Monitoring the implementation of the HNS Convention;
 - The Committee finalized analytical materials prepared by a Correspondence Group to promote the ratification and implementation of the HNS Convention and requested that they be posted on the IMO website.

II General subjects

- 1 Possible revision of maritime law conventions in the light of proven need and subject to the directives in resolution A.500(XII), resolution A.777(18) and resolution A.900(21);
 - This is a generic item which allows for revision of any of the maritime law conventions subject to the Committee's purview, as and when the need for revision arises.
 - The Protocol of 2002 to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974 was adopted by a Diplomatic Conference held in October 2002. This Protocol was based on the text developed by the Committee.
 - The Committee also engaged in a revision of the SUA Convention and the SUA Protocol; see details above at paragraph I(3).
- 2 Monitoring the implementation of conventions adopted as a result of the work of the Legal Committee;
 - This is a generic item which allows the Committee to monitor implementation of the conventions subject to the Committee's purview with the aim of providing guidance when it may be needed.
 - The Committee has been monitoring the implementation of the HNS Convention; see details above at paragraph I(6).
- 3 Examination of issues relating to the role of the Organization under the United Nations Law of the Sea Convention;
 - The Committee discussed certain provisions of UNCLOS in the course of its deliberations concerning the draft Wreck Removal Convention as well as those concerning places of refuge and the SUA Convention and the SUA Protocol.

- 4 Promotion of IMO's technical co-operation subprogramme in the field of maritime legislation;
- This is a continuing item on the Legal Committee's work programme.
 - During the Biennium 2002-2003, the Committee has discussed activities taking place in area of technical co-operation in the field of maritime legislation particularly insofar as these activities pertain to legal issues.
- 5 Legal issues arising in other IMO bodies and referred to the Legal Committee;
- This is a generic item to allow the Committee to address issues which may be referred to it by other IMO bodies.
 - During the biennium 2002-2003, the Committee has reviewed draft guidance on places of refuge, at the request of the Maritime Safety Committee. The Committee has also discussed and advised on several issues referred to it from other IMO bodies, namely, treatment of persons rescued at sea referred to it by NAV and definitions of terms "ownership" and "control of ships" referred to it by the Intersessional Working Group on Maritime Security. The Committee expressed its willingness to examine particular issues as may be requested by other IMO bodies.
- 6 Co-ordination and co-operation with the UN and specialized agencies in legal matters of common interest;
- The Committee established and is monitoring the work of a Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers. The Group held its fourth session during the biennium.
- 7 Examination of maritime law initiatives undertaken by Member States or non-governmental bodies.
- The Committee requested the CMI, in conjunction with the IMO Secretariat, to develop a questionnaire to gather information about existing national laws concerning measures to protect crew and passengers against crimes on vessels. Once this information is available the Committee will take such action as it deems appropriate. The questionnaire was distributed to Member States by the Secretariat.
 - The Committee considered the results of a survey conducted by the CMI to ascertain the extent to which domestic law dealt with the question of vessels in distress seeking refuge. The Committee also requested the CMI, in conjunction with the IMO Secretariat, to develop a questionnaire to assess international and national laws covering liability and compensation in relation to places of refuge. The questionnaire was distributed to Member States by the Secretariat.
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