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SUMMARY RECORD OF THE SEVENTH MEETING

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR
on Thursday, 2 July 2009 at 9.30 a.m.**

Chairman: Mr. J. FRANSON (Sweden)
Vice-Chairman: Mr. D. NTULI (South Africa)
Secretary-General: Mr. E. E. MITROPOULOS

A list of participants is given in document C 102/INF.1.

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AGENDA ITEM 10 – CONSIDERATION OF THE REPORT OF THE FACILITATION COMMITTEE (C 102/10) (continued)

The SECRETARY-GENERAL expressed appreciation for the achievements of the Facilitation Committee (FAL) at its thirty-fifth session and for the leadership provided by its chairman, Mr. Abela (Malta).

He had been pleased to open the proceedings of its first session as an institutionalized body of the Organization under the provisions of the IMO Convention. That event had provided an ideal opportunity for the committee to reaffirm its identity as the principal IMO body charged with setting global standards to facilitate, under conditions of reasonable security, the smooth flow of maritime traffic by simplifying and minimizing the formalities, documentary requirements and procedures associated with the arrival at, stay in, and departure from ports of persons and ships engaged in international voyages. The strengthening of the committee's status could not have come at a more appropriate time now that, as the specialized body of IMO, it would increasingly be called upon to help address growing problems encountered by shipping with a direct bearing on the facilitation of maritime traffic and, in particular, the efficiency of the industry as it interfaced with ports and offshore terminals.

He welcomed the adoption of another set of amendments to the Annex to the FAL Convention aimed at further assisting in the facilitation of travel of passengers and crew, as they struck the right balance between the need to enhance security at sea and in ports and the desire to facilitate maritime traffic, in particular the movement of people by sea. Accordingly, he looked forward to the effective implementation of the new amendments and of all the other measures adopted by the committee over the years.

Although the FAL Convention had, since 1961, successfully addressed the concerns of the industry about the excessive number of documents required by ports and local authorities and had successfully responded to other related needs, it had recently become apparent that a thorough overhaul was required. He therefore welcomed the recent decision by the committee to initiate a comprehensive review of the FAL Convention with a view to ensuring that it adequately addressed the present and emerging needs of the shipping industry. The exercise would take into account recent developments not only in the field of electronic information and data transmission and the Single Window concept, but also in other areas of competence of IMO, most notably since the introduction therein of the ISPS Code. Throughout the review, guidance would be sought from the Assembly in achieving the right balance between security and facilitation and, based on that consideration, security and facilitation issues.

The extensive and detailed work undertaken in developing the *Explanatory Manual to the FAL Convention* and the *IMO Compendium on Facilitation and Electronic Business* was being finalized, and the committee expected that, with some further intersessional revision, they might be ready for approval at its next session. In the context of the FAL Committee's recent work, progress was being made on matters relating to the electronic transmission of information on the clearance of ships, and other electronic data interchange issues, and guidelines were being developed for introducing the Single Window concept in maritime transport, complementing, but not duplicating, the work being done in other organizations. He was also pleased that the committee was addressing the complex issue of the disembarkation of persons rescued at sea, which continued to cause serious concerns for countries faced with an increasingly heavy flow of largely undocumented migrants. That had become a thriving business for organized criminal networks and unscrupulous shipowners, who quite often sent the migrants out to sea in small and dangerously overcrowded substandard ships. The FAL Committee had a clear and distinct role to play in that regard, complementary to that of the Maritime Safety Committee (MSC) in relation to the rescue of

persons found in distress at sea, and it was cooperating closely with the United Nations High Commissioner for Refugees and with the IMO staff who liaised with UNHCR.

In addition to the committee's work to combat illicit drug trafficking, there were, unfortunately, other unlawful acts threatening the safety and security of ships and the life of those on board, such as armed robbery and possible terrorist attacks, which the committee should help combat with its own expertise, thus making a valuable contribution to the more direct work performed by other IMO bodies, in particular the MSC. Such issues had a negative impact on the flow of traffic as they disrupted normality in the ship/shore interface and caused undesirable delays in ports. More coordination work should therefore be undertaken in-house and with other stakeholders, including the industry, to promote both rapid and harmonized procedures that would not only enhance the facilitation of maritime traffic but also make the whole process more predictable, for the benefit of all stakeholders concerned. Based on the committee's achievements at its last session, he had every confidence that it was on the right path to continue making progress in the future in pursuit of its worthy objectives. He also commended the work of the Maritime Safety Division in support of the FAL Committee.

Mr. ANASTASAKOS (Greece) congratulated the chairman of the Facilitation (FAL) Committee for his comprehensive report. He welcomed the institutionalization of the committee following the entry into force on 7 December 2008 of the 1991 amendments to the IMO Convention. The existence of the committee as an institutionalized body of IMO under article 11 of the FAL Convention would significantly contribute to accelerating progress in the comprehensive revision of the convention, the development of an explanatory manual for it and the drafting of guidelines for setting up the Single Window system in maritime transport.

Concerning the review of the Standards and Recommended Practices, contained in the Annex to the FAL Convention, to which differences had been registered by Contracting Governments, he drew attention to paragraph 11.2 of document C 102/10, noting that Greece had also notified differences under article VIII between the provisions of certain standards and the European Community legislation.

Mr. ISLAM (Bangladesh) appreciated the continued efforts of the present and previous Secretaries-General to institutionalize the FAL Committee and praised the able leadership of its chairman. On the issue of electronic means for clearance of ships, his delegation supported the proposal of the Republic of Korea on the development of guidelines for setting up the Single Window system. Bangladesh, which used that system, considered that it would be beneficial for the committee to develop guidelines that took into account and built on existing standards and recommendations developed, for instance, by the United Nations Centre for Facilitation of Procedures and Practices for Administration, Commerce and Transport, the World Customs Organization, and the International Standardization Organization.

Mr. OLIMBO (Italy) said that the wide range of activities carried out by the committee and its outstanding achievements, highlighted in the report, reflected its proactive approach and flexibility in tackling the sensitive issues brought to its attention. He commended the outcomes of the new division established within the Maritime Safety Division in response to the need to strike a balance between security and the facilitation of maritime trade. Italy fully endorsed the report.

Mr. LIM (Republic of Korea) said that the majority of Member States had made valuable comments and recommendations regarding the proposal to develop guidelines for setting up the Single Window system. Since then, the Republic of Korea had been contacting the relevant bodies in the various Member States, requesting specific information it required for the further

development of the guidelines. He would report on the issue at the next session of the committee, to which he hoped to submit a finalized set of guidelines.

The CHAIRMAN invited the Council to note the information contained in document C 102/10 and that provided orally by the chairman of the Facilitation Committee and the Secretary-General.

He invited the Council to note in particular the adoption of the committee's rules of procedure; the adoption, by the Committee, of amendments to the FAL Convention regarding the arrival, stay and departure of ships; contents and purpose of documents; arrival and departure of persons; requirements and procedures; measures to facilitate clearance of cargo, passengers, crew and baggage; and facilitation for ships engaged on cruises and for cruise passengers, which were expected to enter into force on 15 May 2010; the actions taken in relation to the review of Standards and Recommended Practices of the Convention to which differences had been registered by Contracting Governments; the decision of the Committee to initiate a comprehensive revision of the FAL Convention with a view to ensuring that it adequately addresses the present and emerging needs of the shipping industry through modernization of its provisions taking into account recent relevant developments; the progress made in relation to the development of an explanatory manual to the FAL Convention; the progress made in relation to the transmission, by electronic means, of information relating to the clearance of ships, and on the revision of the IMO Compendium on facilitation and electronic business; that the committee had requested the Secretariat to continue the IMO Stowaway Focal Point trial period; the decisions of the committee concerning the scope of issues to be considered in connection with the disembarking of persons rescued at sea and the issue of a relevant FAL.3 circular on administrative procedures; the action taken in relation to denial of IMDG Code class 7 radioactive materials, including those in packaged form used in medical or public health applications; that the committee had requested the Secretariat to continue the trial mechanism for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials; the action taken by the committee on issues relating to delivery of technical assistance in the field of facilitation of international maritime traffic; the thematic priorities for the facilitation of international maritime traffic, as proposed for inclusion in the ITCP for the 2010-2011 biennium; the adoption of amendments to the committee's guidelines on organization and method of work to harmonize them as much as possible with those of the MSC and MEPC; the draft resolution on Revision of the *Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases* (resolution A.871(20)), to the twenty-sixth regular session of the Assembly, for consideration with a view to adoption; the recommendation that two meeting-weeks should be allocated for sessions of the committee during the 2010-2011 biennium; and the actions taken in relation to the revision of the role, mission, strategic direction and work of the committee and the arrangements made to ensure that they are and remain consistent with the Strategic Plan for the Organization.

Finally, he invited the Council to approve the report of the thirty-fifth session of the Facilitation Committee and to transmit it, together with its comments and recommendations, to the twenty-sixth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

It was so decided.

AGENDA ITEM 11 – CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE (C 100/11)

Mr. CHAI (Republic of Korea), speaking in his capacity as chairman of the Legal Committee, said that the committee had held its ninety-fifth session from 30 March to 3 April 2009, attended by 72 Member States, one Associate Member, three intergovernmental and 14 non-governmental organizations. The report of the session was summarized in document C 102/11 and the full report of the meeting was contained in document LEG 95/10.

With regard to the item on monitoring the implementation of the HNS Convention, the committee had concluded its consideration of a draft protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996. That had been the highest-priority item on the committee's agenda for the past two sessions. In particular, the committee had approved a number of amendments to the definition of "HNS". After an article-by-article reading, the committee had approved the text of the draft protocol, as amended by the committee, for the purpose of its submission for consideration by a diplomatic conference, and had agreed to advise the Council accordingly. In line with previous practice, the Secretariat had been instructed to prepare and circulate the basic text of the draft protocol to be considered by the diplomatic conference and, to that end, it had been authorized to edit the text in line with the style and language of other treaties adopted by the Organization.

Turning to the item on provision of financial security, he said that it had not been possible for a full written progress report to be submitted in the three working languages on 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, due to the shortage of time between the end of the ninth session of the working group and the current session of the committee. As an interim measure, the committee had been briefed orally on the work of the group, in particular its development of comprehensive draft articles, which it had recommended be included, by way of amendment, in the 2006 ILO Maritime Labour Convention once it entered into force. The committee would have an opportunity to discuss that further at its ninety-sixth session in October 2009. The joint Secretariat had been instructed to remind governments of IMO resolution A.930(22) on *Guidelines on provision of financial security in case of abandonment of seafarers* and to further urge its voluntary implementation, as well as that of resolution A.931(22) on *Guidelines on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers*.

Regarding the agenda item on follow-up on resolutions adopted by the Nairobi International Conference on the Removal of Wrecks, 2007, the committee had considered a document submitted by an informal correspondence group under the coordination of the delegation of the Netherlands, on the legal, technical and practical aspects involved in developing a single model compulsory insurance certificate, as requested by the Wreck Removal Conference. After a full discussion, the committee had agreed to establish a formal correspondence group to further develop the model certificate and keep the committee informed on a number of related issues.

Concerning the fair treatment of seafarers in the event of a maritime accident, the committee had considered a study submitted by the observer delegation of BIMCO on what it categorized as a global problem, namely the practice of using criminal sanctions against seafarers following such accidents. It had also noted the offer by the observer delegation of the Comité Maritime International to obtain, through its member national maritime law associations, reports and assessments in relation to current and future cases of unfair treatment. Most delegations had

been of the view that there was no need to reconvene the Joint IMO/ILO *Ad Hoc* Expert Working Group on Fair Treatment of Seafarers in the Event of a Maritime Accident at that point. Instead, the committee had agreed that the guidelines adopted by the Legal Committee and the *Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident*, adopted by the Maritime Safety Committee, should be strictly applied by states. In that way, a proper balance could be achieved between the need for thorough investigation of maritime accidents, on the one hand, and protection of the rights of seafarers, on the other.

Turning to the item on technical cooperation activities related to maritime legislation, the committee had noted the activities included in IMO's ITCP Programme for the 2010-2011 biennium to counteract acts of piracy, in particular its activities to develop appropriate legislation to help implement the *Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden*. The committee had also noted a number of measures put in place by the Secretariat, aimed at expanding the pool of experts through enhancement of capacity-building, in particular, involving IMLI and WMU graduates.

With respect to the item on the committee's work programme, the committee had adopted revised guidelines on its work methods and organization of work, taking into account the Council's request, at its ninety-seventh session, that it harmonize its work methods, as far as possible, with those of MSC and MEPC. The committee had agreed to revisit the guidelines in due course, to ensure they took into account any new Council guidelines on application of the Strategic Plan and the High-level Action Plan, when those had been finalized.

The committee had revised its planned outputs for the 2010-2011 biennium. In so doing, it had noted that it was the first time an attempt had been made to convert its outputs into terms which were specific, measurable, achievable, realistic and time-bound (SMART). As a result, it might be necessary to examine its planned outputs at every session in the future to ensure they were kept up to date and consistent with the committee's priorities. The committee had also examined the existing strategic directions and high-level actions, as set out in Assembly resolutions A.989(25) and A.990(25), and concluded that they remained valid for the anticipated work of the committee.

As far as meeting weeks for the next biennium were concerned, the committee had noted that the diplomatic conference to consider the draft protocol on the HNS Convention had been tentatively scheduled for April 2010, in lieu of its spring session for 2010. The committee had accordingly agreed to recommend to the Council that it should hold one session in the latter half of 2010 and one session in 2011.

Several issues had been discussed under the item on "Any other business". Under the heading "Places of refuge", the committee had considered a draft convention text submitted by the observer delegation of CMI, but had reiterated its decision not to develop a binding instrument on places of refuge at that point.

The committee had subsequently considered several issues related to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. One of the most pressing had been whether the flag State in which bareboat-registered vessels were registered, or the State of the ship's underlying registry, should issue the certificate of insurance or other financial security in respect of civil liability for bunker oil pollution damage regulated in the Bunkers Convention. The committee had been unable to reach a consensus on the matter and had agreed to include the question, together with a number of others, as a matter of priority among the terms of reference of

the correspondence group which it had decided to establish on the implementation of the Bunkers Convention. The group was expected to provide a progress report to the Legal Committee at its ninety-sixth session.

Finally, the committee had taken note of the work being undertaken within IMO with regard to piracy, including a study being undertaken by the Secretariat on the review of national legislation to prevent and punish the crime of piracy, as part of IMO's anti-piracy strategy in response to United Nations Security Council resolution 1851 (2008). IMO Members that had not already done so had been encouraged to submit information and the texts of their national legislation, in response to IMO Circular letter No.2933.

The SECRETARY-GENERAL said that the chairman of the Legal Committee had provided a comprehensive report on the outcome of LEG 95. He congratulated the committee and the staff of the Organization who supported its work, and noted with satisfaction the results reached during the session under review.

He commended the committee on completing its work on the preparation of a draft protocol to the 1996 HNS Convention. The fact that it had been able to do so in only two sessions was partly due to the contribution of the focus group convened by the IOPC Funds Assembly. The relatively few contentious issues that had emerged at the second reading of the draft text boded well for the consideration and adoption of the new protocol in spring 2010, assuming that the Council approved those arrangements. That, in turn, should pave the way for the long overdue entry into force of the HNS Convention and the implementation of an efficient regime of liability and compensation for damage resulting from the carriage of hazardous and noxious substances by sea.

He also welcomed the completion of 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 and looked forward to receiving the committee's analysis of the group's report at the ninety-sixth session of the Legal Committee. The successful completion of the joint group's activities demonstrated once more the strength of the cooperation between IMO and ILO in matters concerning the welfare of seafarers. He extended his appreciation to ILO as well as to the IMO staff involved in the organization and running of the group.

The prospective adoption of mandatory measures within the framework of the Maritime Labour Convention should not be used as an excuse to delay the implementation of IMO guidelines on the provision of financial security in case of abandonment of seafarers and those on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers. On the contrary, the experience to be drawn from such implementation would not only assist in the elaboration of mandatory measures but would also, with immediate effect, improve the working conditions of seafarers and better protect them and their families in cases of abandonment, death and injury.

He finally wished to comment on the Legal Committee's ongoing endeavours to resolve uncertainties and to provide guidance in connection with the implementation of the Bunkers Convention. Over the years, the committee had developed a comprehensive set of conventions covering most, if not all, aspects of liability and compensation arising from shipping incidents. That part of the committee's work was now largely complete but, as he had repeatedly maintained, its work did not stop at that point since it also needed to do its best to ensure those instruments were ratified and implemented.

He also reiterated the committee chairman's invitation to all IMO Members that had not submitted information regarding their national legislation to prevent and punish the crime of piracy to do so as early as possible. In the context of the previous day's discussions of the budget and the widely shared view that savings should be made wherever and whenever possible, meetings should be held only when absolutely necessary. Accordingly, the committee should be commended for its decision to hold only two sessions in the next biennium. There would be three meeting-weeks, one of which would be taken up by the HNS review conference and two by meetings – one in late 2010 and one in 2011, instead of the four sessions in four-meeting weeks that the Council usually approved for the committee for any subsequent biennium.

To conclude, he commended the committee and its chairman for their efforts in making progress in all the areas of the committee's concern, and expressed appreciation to all the dedicated and committed staff of the Legal and External Affairs Division.

Mr. MRUGALSKI (Chile) thanked the Legal Committee's chairman for a comprehensive report. He welcomed the activities relating to national maritime legislation, aimed at developing appropriate legislation to ensure the arrest, prosecution and punishment of pirates, and endorsed the measures adopted to make use of the knowledge acquired by IMLI and WMU graduates to enhance capacity-building in the area of piracy and armed robbery.

Mr. SIVERTSEN (Norway) congratulated the chairman on his report, which he endorsed, and praised the Secretariat for its able work. He noted with special satisfaction that the draft HNS Protocol would be the subject of a diplomatic conference early in 2010 and welcomed the outcome of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers.

Mr. SUNARYO (Indonesia), referring to the committee's review of national legislation, informed the Council that Indonesia had in May 2008 promulgated a new law on sea transportation and ports which would strengthen safety and security of navigation and environmental protection.

Mr. OLIMBO (Italy) congratulated the Legal Committee's chairman on a comprehensive report and welcomed in particular the work done by the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers and on the fair treatment of seafarers in the event of a maritime accident. He hoped that the diplomatic conference to be held in 2010 to consider the draft protocol to the HNS Convention would result in its adoption. Italy endorsed the action requested of the Council in paragraph 63 of document C 102/11.

Ms VENKATACHALAM (India) joined previous speakers in expressing appreciation of the chairman's excellent work. India was disappointed by the committee's decision not to reconvene the Joint IMO/ILO *Ad Hoc* Expert Working Group on Fair Treatment of Seafarers in the Event of a Maritime Accident. The points raised in the BIMCO report were relevant to the fair treatment of seafarers, especially in the light of the recent incident involving the **Hebei Spirit**, which had traumatized the seafaring community. Seafarers of all nationalities deserved the assurance that local courts would assess their actions uniformly, on the basis of internationally accepted principles and standards, without fear or favour, and to the best of their professional competence. There was a need for a sustained campaign to sensitize all relevant stakeholders, and not least governments, to the tenets of international law and guidelines on the fair treatment of seafarers and for a review of the IMO/ILO guidelines to see where they could be further strengthened in the light of recent incidents. She therefore requested the Legal Committee to reconsider its decision, since failure to deal with the issue would have a long-term impact on the seafaring profession's ability to attract new entrants.

Mr. ESCHERICH (Germany), after thanking the chairman for his report, said that Germany fully endorsed the convening of a diplomatic conference in April 2010 for the purpose of adopting the draft HNS Protocol. The project was long overdue and the protocol would enhance the protection of victims of accidents resulting from the transport of hazardous chemicals and cargo. He welcomed inclusion of the question of issuing certificates to ships registered on a bareboat charter basis among the terms of reference of the correspondence group on the implementation of the Bunkers Convention, which particularly affected his country. He was convinced that the committee would reach a solution that would satisfy States of registry and flag States alike. The committee's recommendation of reducing the number of its meetings in the 2010-2011 biennium was a good example of committees' budgetary awareness.

Mr. COCKBURN (United Kingdom) endorsed the comments by Norway and Germany on the HNS Protocol. His country looked forward to playing its part in a successful conclusion at the diplomatic conference.

Ms KARIGITHU (Kenya) expressed her appreciation of the committee's work and endorsed its report. She welcomed its review of national maritime legislation, particularly in relation to piracy and armed robbery against ships. She was grateful to IMO for the assistance it would shortly be providing for her country in the form of a mission aimed at ensuring that its legislation with regard to piracy and armed robbery was in line with the relevant international conventions.

Mr. BAINBRIDGE (International Transport Workers' Federation) thanked IMO for the successful outcome of its efforts to provide financial security for abandoned seafarers. He urged that priority be given to implementing financial security provisions in view of the escalating number of abandoned vessels as a result of the current financial downturn. He thanked the Legal Committee for its guidance on the fair treatment of seafarers in the event of a maritime accident, but expressed concern that, despite the well-publicized instances of unfair treatment, such as that of the two seafarers from the **Hebei Spirit**, little information on the outcome of investigations into the unfair treatment and criminalization of seafarers was being registered with IMO. Despite resolution A.922(22), adopted in 2001, and its code of practice for reporting and investigating crimes of piracy – which caused considerable trauma to its victims – no outcomes of such investigations had been lodged with IMO, which implied that many flag States were not prepared to investigate such crimes and were not taking an important problem seriously enough. In the view of some young seafarers, the fair treatment guidelines should be given mandatory status.

Mr. LEE-SIK CHAI (Republic of Korea), speaking as chairman of the Legal Committee, shared the concerns expressed by the representative of India and assured her that the Legal Committee considered the fair treatment of seafarers in the event of a maritime accident to be of paramount importance. However, it had concluded that it should await the reports being obtained by the Comité Maritime International before it decided what further action it should take on the issue.

Mr. CHRYSOSTOMOU (Cyprus) thanked the Legal Committee for its excellent work. He recalled that the Organization's rules of procedure for diplomatic conferences provided for decisions of the Committee of the Whole on reopening an issue to be made by a two-thirds majority, whereas its decisions to expand a text by including a new proposal were to be made by a simple majority of delegations voting. Bearing in mind that two diplomatic conferences were scheduled to be held in 2010, he requested the Secretariat to review the rules of procedure with the aim of changing the rule governing decisions to include a new proposal so that they could be made by a two-thirds rather than a simple majority, in order to avoid long debates at the plenary level.

The SECRETARY-GENERAL, replying to the statement by the representative of the International Transport Workers' Federation, said that he did not think it appropriate for IMO to focus its attention on the publicity surrounding cases of unfair treatment of seafarers, but on helping governments to make decisions that would benefit seafarers involved in such cases. As that representative would recall, following informal discussions with representatives of ILO and of the Round Table of shipping industry organizations, of which ITF was a member, it had been decided that the welfare of traumatized seafarers who had been held captive for ransom was the responsibility of the shipping industry. In its "Go to sea!" campaign, IMO had stressed its concern for the welfare of seafarers.

In reply to the representative of Cyprus, he said that the Secretariat would consider his advice when drafting the rules of procedure for the forthcoming diplomatic conferences.

Mr. BAINBRIDGE (International Transport Workers' Federation) said that he had not wished to imply that IMO should publicize cases of unfair treatment of seafarers. The point he wished to make was that no reports of instances of unfair treatment were being submitted to the Organization, and that the Legal Committee would therefore have very little information on which to base its deliberations on the issue.

The CHAIRMAN invited the Council to note the information set out in document C 102/11, as well as that provided orally by the Chairman of the Legal Committee and the Secretary-General.

In particular, he invited the Council to endorse the Committee's recommendation that a diplomatic conference be convened in April 2010, in lieu of the Legal Committee's spring session, for the purpose of considering and adopting a Protocol to the 1996 HNS Convention; to note with appreciation the committee's recommendation, in view of current budgetary constraints, to hold only two sessions in the 2010-2011 biennium; and to note the committee's actions and decisions with regard to the outcome of the ninth session 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's decision concerning the development of a single model insurance certificate; the adoption of revised guidelines on work methods and organization of work of the Legal Committee; the committee's adoption of its planned outputs for the 2010-2011 biennium; the committee's decision not to develop, at the current stage, a binding instrument on places of refuge; the committee's deliberations with respect to the review of national legislation on piracy and, in particular, its encouragement to Members which had not yet done so to submit the legislation requested by Circular letter No.2933 of 23 December 2008; and the committee's decision to amend its rules of procedure.

Finally, he invited the Council to approve the report of the ninety-fifth session of the Legal Committee and to transmit it, together with its comments and recommendations, to the twenty-sixth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

It was so decided.

AGENDA ITEM 12 – CONSIDERATION OF THE REPORT OF THE TECHNICAL CO-OPERATION COMMITTEE (C 102/12 and Add.1)

Mrs. MBANEFO (Director, Technical Co-operation Division), speaking on behalf of the Technical Co-operation Committee in the absence of its chairman, said that its fifty-ninth session

had been held from 23 to 25 June and had been attended by 68 Member States and nine observers. Document C 102/12/Add.1 summarized the outcome of the session.

The fifty-ninth session had focused on the functions of the Integrated Technical Co-operation Programme (ITCP), its implementation results for 2008, the links between the ITCP and the Millennium Development Goals, the partnerships with regional bodies and donors, and the programme on the integration of women in the maritime sector. The committee had also received reports on the voluntary trust funds, which supported the ITCP, and on the action taken by the Secretariat since the committee's previous session to implement the approved mechanism on sustainable financing of the ITCP. Those reports formed the basis of ITCP's biennial plans.

The ITCP report recorded expenditure of \$10.3 million on technical assistance for 2008, which represented a high financial delivery rate of 77 per cent. That assistance had taken the form of 41 advisory missions and 76 training events in which 1,923 participants had been trained. In addition, some 189 strategy facilitators had attended events aimed at developing and harmonizing regional strategies on maritime technical issues. Those figures bore testimony to the range of knowledge and experience that maritime authorities throughout the developing regions gained from training events. The transfer of knowledge and skills relating to the implementation of maritime instruments and regulations required a commensurate input of in-kind support on the part of the recipient countries. That in-kind element took the form of facilities and logistical support to enable the efficient conduct of seminars and workshops, or the temporary release of national officials from their duties in order to work alongside IMO technical cooperation consultants. That collaborative process between IMO and host countries was crucial to the successful delivery of the ITCP.

Before adopting the ITCP for 2010-2011, the committee had reviewed the status of the implementation of Assembly resolution A.1006(25) concerning the linkage between the ITCP and the Millennium Development Goals, and had adopted a planned expenditure figure of \$22.4 million for the next biennial programme. Having endorsed the thematic and regional priorities for the next biennium, the committee had approved the core financing for technical cooperation, through a biennial allocation of \$14 million from the TC Fund to support the implementation of the ITCP for 2010-2011. That allocation had been financed from available monies in the TC Fund and by the proposed transfer of £7.15 million from the Printing Fund surplus, which the Council had considered earlier in the context of the Organization's work programme and budget.

The overall allocation covered 62 per cent of the total requirement for the ITCP, as compared with the 59 per cent coverage in the 2008-2009 biennium. The higher volume of the total attributed to Africa was in direct correlation with the priority accorded to the region by the UN General Assembly and with IMO's continuing recognition of Africa as a priority region, the latter having been reaffirmed through resolution A.986(24), which had instructed the TCC, in the allocation of resources, to give due consideration to the special technical cooperation needs of Africa. That funding also covered the cost of the three regional offices, which served the following areas: East and Southern Africa, West and Central Africa (Anglophone), and West and Central Africa (Francophone) as well as the development of SAR procedures and the consolidation of MRCC/MRSC processes.

In addition to the TC Fund, information was provided on other sources of financing available to the ITCP, including the voluntary trust funds and cash donations made to IMO technical cooperation activities since 1 June 2008; the status of the four multi-donor trust funds in operation, namely the International Maritime Security Trust (IMST) Fund, the International Search and Rescue (ISAR) Fund, the International Ship Recycling Trust (ISRT) Fund

and the IMO Malacca and Singapore Straits Trust Fund; and the financial support received from the 17 bilateral technical cooperation trust funds in operation. Since 1 June 2008, some \$3,246,000 had been contributed to the multilateral and bilateral trust funds held by IMO, cash donations to ITCP activities had amounted to \$410,600, and voluntary contributions of interest earnings accumulated under the contribution incentive scheme made to the TC Fund, during the same period, had amounted to over £207,000.

The committee had also considered the status of implementation of the Voluntary IMO Member State Audit Scheme, the finalization of the committee's planned output for the 2008-2009 biennium, and the proposed output for 2010-2011. Finally, the committee had agreed on the substantive items for its sixtieth session, as set out in document TC 59/WP.2/Rev.1.

The SECRETARY-GENERAL said the Council had received a succinct report on the work of the fifty-ninth session of the Technical Co-operation Committee, as outlined by Mrs. Mbanefo. He drew attention to four significant aspects of the Integrated Technical Co-operation Programme (ITCP): the new ITCP for 2010-2011 and the allocation of core ITCP activities; the linkage between the ITCP and the Millennium Development Goals; the Voluntary IMO Member State Audit Scheme; and Partnerships for Progress.

The appropriation of \$22.4 million required for the 2010-2011 biennium had already been discussed, of which an allocation of \$14 million, representing 62 per cent of the total ITCP requirement, would be provided by the TC Fund as approved by the Council under agenda item 7. He reiterated that while the establishment of the Trading Fund meant that the Printing Fund would cease to exist as of 2010, that would not affect in any way the well-established practice of transferring surpluses into the TC Fund because the mandate in resolution A.986(24) that not less than 75 per cent of the annual surplus in the Printing Fund should be transferred to the TC Fund remained intact as far as the new Fund was concerned.

The committee had reviewed progress in the promotion and implementation of Assembly resolution A.1006(25) on the linkage between the ITCP and the Millennium Development Goals (MDGs). During the biennium under review, the Secretariat had continued to deliver projects specifically developed to contribute to the implementation of those MDGs which fell within the Organization's competence. Those included: increased support for Africa; support provided to Small Island Developing States and Least Developed Countries to meet their special maritime needs; a series of activities to protect the marine environment; and the promotion of global partnerships for technical cooperation.

The administrative arrangements to establish the fifth regional Maritime Rescue Coordination Centre in Rabat, Morocco, would be completed during 2009 and that centre should be operational by the end of 2010.

With regard to capacity-building for the implementation of the Voluntary IMO Member State Audit Scheme, the TC Committee had been informed that, since September 2005, a total of 14 regional training courses for auditors had been conducted by the Organization, through which a total of 201 auditors from 134 countries had been trained. In addition, two governments had initiated and funded an auditors' training course, namely the Republic of Korea in October 2006, for 24 participants from seven Member States and one Associate Member and, more recently, Japan in March 2009, for 21 participants from 15 countries.

As he had reported to the Council under agenda item 6, to date 50 Member States had volunteered for audit and 31 audits had been carried out. Putting the scheme on a strong footing remained a top priority for the Organization and, to that effect, identifying and prioritizing areas

where technical cooperation would benefit Member States was also a very important goal. In that regard, the new ITCP for the 2010-2011 biennium included a global programme on the audit scheme, through which assistance to the various regions would continue to focus on the training of auditors from developing countries in preparation for, and participation in, the audit scheme.

He recalled that the issue of sustainable financing of the ITCP had always been a crucial item on the agenda of the TC Committee. "Partnerships for Progress" had continued to be an important programme to the Organization. There were 66 partnerships in operation and several new financial arrangements in place, all of which were of great benefit to the Organization.

The TC Committee had expressed its appreciation for the activities of the four regional coordinators in Africa and in the Philippines, respectively, and of the regional maritime adviser in the Caribbean, who implemented important ITCP activities.

Finally, he thanked the outgoing chairman, Mr. Owusu-Mensah (Ghana), for his able stewardship of the committee over the last five years, and welcomed the new chairman and vice-chairman, Rear Admiral (ICG) Giancarlo Olimbo (Italy) and Mrs. Nancy Karigithu (Kenya), respectively, wishing them and the committee success for the future.

Mr. LIM (Republic of Korea) said technical cooperation was of importance in the implementation of IMO conventions and the sharing of relevant information and expertise, and his country had been the recipient of such assistance. National discussions and negotiations were ongoing regarding the possible future use of the Republic of Korea's Overseas Development Assistance (ODA) for ITCP activities. He endorsed the action to be taken by the Council outlined in document C 102/12/Add.1. Finally he informed the Council that his country's contribution to technical cooperation of just over \$400,000 had been agreed, but would be slightly lower than expected owing to exchange rate devaluation.

Mr. YEE (Singapore) emphasized the importance of capacity-building and training in guaranteeing an effective international maritime regime, and expressed his country's support for the ITCP. Since the signing of a memorandum of understanding (MoU) between Singapore and the Organization on the Third Country Training Programme (TCTP), 1,085 people from 42 countries had participated in 42 courses between 1999 and 2008, and his country had contributed \$600,000 to that programme. Furthermore, his country would be hosting a regional course on maritime administration helping Member States to prepare for IMO audits.

Singapore had contributed \$2.2 million to the ITCP, benefiting 3,700 participants from over 80 countries in maritime and port-related activities through bilateral arrangements, national and multilateral initiatives, such as the Singapore Co-operation Programme and the Asia Pacific Economic Co-operation.

In view of the success of the TCTP, Singapore planned to extend its MoU to include Latin America, thereby complementing existing ITCP efforts in that region.

Mr. MRUGALSKI (Chile) informed the Council that through the technical cooperation agreement between the Organization and Directemar, an audit would be carried out during July 2009 in Equatorial Guinea, with a view to updating that country's maritime legislation, ensuring that the country met its obligations as a port State. Finally he endorsed the action recommended in document C 102/12/Add.1.

Mr. FROLOV (Russian Federation) welcomed the positive results of the 2008-2009 ITCP and said it was important that the Secretary-General keep that programme under constant review in order to guarantee assistance to developing countries. The ITCP should focus on the safety of navigation, combating piracy and the implementation of environmental standards. He supported both the past, and planned future direction, of the ITCP. His country had hosted a regional seminar in 2008 in St. Petersburg, and hoped to further participate in that regard in the 2010-2011 biennium.

Mr. PEACHEY (Australia) said his country had held a three-day meeting attended by delegates from 29 Asia Pacific countries to ensure information and experience exchange and to build on common interest. The Director of the Technical Co-operation Division had delivered the keynote speech to encourage future cooperation in the region, in particular regarding safety initiatives, long-range identification and tracking, technology developments, search and rescue, and infrastructure development. The outcome of that meeting had been an agreed text on issues such as the Organization's technical cooperation activities, to be known as the Sydney Statement. Future meetings would be hosted by the Philippines, the Republic of Korea and Viet Nam.

Mr. ISHIZUKA (Japan) stressed the importance of capacity-building in developing countries through the ITCP, and said his country had actively participated in technical cooperation at the governmental and private sector levels in activities to enhance safety, security and environmental protection, and was ready to continue working in that regard.

Mr. JACINTO (Angola, observer) welcomed the skills transferred under the ITCP, particularly through IMLI and the World Maritime University, to build capacity in developing countries. Technical cooperation was essential to create necessary regulatory capacities in Member States. He requested that the Council monitor developments regarding the implementation of Assembly resolution A.1006(25).

Ms KARIGITHU (Kenya) said her country, a grateful recipient of technical cooperation, had undertaken a review of the Kenyan Merchant Shipping Act, which covered the implementation of IMO conventions, as well as other subsidiary legislation. Such milestones could not have been reached without the contribution of the ITCP. She therefore endorsed the report.

Mr. FINLEY (Cook Islands, observer) thanked Australia for hosting the recent regional meeting, at which his country had been an interested participant and had signed the Sydney Statement. He was sure that the forum would bear fruit. His country had contributed to the ITCP, and as such he welcomed the recognition of the importance of technical cooperation for the Pacific Island States, and was grateful for the activities planned to assist that region in its maritime development.

Mr. VILLALBA (Argentina) welcomed the ITCP involvement in Latin America through ROCRAM, of which his country was the current chair. In 2009, five technical cooperation activities had been planned; two were already completed, one would take place in July on facilitation, and two would take place in the second half of the year.

Mr. NTULI (South Africa) welcomed the support given to Africa in the ITCP, and the adoption of the Maritime Plan of Action by the African Union Conference of Ministers Responsible for Maritime Transport that had taken place in Nigeria. A further such ministerial conference would be held in South Africa in October 2009 to review the Plan. The result of that meeting would further define a maritime agenda and capacity-building programme for the African continent. Collaboration would be welcome from the Organization's Technical Co-operation Division both during, and after, that meeting.

Mr. AZUMA (Ghana, observer) emphasized the important role played by technical cooperation in the African region. For example, his country had received assistance from the Secretariat and other donor partners in establishing the Ghana Maritime Authority, and in the review of legislation which had led to a new Ghana Shipping Act, replacing the old act of 1963. The subregion as a whole had also benefited from the ITCP. He therefore supported the action to be taken by the Council as indicated in paragraphs 79.5, 79.6 and 79.7 of the document.

The CHAIRMAN invited the Council to note the information set out in document C 102/12 and its addendum, as well as that provided orally by the Secretary-General and the Director of the Technical Co-operation Division.

In particular, he invited the Council to note the ITCP interim report for 2008 and, in particular, the high level of delivery achieved in 2008, both in terms of volume and delivery rate; the action taken to promote and implement resolution A.1006(25), on the linkage between the ITCP and the Millennium Development Goals; the Committee's endorsement of the proposed ITCP for 2010-2011; the status of financial contributions made by countries, organizations and industry to the ITCP and, in particular, the voluntary donations made by Member States in response to resolution A.993(25) on Voluntary donations of interest earnings under the Contributions Incentive Scheme to the TC Fund and other IMO Funds; the measures taken by the Secretariat to implement the strategy for long-term financing of the ITCP, as approved by TC 57 and, in particular, the recommended actions made by the external consultants on IMO fund-raising and the Secretariat's proposals on the way forward; the follow-up to the 2004-2007 Impact Assessment Exercise; the contributions made to the effective coordination and implementation of IMO activities by the IMO regional presence in Africa, east Asia and in the Caribbean, as well as through partnership arrangements, as called for by resolution A.965(23); the committee's endorsement of the report on the delivery of new technical assistance activities under the Voluntary IMO Member State Audit Scheme global programme; the establishment, in Genoa, Italy, of the International Maritime Safety, Security and Environment Academy, to deliver the maritime training and education programme previously provided by the Trieste Academy, which ceased to operate in 2005; and the committee's approval of its proposed outputs for the 2010-2011 biennium.

Finally, he invited the Council to approve the report of the fifty-ninth session of the Technical Co-operation Committee and to transmit it, together with its comments and recommendations, to the twenty-sixth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

It was so decided.

AGENDA ITEM 13 – REPORT ON THE 2009 INTERNATIONAL CONFERENCE ON THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS (C 102/13)

The SECRETARY-GENERAL, reporting on the outcome of the conference and the successful adoption of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, said the conference had been attended by representatives from 63 States, observers from two Associate Members of the Organization, the United Nations Environment Programme (UNEP), the International Labour Organization (ILO), the European Commission, and eight non-governmental organizations in consultative status.

Under the final act of the conference and the convention, he was required to perform certain functions. Those included the preparation of the authentic text of the convention in the Arabic, Chinese, English, French, Russian and Spanish languages as well as the transmission of certified true copies of the final act and of the text of the convention to the governments of the states invited to be represented at the conference. Document C 102/13 invited the Council to authorize the performance of those functions.

It had been the first IMO diplomatic conference ever to be convened in Asia following the acceptance by the Council and Assembly of the offer by the delegation of the People's Republic of China to host it in Hong Kong. Asia's increasing importance in international trade and shipping made the event more significant. He expressed his personal thanks, as well as those of the entire IMO membership, to the Government of the People's Republic of China and also to the Government of the Hong Kong Special Administrative Region of the People's Republic of China, for providing excellent facilities, services and hospitality, which had ensured the successful running and outcome of the conference. The conference had adopted the new convention and six associated resolutions by consensus, without a single reservation, in the best traditions of the Organization. Special appreciation was also due for the invaluable advice, practical assistance and unstinting cooperation accorded to IMO staff, both in the run-up to, and during, the conference. It had been, therefore, IMO's privilege to have H.E. Mr. Xu Zuyuan, Vice-Minister for Transport of China, as president of the conference, and the MEPC chairman, Mr. Andreas Chrysostomou of Cyprus as chairman of the Committee of the Whole; just as it had only been right to associate Hong Kong's name with the new ship recycling convention.

He was convinced the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships would live up to the historic circumstances in which it had been developed and adopted, setting, as it did, for the first time ever, internationally agreed uniform standards pertaining to human health and safety and environmental protection for global application on a mandatory basis – in flag and ship recycling States and by shipowners and ship recycling facilities. The convention, as adopted, also allowed for future improvements and better regulation, in due course, of the complex and multi-faceted activity it addressed.

The Hong Kong Convention would be open for signature at the headquarters of the Organization from 1 September 2009 until 31 August 2010, and would thereafter remain open for accession. The convention would enter into force 24 months after the date on which not less than 15 States, the combined merchant fleets of which constituted not less than 40 per cent of the gross tonnage of the world's merchant shipping, and the combined maximum annual recycling volume of which constituted not less than 3 per cent of the gross tonnage of the combined merchant shipping of the same States, had expressed their consent to be bound by it.

By establishing a regime of practical and realistic regulatory and enforcement requirements, which took account of economic as well as social and environmental imperatives, the convention, once in force, would provide the basic framework needed to ensure the orderly disposal of ships that had reached the end of their operational lives. He was confident, therefore, that governments would give the new convention their most favourable consideration and ratify it as soon as possible, so that its early entry into force could be secured. As always, the IMO Secretariat stood ready to respond, through its Integrated Technical Co-operation Programme, to requests from Members for advice and assistance, even before the convention had entered into force.

He called on the Council to thank the Marine Environment Protection Committee (MEPC) for its work in preparing the text of the convention, and noted in particular the contributions of Mr. Palomares and Mr. Mikelis.

Ms TANG (China) said it had been an honour to host the first diplomatic conference to be held in Asia, and thanked everyone involved, in particular the staff of Marine Environment Division and the Conference Division, for their hard work and support. The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships applied the concept of environmentally sound recycling to the entire process of shipbuilding, ship operation and ship dismantling. It would serve as a new starting point for the global ship recycling industry. Her government was willing to work with other Member States to bring the convention into force as early as possible, and to implement it globally, as well as to make active contributions to further improve maritime safety and marine environment protection.

Mr. LEGROUX (France) said that the text of the convention represented a satisfactory compromise among Member States and its adoption had been a significant advance in ensuring that ships were dismantled in a clean and safe manner. Despite harbouring the same concerns it had voiced at the conference, his government would endeavour to ratify the convention as soon as possible. He urged other Member States to do the same.

Mr. ISHIZUKA (Japan) said that the Government of Japan wished to express its thanks to everyone who had contributed to achieving such a successful outcome to the Hong Kong diplomatic conference.

Mr. LIM (Republic of Korea) said that the successful outcome achieved at the conference after the many years of work that had gone into drafting the convention was a source of satisfaction. He wished to thank the Member States that had initiated the process, in particular the Government of Norway and Captain Ahmed (Bangladesh), who had long played a prominent role in ship recycling matters. He, too, hoped that the convention would enter into force as soon as possible.

Mr. OLIMBO (Italy) said that the convention would serve to enhance human safety through improved working conditions, and also to reduce damage to the marine ecosystem. He joined in expressing appreciation to Mr. Koefoed (Norway) and Captain Ahmed (Bangladesh) for their unobtrusive and dedicated efforts to prepare the IMO standards and guidelines paving the way for an international instrument.

Mr. YEE (Singapore) also expressed appreciation to Norway for having initiated the convention, which marked another important milestone for IMO. It represented the fulfilment of a joint effort to ensure that shipping activities were not carried out at the expense of human health and the environment.

Mr. NTULI (South Africa) expressed satisfaction at the outcome of the conference and looked forward to the convention being ratified speedily in order to encourage the safe and environmentally sound recycling of ships. He acknowledged the crucial role played by Mr. Koefoed (Norway) in achieving that outcome and congratulated the Secretary-General on his efforts during the conference to broker the compromise that had eventually been reached.

Mr. AZUH (Nigeria) urged Member States to sign and ratify the convention without delay.

Mr. TSO (Hong Kong, China) expressed appreciation for the support provided by the Secretariat in the organization of the conference, which had contributed greatly to its satisfactory outcome.

Mr. ISLAM (Bangladesh) said that his delegation wished to acknowledge the commendation by the representatives of Italy and the Republic of Korea of the role of Captain Ahmed in initiating the work on ship recycling, and he expressed the hope that he would be able to undertake similar endeavours in the future.

Mr. FINLEY (Cook Islands, observer) commended the Governments of China and the Hong Kong Special Administrative Region on their role in facilitating adoption of the convention. Once again, IMO had shown that it was the leader in maritime affairs.

The CHAIRMAN invited the Council to take note of the information contained in document C 102/13 and that provided orally by the Secretary-General; to express its appreciation for the invitation by the Government of the People's Republic of China to the International Maritime Organization to hold the International Conference on the Safe and Environmentally Sound Recycling of Ships in Hong Kong, China, and to the Government of the Hong Kong Special Administrative Region of the People's Republic of China for their generous support and cooperation; to note the successful conclusion of the conference; to express appreciation to the President and the other officers of the conference and the IMO staff who had serviced the meeting; and to authorize the Secretary-General to perform the depositary and other functions required of him under the Final Act of the Conference and under the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, as set forth in documents SR/CONF/45 and SR/CONF/46.

It was so decided.

AGENDA ITEM 15 – WORLD MARITIME UNIVERSITY:

(a) REPORT OF THE BOARD OF GOVERNORS (C 102/15(a), Corr.1-2 and Add.1)

The SECRETARY-GENERAL presented the new President of the University, Dr. Björn Kjerfve to the Council. He succeeded Dr. Laubstein, to whom the Secretary-General expressed appreciation for his meritorious services to the WMU. Dr. Kjerfve had lived in a number of developing countries before being appointed in May 2009 following an international competition that had been conducted in two stages. The first had involved the consideration of 24 applications by a committee chaired by retired Admiral Card, formerly of the United States Coast Guard and a member of the board of governors, during which five candidates had been shortlisted. The second stage had seen him unanimously recommended by a committee chaired by his predecessor, Secretary-General Emeritus Mr. O'Neil. Dr. Kjerfve, a distinguished academic and scientist, joined the university from Texas A & M University, where he had been dean of the College of Geosciences. No doubt the Council would wish to join in wishing Dr. Kjerfve every success in the discharge of his heavy responsibilities and in assuring him of its support and cooperation.

Documents C 102/15(a), Corr.1 and Corr.2 contained the 2008 Annual Report of the University, as submitted by its board of governors in accordance with article 16(h) of its charter. Document C 102/15(a)/Add.1 contained a set of recommendations submitted by the board of governors to the Council aimed at introducing amendments to the charter.

As previously reported to the Council, in 2008 the WMU had celebrated its twenty-fifth anniversary by hosting a series of events, including an international conference on the "Impact of Climate Change on the Maritime Industry" at which His Majesty King Carl XVI Gustaf (Sweden) had graciously delivered a speech. He himself had given the keynote address and Dr. Yohei

Sasakawa, President of the Nippon Foundation and a keen supporter of the WMU, had joined the team of distinguished speakers. The key points contained in the report by the board of governors of the university to the Council were: three applications for every available place on the Master's programme; the continued global relevance of the academic portfolio had continued, with last October's 100 graduates coming from 43 countries and the 2009 intake being similarly representative of the global maritime community; the positive response to the strategy to promote the participation of women in the maritime sector, with over 30 per cent of WMU students being female; continued growth in the proportion of self-funded students within the overall student population; and a satisfactory performance by the doctoral research programme.

Including its 2008 graduates, the global network of WMU alumni now included 2,670 former students from 157 countries, as shown in attachment 1 to document C 102/15(a). In order to ensure that it continued to meet the needs of the maritime world, in 2009 the university had conducted a major structural review of the Master's programme. The recommendations emanating from the review had been considered by its executive council and board of governors, both of which had approved a revised and streamlined 14-month programme (instead of 17 months) which would take effect with the 2010 student intake and was intended to encourage students to make the best use of their stay in Sweden, as well as to effect economies. Such positive developments and the WMU's continuing contribution to the maritime community notwithstanding, it could be seen from the governors' annual report that the university's financial position in 2008 had been unsatisfactory due to a combination of unbudgeted events in 2008, which had led to a net revenue shortfall of \$932,000. Since its inception and until 2008, the university had been generously supported by the Government of Norway, whose annual contribution supported 15 fellowships each year. He expressed his deep appreciation to Norway for its support over so many years. He recognized that government funding priorities might change from time to time, but hoped that Norway would soon feel able to reinstate its support to the university. In the meantime, he invited new donors to come forward to play their part. The shortfall in 2008 had forced the university to draw on its reserves; the impact of that on the student intake for 2009 would be discussed under sub-item 15(b). Both the executive council and the board of governors had expressed deep concern over the university's continued dependence on a relatively narrow donor base. The university was seeking to work more effectively and to increase its income from new outreach programmes and contract research. He anticipated that Dr. Kjerfve would be able to draw on his own extensive experience of fundraising to develop such an income stream, but it had to be recognized that, unlike national universities, the WMU was reliant on donor funding for both its fellowship programme and operating budget. In resolution A.933(22), IMO called on the international community and governments, in particular, to share in the core funding of the university. He would again encourage Members of the Council to rise to the challenge and to set the best possible example for the wider membership to follow.

Turning to document C 102/15(a)/Add.1, he recalled that, at its 101st session, he had advised the Council of the action taken by the WMU executive council in response to the recommendations arising from the independent external strategic review of the university in 2008, including the establishment of a working group under the chairmanship of the IMO Council chairman to consider those recommendations that were aimed at enhancing the WMU's governance. The conclusions and recommendations of the working group had been considered by the WMU's executive council and board of governors during their respective meetings in 2009, at which they had noted that, although the present governance structure had served the university well for the last 25 years, new arrangements were needed in response to changed circumstances. The main proposals for change agreed by the board of governors related to governance arrangements that would necessitate amendments to the charter of the university and would provide for: a smaller, more flexible and active board of governors composed of 30 instead of 70 members; an advisory committee that included broad representation from academia, the maritime industry,

seafarers and donors to assist the Secretary-General in the selection of governors; and the reconstitution of the executive council as an executive board responsible for the overall governance of the university. Other provisions related to the chairmanship of the executive board. A more detailed breakdown of the main proposals for change, a comparison with the relevant provisions of the charter, and the rationale behind the changes were tabulated at annex to document C 102/15(a).

Following the Council's consideration of the decisions made by the board of governors and in accordance with its decisions thereon, the IMO Legal Affairs and External Relations Division, in conjunction with the WMU, would undertake to draft the necessary amendments to the charter, which would include improvements to reflect developments since the founding of the university. Such draft amendments would then be submitted to the twenty-fifth extraordinary session of the Council for approval and onward submission to the twenty-sixth regular session of the Assembly for adoption. He emphasized that the Assembly would make the final decision on the amendments to the university's charter.

In conclusion, he reaffirmed his deep appreciation to the Government of Sweden and the City of Malmö for their generous support. Paragraph 4 of document C 102/15(a) reflected IMO's heartfelt thanks to the university's donors. He reiterated his appreciation to Dr. Sasakawa and the Nippon Foundation and the Ocean Policy Research Foundation for their sustained and generous support to the World Maritime University. Lastly, he thanked the chairman of the Council for chairing the working group, which had made many pertinent suggestions on how the charter of the university should be amended.

The meeting rose at 12.30 p.m.