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## **GENERAL**

The ninety-sixth session of the Council was held from 19 to 22 June 2006 under the Chairmanship of Mr. J. Franson (Sweden). The Vice-Chairman, Mr. D. Ntuli (South Africa), was also present.

**Reference document:** C 96/SR.1

## **INVITATION TO NON-MEMBERS OF THE COUNCIL TO ATTEND THE SESSION**

At their request, delegations from Angola, Antigua and Barbuda, Austria, Barbados, Belize, Benin, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Gambia, Ghana, Honduras, Hungary, Iran (Islamic Republic of), Jamaica, Jordan, Lebanon, Liberia, Marshall Islands, Mauritius, Monaco, Morocco, Mozambique, Myanmar, New Zealand, Nigeria, Pakistan, Papua New Guinea, Peru, Poland, Saint Vincent and the Grenadines, Senegal, Syrian Arab Republic, Uruguay, Ukraine, Vanuatu, Venezuela and Yemen were invited to attend the session as observers. An Associate Member, the Faroe Islands, sent an observer to the meeting. The Cook Islands also attended.

**Reference document:** C 96/SR.1

### **1 ADOPTION OF THE AGENDA (agenda item 1)**

1.1 The Council adopted the agenda and proposed timetable contained in document C 96/1/Rev.1; and noted the annotations to the agenda contained in document C 96/1/1.

1.2 With respect to agenda item 14(d), on Relations with non-governmental organizations, the Council convened a group composed of representatives from the delegations of Argentina, China, Egypt, Italy, the Philippines, Spain and the United States, and open to other interested Council Members, to screen new applications for consultative status and in the light of the recommendation of MSC 81, to reconsider the application previously submitted by the International Association of Airport and Seaport Police (IAASP). Mr. G. Olimbo (Italy) was invited to chair the Group.

**Reference documents:** C 96/1; C 96/1/Rev.1; C 96/1/1; C 96/SR.1

### **2 REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS (agenda item 2)**

2.1 The Council noted the Secretary-General's report that the credentials of delegations attending the session were in order, in accordance with rule 9 of the Rules of Procedure of the Council.

**Reference documents:** C 96/2; C 96/SR.1 and C 96/SR.4

### **3 RESOURCE MANAGEMENT (agenda item 3)**

#### **(a) Personnel matters, including amendments, if any, to the Staff Regulations and Staff Rules (agenda item 3(a))**

3(a).1 The Council noted the information set out in documents C 96/3(a) and C 96/3/(a)/1, as well as that provided orally by the Secretary-General, on personnel matters.

3(a).2 The Council noted the information set out in document C 96/3(a)/2 and its addendum and document C 96/3(a)/3, and approved:

- (i) the revised text of staff regulation 6.2 to include the words “or paternity”; and
- (ii) the introduction of staff regulation 10.3, which defines the notion of “misconduct”.

**Reference documents:** C 96/3(a); C 96/3(a)/1; C 96/3(a)/2 and Add.1; C 96/3(a)/3; C 96/SR.1

**(b) Accounts and audit: final accounts for the second calendar year of the twenty-third financial period (agenda item 3(b))**

3(b).1 The Council noted the information set out in documents C 96/3(b) and C 96/3(b)/1 as well as that provided orally by the Secretary-General and the representative of the External Auditor on the Organization’s final accounts for the second calendar year of the twenty-third financial period.

3(b).2 In particular, the Council:

- (i) noted the Secretary-General’s financial report and accounts for 2005;
- (ii) welcomed the unqualified opinion of the External Auditor;
- (iii) noted the financial out-turn for 2005 and the achievement of a budgetary surplus of £1,355,315 before prior year savings and transfers;
- (iv) welcomed, with appreciation, the achievement of a contribution level of 99.03%;
- (v) expressed its appreciation to the External Auditor;
- (vi) welcomed the Secretary-General’s stewardship of the Organization’s Funds and his report to the Council;
- (vii) approved the year-end transfers between Major Programmes in accordance with financial regulation 4.4 of the Organization’s Financial Regulations and Financial Rules;
- (viii) decided to forward the financial statements, schedules, Notes to the accounts and the External Auditor’s report to the twenty-fifth regular session of the Assembly, expressing its satisfaction with his unqualified report; and
- (ix) noted the information on the accumulated liability from the operation of the Organization’s Contributions Incentive Scheme.

**Reference documents:** C 96/3(b); C 96/3(b)/Rev.1 (English only); C 96/3(b)/1; C 94/3(b) and Add.1; resolutions A.942(23) and A.968(24); C 96/SR.1

**(c) Report on investments (agenda item 3(c))**

3(c).1 The Council noted the information set out in document C 96/3(c), as well as that provided orally by the Secretary-General, on the Organization's investments during 2005.

**Reference documents:** C 96/3(c); C 96/SR.1

**(d) Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 56 of the IMO Convention (agenda item 3(d))**

3(d).1 The Council noted the information set out in document C 96/3(d) and its addenda, as well as that provided orally by the Secretary-General, on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 56 of the IMO Convention.

3(d).2 In particular, the Council:

- (i) noted the continuing arrears of the Member States identified in the documents under review; and
- (ii) urged all Member States and Council Members, in particular, to remit all outstanding contributions.

**Reference documents:** C 96/3(d) and Add.1-3; resolution A.967(24); C 94/3(d) and Add.1-2; C/ES.23/3(b); C/ES.23/3(b)/Corr.1 (English only); C/ES.23/3(b)/Add.1-4; C 96/SR.1

**(e) Budget considerations for 2006 (agenda item 3(e))**

3(e).1 The Council noted the information set out in documents C 96/3(e) and C 96/3(e)/1, and that provided orally by the Secretary-General, on budget considerations for 2006.

3(e).2 In particular, the Council:

- (i) noted the Secretary-General's updated review and provisional conclusion in respect of changes in the external pay and price factors;
- (ii) noted the financial implication and the actual impact on Professional staff costs of the ICSC's revised post adjustment multiplier, which was applied from April 2006;
- (iii) welcomed the Secretary-General's commitment to seek to exert the maximum economy in operation in order to generate savings to partly absorb the additional costs driven by the cost-of-living adjustment for Professional staff;
- (iv) noted the financial provision required for the insurance cover for nuclear, biological and chemical (NBC) terrorism acts provided under the prevailing Staff Compensation Policy set out in Appendix D of the Organization's Staff Regulations and Staff Rules;

- (v) noted that additional costs arising from the relocation of meetings scheduled to take place during the refurbishment period, over and above the provision in the regular budget, will be financed either from the Refurbishment Project budget or by the Governments offering to host the meetings;
- (vi) noted the forecast out-turn level of the regular budget expenditure for 2006; the Secretary-General's preliminary review of the prospective level of supplementary provisions for 2006; and his plan to place the supplementary budget proposal at the Council's November session, based on a further assessment of the Organization's financial situation, noting that an increase in assessments for financing any prospective supplementary budget would not be his preferred option;
- (vii) endorsed the proposed transfers between Major Programmes and authorized the Secretary-General, in accordance with the Organization's Financial Regulations and Financial Rules, to make necessary transfers between Major Programmes to the extent that balances are available to cover or reduce deficits in programme appropriation balances;
- (viii) noted the forecast level of the year-end cash surplus of the General Fund and the dependency of this forecast on assessed contribution receipts and, accordingly, urged Member States to remit their financial contributions promptly in accordance with the Organization's Financial Regulations and Financial Rules;
- (ix) noted the Secretary-General's intention to carry out the transfers partly unrealized in 2004 and 2005 from the cash surplus of the General Fund to the Headquarters Capital Fund and the Training and Development Fund, but only to the extent that this will not affect the level of cash necessary to meet the supplementary estimates for 2007, which reflects the Professional staff costs increase; and
- (x) noted the status of the Organization's various Funds and projected year-end balances and reserves.

**Reference documents:** C 96/3(e); C 96/3(e)/1; C 96/3(e)/1/Corr.1 (English only); A 24/20(d) and Add.1; C/ES.23/5; resolution A.969(24); C 96/SR.1

#### **4 PROGRAMME FOR CHANGE (agenda item 4)**

##### **(a) Organizational reforms (agenda item 4(a))**

4(a).1 The Council noted the information set out in document C 96/4(a), and that provided orally by the Secretary-General, on the progress made with regard to the Organizational reforms introduced; and looked forward to receiving further progress reports on the issues outlined.

4(a).2 The Council also noted and welcomed the information set out in document C 96/4(a)/1, and that provided orally by the Secretary-General, on the establishment of an IMO Publishing Board within the Secretariat.

4(a).3 The Council drew the attention of the Publishing Board to opportunities in electronic publishing and of the need for the Publishing Board to take account of this and the Organization's official languages when planning future publications.

**Reference documents:** C 96/4(a); C 96/4(a)/1; C 89/11/Add.2; C 90/13/Add.1; C 96/14(b); C 96/SR.1

#### **(b) HQ building refurbishment (agenda item 4(b))**

4(b).1 The Council noted the information set out in document C 96/4(b), and that provided orally by the Secretary-General and the representative of the United Kingdom, on the Headquarters building refurbishment.

4(b).2 With respect to the financing of the Headquarters Refurbishment Project, the Council noted the Host Government's request for the balance of the Organization's contribution to be paid by 31 March 2008 and that, during future discussions on the 2008-2009 budget, consideration would have to be given to ensuring the availability of sufficient funds to meet this expenditure early in that biennium.

4(b).3 The Council thanked the Secretary-General and the United Kingdom Government for their efforts in ensuring that the work of the Organization would not be significantly affected by the relocation of the Secretariat and also for their efforts in securing suitable venues for all IMO meetings scheduled during the refurbishment period.

**Reference documents:** C 96/4(b); C/ES.23/4(b); PROG/114; C 96/SR.1

### **5 STRATEGY AND PLANNING (agenda item 5)**

#### **(a) Monitoring of performance (agenda item 5(a))**

5(a).1 The Council noted the information set out in document C 96/5(a), as well as that provided orally by the Secretary-General, concerning the performance indicators identified in the updated Strategic Plan for the Organization (for the six-year period 2006 to 2011).

5(a).2 In particular, the Council:

- (i) noted the planned schedule of monitoring and reporting contained in paragraph 9 of the document, as modified by the decision to hold an extra meeting of the *ad hoc* Council Working Group on the Organization's Strategic Plan in London, possibly in March 2007;
- (ii) noted further the information provided in annexes 1, 2 and 3 of the document; and
- (iii) decided to refer the annexes to the document and the subsequent further analysis of the data contained therein to the next session of the *ad hoc* Council Working Group, for information and detailed consideration and to draw any relevant conclusions in the context of its work in reviewing the Strategic Plan, the High-level Action Plan and the biennium priorities.

**Reference documents:** C 96/5(a); resolutions A.970(24) and A.971(24); C 94/3(e)/1; C 94/D; C/ES.23/7; C/ES.23/D; C 95/D; C 96/SR.2



**(b) Risk management (agenda item 5(b))**

5(b).1 The Council noted the information set out in document C 96/5(b), and that provided orally by the Secretary-General, on risk management within the Organization.

5(b).2 Following a comprehensive discussion on the Secretary-General's proposals, the Council agreed that management of risk should become a formalized on-going process, rather than an individual event and, to this end, decided to establish a Risk Review, Management and Reporting Working Group, open to all Members of the Organization, which would, initially, be supplementary to the *ad hoc* Working Group on the Organization's Strategic Plan.

5(b).3 The Council also agreed to establish an Intersessional Correspondence Group, co-ordinated by Australia\*, to prepare terms of reference for the Risk Review, Management and Reporting Working Group and further advance development of the risk framework and detailed review of IMO's risks, taking into account the Secretary-General's proposals in document C 96/5(b) and the discussions in the Council.

5(b).4 The Council requested the Intersessional Correspondence Group to report to its ninety-seventh session in November 2006.

**Reference documents:** C 96/5(b); C/ES.23/4(a)/1; C/ES.23/D; C 96/SR.2

**6 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME (agenda item 6)**

6.1 The Council noted the information set out in documents C 96/6 and C 96/6/1, as well as that provided orally by the Secretary-General, on the outcome of the twenty-fourth regular session of the Assembly with regard to the Voluntary IMO Member State Audit Scheme and progress made thus far in the implementation of the Scheme.

6.2 With respect to document C 96/6, the Council:

- (i) noted the outcome of the twenty-fourth regular session of the Assembly on the Audit Scheme; and
- (ii) requested the MSC and MEPC to provide progress reports on their consideration of operative paragraph 1 of resolution A.975(24);

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6.3 With respect to document C 96/6/1, the Council:

- (i) encouraged Members States to nominate as many qualified auditors as possible;
- (ii) encouraged Member States to continue to volunteer for audits as and when they were ready, so as to assist in the regular planning and updating of the audit timetable;
- (iii) invited Member States to nominate individuals they intend to use for audit purposes, within the context of the Audit Scheme, to participate in the training courses organized by the Organization;
- (iv) noted the planned audit timetable set out in the annex of the document;
- (v) encouraged Member States that volunteer for audits to respond in time to requests for information, especially information for which specific deadlines have been established in the Procedures for the Scheme;
- (vi) encouraged all Member States to make available individuals they had nominated as auditors when their services are required; and
- (vii) noted the Secretary-General's intention to transmit to the appropriate authority of each Member State the details of those Member States to be audited in accordance with the overall timetable; and his intention to update the overall timetable regularly as well as the details of those Member States to be audited.

**Reference documents:** C 96/6; C 96/6/1; A 24/5(b)/2; resolutions A.974(24) and A.975(24); C 96/SR.2

## **7 CONSIDERATION OF THE REPORT OF THE MARITIME SAFETY COMMITTEE (agenda item 7)**

7.1 The Council noted the information set out in document C 96/7 and its addendum, and that provided orally by the Chairman of the Maritime Safety Committee and the Secretary-General, on the report of the eighty-first session of the Maritime Safety Committee.

7.2 With regard to document C 96/7/Add.1, the Council, in particular:

- (i) noted the adoption, by the Committee, of amendments to the 1974 SOLAS Convention, the 1978 STCW Convention and the 1988 SOLAS Protocol; and to various codes and guidelines, which are mandatory under the 1974 SOLAS Convention and the 1978 STCW Convention;
- (ii) noted that the Committee, having noted that its work on passenger ship safety had been completed, had agreed that certain consequential work needed to be carried out and, to that effect, had assigned new tasks to the sub-committees concerned;
- (iii) noted the action taken by the Committee on issues relating to maritime security;
- (iv) noted the progress made on the issue of goal-based new ship construction standards;

- (v) noted the Committee's decisions on issues brought to its attention by DE 48 and DE 49, FSI 13, BLG 9 and 10, NAV 51, SLF 48, DSC 10, FP 50, STW 37 and COMSAR 10;
- (vi) noted the action taken by the Committee on issues relating to formal safety assessment (FSA);
- (vii) noted the Committee's report on activities pertaining to the issue of piracy and armed robbery against ships;
- (viii) noted the Committee's decisions relating to reporting on progress made on items in the High-level action plan of the Organization for the 2006-2007 biennium; and on proposals for the High-level action plan and priorities, including planned output, for the 2008-2009 biennium;
- (ix) endorsed the Committee's approval to hold intersessional meetings as listed in paragraph 60 of document C 96/7/Add.1; and
- (x) noted the draft resolution approved by the Committee for submission to the twenty-fifth session of the Assembly for adoption; and the 50 guidelines and other recommendations approved by the Committee for dissemination.

7.3 The Council decided to transmit the report of the Committee's eighty-first session, with its comments and recommendations, to the twenty-fifth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

**Reference documents:** C 96/7 and Add.1; MSC 81/25 and Add.1-2; C 96/SR.3

## **8 CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE (agenda item 8)**

8.1 The Council noted the information set out in document C 96/8 and its addendum, as well as that provided orally by the Chairman of the Legal Committee and the Secretary-General, on the report of the Legal Committee at its ninety-first session.

8.2 In particular, the Council:

- (i) noted the Committee's intention to finalize the text of the draft convention on the removal of wrecks at its ninety-second session, so as to have it ready for consideration with a view to adoption at a diplomatic conference in 2007;
- (ii) agreed to the holding of a diplomatic conference in Nairobi, Kenya, from 14 to 18 May 2007, to consider the adoption of the aforementioned convention; and expressed profound appreciation to the Government of Kenya for its offer to host the Conference and its generosity to support it financially;
- (iii) noted the unanimous adoption by the Committee of a resolution containing guidelines on fair treatment of seafarers in the event of a maritime accident; and its subsequent adoption by the ILO Governing Body;

- (iv) noted the Committee's decision to establish, at its next session, an *ad hoc* working group on fair treatment of seafarers to undertake a review of the aforementioned guidelines, taking into account concerns expressed by delegations and any comments that may be submitted intersessionally;
- (v) noted the unanimous adoption by the Committee of a resolution on "Implications for the reference in article 1.5(a)(ii) of the HNS Convention to 'noxious liquid substances carried in bulk'", which addresses the interpretation of this article following the revision of Annex II to MARPOL 73/78;
- (vi) approved the Committee's decision to hold three, rather than four, sessions in the current 2006-2007 biennium, i.e., two in 2006 and one in October 2007, bearing in mind the constraints to holding meetings during the period of refurbishment of the IMO Headquarters building; and
- (vii) noted the Committee's decision to consider, at its ninety-second session, its planned outputs for the 2008-2009 biennium in accordance with the criteria set by the Council.

8.3 The Council decided to transmit the report of the Committee's ninety-first session, with its comments and recommendations, to the twenty-fifth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

**Reference documents:** C 96/8 and Add.1; LEG 91/12; C 96/SR.3

## **9 CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE (agenda item 9)**

9.1 The Council noted the information set out in document C 96/9, and that provided orally by the Chairman of the Marine Environment Protection Committee and the Secretary-General, on the report of the Marine Environment Protection Committee at its fifty-fourth session.

9.2 In particular, the Council:

- (i) noted the adoption by the Committee of amendments to MARPOL Annexes I and IV and the BCH Code;
- (ii) noted the progress made by the Committee in preparing for the implementation of the BWM Convention, including the adoption of associated guidelines and the basic approval given by the Committee to two proposals on ballast water management systems that make use of Active Substances;
- (iii) noted the progress made by the Committee in the development of a new legally-binding instrument on ship recycling;
- (iv) noted the progress made by the Committee to limit or reduce air pollution from ships, including approval of two relevant MEPC circulars and the review of MARPOL Annex VI and the NOx Technical Code;

- (v) noted the approval by the Committee of draft amendments to MARPOL Annex I on designation of the Southern South African Sea Area as a Special Area with a view to adoption at MEPC 55; and the approval of a revised Guidance document for submitting PSSA proposals to IMO;
- (vi) noted the approval by the Committee of proposed amendments to the revised MARPOL Annex I, Annex III and the Condition Assessment Scheme, with a view to adoption at MEPC 55;
- (vii) noted the approval by the Committee of unified interpretations, guidelines and circulars and the creation, by the Secretariat, of relevant databases to promote the implementation of MARPOL 73/78 and related instruments;
- (viii) noted the work of the Committee concerning implementation of the OPRC Convention and the OPRC-HNS Protocol; reports of sub-committees; work of other bodies; and reception facilities;
- (ix) noted that the budget allocation for next year's meeting of the GESAMP-EHS Working Group has, instead, been used for a second meeting of the Group in 2006; and the Committee's intention to consider, at its next session, long-term funding solutions to future meetings of the Group;
- (x) endorsed the approval by the Committee of the holding, in 2006, of the intersessional meetings listed in paragraph 53 of document C 96/9;
- (xi) stressed, once again, the need for Governments to ratify the various IMO environment-related conventions and, once they enter into force, implement them effectively; and
- (xii) expressed its appreciation to the delegation of Venezuela for its generous offer to contribute US\$50,000 to finance the meeting of the GESAMP-EHS Working Group in 2007.

9.3 The Council decided to transmit the report of the Committee's fifty-fourth session, with its comments and recommendations, to the twenty-fifth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

**Reference documents:** C 96/9; MEPC 54/21; C 96/SR.4

## **10 CONSIDERATION OF THE REPORT OF THE TECHNICAL CO-OPERATION COMMITTEE (agenda item 10)**

10.1 The Council noted the information set out in document C 96/10 and its addendum, and that provided orally by the Chairman of the Technical Co-operation Committee and the Secretary-General, on the report of the Technical Co-operation Committee at its fifty-sixth session.

10.2 In particular, the Council:

- (i) noted that the delivery of the ITCP for the 2004-2005 biennium was the highest recorded, both in terms of volume and of delivery rate;

- (ii) endorsed the decision of the Committee to consider further the linkage between the ITCP and the Millennium Development Goals at an intersessional working group to be convened in London and expressed its appreciation to the delegation of South Africa for its offer to host the meeting;
- (iii) noted the decision of the Committee to consider further the issue of securing the long-term financing of the ITCP on the basis of maintaining the Printing-TC Fund nexus, as supplemented by bilateral and multilateral funding, partnerships and enhanced fund-generating modalities;
- (iv) noted the successful completion of the survey on the extent to which developing countries are making use of the scheme to provide free access to IMO instruments in electronic format and endorsed the recommendation that the Secretariat should re-examine the method by which free access to IMO texts in electronic format is operated, with a view to improving user-friendliness and avoiding duplication; and
- (v) endorsed the recommendation that Member States and the donor community be encouraged to provide the maritime administrations of developing countries with computer hardware to enable them to benefit from access to IMO texts in electronic format.

10.3 The Council decided to transmit the report of the Committee's fifty-sixth session, with its comments and recommendations, to the twenty-fifth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

**Reference documents:** C 96/10 and Add.1; C 96/10/Add.1/Corr.1 (French only); TC 56/12; C 96/SR.4

## **11 TECHNICAL CO-OPERATION FUND: FINAL REPORT ON ACTIVITIES OF THE 2004-2005 PROGRAMME (agenda item 11)**

11.1 The Council noted the information set out in documents C 96/11 and TC 56/4, and that provided orally by the Secretary-General, on the report on the technical co-operation activities that were supported by the Technical Co-operation Fund (TC Fund) during the 2004-2005 biennium and expressed its appreciation to the Organization's development partners for the assistance provided to developing countries.

**Reference documents:** C 96/11; TC 56/4; C 90/19(b); TC 53/5; TC 56/3; C 96/SR.5

## **12 WORLD MARITIME UNIVERSITY (agenda item 12)**

### **(a) Report of the Board of Governors (agenda item 12(a))**

12(a).1 The Council noted the information set out in document C 96/12(a), providing the draft 2005 annual report of the World Maritime University, and document C 96/12(a)/1, dealing with the matter of the appointment of the Chancellor of the World Maritime University, as well as that provided orally by the Secretary-General.

12(a).2 With regard to document C 96/12(a), the Council, in particular:

- (i) expressed its satisfaction at the University's outstanding record of academic achievement and of excellence in its operations;
- (ii) extended its deep gratitude and appreciation to the international donors and supporters of the World Maritime University; the Chancellor of the University; members of its Board of Governors; and the President and staff of the University, for their valuable contribution to the outstanding success and continued progress of the University in the service of IMO and the global maritime community;
- (iii) urged IMO Member States and the maritime community as a whole to provide any necessary financial support they may be able to, to enable the University to continue playing its important role efficiently and effectively; and
- (iv) paid tribute to Professor Günther Zade of Germany; Justice Richard E. Cooper of Australia; and Professor Pierre Houssin of France, who had passed away recently, for their excellent services to the cause of IMO and WMU over many years.

12(a).3 With regard to document C 96/12(a)/1, the Council decided to reappoint the Secretary-General as Chancellor of the World Maritime University for the period 1 July 2006 to 30 June 2008 and extended its congratulations to him as he continues in that capacity.

**Reference documents:** C 96/12(a); C 96/12(a)/1; C 96/12(b); TC 56/8; C 96/SR.5

**(b) Budget (agenda item 12(b))**

12(b).1 The Council noted the information set out in document C 96/12(b), and that provided orally by the Secretary-General, on the budget of the World Maritime University for the calendar year 2006.

12(b).2 In particular, the Council:

- (i) expressed its deep gratitude to the Governments and diverse organizations which sustain the World Maritime University through their generous financial support, most notably, the Government of Sweden and the City of Malmö, the Nippon Foundation and the Ocean Policy Research Foundation (OPRF) of Japan, the International Transport Workers' Federation (ITF), the Governments of Canada, Denmark, France, Norway, the Republic of Korea and the United Kingdom and Inmarsat Limited; and
- (ii) took note of the continuing financial challenges facing the University and urged Member States to maintain, increase or establish support for the University through operational or fellowship funding to enable it to continue discharging effectively its mandate of professional service to the global maritime community.

**Reference documents:** C 96/12(b); C 96/12(a); TC 56/8; C 96/SR.5

**13 IMO INTERNATIONAL MARITIME LAW INSTITUTE (agenda item 13)****(a) Report of the Governing Board (agenda item 13(a))**

13(a).1 The Council noted the information set out in document C 96/13(a) and its addendum, as well as that provided orally by the Secretary-General, concerning the report of the Governing Board of the IMO International Maritime Law Institute (IMLI) and document C 96/13(a)/1, dealing with the matter of the appointment of the Chairman of the Governing Board of IMLI.

13(a).2 With regard to document C 96/13(a) and its addendum, the Council, in particular:

- (i) expressed its appreciation to the Secretary-General and the Director of IMLI for their continuing efforts to ensure the long-term viability of the Institute;
- (ii) expressed its appreciation to the IMLI faculty and staff for their determined and dedicated efforts to strengthen the Institute's academic and financial base;
- (iii) pledged its support to the Institute, which had just completed seventeen years of operation and acknowledged that, despite limited resources, it had maintained high academic standards in the field of international maritime law; and
- (iv) recognized the essential role the Institute continues to play in strengthening the capacity of developing countries to implement the many IMO treaties and regulations, a role which is as vital now as when the Institute was established in 1988.

13(a).3 With regard to document C 96/13(a)/1, the Council decided to reappoint the Secretary-General as Chairman of the Governing Board of IMLI for the period 1 July 2006 to 30 June 2008 and extended its congratulations to him as he continues in that capacity.

**Reference documents:** C 96/13(a) and Add.1; C 96/13(a)/1; TC 56/8; C 96/SR.5

**(b) Budget (agenda item 13(b))**

13(b).1 The Council noted the information set out in document C 96/13(b) and its addendum, as well as that provided orally by the Secretary-General, concerning the budget of the IMO International Maritime Law Institute.

13(b).1 The Council, in particular;

- (i) expressed deep gratitude to the Government of Malta and the Government of Switzerland for their continuing support of the Institute, as well as to all donors which had supported the Institute financially over the years and, in particular, the Nippon Foundation of Japan (for providing funds for ten full scholarships) and Lloyd's Register of Shipping (for providing funds for three full scholarships) both for the period 2005-2006; and
- (ii) noted the "unqualified" nature of the financial audit of the Institute up to August 2005.

**Reference documents:** C 96/13(b) and Add.1; TC 56/8; C 96/SR.5



## **14 EXTERNAL RELATIONS (agenda item 14)**

### **(a) Relations with the United Nations and the specialized agencies (agenda item 14(a))**

14(a).1 The Council noted the information set out in documents C 96/14(a), C 96/14(a)/1 and its addenda and C 96/14(a)/3, as well as that provided orally by the Secretary-General, on relations with the United Nations and the specialized agencies.

14(a).2 In particular, the Council noted the information provided with respect to:

- (i) the first regular session of the United Nations Chief Executives Board for Coordination (CEB) for 2006;
- (ii) the resolutions adopted by the General Assembly of the United Nations which are of relevance to IMO;
- (iii) the report of the meeting on the “Genuine Link”;
- (iv) the outcome of the 7<sup>th</sup> meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea; and
- (v) follow-up action taken by the United Nations Security Council and the Secretariat pursuant to the adoption of resolution A.979(24) on Piracy and armed robbery against ships in waters off the coast of Somalia.

14(a).3 The Council also noted the information set out in document C 96/14(a)/2, and that provided orally by the delegation of the Republic of Korea, and agreed to support the proposal by the delegation for a seminar and workshop for the East Africa Region, on capacity building to combat piracy; and further noted the statement by the delegation of Italy that, since the problem of piracy may go beyond the purely maritime sphere into that of organized international crime, liaison with other international bodies regarding this issue may be advisable.

14(a).4 Regarding the proposal to establish a Liaison Office at UN Headquarters in New York, and to appoint Mr. Qazi Shaukat Fareed as IMO’s Special Representative in that office, the Council requested the Secretary-General to provide further information to its ninety-seventh session, in November 2006, in order to clarify the issues raised by the Council and to facilitate a full discussion at that session.

**Reference documents:** C 96/14(a); C 96/14(a)/1 and Add.1-3; C 96/14(a)/2; C 96/14(a)/3; C/ES.23/17(a); C/ES.23/D; resolution A.979(24); TC 56/3/1; TC 56/3/2; TC 56/3/3; MSC 81/19/1; C 96/SR.6

### **(b) Joint Inspection Unit (agenda item 14(b))**

14(b).1 The Council noted the information set out in document C 96/14(b) and its addendum, as well as that provided orally by the Secretary-General, on consideration of reports issued by the Joint Inspection Unit.

14(b).2 The Council noted the report “Harmonization of the conditions of travel throughout the United Nations system” (JIU/REP/2004/10) and endorsed the comments made by the Secretary-General on the various recommendations, and requested the Secretariat to give further consideration to those recommendations addressed to the Organization in reaching any decision on how to proceed.

14(b).3 The Council noted the report “Some measures to improve overall performance in the United Nations system at the country level (Parts I and II)” (JIU/REP/2005/2) and the Secretary-General’s conclusion that, while the recommendations contained in the report were, in the main, addressed to development-oriented organizations and institutions of the UN system, those recommendations relevant to the Organization’s technical co-operation programme had been duly welcomed and supported.

14(b).4 The Council noted the report “A common payroll for the United Nations system organizations” (JIU/REP/2005/4) and welcomed the Secretary-General’s agreement with its general thrust. The Council also welcomed the fact that the ongoing review for the possible replacement of the Organization’s existing payroll system would take into account the recommendations contained in the report.

14(b).5 The Council noted the report “Further measures to strengthen United Nations system support to the New Partnership for Africa’s Development (NEPAD)” (JIU/REP/2005/8) and welcomed the Secretary-General’s comments on the report, which took into account the decision of the Council on the theme for World Maritime Day 2006, namely, “**Technical Co-operation: IMO’s response to the 2005 World Summit**”, with special emphasis on the maritime needs of Africa. The Council also noted that the Secretary-General had welcomed the various recommendations in the context of the Organization’s Integrated Technical Co-operation Programme (regional programme for Africa) and the positive role being played by the Regional Presence Offices in Africa in support of an effectively co-ordinated UN system-wide approach to NEPAD.

14(b).6 The Council noted the report “Policies of the United Nations system organizations towards the use of open source software (OSS) for development” (JIU/REP/2005/7) and that the Secretary-General had welcomed the report, which outlined a number of possible benefits to be derived from the use and promotion of OSS within the UN system organizations and Member States, with a view to fostering digital inclusion in the context of achieving specific objectives of the Millennium Development Goals.

14(b).7 The Council noted the 2004 Annual Report of the Joint Inspection Unit and Programme of Work for 2005 – Supplement No. 34 A/60/34.

**Reference documents:** C 94/14(b) and Add.1; C 96/SR.6

**(c) Relations with intergovernmental organizations (agenda item 14(c))**

14(c).1 The Council noted the information set out in document C 96/14(c) and its corrigendum and addendum, as well as that provided orally by the Secretary-General, on relations with intergovernmental organizations.

14(c).2 The Council noted the Secretary-General's report on eight Agreements of Co-operation on Port State Control, namely with:

- (i) the Tokyo Memorandum of Understanding on Port State Control (Tokyo MoU);
- (ii) the Mediterranean Memorandum of Understanding on Port State Control (MED MoU);
- (iii) the Acuerdo de Viña del Mar;
- (iv) the Indian Ocean Memorandum of Understanding on Port State Control (IOMoU);
- (v) the Memorandum of Understanding on Port State Control in the Black Sea Region (BS MoU);
- (vi) the Paris Memorandum of Understanding on Port State Control (Paris MoU);
- (vii) the West and Central Africa Memorandum of Understanding on Port State Control (Abuja MoU); and
- (viii) the Caribbean Memorandum of Understanding on Port State Control (CMoU).

14(c).3 The Council also noted the Secretary-General's report on four Agreements of Co-operation on other bilateral matters between IMO and the following organizations:

- (i) the South Asia Co-operative Environment Programme (SACEP);
- (ii) the International Criminal Police Organization – Interpol;
- (iii) the International Oil Pollution Compensation Supplementary Fund (IOPCSF); and
- (iv) the Commonwealth Telecommunication Organisation (CTO).

14(c).4 The Council further noted the Secretary-General's report that the formal procedures for the signing of the Agreements of Co-operation with the above-listed organizations were now complete.

14(c).5 The Council approved the proposed draft Agreement of Co-operation between IMO and the Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA), which will be submitted to the twenty-fifth regular session of the Assembly for consideration and final approval.

14(c).6 The Council noted the information provided by the Secretary-General on the Agreement of Co-operation with the African Union, namely, that negotiations between the Secretariats of IMO and the African Union with regard to the adoption of an Agreement of Co-operation were still ongoing. The Council requested that it be advised of further developments in due course.

**Reference documents:** C 96/14(c); C 96/14(c)/Corr.1; C 96/14(c)/Add.1; A 24/21(c) and Add.1-2; C 96/SR.6

**(d) Relations with non-governmental organizations (agenda item 14(d))**

14(d).1 The Council noted the information set out in document C 96/14(d) and its addenda, and document C 96/WP.1, as well as that provided orally by the Secretary-General, on relations with non-governmental organizations.

14(d).2 With regard to new applications for consultative status, the Council decided:

- (i) not to proceed with the application from the Stichting Chemical Distribution Institute (CDI) as it did not meet the requirements for consultative status under the Rules and Guidelines on the Grant of Consultative Status;
- (ii) not to proceed with the application from the International Tar Association (ITA);
- (iii) not to proceed with the application from the Black Sea International Shipowners Association (BINSAs);
- (iv) not to grant consultative status to the European Marine Equipment Council (EMEC) as it did not meet the requirements for consultative status under the Rules and Guidelines on the Grant of Consultative Status;
- (v) to defer the application from the Association of Diving Contractors International, Inc. (ADCI) pending completion of their application in accordance with the information required under the questionnaire;
- (vi) to allow the application from the International Association of Maritime Universities (IAMU) to proceed for further screening by the Technical Co-operation Committee and the Maritime Safety Committee on the grounds that it complies with the requisite criteria and, in particular, because IAMU is able to contribute directly to IMO's work; and
- (vii) to defer the application from the Federation of National Associations of Ship Brokers and Agents (FONASBA) pending the provision by FONASBA of the latest updated official list of its membership, which indicates that it has aligned its practice with that of IMO with regard to the "One China Policy".

14(d).3 With respect to the questionnaire sent to non-governmental organizations which have requested consultative status with IMO, the Council agreed with the group's conclusion that the questionnaire was in line with the Rules and Guidelines on the grant of consultative status and that information to be provided to the IMO Secretariat in completing the questionnaire should be submitted in the English, French or Spanish languages and that, in item 2, information such as e-mail addresses and websites should be included.

14(d).4 The Council decided not to grant consultative status to the International Association of Airport and Seaport Police (IAASP).

14(d).5 The Council noted that the acronym of the International Ship Managers' Association had been changed from ISMA to InterManager, but that the full name of the Association remained unchanged, as did its status as a non-governmental organization in consultative status with IMO.

**Reference documents:** C 96/14(d) and Add.1-3; C 96/WP.1; MSC 81/25; C 96/SR.6

**(e) World Maritime Day (agenda item 14(e))**

14(e).1 The Council noted the information set out in document C 96/14(e), and that provided orally by the Secretary-General, reporting on the inaugural “parallel” World Maritime Day event which took place in Lisbon, Portugal, on 15 and 16 November 2005; and on the arrangements for the celebration of World Maritime Day in 2006.

14(e).2 With regard to the “parallel” event held in Lisbon, Portugal, the Council:

- (i) agreed that it had been carried out successfully and had helped to highlight the importance of international shipping to the world economy, as well as the role played by IMO in promoting ship safety and security and the protection of the marine environment;
- (ii) noted, with appreciation, that there had been no significant budgetary implications for the Organization, and wished to record its appreciation to the Portuguese Government for hosting the “parallel” event and supporting it financially; and
- (iii) encouraged Member States, in the light of the success of the Portuguese experience, to hold similar events, in parallel with future celebrations of World Maritime Day.

14(e).3 The Council, recalling that the theme for World Maritime Day 2006 is “**Technical Co-operation: IMO’s response to the 2005 World Summit**”, noted that the Day would be celebrated by IMO on Thursday, 28 September 2006, with the traditional reception, which is usually held at IMO Headquarters, this year, due to the refurbishment, being hosted at Banqueting House, Whitehall, London, courtesy of the United Kingdom Government.

14(e).4 The Council, further recalling the offer of the Government of Singapore to host the 2006 “parallel” event to celebrate World Maritime Day, noted that a report on the outcome of the event, scheduled to take place on 25 September 2006, would be submitted to it in due course.

**Reference documents:** C 96/14(e); C 94/D, paragraphs 17(e).1, 17(e).3 and 17(e).4; C/ES.23/D, paragraphs 14(d).5, 14(d).6 and 14(d).7; Circular letter No.2701; C 96/SR.6

**(f) International Maritime Prize (agenda item 14(f))**

14(f).1 The Council noted the information set out in document C 96/14(f), and that provided orally by the Secretary-General, on the International Maritime Prize.

14(f).2 The Council decided to award the International Maritime Prize for 2005 to Mr. T. Allan (United Kingdom) and extended its congratulations to him.

14(f).3 The Council expressed its appreciation to the Government of the United Kingdom for nominating such an eminent candidate for the Prize and to the Government of Venezuela for its magnanimous gesture in postponing to 2007 the nomination of its candidate for the 2006 Prize.

14(f).4 The Council noted and endorsed the measures taken and those proposed by the Secretary-General in respect of the Prize for 2006.

**Reference documents:** C 96/14(f); Circular letters Nos.2617 and 2648; C 96/SR.6

**(g) IMO Award for Exceptional Bravery at Sea (agenda item 14(g))**

14(g).1 The Council noted the information set out in document C 96/14(g), and that provided orally by the Secretary-General, on the IMO Award for Exceptional Bravery at Sea.

14(g).2 In particular, the Council:

- (i) approved the Guidelines for the establishment of an IMO Award for Exceptional Bravery at Sea, contained in annex 1 to the document, as amended;
- (ii) approved the proposed design of the Medal accompanying the Award, as reproduced in annex 2 to the document;
- (iii) approved the anticipated costs related to the Award, as stated in paragraph 3 of the document;
- (iv) recorded its appreciation to the Government of Spain for its generous support and assistance in the design of the Medal and its generous offer to co-finance the production of the Medals; and
- (v) expressed its appreciation to the Secretary-General for his response to the requests of the Council concerning the Award.

**Reference documents:** C 96/14(g); C 94/17(e); C 96/SR.6

**15 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 15)**

15.1 The Council noted the information set out in document C 96/15, and that provided orally by the Secretary-General, on the status of the Convention and membership of the Organization.

15.2 The Council also noted the status of replies received with regard to the application of the Cook Islands for membership of the Organization.

15.3 As regards the 1991 amendments to the IMO Convention, concerning the institutionalization of the Facilitation Committee, the Council took particular note of the information provided by the Secretary-General concerning the number of Member States which had accepted these amendments and the additional measures he had undertaken to encourage the further acceptances required to bring them into force. The Council requested the Secretary-General to continue urging those Member States, which had not already done so, in particular any Council Members, to consider accepting the 1991 amendments to the IMO Convention at the earliest possible opportunity; and to report to the ninety-seventh session of the Council accordingly.

**Reference documents:** C 96/15; C 96/SR.6

**16 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 16)**

16.1 The Council noted the information set out in document C 96/16 and its addendum, as well as that provided orally by the Secretary-General, on the status of conventions and other multilateral instruments in respect of which the Organization performs depositary functions.

16.2 The Council was particularly pleased to note the entry into force, on 24 March 2006, of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, and that the entry into force requirements of the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000, had been met on 14 June 2006 and that the Protocol would enter into force on 14 June 2007.

16.3 The Council endorsed and supported the Secretary-General's continuing efforts to encourage Governments to consider accepting those instruments to which they are not yet parties; and, in particular, reiterated its plea to Member Governments to pay particular attention to ratifying:

- (i) as far as safety-related conventions are concerned, the 1993 Torremolinos Protocol and the 1995 STCW-F Convention; and
- (ii) as far as environment-related conventions are concerned, the 2001 AFS Convention and the 2004 Ballast Water Management Convention;

to enable them to enter into force as soon as possible.

16.4 As far as security-related conventions are concerned, the Council noted the importance of the early entry into force of the two recently-adopted SUA Protocols and, consequently, urged Member Governments to take the necessary action to effect this as a matter of priority.

16.5 The Council requested the Secretary-General to continue responding to the needs of the international maritime community insofar as the requirement for new, or revised, legislation is concerned, and, equally importantly, to continue encouraging and assisting States to accept and implement the various treaty instruments.

**Reference documents:** C 96/16 and Add.1; C 96/SR.6

**17 DATE AND PLACE OF THE NEXT SESSION OF THE COUNCIL (agenda item 17)**

17.1 The Council noted the information contained in document C 96/17, and that provided orally by the Secretary-General, concerning the date and place of the next sessions of the Council.

17.2 In particular, the Council agreed that:

- (i) the ninety-seventh session of the Council be held from 6 to 10 November 2006 at the Central Hall Westminster in London; and
- (ii) the ninety-eighth session of the Council be held from 25 to 29 June 2007 at the Horticultural Halls in London.

**Reference documents:** C 96/17; C 96/SR.6

## **18 SUPPLEMENTARY AGENDA ITEMS (agenda item 18)**

### **(a) Matters relating to the implementation of Article 17 of the IMO Convention (agenda item 18(a))**

18(a).1 The Council considered matters relating to the implementation of Article 17 of the IMO Convention, prompted by the information contained in document C 96/18(a).

18(a).2 Following a wide-ranging initial discussion, the Council requested the Secretary-General to undertake a study of the issue of geographical representation in the Council, including a comparison of the practice of other specialized agencies of the United Nations, of similar membership and with similar constitutions, for submission to the ninety-seventh session of the Council, in November 2006. The Council further requested that the study be issued as early as possible, in order to facilitate Member States wishing to submit comments and proposals on the matter.

**Reference documents:** C 96/18(a); A 24/SR.10; C 96/SR.7 and SR.8