



COUNCIL – 96th session

C 96/SR.3
20 June 2006
Original: ENGLISH

SUMMARY RECORD OF THE THIRD MEETING

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR
on Tuesday, 20 June 2006 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 96/INF.1.

N.B. Corrections to the summary record should be submitted in writing, preferably on a copy of the summary record, to the Conference Division, IMO Secretariat, 4 Albert Embankment, London SE1 7SR not later than 27 October 2006.

Corrections to all summary records of the session will be issued in a consolidated corrigendum.

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

CONTENTS

	Page
Agenda item 7 – Consideration of the report of the Maritime Safety Committee	3
Agenda item 8 – Consideration of the report of the Legal Committee	13

AGENDA ITEM 7 – CONSIDERATION OF THE REPORT OF THE MARITIME SAFETY COMMITTEE (C 96/7 and Add.1; MSC 81/25 and addenda)

Mr. PONOMAREV (Russian Federation), speaking as Chairman of the Maritime Safety Committee, said that the Committee, throughout its deliberations, had followed the policy and operational guidelines of the Organization as laid down in resolutions A.500(XII), A.777(18) and A.900(21). The report of the eighty-first session had been issued as document MSC 81/25 and addenda. The session had been held from 10 to 19 May 2006, and had been attended by 96 Member States, one Associate Member, two United Nations specialized agencies and 42 international organizations. The Committee's agenda item concerning application for consultative status would be considered separately under item 14 of the Council's agenda.

As reflected in paragraphs 4 and 5 of the report, the Committee had adopted amendments to SOLAS chapters II-2, III, IV and V, to the 1978 STCW Convention and to the 1988 SOLAS Protocol, as well as amendments to the FSS, LSA, IMDG and STCW Codes and the "Guidelines for the authorization of organizations acting on behalf of the Administration". The amendments to SOLAS, the FSS and LSA Codes and the Guidelines were expected to enter into force on 1 July 2010, while the amendments to SOLAS chapter V, relating to LRIT, the 1978 STCW Convention and the STCW and IMDG Codes were expected to enter into force on 1 January 2008. In adopting the amendments to the 1998 SOLAS Protocol, the Committee had noted that, in view of the explicit amendment procedure applicable to SOLAS chapter I, they should be deemed to have been accepted on the date on which they were accepted by two thirds of the Parties to the Protocol, and had invited the Parties to the Protocol to take steps to ensure their early entry into force.

As reflected in paragraph 6 the Committee, in carrying out its work on passenger ship safety, had approved draft amendments to SOLAS chapters II-1, II-2 and III and the FSS Code, as well as a number of circulars addressing various aspects of passenger ship safety. As reported in paragraph 7, it had addressed safety aspects of cabin balconies in the wake of a recent fire on board the cruise ship **Star Princess**, and had approved as an interim measure for immediate implementation a circular on operational recommendations for passenger ships with cabin balconies, as well as draft amendments to SOLAS chapter II-2 and the FSS Code restrictions on the use of combustible materials on such balconies, while instructing the FP Sub-Committee to address fire safety for all external deck areas.

Paragraphs 8 to 14 reported on decisions taken on measures to enhance maritime security. In an effort to provide further guidance and assistance to Member Governments in the implementation of the new regulatory regime, the Committee had approved guidance on training and certification of port security officers, compliance of special-purpose ships, identification of ships transmitting security alerts, obligatory notification of control and compliance measures, voluntary self-assessment by SOLAS Contracting Governments, port facilities and Administrations, and finally on ship security.

In that connection, the Committee had adopted resolution MSC.202(81) regarding amendments to SOLAS chapter V to introduce the system for long-range identification and tracking of ships (LRIT); resolution MSC.210(81) concerning performance standards and functional requirements for such a system; and resolution MSC.211(81) concerning arrangements for the timely establishment of the system. The Committee had acknowledged that the new SOLAS regulation on LRIT established a multilateral agreement for sharing LRIT information amongst SOLAS Contracting Governments which would meet their maritime security needs. It maintained the right of flag States to protect information about their ships while allowing coastal States access to information about ships navigating off their coasts. The proposed SOLAS

regulation on LRIT was not creating or affirming any new rights of states over ships beyond what existed in international law, nor was it altering or affecting the rights, jurisdiction, duties and obligations of states.

The development of goal-based new ship construction standards (GBS) had been identified as one of the strategic directions for the Organization. Following the discussion at MSC 81 the Committee, as reflected in paragraphs 15 to 17, had debated how to proceed with the development of the GBS, and had agreed to work in parallel both on GBS for bulk carriers and oil tankers based on the so-called prescriptive approach and on GBS based on the so-called safety level approach. Concerning the latter, the Committee had agreed on the items that needed to be considered and on the establishment of a correspondence group to advance the work intersessionally, and for the former it had approved the Tier I goals and Tier II functional requirements, and had noted the significant progress made by the working group on various aspects of Tier III verification compliance.

Paragraphs 18 to 44 reported on the decisions taken by the Committee in the context of recommendations by subcommittees which had met prior to MSC 81.

With regard to the report of the DE Sub-Committee, the MSC had approved draft amendments to SOLAS chapters III and XII as well as to the 1994 and 2000 HSC Codes and the DSC Code. In dealing with the issue of protective coating, the Committee had approved draft amendments to the SOLAS regulations concerning mandatory requirements for protective coating and draft performance standards for such coatings.

Paragraphs 23 to 25 reported on decisions of the MSC based on the recommendations of FSI 13, and paragraphs 26 and 27 reported on decisions taken on the basis of recommendations by BLG 9 and 10. As indicated in paragraphs 28 to 30 the Committee, in considering the report of NAV 51, had adopted new traffic separation schemes and amendments to existing ones, routing measures other than traffic separation schemes, and mandatory ship reporting systems, and amendments to the revised performance standards for shipborne voyage data recorders and simplified voyage data recorders. The Committee had noted the Sub-Committee's work on the review of various codes, the development of guidelines on voyage planning for passenger ships operating in remote areas, and performance standards for essential systems and equipment on passenger ships. It had recommended means for extracting stored data from VDRs for investigating authorities, and the recognition process for the Galileo system.

With regard to stability, load lines and fishing vessel safety, as reflected in paragraphs 31 to 33, the Committee had noted the completion of the work within its purview on review of the OSV and LHNS Guidelines and amendments to the HSC and DSC Codes, had approved the draft amendments to the 1988 Load Lines Protocol, and had noted the progress made on safety standards for small fishing vessels.

Paragraphs 34 to 36 reflected action taken on the report of DSC 10, notably on amendments to SOLAS as a result of the change to flashpoint in the IMDG Code and mandatory application of chapter 1.3 of that Code, a review of the recommendation on the safe use of pesticides in ships, and consequential amendments to the BLU Code as a result of its extension. In the context of resolution A.984(24) on *Facilitation of the carriage of IMDG Code Class 7 radioactive materials*, the Committee had noted the need to develop an *ad hoc* mechanism to resolve difficulties, and the intention of the Secretariat to submit appropriate documents to FAL 33 and DSC 11.

In regard to the outcome of FP 50, paragraphs 37 and 38 reported that the Committee had approved draft amendments to SOLAS chapters II-2 and III, had approved circulars on early application of those amendments, and had adopted draft amendments to the FSS and LSA Codes as well as to the revised recommendation on testing of life-saving appliances.

With regard to training and watchkeeping the Committee, noting the outcome of STW 37, had endorsed the advice of the Legal Affairs and External Relations Division that there was no need to include the nationality of an individual identified as the holder of a fraudulent certificate in reports issued by the Secretariat. In respect of implementation of the 1978 STCW Convention, the Committee had confirmed that procedures for assessment of information provided had been correctly followed in respect of 24 STCW Parties and four overseas territories of another STCW Party. It had also approved additional competent persons nominated by governments.

In dealing with urgent matters emanating from COMSAR 10, as reflected in paragraphs 43 and 44, the Committee had endorsed the Sub-Committee's decisions, notably on the broadcasting of tsunami and other national disaster warnings, IMO liaison statements to ITU and IEC, amendments to the IAMSAR Manual, passenger ship safety, and long-range identification and tracking of ships. It had agreed to consider a revised text of resolution A.888(21), on *Criteria for the provision of mobile-satellite communication systems in the GMDSS*, at MSC 82.

With regard to safety- and security-related technical co-operation activities, paragraphs 45 to 47 reported that the Committee had noted information by the Secretariat that the continuing loss of life resulting from casualties involving domestic ferries had led to the signing of a Memorandum of Understanding between IMO and Interferry, designed to enhance the safety of non-convention domestic ferries through collaboration on capacity-building activities in developing countries. The two organizations had already conducted a detailed analysis of the problems, and three pilot projects in Bangladesh were anticipated.

In regard to the role of the human element, paragraph 48 reported that the Committee had agreed that the work of the *ad hoc* Joint MSC/MEPC Working Group should continue. A report by a group of independent experts set up to review the effectiveness of the implementation of the ISM Code had been considered, and referred to the joint working group for detailed consideration.

With regard to formal safety assessment, paragraph 50 reported that the Committee had taken action on amendments to the FSA Guidelines recommended by the Correspondence Group and on amendments to the use of HEAP and FSA Guidance, and had approved draft amendments to the FSA Guidelines and to the "Guidance on the use of the human element analysing process and formal safety assessment".

As outlined in paragraphs 51 to 54, the Committee had noted statistical information on acts of piracy and armed robbery against ships, and had observed that implementation of SOLAS chapter XI-2 and of the ISPS Code had helped to reduce such incidents, particularly in port areas. It had noted the measures taken to implement the IMO anti-piracy project, notably through seminars and workshops and through a meeting on maritime safety, security and environmental protection of the Malacca and Singapore Straits held in Jakarta in 2005.

As stated in paragraph 57, with regard to application of the Committee's Guidelines it had been agreed that the deadline for submission of documents containing proposals for new work programme items should be reduced from 20 weeks to 13 weeks with effect from MSC 82, and that the Guidelines should be amended accordingly. Considerable time had been spent

discussing the work programmes of the subcommittees and proposals for intersessional meetings. In that connection, he was pleased to inform the Council that the May meeting of the Editorial and Technical Group referred to in paragraph 60.5 of document C 96/7/Add.1 would be hosted by the Russian Federation Minister of Transport.

As indicated in paragraphs 58 to 60, the Committee had agreed on a course of action with regard to reporting on progress made on items in the current high-level action plan and proposals for the plan for the 2008-2009 biennium. Paragraphs 61 and 62 included a draft resolution approved by the Committee for adoption by the Assembly, as well as 50 approved guidelines and other recommendations.

As reported in paragraphs 64 and 65, the Committee had instructed FSI 14 to consider specific proposals in the context of a potential review of annex 3 to the “Code for the implementation of mandatory IMO instruments”. It had noted that the Assembly had requested the MSC and the MEPC to review the feasibility of including within the Voluntary IMO Member State Audit Scheme security and other functions not presently covered, and to identify the implications of broadening the scope of the scheme in that way. In that connection it had recalled that matters pertaining to the Framework and Procedures for the Audit Scheme were matters for the Council, and not for the Committees, to develop and approve.

He hoped the Council would agree that considerable progress had been made. It was the unanimous wish of the Committee that the decisions made should be widely and effectively implemented and successfully enforced to the benefit of all concerned, and that the strenuous efforts being made to enhance maritime security would create a more secure marine environment.

The SECRETARY-GENERAL said that setting standards and promoting their effective implementation was at the heart of the Organization’s mission to promote safe, secure, environmentally sound, efficient and sustainable shipping. Shipping that met those requirements not only served the needs of world trade, but also promoted economic development. The contribution that shipping made to the global economy and to the community as a whole by carrying more than 90 per cent of world trade should be acknowledged, and shipping should be presented to all parties concerned (including politicians and the public) as it was today – largely safe, secure, efficient and environmentally friendly.

However, he wished to share with the Council his concern at the unacceptably high loss of life in incidents involving passenger ferries and other vessels since the beginning of the year, which now totalled 1,420. Among the accidents causing serious losses, five had occurred off the coast of Africa or in its internal waters, and five had involved non-convention vessels, namely passenger ships of traditional construction. IMO could not disregard such accidents on the grounds that such ships did not fall within the Organization’s purview, but should continue to work to ensure higher safety standards, notably by preventing overloading, which had allegedly contributed to almost all the recent accidents. The least it could do was to pay special attention to the safety of non-convention vessels such as small fishing vessels and domestic passenger ferries and offer whatever assistance might be needed, as had been done in respect of Bahrain by setting up a technical co-operation project in response to a request for assistance following a tragic accident with heavy loss of life. In a wider context, IMO had joined forces with Interferry to implement a project aimed at enhancing the safety of non-convention ferries in developing countries, which would serve as a model for similar projects in other countries facing difficulties in enhancing the safety of non-convention vessels.

Since the launch in December 1999 of the Large Passenger Ship Safety Initiative, the Council had been kept informed of progress made. The Committee's commitment to ensuring a holistic and comprehensive approach had provided a new framework for the design, construction and operation of large passenger ships, which had later been expanded to cover passenger ships of any size. That safety initiative was perhaps the most significant test case in the implementation of IMO's proactive policy. The Committee had completed its work on that initiative by developing appropriate recommendations and draft amendments to IMO mandatory instruments, and he was confident that the end result would meet the needs of administrations, the industry and the travelling public.

Following the investigation carried out by the United Kingdom's Marine Accident Investigation Branch into the fire on the cruise ship **Star Princess**, which had recommended measures to strengthen further the safety of passenger ships, the Committee had acted promptly in approving a set of operational measures recommended for immediate implementation, as well as draft amendments to SOLAS chapter II-2 and to the Fire Safety Systems Code to address the safety of cabin balconies. That swift action had showed IMO at its best, and provided an eloquent answer to those who accused it of being slow.

In regard to maritime security, he emphasized the need for all concerned to put in place and to implement meticulously and consistently the provisions of both SOLAS chapter II-2 and the ISPS Code, exercising due diligence at all times. It was disconcerting that not all SOLAS Contracting Governments were yet giving full effect to the security measures adopted by IMO in 2002 and thereafter. In an effort to improve that situation, the Committee had approved a number of self-assessment questionnaires, as well as a framework for national oversight programmes for maritime security. He invited all states to seriously examine the extent of their implementation of IMO security measures, and to take any necessary corrective action without delay.

The Committee's adoption of amendments to SOLAS chapter V to include requirements for a system of long-range identification and tracking of ships merited special mention. The task had been an arduous one, but a spirit of co-operation and understanding, coupled with a determination to make progress whilst accommodating the wishes of others, had again prevailed, enabling the Committee to bring the first stage of its work on LRIT to a successful conclusion. He was optimistic that in time all parties concerned would see real benefits from implementation of the LRIT system, not only in regard to security and search and rescue, but also in regard to navigational safety and environmental protection.

The development of goal-based standards for the design and construction of new bulk carriers and oil tankers had made significant progress, and it had been decided to explore the safety level approach in that regard. The Committee's willingness to address major issues by considering them from various perspectives should be acknowledged with appreciation.

Since its major revision in 1995, the 1988 STCW Convention had been amended four times, and further amendments were now needed to cover maritime security, LNG carrier training, hours of work, and other issues. In order to ensure that the Convention met any new challenges facing the shipping industry, the Committee had instructed the STCW Sub-Committee to undertake a comprehensive review of the Convention and of the Code. He had been pleased to inform the TCC the previous week about the initiative of the Alexandria Academy in setting up an institute for the training of personnel on LNG carriers.

Another milestone decision of the Committee had been its endorsement of a proposal to proceed with development of an e-navigation strategy. The digital revolution in information and communication technologies had made possible a free flow of information and ideas across the globe, but the vast majority of countries still lacked access to it. That was what was known as the “digital divide”, and to bridge it the United Nations had developed plans for an “information society” in which the benefits of ICT were made accessible to all. The objectives should be to generate information and communication benefits that would help everyone move towards fulfilment of the Millennium Development Goals.

With regard to the “Guidelines on the organization and method of work of the MSC, the MEPC and their subsidiary bodies”, MSC 81 had considered the outcome of the 2006 meeting of chairmen, which had dealt with improving the efficiency of meetings, documentation, and workload and work programme management, and had approved a number of measures aimed at implementation by the Committees and their subsidiary bodies. He thanked the chairmen for their examination of and recommendations on all those important issues, which were aimed at improving the effectiveness of IMO’s work.

At MSC 81, the Committee had received the reports of eight of the nine subcommittees which had met since its last session. As usual, those efforts had resulted in an impressive list of MSC resolutions and circulars relating to adopted or approved amendments to various IMO instruments, as well as guidelines, recommendations and standards on a wide range of issues. Having closely followed events, he was appreciative of the work done by the Committee and subcommittee chairmen and all the other officials involved. The contribution of the dedicated staff in the Maritime Safety, Marine Environment, Legal Affairs and External Relations and Conference Divisions should also be recognized with appreciation. However, their strenuous efforts would prove successful in serving safety and security at sea and in port and in protecting the marine environment only when measures agreed by the Committee were effectively implemented and rigorously enforced worldwide. IMO, as the shipping world’s regulatory body, had developed the legislative framework to safeguard life and property at sea and protect the marine environment; it was now up to governments and industry to implement it.

Mr. MOKHTAR (Egypt) thanked the MSC for its excellent work. He commended the efforts made not to exclude passenger ships engaged only on short international voyages from regulation 21 of SOLAS chapter II-1. He also supported the emphasis placed on the safety of domestic ferries and was appreciative of the co-operation of IMO, and in particular of the Secretary-General, in relation to the accident involving the passenger ship **Al Salaam 98**. He endorsed the decision by the Committee not to include in reports issued by the Secretariat the nationality of individuals identified as holders of fraudulent certificates; he also endorsed the recommendations on the use of simulators in maritime training. He commended the efforts to reduce armed robbery and piracy against ships and urged Member States to implement the Security Council’s recommendations aimed at solving the problem. In concluding, he welcomed the attention being devoted to the role of the human element in curbing maritime accidents.

Mr. HARIJOGI (Indonesia) also expressed appreciation of the MSC’s work, and particularly commended its successful conclusion of the amendments to SOLAS chapter V to introduce requirements for the long-range identification and tracking of ships. It was important to ensure that the LRIT system respected the rights of flag States, in accordance with the provisions of UNCLOS 1982, and did not affect the rights, jurisdiction, duties and obligations of SOLAS Contracting Governments. However, he acknowledged the role of the data centre in ensuring that the system operated consistently and within the principles of international law.

Surmounting the technical difficulties involved in implementing the system would require extensive co-operation among stakeholders and technical assistance in capacity building and in procuring the necessary equipment. He fully supported the work of the *ad hoc* Working Group on Engineering Aspects of LRIT, and hoped that it would be completed in time for the system to become operational within the proposed time frame.

Mr. OLIMBO (Italy) joined previous speakers in commending the report, which he fully supported. The outstanding results achieved by the Committee marked a step forward along the path of continuous improvements in international standards for the safety of shipping. He particularly welcomed the report's focus on the sensitive issue of goal-based construction standards for new ships and on measures to enhance maritime security, such as the long-range identification and tracking of ships and the activities designed to control piracy. He also welcomed the harmonization between the MSC's activities and the Organization's high-level action plan and priorities for the 2006-2007 biennium.

Mr. SEVILLA (Philippines) congratulated the MSC on its excellent report. He raised two concerns relating to the resolutions that the Committee had adopted on the long-range identification and tracking of ships. Having attended the recent meeting in Viet Nam of the Asia-Pacific Economic Cooperation (APEC) Transportation Working Group, to which a similar project had been submitted for consideration, he hoped that the activities being undertaken by that organization in the sphere of shipping were being co-ordinated with those of IMO; the chairman of that meeting had assured him that its outcome would indeed be reported to IMO. He asked the Chairman of the MSC for assurance that security features had been built into the LRIT system to prevent information on the tracking and identification of ships from being intercepted and falling into the hands of lawless elements.

Mr. PONOMAREV (Russian Federation), speaking as Chairman of the Maritime Safety Committee, said that he was unsure to which question the representative of the Philippines had requested an answer. While the meeting to which the representative had referred had not been held under the auspices of IMO, he had nevertheless been assured that its outcome would be reported to the Organization. With regard to the resolutions adopted by the Committee, SOLAS chapter V listed the rights of the flag State and of the coastal State with regard to the transmission and receipt of information that would enable a ship at a distance of up to 1,000 miles to be identified and its position tracked.

Mr. SEVILLA (Philippines) reiterated his question whether measures were in place that would prevent the information obtained on the identity of a ship and its position from being intercepted and used for unlawful purposes such as terrorism.

Mr. PONOMAREV (Russian Federation), speaking again as Chairman, said that the architecture of the system would allow the appropriate level of security of the information obtained.

Mr. OR-RASHID (Bangladesh) said that his government had already taken steps to ensure the safety and security of its domestic ferry services; as a result of those endeavours, no inland ferry accident had yet occurred in 2006. However, as Bangladesh needed assistance with the formulation of long-term projects aimed at ensuring safe and secure domestic ferry services, he welcomed IMO's initiative in undertaking a domestic ferry safety pilot project in his country.

Mr. CHANDRA (India) expressed his deep appreciation to the MSC for its excellent and comprehensive report, and wished to place on record his government's full support for the measures formulated.

He wished to draw the attention of IMO and Council Members to a serious problem, which in his view had hitherto received insufficient scrutiny – crimes committed on board vessels on the high seas. Multinational crews were increasingly being employed, and their members were often victims of violence, and were sometimes killed, on board vessels on the high seas. The difficulty in verifying the events leading up to such tragedies caused additional anguish to the victims' bereaved families and, in his country's experience, flag States were often reluctant to provide any facts in such cases. It was the duty of all to ensure the safety of seamen on board vessels engaged in international trade, and an international consensus should be developed on the need to establish a legal framework to deal with crimes committed against them. He therefore requested the MSC to consider the issue urgently and to recommend ways of dealing with such cases more effectively.

Mrs. BALKIN (Director, Legal Affairs and External Relations Division) said that the issue of criminal acts committed on board ships had been brought to the attention of the Legal Committee by the delegation of Japan in connection with the incident involving the M/V **Tajima**. The Committee had engaged the assistance of the Comité Maritime International (CMI) in gathering relevant information regarding current law and practice, and the replies to a questionnaire circulated by the Committee had indicated that, while some countries had jurisdiction to deal with such problems, others had not. Although the Legal Committee had ultimately decided not to try to draft an international convention on the subject, CMI was actively pursuing that avenue and would report its findings to the Committee.

The CHAIRMAN observed that crimes committed on board ships were a matter of criminal law and therefore came within the purview of the Legal Committee rather than that of the Maritime Safety Committee.

Mr. IKIARA (Kenya) joined previous speakers in thanking the MSC for its comprehensive report. He particularly welcomed the attention paid to the safety of domestic passenger ferries, as East Africa continued to experience considerable loss of life through ferry and boat accidents, such as the capsizing of a Tanzanian boat on Lake Victoria, and inland waters in other parts of Africa continued to suffer an unacceptably high rate of such accidents. Inadequate capacity and poorly trained personnel had prevented some countries from taking adequate measures to prevent such accidents, and they would therefore require IMO's assistance in training and capacity building. He urged Member States to implement as many of the Committee's resolutions as possible.

Mr. CHRYSOSTOMOU (Cyprus) welcomed the comprehensive report on MSC 81 and congratulated the Chairman on his excellent work. There were three areas of the report that required decisions or guidance by the Council. The first concerned the LRIT system. Since the MSC had not indicated who should be responsible for the costs involved in establishing an international LRIT database centre, he requested it to advise the Council prior to the entry into force of the amendments to SOLAS chapter V whether, in its view, the initial costs should be met by the Organization's membership or through another arrangement. With regard to goal-based new ship construction standards for bulk carriers and oil tankers, and referring to paragraph 16.2 of document C 96/7/Add.1, he noted that the Committee at its next meeting would be required to examine the liability of IMO with regard to the decisions taken by the group of experts relating to verification. The Council would therefore need to instruct the Committee whether the group of experts should be an IMO group or one established by a diplomatic conference in connection with either the SOLAS, Load Line or another convention, that would appropriately encompass the goal-based standards. Finally, with regard to the development of GISIS, which he welcomed,

he considered that a specific strategy for the future evolution of the system should be developed, including an indication of the funds and the infrastructure that would be needed to sustain it and the potential for its expansion. He therefore requested the Secretariat to consider the matter and to report its deliberations to the Council at its next session so that the latter would be in a better position to assist the Secretariat. For example, it was important to ensure that the system was compatible with the electronic systems of all Member States so that it could be updated automatically, without manual interference by a state or by IMO. If that compatibility could not be secured, the system's potential for expansion could be jeopardized.

The CHAIRMAN, in reply, suggested that the Council should note the concern regarding the cost of an international LRIT database centre and should request the MSC to report to the Council on that issue. Secondly, referring to the liability of the Organization for decisions by a group of experts, he suggested that the Legal Affairs Division could be requested to provide MSC with some legal advice. He further proposed, in connection with GISIS, that the Council note the matter and the Secretariat be requested to keep the question under review.

Mr. CHRYSOSTOMOU (Cyprus) agreed with the Chairman's suggestions, with the proviso that the Legal Affairs and External Division be requested to provide both the Council as well as the MSC with advice, which would then enable the Council to decide on the nature of the expert group.

The CHAIRMAN confirmed that the question would be placed before the Council for its consideration at its next session.

Mr. NTULI (South Africa), commending the thorough report of the Maritime Safety Committee, associated himself with the views expressed by the representative of Cyprus on issues relating to LRIT, and with the Chairman's summary and suggested action concerning that matter. His delegation reiterated its call for the participation of high-level experts from developing countries in the *ad hoc* Working Group on Engineering Aspects of LRIT. The safety of small fishing vessels was of particular significance to his country. Encouraged by the progress achieved by the working group involved in the development of safety standards for small fishing vessels, South Africa seconded the invitation extended to ILO to participate in its work. Moreover, his delegation welcomed the decision concerning unlawful practices associated with certificates of competency, with a view to effectively identifying and preventing fraud in the shipping industry. In reference to paragraph 46, he called on the Secretariat to extend the assistance provided in the context of the Malacca Strait Marine Electronic Highway (MEH) project to countries participating in the Western Indian Ocean MEH project. As to paragraph 47, he viewed the Memorandum of Understanding between IMO and Interferry as an opportunity to build capacity and enhance the safety of non-convention domestic ferries, particularly in developing countries. Finally, he commended the initiatives taken by the Secretariat to develop the GISIS, and expressed his gratitude to the Director of the Maritime Safety Division for providing the Committee with valuable technical assistance.

Ms. JOHNSON (United States) congratulated the Chairman of the Committee for his excellent work. MSC 81 had brought remarkable achievements on a wide range of issues, including the adoption of new SOLAS regulations for LRIT. That was a major diplomatic success for the Organization which would substantially contribute to the security and safety of the global maritime community. With regard to paragraph 14 of the report, her delegation strongly supported the expansion of GISIS to include new satellite providers; however, it considered there was a need for IMSO to play an expanded role in LRIT – a subject that should be discussed at the eighty-second session of the Committee.

Mr. LEE (Singapore) commended the new Chairman of the Committee on his work and the Secretary-General on his comprehensive, yet concise, report. He concurred with the representative of India on the need for greater international co-operation, under the leadership of IMO, in combating piracy and armed robbery against ships. He urged the Committee to pursue the Secretary-General's initiative on the protection of vital shipping lanes. He informed the Committee that the regional co-operation agreement on anti-piracy in Asia, spearheaded by Japan, would enter into force in September 2006. It was expected to play a major part in promoting international co-operation on the issue.

Mr. JUNG (Republic of Korea) highlighted the importance of the Secretary-General's initiative on piracy and armed robbery against ships in waters off the coast of Somalia. His delegation strongly supported the plan to hold a regional meeting later in the year, pursuant to co-operation with the Maritime Organization of West and Central Africa, on an integrated coastguard network for states of the region.

Mr. RANGEL JALLEY (observer, Venezuela) commended the excellent presentation of the report, which had addressed issues vital to the future of navigation, and IMO's efficient and effective achievement of the outcomes described. The fact that the LRIT system would become operational in January 2009 highlighted the importance of addressing the new SOLAS regulation on LRIT and its link with UNCLOS regarding the rights, jurisdiction, duties and obligations of states. Although the Secretariat had explained that the regulation did not alter or affect the latter, his government wondered about the possibility of consulting the International Court of Justice to obtain a legal reference so as to satisfy some Member States' concerns. Such guidance would enable a better understanding of the scale of the implementation of the future multilateral agreement, so as to ensure maximum benefit from the system by the time it became effective.

Mr. SADLER (United Kingdom) wished to place on record his delegation's appreciation of the work of the Committee and, in particular, of its new chairman. The United Kingdom fully endorsed all the actions requested of the Council in paragraph 68 of the document under consideration.

The SECRETARY-GENERAL said he believed that the pertinent question raised by the representative of the Philippines concerning confidentiality of information in the context of the LRIT system had been addressed in the decisions taken by the Committee at its eighty-first session. Firstly, paragraph 10 of the amendments to chapter V of the 1974 SOLAS Convention stated, *inter alia*, that Contracting Governments should, at all times, protect the information they might receive from unauthorized access or disclosure; secondly, paragraph 12 of the performance standards and functional requirements relating to LRIT system security addressed the issue of confidentiality, by requiring parties running an application server to protect the confidentiality of the LRIT information so as to ensure its non-disclosure to unauthorized recipients when travelling across the LRIT system. As to the issue raised by Cyprus with regard to GISIS, that had been dealt with by MSC 81 whose report, under "Any other business", stated that the Secretariat emphasized the importance of support for the system from the Member States and the Secretariat and the development of an information and data management policy. Turning to the subject of LRIT logistics, he said it was necessary to await the outcome of MSC 82 in Istanbul. However, that could be a crucial issue requiring appropriate action and infrastructure to meet the requirements of the system. Lastly, concerning the comments by Singapore on piracy and armed robbery, he urged the representative of Singapore to refer back to the United Nations Security Council's response to acts of piracy off the coast of Somalia, and reminded him that a meeting was scheduled for Kuala Lumpur in September 2006 as a follow-up measure to the 2005 Jakarta meeting, in the context of providing protection for shipping lanes of strategic importance.

The CHAIRMAN, referring to the question raised by Cyprus concerning goal-based standards, said that as rules and regulations of classification societies were evaluated by a group of experts against the level of safety demanded by a goal-based standard, the issue of liability was already solved, as clarified by paragraph 6.22 of the MSC report contained in document MSC 81/25. However, Cyprus had thereby also raised the question whether that group would effectively come under MSC – in view of its having been established by an amendment to SOLAS – or whether it would be an IMO group, since goal-based standards would come into existence through a new convention, and the relevant diplomatic conference would decide on a group of experts. If MSC decided to make goal-based standards a part of the SOLAS Convention, it would be an MSC group of experts, since that committee was the guardian of SOLAS. The issue was one that the MSC must discuss, and the Council should be advised of the result of those deliberations.

He invited the Council to note the information provided in document C 96/7 and its addendum, and that provided orally by the Secretary-General and the chairman of the MSC. Concerning document C 96/7/Add.1 in particular, he invited the Council to note 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 mandatory under the 1974 SOLAS Convention and the 1978 STCW Convention; to note 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 subcommittees concerned; to note the action taken by the Committee on issues relating to maritime security; to note the progress made on the issue of goal-based new ship construction standards; to note the Committee's decisions on issues brought to its attention by DE 48 and 49, FSI 13, BLG 9 and 10, NAV 51, SLF 48, DSC 10, FP 50, STW 37 and COMSAR 10; to note the action taken by the Committee on issues relating to formal safety assessment (FSA); to note the Committee's report on activities pertaining to the issue of piracy and armed robbery against ships; to note 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; to endorse the Committee's approval to hold intersessional meetings as listed in paragraph 60 of document C 96/7/Add.1; and to note the draft resolution approved by the Committee for submission to the twenty-fifth session of the Assembly for adoption, together with the 50 guidelines and other recommendations approved by the Committee for dissemination.

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

It was so decided.

**AGENDA ITEM 8 – CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE
(C 96/8 and Add.1)**

Mr. CHAI (Republic of Korea), speaking as chairman of the Legal Committee, said that the Committee had held its ninety-first session from 24 to 28 April 2006. A summary of the discussions and conclusions of the Committee at that session was presented in document C 96/8/Add.1. He intended to provide the Council with a broad overview of the events at LEG 91 and highlight some areas of particular importance.

The Committee had devoted the first two days of the session to the consideration of the draft convention on removal of wrecks and had made good progress. An article-by-article discussion of the draft text had been completed and consensus reached on a number of matters. Some issues remained to be resolved and the text could be further improved by some judicious redrafting. To that end, the Committee had requested the Secretariat, in consultation with interested delegations, to edit and prepare a revised version of the draft text for consideration at its ninety-second session.

The Committee had for some time been proceeding on the assumption that a diplomatic conference to consider and adopt the draft convention on wreck removal would be held in the spring of 2007. During its last meeting, the Committee had been advised of the generous offer by the Government of Kenya to host the conference in Nairobi, and the point had been made both by the Secretariat and the representative of the Government of Kenya that the conference would have to be organized well in advance. It had thus been imperative that the Committee take a decision at the session under review, regarding its readiness to hold the diplomatic conference at that time. Based on the progress made, the Committee was now able to assure the Council that, by the close of LEG 92 in October, the draft convention would be ready for consideration by a diplomatic conference in May 2007.

In view of that development, and also bearing in mind the constraints affecting meetings during the period of refurbishment of the IMO headquarters building, the Committee had also agreed to hold three, rather than four, sessions, in the biennium 2006-2007, *i.e.*, two in 2006, one in October 2007, and no session in April 2007.

Two separate issues had been discussed by the Committee under the agenda item “Provision of financial security”. The first had been the progress report 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. The report covered a number of issues, including whether the relevant Guidelines applied to fishing vessels, the Joint Database on Abandonment of Seafarers developed by ILO, a suitable definition of “resolved case”, a proposal for insurance coverage for abandonment and the need for a mandatory instrument.

In that connection, the Committee had noted that the Joint Database on Abandonment of Seafarers had been open to the public since 29 March 2006, on the ILO website. The Committee had authorized the working group to continue monitoring the problem of abandonment of seafarers, taking into account all relevant information, including technical solutions available for financial security. The Committee had also authorized the working group to proceed with the development of longer-term sustainable solutions to address the problems of liability and compensation regarding claims for death, personal injury and abandonment of seafarers, taking into account the outcome of the 94th (maritime) session of the International Labour Conference.

The second issue under that agenda item had been the follow-up on resolutions adopted by the International Conference on the Revision of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974. In line with resolution A.988(24) adopted by the Assembly at its twenty-fourth regular session, the Committee had considered several possible options to resolve the problem faced by shipowners in obtaining compulsory insurance cover for death and personal injury claims by passengers under the 2002 Athens Protocol when those claims were a consequence of terrorist acts. Following considerable discussion, during which several possible options had been proposed, the Committee had agreed to continue its work intersessionally on the development of the guidelines along the lines suggested by Norway as lead delegation and within the framework of resolution A.988(24).

Under the same agenda item, the Committee had also taken note of the outcome of a study undertaken by the Comité Maritime International (CMI) that advised against amending the definitions of “owner” and “registered owner” as they appeared in several of the liability and compensation conventions, in order to include bareboat charterers, since the effect might be to interfere inadvertently with the channelling of liability under those conventions.

Another priority item on the agenda of the Committee had been the progress report on the work of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Fair Treatment of Seafarers, which had met at IMO headquarters from 13 to 17 March 2006. In line with the recommendations contained in that report, and in view of the urgent need to finalize and promulgate the guidelines, expressed both by the Assembly and the ILO Governing Body in resolution A.987(24), the Committee had unanimously adopted the draft resolution and guidelines on fair treatment of seafarers in the event of a maritime accident. He was pleased to report that the guidelines had since also been adopted by the ILO Governing Body, at its 296th session held in Geneva a week previously. The guidelines would now be issued under cover of a joint IMO/ILO resolution with a view to entry into force on 1 July 2006.

However, given the concerns expressed by several delegations regarding the practicability of some of the guidelines’ content and with a view to making them as universally acceptable as possible, the Committee had decided to establish an *ad hoc* working group, which would meet during LEG 92 to review the guidelines, taking into account those concerns and any others expressed intersessionally. The Committee had agreed that any decision to amend the guidelines would be transmitted to the ILO Governing Body for its consideration and approval when it met in November 2006.

The Committee had further instructed the Secretariat to bring the adopted guidelines to the attention of the bodies undertaking a review of the “Code for the investigation of marine casualties and incidents”, in line with the decision of the Council at its eighty-ninth session. It had postponed to LEG 92 consideration of the draft revised terms of reference for the continuation of the relevant joint working group.

With respect to the agenda item on “Places of refuge”, the Committee had noted the information provided by the CMI on the ongoing work by its International Working Group to prepare a draft instrument which would create a rebuttable presumption that a ship in distress had right of access to a place of refuge, and also that a coastal State which granted access to a place of refuge should have immunity from suit. The prevailing view in the Committee had been that there was no need for such an instrument and that the more urgent priority would be to implement all existing IMO liability and compensation conventions. The view had also been expressed that the item should be removed from the Committee’s agenda. However, in consideration of the importance of that subject, the Committee had agreed to revert to the issue at its next session in October, when it would be discussing its planned outputs for the next biennium.

With regard to the agenda item on “Monitoring the implementation of the HNS Convention”, the Committee had noted that no responses had yet been received by the Secretariat from the eight Contracting States to the HNS Convention reporting on contributing cargo. The main issue for the Committee, however, had been the effect of the anticipated entry into force of revised Annex II to MARPOL 73/78 on article 1.5(a)(ii) of the HNS Convention, a matter which had been brought to the attention of the Organization by the director of the IOPC Funds. In that connection, the Committee had noted Circular letter No.2699 issued by the Secretary-General, expressing the understanding that if, as expected, revised Annex II to MARPOL 73/78 entered into force on 1 January 2007, the reference to “noxious liquid substances carried in bulk” in article 1.5(a)(ii) of the HNS Convention would refer, as from that date, to noxious liquid substances carried in bulk, as defined in regulation 1.10 of the revised Annex II of MARPOL 73/78. The circular letter had also invited the Committee to consider the adoption of a resolution on that issue. The proposed resolution, worded in similar terms, had been unanimously adopted by the Committee.

Under the agenda item “Biennium activities within the context of the Organization’s strategic plan”, and as requested by the Council at its twenty-third extraordinary session in November 2005, the Committee had agreed to set aside sufficient time at its ninety-second session to consider the high-level action plan of the Organization and its associated priorities, with a view to ensuring that they accurately and concisely described its planned activities for the 2007-2008 biennium. To assist it in that consideration, the Committee had requested the Secretariat to amend the “Guidelines on Work Methods and Organization of Work”, taking into account resolutions A.970(24) and A.971(24).

The Committee had considered a request made by the MEPC at its fifty-third session for advice on the abandonment of ships on land and in ports, following an expression of concern by the Secretariat of the Basel Convention to the effect that the matter had not been adequately covered by a binding legal instrument. Despite having had very little time to consider the document prepared by the MEPC, the Committee was able to confirm the accuracy of the information it contained, noting also that it should be amended to reflect the fact that the 1996 Protocol to the London Convention 1972 had now entered into force.

The SECRETARY-GENERAL welcomed the progress made by the Committee in advancing the text of the draft convention on the removal of wrecks to the point where it could be finalized at its ninety-second session for submission to a diplomatic conference to be held in May 2007. At its twenty-second extraordinary session in November 2003, the Council had noted the Committee’s request for a diplomatic conference to be convened as early as possible in the 2006-2007 biennium. The request had been approved on a planning basis by the Assembly at its twenty-third regular session and subsequently confirmed at its twenty-fourth regular session.

He invited the Council to join him in reiterating their deep gratitude to the Government of Kenya for offering to host the conference in Nairobi and bear the considerable additional costs involved in holding a diplomatic conference. During a recent mission to Nairobi, he had been honoured to meet the President of Kenya and to work on the conference with the Minister of Transport. Both had shown a keen interest in ensuring the successful management and running of the meeting. He had invited President Kibaki to open the conference. He had also toured the premises in the United Nations compound where the conference would take place and had been satisfied with the facilities that would be made available to the Organization. He looked forward to returning to Kenya in 2007 to assist in the venture.

He had appreciated the Committee's agreement to hold three rather than four sessions in the 2006-2007 biennium: two in 2006 and one in October 2007. The decision did not reflect the Committee's workload, but had been taken in the light of its decision to proceed with the diplomatic conference and bearing in mind the constraints on holding meetings during the refurbishment of IMO's headquarters. It would certainly assist the Organization to keep the cost of refurbishment within budget.

For some time, the Committee had been proactive in monitoring the implementation of the conventions it had developed, with a view to identifying any difficulties that might impede their ratification and speedy entry into force. In line with that practice, the Committee had undertaken, as requested by the Assembly in resolution A.988(24), the difficult task of providing guidance to enable states to become parties to the 2002 Athens Protocol, thereby facilitating the Protocol's entry into force and substantially increasing the compensation for damage resulting from the injury or death of passengers on commercial passenger ships while, at the same time, addressing the limitations of the current insurance market in respect of terrorism-related incidents. It was proving to be a complex matter, given not only the difficulties in obtaining such insurance, but also the constraints imposed by the international law of treaties. However, the Committee was taking it seriously and a pragmatic solution appeared to be in sight.

Another convention that was proving slow to implement owing to the complexity of the instrument, and in spite of the Committee's ongoing endeavours to identify difficulties and provide solutions, was the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (the HNS Convention). The Council would thus be pleased to note that the Committee, at its ninety-first session, had found a pragmatic solution to the problem of the linkage between the HNS Convention and MARPOL Annex II following the latter's recent amendment. Although of a technical nature, the problem had the potential, if left unresolved, to delay the entry into force of the HNS Convention. The resolution adopted by the Committee, containing its unanimous interpretation of the article concerned, should relieve states of any concern in that respect when they were considering becoming party to the convention.

Another pressing issue that the Committee had been requested to deal with on a priority basis at its ninety-first session was the adoption of a draft resolution containing guidelines on the fair treatment of seafarers in the event of a maritime accident. They had been drawn up in compliance with Assembly resolution A.987(24) by the Joint IMO/ILO *Ad Hoc* Expert Working Group on Fair Treatment of Seafarers at its second session in March 2006. The working group, like the ILO's governing body, was anxious to ensure that seafarers were fairly treated and their rights not violated following a maritime accident. In view of the priority accorded to the preparation of the guidelines by both the Assembly and the ILO Governing Body, the Committee, while it had unanimously adopted them, had taken into account the comments of several delegations to the effect that their administrations might have difficulty in applying certain aspects, and therefore it had decided to establish, at its ninety-second session, an *ad hoc* working group to review the guidelines on the basis of those concerns and any submissions received in the interim. Any decision to amend the guidelines taken at the ninety-second session of the Legal Committee would be transmitted to the ILO Governing Body for its consideration and approval. The Committee's action constituted a balanced approach, as it took account of the wishes of the Assembly and the ILO Governing Body, as well as the concerns of Member States, which would be responsible for the practical implementation of the guidelines. Given the benefits and protection to seafarers that should result from promulgation of the guidelines, it behoved the Organization to take all possible steps to ensure that their application was as wide and as effective as possible.

The Council would also be pleased to note that, in accordance with the request made at its twenty-third extraordinary session, the Committee had taken an important initial step towards aligning its future work programme with the Organization's new strategic plan by agreeing to devote sufficient time, at its ninety-second session, to consideration of the high-level action plan and its biennial priorities in order to ensure that they accurately and concisely described the Committee's planned activities, and to making preparations for those it would undertake during the 2007-2008 biennium.

In conclusion he noted that the Legal Committee had made considerable progress on all the items on its agenda during its ninety-first session thanks to the spirit of co-operation that had prevailed throughout.

Mr. POLDERMAN (The Netherlands) congratulated the chairman of the Legal Committee on the progress made, in particular for having advanced the text of the draft convention on the removal of wrecks. His delegation was pleased that the Committee had been able to reach agreement and that the draft convention would be finalized at its ninety-second session. As requested in paragraph 49 of document C 96/8/Add.1, his delegation was able to agree to the holding of a diplomatic conference in Nairobi from 14 to 18 May 2007 and wished to extend its thanks to the Government of Kenya for having agreed to host the conference.

Mr. FERRER (Philippines) said that among the Committee's many important accomplishments at its ninety-first session, the Philippines had been particularly gratified by its adoption of the guidelines on fair treatment of seafarers, as they represented a significant step towards addressing the problem of the criminalization of seafarers following a maritime accident. Their adoption demonstrated to the international maritime community that IMO recognized that seafarers had a basic right to be treated humanely in all circumstances, including a maritime accident. He urged Member States to observe the guidelines as far as practicable, and to ensure that seafarers were treated fairly and afforded all available legal rights.

However, his delegation was concerned that even before the guidelines entered into force on 1 July 2006, the Committee had already agreed to consider amending them at its next session. Although there might be areas in the guidelines that could be improved, expanded or clarified, his delegation was concerned that any watering-down of the existing language could undermine the compromise that had been achieved between governments and shipowners and seafarers' groups, as well as co-operation between IMO and the ILO. Nevertheless, the Philippines was prepared to work with other interested delegations to further improve the guidelines, to ensure that they became an effective instrument that would make a real difference to the way in which seafarers were treated.

Mr. GITHAE (Kenya) congratulated the chairman on his outstanding work on the draft convention on wreck removal and expressed thanks to the Assembly for having agreed to hold the diplomatic conference in Nairobi in May 2007.

Mr. OLIMBO (Italy) noted with appreciation the hard work undertaken by the Committee under its new chairman. The Committee, ably assisted by Dr. Balkin, had also been meticulous in its handling of issues relating to the provision of financial security for seafarers in the case of death, injury or abandonment, the revision of the Athens Convention and the draft resolution and guidelines on fair treatment of seafarers in the event of a maritime accident. His delegation was aware of the inherent difficulties associated with every issue brought to the Committee's attention, and of how its decisions were likely to affect the interests and competitiveness of international shipping. Hence, it appreciated the excellent work done and could support the

action requested of the Council in paragraph 49 of document C 96/8/Add.1. Lastly, his delegation wished to formally express its appreciation to the Government of Kenya for its generous offer.

Mr. HARIJOGI (Indonesia) commended the Committee on its comprehensive report. His delegation was concerned about the time scale for finalization of the draft convention on wreck removal on the grounds that it could be regarded as a legal instrument that set standards for the removal of wrecks at sea to ensure the safety of ships and protection of the marine environment. His delegation had also appreciated the progress made by the Joint IMO/ILO Working Group on Fair Treatment of Seafarers.

Mr. CHANDRA (India), referring to his earlier intervention, said he had understood that the Committee had decided that the Comité Maritime International (CMI) would continue its work on criminal offences committed on board ship and submit its report to the Committee at its ninety-second session. It would be appreciated by several Member States, including India, if the process could be expedited and some conclusive recommendations prepared for presentation to the Council at its ninety-seventh session. He remained unconvinced that the model national law framework would be genuinely effective without international support. The appropriateness of such a framework would therefore need to be examined. When the matter was considered in the future, it would be worthwhile to include his and other interested countries in the deliberations. He urged the Secretary-General to take the initiative in considering the suitability of such a legal framework, as well as the desirability of building international consensus. Lastly, he wished his appreciation of the Committee's work under its new chairman to be placed on record.

Mr. NTULI (South Africa) commended the chairman on his excellent leadership during the Committee's ninety-first session. His delegation had been encouraged by the progress made on the draft convention on wreck removal. It also wished to express its appreciation to Kenya for having demonstrated its commitment to IMO by its generous offer to host the diplomatic conference.

Mr. CHRYSOSTOMOU (Cyprus) also requested that his delegation's appreciation of the way in which the Committee had conducted its business under its new chairman be placed on record. The CMI had counselled against amending the definitions of "owner" and "registered owner" in several of the liability and compensation conventions. However, it was not clear from the wording in the report whether the Committee had decided to adopt the CMI's recommendations or whether the matter would be discussed further in the future.

Mrs. FERNÁNDEZ (Panama) thanked the Government of Kenya for having offered to host the diplomatic conference in Nairobi. She also expressed her satisfaction at the unanimous adoption by the Committee of a resolution containing guidelines on fair treatment of seafarers in the event of a maritime accident. The guidelines represented an important step towards ensuring that seafarers were better protected. When considering possible amendments, it would be prudent to bear in mind that they should be acceptable to all the sectors concerned, and that they should be implemented as quickly as possible.

Mr. OTHMAN (Malaysia) joined other delegations in expressing appreciation to the Chairman for the report, and in thanking the Government of Kenya for having offered to host the diplomatic conference. His delegation supported the submission of the draft convention to that conference, and he urged the Committee to ensure that the final text was as comprehensive as possible. While his delegation supported, in principle, the draft resolution containing guidelines on fair treatment of seafarers, like others it had some areas of concern. Malaysia supported the Committee's decision in that regard.

Mr. AZUH (observer, Nigeria) thanked the chairman of the Legal Committee for his impressive work and singled out two areas for particular praise: the progress made on the draft convention on wreck removal and the convening of a diplomatic conference in Nairobi. He thanked Dr. Balkin for the valuable guidance she had given to the Joint IMO/ILO *Ad Hoc* Working Group on Fair Treatment of Seafarers. Lastly, he paid tribute to the Government of Kenya for having taken the initiative of organizing the diplomatic conference.

Miss HO (Singapore) concurred with the comments of the representative of the Philippines regarding the fair treatment of seafarers. Seafarers were the backbone of the shipping industry and she therefore supported the guidelines. To ensure their implementation, the working group to be set up and tasked with reviewing them should strive to ensure their effectiveness in terms of practicability, legality and compatibility with national laws and practices.

Ms. FRANCIS (Bahamas) congratulated the Committee under its new chairman on the progress made on the draft convention on wreck removal and thanked the Government of Kenya for its generous offer to host the diplomatic conference. She supported the view expressed by Panama regarding the guidelines on fair treatment of seafarers with regard to seeking consensus on possible amendments.

Mr. BAINBRIDGE (International Confederation of Free Trade Unions) thanked the Organization for the work undertaken in connection with the guidelines on fair treatment of seafarers and concurred with those delegations that had supported their timely implementation. While it might prove beneficial to refine the wording, the Council should be vigilant in ensuring that the intention behind the guidelines continued to be reflected in them as well as in the Committee's deliberations, and that all future work was carried out in co-operation with ILO in order to improve the chances of producing a workable text.

The SECRETARY-GENERAL, replying to the representative of the Philippines, pointed out that the Committee had decided to establish a working group not to amend the guidelines, but rather to review them. On the basis of that review, the Committee might then decide either that they did not need amending or that the text should be improved. He wished to express appreciation to the Joint IMO/ILO Working Group and its chairman for having contributed substantially to the work of the Legal Committee. With regard to the point raised by the representative of India relating to the CMI's submission of its report on criminal offences committed on board ship to the Committee at its ninety-second session, he pointed out that since LEG 92 would be a meeting of an IMO intergovernmental body, the Government of India would automatically be invited to participate.

The CHAIRMAN invited the Council to note the information set out in document C 96/8 and its addendum, and that provided orally by the chairman of the Legal Committee and the Secretary-General. In particular, he invited the Council to note 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; to agree 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 to express profound appreciation to the Government of Kenya for its offer to host the conference and its generosity in supporting it financially; to note 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; to note 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 might be submitted intersessionally; to note 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 addressed the interpretation of that article following the revision of Annex II to MARPOL 73/78; to approve the Committee’s decision to hold three, rather than four, sessions in the current 2006-2007 biennium, namely 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; to note the Committee’s decision to consider its planned outputs for the 2008-2009 biennium at its ninety-second session in accordance with the criteria set by the Council; and 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.

It was so decided.

The meeting rose at 12.30 p.m.