14.1 The Committee noted the information provided in document MSC 82/2 on the outcome of TCC 56 and document MSC 82/14 on the safety-, security- and facilitation-related activities executed in 2006 and those planned for 2007 under the Integrated Technical Co-operation Programme (ITCP) for 2006-2007 biennium. It further noted that during the period 2004 and 2005, a delivery of technical co-operation activities worth US$27 million was achieved, showing an increase of US$1.5 million over the previous biennium and the highest level achieved to-date under the ITCP, marking a sharp increase in expenditure of 89.5% between 1999 and 2005. One of the key outcomes during the biennium was the outputs which included 107 national courses, seminars and workshops and a further 117 regional courses, resulting in the training of some 7,367 participants world-wide, an increase of around 1,000 over the results of the previous biennium.
14.2 The Committee noted that TC 56 considered the need to demonstrate the conceptual linkage between the goals of the ITCP and the Millennium Development Goals (MDGs), and requested the Secretariat to prepare a consolidated paper on the basis of documents submitted by Angola (TC 56/3/2), South Africa (TC 56/3/1) and the Secretariat (TC 56/3/3) respectively in consultation with other interested delegations which should be considered by an intersessional working group to be convened in London. The Secretariat informed the Committee that the meeting would be held from 30 February to 2 March 2007 at the South African House, the outcome of which would be reported to the fifty-seventh session of the TCC in June 2007.

**Integrated coastguard network for West and Central Africa**

14.3 The Committee recalled that in January 2005, IMO conducted a feasibility study on the establishment of an integrated coastguard network among the West and Central African States. The Committee noted that, as a follow-up to the study, the IMO Secretariat, in collaboration with the Secretariat of the Maritime Organization of West and Central Africa (MOWCA), had organized a high-level regional meeting of representatives of the MOWCA States, other UN agencies, non-governmental institutions and donors in Dakar, Senegal from 23 to 25 October 2006. The primary intention of the forum was for the participants to develop detailed action plans to establish an integrated coast guard network; and to develop an appropriate architecture for establishing sustainable fisheries, civil/military co-operation to enhance maritime security (including countering piracy, armed robbery at sea and other maritime and trans-national crimes) and enhanced safety of life at sea. The participants were also able to develop further detailed action plans to progress implementation of national legislation; enhance inter-agency co-operation at national level; and ensure the correct treatment of refugees and other persons rescued at sea. This activity was financed by the Government of the United Kingdom.

**Domestic ferry safety pilot project**

14.4 The Committee recalled that at its last session (MSC 81/25, paragraph 16.6), it was informed of the Memorandum of Understanding (MoU) signed between IMO and Interferry on Non-convention ferry safety. A needs assessment mission was organized by IMO in 2005 and this was followed by a preparatory meeting from 23 to 31 July 2006 in Dhaka, Bangladesh in collaboration with Interferry. During the preparatory meeting, the team introduced the project to
the maritime Administration and other stakeholders and, in particular, discussed the working methods and arrangements for the forthcoming working group meeting to be held in Bangladesh later in this year.

14.5 The Committee expressed its appreciation to the donors and urged Governments and industry to contribute to IMO’s technical co-operation programme; invited interested parties to participate in the TCC intersessional meeting at the South African House; and requested the Secretariat to continue providing the Committee with updated information on the programmes.

THEMATIC PRIORITIES FOR THE ITCP FOR 2008-2009

14.6 The Committee recalled that, at its seventy-ninth session, it had agreed the safety and security-related thematic priorities which were subsequently included in the ITCP covering the 2006-2007 biennium. The Committee noted that the Secretariat was preparing the ITCP for 2008-2009 which will be based on the thematic priorities agreed by the Committees for consideration by the Technical Co-operation Committee at its fifty-seventh session in 2007.

14.7 The Committee recalled also that, at its last session (MSC 81/25, paragraph 23.72), it had noted that the Assembly, in the context of resolution A.986 (24) had requested the Committee in co-operation with the Technical Co-operation Committee:

.1 to consider and adopt measures relating to technical assistance, with the aim of promoting the ratification and implementation of IMO instruments; and

.2 to consider and take appropriate action to assist in the provision of technical co-operation for Member States to implement the Audit Scheme,

and had invited Member Governments, international organizations and the Secretariat to provide their proposals to this session. The Secretariat, in its response to the request, provided the information on relevant activities covered in the current ITCP for 2006-2007 (MSC 82/14/Add.1, paragraphs 5 and 6).
14.8 The Committee, with respect to the text of the agreed thematic priorities, requested the Secretariat to make the following amendments:

.1 in the fourth item, delete the last sentence “subject to their adoption by the Assembly”; and

.2 in the fifth item, add “and implementation of IMO instruments with particular emphasis on” before the words “the 1993 Torremolinos Protocol”.

IMO MODEL COURSE PROGRAMME

14.9 The Committee noted the updated information on the IMO Model course project provided in document MSC 82/14/1 and requested the Secretariat to continue its follow-up and report developments on the project to MSC 83.

[16 FORMAL SAFETY ASSESSMENT

General

16.1 The Committee recalled that MSC 81, having considered the report of the drafting group (MSC 81/WP.8), in particular:

.1 approved, subject to MEPC 55’s concurrent decision, the draft amendments to the FSA Guidelines (Guidelines for formal safety assessment for use in the IMO rule-making process);

.2 with regard to the FSA group of experts, approved, subject to MEPC 55’s concurrent decision, the draft amendments to the Use of HEAP and FSA Guidance (Guidance on the use of human element analysing process and formal safety assessment in the IMO rule-making process);

.3 agreed to modify annex 5 (Environmental risk evaluation criteria) to document MSC 81/18 and referred the document to the MEPC for consideration; and

.4 encouraged Member Governments and international organizations to submit, to the MSC and the MEPC, proposals and comments to facilitate the work on the development of risk evaluation criteria relevant to the protection of the marine
environment, linkage between FSA and GBS and information provided by SAFEDOR.

Outcome of MEPC 55

16.2 The Committee noted that MEPC 55 had considered the outcome of the drafting group established at MSC 81 (MSC 81/WP.8) and the aforementioned decisions by MSC 81, and:

.1 approved MSC-MEPC.2/Circ.5 on Amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process;

.2 approved MSC-MEPC.2/Circ.6 on Amendments to the Guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the IMO rule-making process; and

.3 with regard to environmental risk evaluation criteria, agreed that the criteria needed in-depth consideration and invited Members to submit comments to MEPC 56 for further consideration prior to referring the agreed criteria to the Committee for appropriate action.

FSA-related information

16.3 The Committee also noted the information provided in document MSC 82/INF.3 (Greece), in particular the annexed academic paper entitled “Formal Safety Assessment: a critical review and ways to strengthen it and make it more transparent”, which was considered to be useful within the process of revision of the FSA Guidelines.

Retention of the item in the agenda

16.4 The Committee considered whether the item should be included in the agenda for MSC 83 and, recognizing that there may be an outcome of MEPC 56 regarding environmental risk evaluation criteria and other submissions at MSC 83, agreed, following the discussion, to retain the item in the provisional agenda for MSC 83, and encouraged Member Governments and international organizations to submit, to MSC 83, proposals and comments on the further improvements of the FSA Guidelines and the Guidance on the use of HEAP and FSA, taking into account the outcome of MEPC 56.]
PIRACY AND ARMED ROBBERY AGAINST SHIPS

STATISTICAL INFORMATION

17.1 The Committee recalled that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships had been circulated under the MSC.4/Circ. series. The annual report for the calendar year 2005 had been issued under symbol MSC.4/Circ.81.

17.2 The Committee also recalled that, since June 2001 and in accordance with the instruction of MSC 74, the MSC circulars reporting on acts of piracy and armed robbery differentiate (in separate annexes) acts of piracy and armed robbery actually “committed” from “attempted” ones.

17.3 In considering documents MSC 82/17 and MSC 82/17/Corr.1 (Secretariat), the Committee noted that the number of acts of piracy and armed robbery against ships reported to the Organization and which occurred during the first nine months of 2006 was 176 against 191 over the same period for 2005, representing a decrease of 8% from the figure for 2005. The total number of incidents of piracy and armed robbery against ships, reported to have occurred or to have been attempted from 1984 to the end of September 2006, was 4,169.

17.4 The Committee observed that this 8% decrease in the reported acts of piracy and armed robbery against ships, and the fact that the number of attacks had continued to decrease for the third year in succession was encouraging. Although the level of violence and the incidence of kidnapping and ransom, had decreased during the first three quarters of this year, in no small part due to the efforts of navies and coast guards to co-operate and to take positive action, the incidence of such acts remained a cause for concern and, therefore, as emphasised on previous sessions of the Committee, much more still needed to be done to reduce this menace.

17.5 The Committee noted that during the period under review (i.e. 1 January to 30 September 2006), it had emerged that the areas most affected (i.e. five incidents reported or more) were the Far East, in particular, the South China Sea and the Malacca Strait, the Indian Ocean, West Africa, East Africa, South America (Atlantic), South America (Pacific) and the Caribbean, and that detailed statistical information was provided in MSC 82/17. Most of the attacks worldwide had occurred or been attempted in territorial waters while the ships were at anchor or berthed.
17.6 The Committee expressed concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. It was noted that during the period under review, 6 crew members were killed, 37 crew members were missing, 59 crew members were assaulted/injured and 148 crew members were taken hostage. Eight ships were hijacked.

17.7 The Committee, once again, urged all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

17.8 The Committee noted that despite numerous requests, at previous sessions of the Committee, the Secretariat still received very few, if any, reports from Member Governments on action they took with regard to incidents reported to have occurred in their territorial waters. The Committee reiterated the urgent need for all Governments to provide the Organization with the information requested.

INITIATIVES TO COUNTER PIRACY AND ARMED ROBBERY AT SEA

Yemen Seminar and Oman Workshop

17.9 The Committee recalled that MSC 81 had received (document MSC 81/25, paragraphs 19.18 to 19.23) reports on the Sub-regional seminar on piracy and armed robbery against ships and maritime security, held in Sana’a, Republic of Yemen, from 9 to 13 April 2005; and the follow-up sub-regional workshop on maritime security, piracy and armed robbery against ships for those countries from the Red Sea and Gulf of Aden area which had participated in the Sana’a seminar, held in Muscat, Sultanate of Oman, from 14 to 18 January 2006.

Strait of Malacca and Singapore

17.10 The Committee recalled that MSC 81 had been informed (MSC 81/25, paragraph 19.25) of the outcome of the Jakarta Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection and was advised that, pursuant to the decisions (C/ES.23/D, paragraph 8.2(vii)) of C/ES.24 plans had been made for a follow up meeting to be held in Malaysia in September 2006.

17.11 The Committee noted that the Kuala Lumpur Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection (the Meeting) was held from 18 to 20 September 2006, hosted by the Government of Malaysia and organized in
co-operation with the Governments of all three littoral States (i.e. Indonesia, Malaysia and Singapore). The Meeting was attended by representatives from a total of 31 States and one intergovernmental and nine non-governmental organizations.

17.12 The Meeting had consisted of a series of presentations and statements associated with open forum discussions. Further details in relation to the Meeting including the programme and outcome of the Meeting which is reflected in the unanimously adopted Kuala Lumpur Statement had been provided by the Secretary-General to C 97 in document C 97/12. The Meeting had been assessed as having been successful in attaining its main objective, namely to provide a forum for discussions with the aim of promoting and advancing the establishment of a framework of co-operation to enhance the safety of navigation, environmental protection and security in the Straits of Malacca and Singapore.

17.13 The Committee also noted that C 97, in response to the request of the Meeting, had authorized (C 97/D, paragraph 12.3) the Secretary-General, *inter alia*, to convene a follow-up meeting during 2007 which is to be hosted by the Government of the Republic of Singapore.

**IMO / MOWCA integrated coast guard project**

17.14 The Committee noted that the Forum on the establishment of an integrated sub-regional coast guard network for West and Central African countries, jointly organized by the International Maritime Organisation (IMO) and the Maritime Organization of West and Central Africa (MOWCA), had been held in Dakar, Senegal from 23 to 25 October 2005 hosted and logistically supported by the Government of the Republic of Senegal.

17.15 The Forum had been attended by over one hundred and sixty participants and observers from twenty-two Member States of the Maritime Organization of West and Central Africa (MOWCA), namely Angola, Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Congo, Côte d’Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea Bissau, Guinea, Mauritania, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone and Togo; as well as representatives from international and regional institutions, regional maritime academies and MOWCA specialized agencies. Subject-matter experts from the United Nations Division for Ocean Affairs and the Law of the Sea, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization, the International Civil Aviation Organization,
INTERPOL, the Commonwealth of Dominica, France, Norway, United Kingdom, and the United States, had also participated actively.

17.16 During the Forum, the subject-matter experts had given presentations in the following areas:

1. the legal framework;
2. the technical challenges for the establishment of an integrated coast guard network;
3. the sustainable development of exclusive economic zones; and
4. maritime security and law enforcement issues.

17.17 The Forum had adopted a resolution listing twenty-two action points in a variety of disciplines. This resolution was expected to be adopted by the MOWCA General Assembly of Ministers at its next meeting. It was intended that the operative paragraphs of the resolution would form the basis of action plans to be developed for the implementation of the integrated coast guard function network, and which would facilitate the co-ordination of specialized agencies’ and other donors’ capacity and capability building programmes in their own areas of expertise.

17.18 The Committee noted that the ultimate aim of this project was the enhancement of States’ search and rescue capabilities; the prevention of pollution and protection of the marine environment; enhancing maritime security; and countering piracy and armed robbery against ships, illegal migration and the trafficking of drugs, weapons and people. It was believed that such a system could also play a major role in States’ efforts to unlock the potential of their exclusive economic zones and to develop and maintain viable fishing industries, thus contributing to sustainable development, consistent with the United Nations Millennium Development Goals.
18 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Status of conventions

18.1 The Committee noted the information on the conventions, protocols and amendments thereto in respect of which IMO performs depositary functions and which are related to the work of the Committee, as at 30 September 2006 (MSC 82/18 and MSC 82/INF.11) and was advised orally by the Secretariat of additional information on instruments of ratification, acceptance, approval of, or accession to, safety-related IMO conventions and protocols deposited with the Secretary-General received on or after the date the above documents were prepared.

Codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments

18.2 The Committee recalled that MSC 81 had noted the reported absence of updated information on the status of the implementation of the codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments relating to the work of the Committee received since the issuance of document MSC 78/INF.17 and MSC/Circ.1150.

18.3 The Committee also recalled that MSC 81 had requested the Secretariat to prepare a new comprehensive list of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments and submit it to MSC 82, for consideration with a view to referring the list to the relevant sub-committees for them to suggest instruments on which information on the status of implementation should be submitted to the Committee.

18.4 The Committee considered the comprehensive list prepared by the Secretariat (MSC 82/18/1 and MSC 82/INF.12) of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments, which had been adopted by resolutions or approved in the form of circulars.

18.5 The Committee noted that such a comprehensive list of non mandatory instruments and collection of information on the implementation thereof could serve the following purposes:

.1 enhanced awareness of available non-mandatory instruments and of their updates;

.2 promotion of implementation of non-mandatory instruments by Member States;
3 provision of background material on domestic legislation for checking compliance in the context of the issue or endorsement of certificates by another Government (e.g., SOLAS regulation I/13);

4 transparency in the scope of the delegations to recognized organizations acting on behalf of States for the implementation of non-mandatory instruments and monitoring thereof;

5 assistance in the self-assessment of flag State performance;

6 assistance in the identification of potential areas for technical co-operation; and

7 enhanced co-operation between flag States and port States implementing the same instruments on a voluntary basis, possibly in the context of port State control.

18.6 The Committee further noted the information provided by the Secretariat on the development of a module of the IMO Global Integrated Shipping Information System (GISIS) on safety- and security-related requirements and recommendations applicable to all ships and certain types of ships, on the basis of the ACCESS database, which was created at the Committee’s request with the information contained in MSC/Circ.815. When completed, the module could also contain information on the status of implementation of non-mandatory instruments to be kept updated by the Member States using direct recording facilities. The module could also record, for each instrument, the national legislation adopted for its implementation on a voluntary basis, including the ability to upload its full text, the application criteria and the status of the instrument with regard to its amendments.

18.7 The Committee referred the detailed consideration of the list annexed to document MSC 82/INF.12 to the relevant sub-committees for the identification of those instruments which might be relevant in the context of the collection of information on the implementation of non-mandatory instruments, also requesting them to provide an input on potential users and requirements of the data scheme to be established.
18.8 In the same context, the Committee requested the Secretariat to prepare relevant extracts of the list annexed to document MSC 82/INF.12 for submission to the relevant bodies, as identified in the list.

**Damage stability verification for some oil, chemical and gas tankers gas tankers**

18.9 The Committee noted the outcome of MSC 81 discussion (MSC 82/18/2) on the issue of in-service damage stability verification for some oil, chemical and gas tankers, in particular that MSC 81, following consideration on document MSC 81/20/3, requested the Secretariat to issue a document to MSC 82 under this agenda item reflecting the decision of the Committee on the subject and invited Member Governments and international organizations to provide information and their comments on the issue to MSC 82.

18.10 The Committee had for its consideration under this issue:

.1 document MSC 82/18/3 (United Kingdom, Denmark, Germany, Norway and Sweden), proposing means to correct inadequacies in the methods used to verify compliance with damage stability requirements contained in existing instruments and inviting the Committee to:

.1 develop a circular to bring this issue to the attention of interested parties;

.2 consider how governments might ensure global and uniform implementation of mandatory requirements; and

.3 consider requiring the fitting of approved damage stability programs on all tankers;

.2 document MSC 82/18/4 (INTERTANKO), suggesting that if the Committee decides that damage stability programs should be mandatory on all tankers, any amendments to require such a program should include a reasonable phase-in period to retro-fit an approved stability program on existing tankers; and
3. document MSC 82/18/5 (IPTA), expressing concern that issuance of the circular proposed in document MSC 82/18/3 could lead to vessels being delayed and/or detained, and being of the opinion that it is inappropriate to issue the circular until the issue has been fully considered.

18.11 Following discussion, the Committee decided:

1. with regard to the circular proposed in document MSC 82/18/3, to refer it to SLF 50 for consideration and advice, as appropriate, to MSC 83; and

2. with regard to the mandatory requirements for approved damage stability programs for all tankers, to invite the interested Members to consider submitting a formal proposal to the Committee for a new work programme item on the mandatory fitting of approved damage stability programs for all tankers, in accordance with the Guidelines on the organization and method of work.]