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SUMMARY OF DECISIONS

Agenda item	Page No.
GENERAL	4
INVITATION TO NON-MEMBERS OF THE COUNCIL TO ATTEND THE SESSION	4
1 ADOPTION OF THE AGENDA	4
2 REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS	4
3 STRATEGY AND PLANNING	5
(a) Monitoring of performance	5
(b) Risk management	5
4 ORGANIZATIONAL REFORMS	7
5 RESOURCE MANAGEMENT:	8
(a) Human resource matters, including amendments to the Staff Regulations and Staff Rules	8
(b) Accounts and audit: accounts for the financial period 2010 and transfers within the 2010 budget	8
(c) Report on investments	9
(d) Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 61 of the IMO Convention	9
(e) Budget considerations for 2011	10
6 TECHNICAL CO-OPERATION FUND – BIENNIAL ALLOCATION TO SUPPORT THE ITCP FOR 2012-2013	10
7 RESULTS-BASED BUDGET	11

Agenda item	Page No.
8 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME	11
9 CONSIDERATION OF THE REPORTS OF THE MARITIME SAFETY COMMITTEE	12
10 CONSIDERATION OF THE REPORTS OF THE LEGAL COMMITTEE	15
11 CONSIDERATION OF THE REPORT OF THE TECHNICAL CO-OPERATION COMMITTEE	16
12 PROTECTION OF VITAL SHIPPING LANES	17
13 WORLD MARITIME UNIVERSITY	17
(a) Report of the Board of Governors	17
(b) Budget	18
(c) Financial sustainability	18
14 IMO INTERNATIONAL MARITIME LAW INSTITUTE	19
(a) Report of the Governing Board	19
(b) Budget	19
15 ASSEMBLY MATTERS	20
(a) Provisional agenda for the twenty-seventh regular session of the Assembly	20
(b) Preparations for the twenty-seventh regular session of the Assembly	20
(c) Draft report of the Council to the Assembly on the work of the Organization since the twenty-sixth regular session of the Assembly	20
(d) Appointment of the External Auditor	20
16 EXTERNAL RELATIONS	21
(a) Relations with the United Nations and the specialized agencies	21
(b) Joint Inspection Unit	21
(c) Relations with non-governmental organizations	22
(d) World Maritime Day	24

Agenda item	Page No.
(e) International Maritime Prize	24
(f) IMO Award for Exceptional Bravery at Sea	24
(g) Day of the Seafarer	26
17 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION	26
18 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS	27
19 APPOINTMENT OF THE SECRETARY-GENERAL	27
20 APPRECIATION OF THE SERVICES TO THE ORGANIZATION OF MR. E.E. MITROPOULOS	28
21 PLACE, DATE AND DURATION OF THE NEXT SESSION OF THE COUNCIL	28
22 SUPPLEMENTARY AGENDA ITEM – Measures toward enhancing maritime trade recovery related to the global supply chain system and maritime conveyances	28

GENERAL

The 106th session of the Council (27 June to 1 July 2011) was opened by the Council Chairman, Mr. J. Lantz (United States), who, since he was standing for election as Secretary-General of the Organization, passed the chair to the Vice-Chairman, Mr. D. Ntuli (South Africa), for agenda items 1 to 5(a), 5(c), 5(d) and 19, after which he resumed the chair.

Reference document: C 106/SR.1

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

Algeria, Angola, Antigua and Barbuda, Belize, Colombia, the Cook Islands, Côte d'Ivoire, Croatia, Cuba, the Democratic People's Republic of Korea, Ecuador, Gabon, the Gambia, Georgia, Ghana, Grenada, Honduras, the Islamic Republic of Iran, Iraq, Kazakhstan, Liberia, the Libyan Arab Jamahiriya, Luxembourg, the Marshall Islands, Monaco, Montenegro, Morocco, Myanmar, Peru, Poland, Portugal, the Republic of Moldova, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Slovakia, the Syrian Arab Republic, Tonga, Trinidad and Tobago, Tuvalu, Ukraine, Uruguay and Vanuatu attended the session as observers. Hong Kong, China (Associate Member) also attended the session as an observer.

Reference document: C 106/SR.1

1 ADOPTION OF THE AGENDA (agenda item 1)

1.1 The Council adopted the agenda as proposed in document C 106/1/Rev.1; and noted the annotations to the agenda and the proposed timetable contained in document C 106/1/1.

1.2 With respect to agenda item 16(c) – Relations with non-governmental organizations – the Council convened a group composed of representatives from the delegations of Australia, the Bahamas, China, Kenya, the Netherlands, Panama and the United States of America, and open to other interested Council Members and observer delegations, to screen new applications for consultative status and advise as to whether the applicants have been assessed as fulfilling the basic conditions required for such status. The group, under the chairmanship of Mr. Brad Groves (Australia), was also requested to carry out a preliminary review of the list of non-governmental organizations in consultative status with IMO and report to the Council. The group was further requested to scrutinize the Guidelines on the Grant of Consultative Status, in order to determine whether there was scope for any amendments to be made to them.

Reference documents: C 106/1/Rev.1; C 106/1/1; C 106/SR.1

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

2.1 With reference to rule 9 of its Rules of Procedure, the Council noted the Secretary-General's report that the credentials of all delegations attending the session were found to be in order.

Reference documents: C 106/2; C 106/SR.1

3 STRATEGY AND PLANNING (agenda item 3)

(a) Monitoring of performance (agenda item 3(a))

3(a).1 The Council noted the information set out in documents C 106/3(a), C 106/3(a)/1 and C 106/3(a)/2, as well as that provided orally by the delegation of Denmark (with regard to document C 106/3(a)/2) and the Secretary-General, on monitoring of performance.

3(a).2 With regard to document C 106/3(a) (on measures to mitigate the adverse effects on staff of working long hours), the Council expressed appreciation to the Secretary-General for the mitigation measures introduced; noted the information provided on their implementation, their beneficial effects on the health and morale of the staff and other related benefits; and endorsed the Secretary-General's recommendation that the measures be continued, subject to further review after a full cycle of meetings had been completed.

3(a).3 The Council noted the information contained in document C 106/3(a)/1 (on the status of planned outputs of the Assembly, the Council and the Secretariat), as amplified by the Secretariat.

3(a).4 With regard to document C 106/3(a)/2 (administrative burdens), the Council decided to refer the matter to the twelfth session of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan (CWGSP 12), with the request that it develop specific recommendations on how the proposals in the document may be implemented in practice, taking into account the following:

- (i) in respect of terminology, its agreement that the objective of the proposal was, indeed, to ensure "better regulation" by seeking smarter, more efficient solutions to administrative requirements that are necessary, while abandoning requirements that are unnecessary, disproportionate or obsolete;
- (ii) in respect of a methodology, its agreement, in general terms, with the concepts in paragraphs 15 to 30 of the document illustrating how the periodic review of existing administrative provisions in IMO instruments may be carried out;
- (iii) its approval, in principle, of the draft texts presented in annexes 1 and 2 of the document, which should be finalized by the CWGSP, with a view to their approval by the Council at its twenty-sixth extraordinary session, for adoption by the twenty-seventh regular session of the Assembly; and
- (iv) its reiteration to the CWGSP to consider and advise on the proposals regarding the examination of administrative provisions in future regulations, as contained in document C 105/3(a)/4, taking into account the views and comments of the Meeting of Chairmen, the Committees, the Council and any further submissions on this matter.

Reference documents: C 106/3(a); C 106/3(a)/1-2; C 105/D; C 105/3(a); C 105/3(a)/2-4; resolutions A.1012(26) and A.1013(26); C 106/SR.1

(b) Risk management (agenda item 3(b))

3(b).1 The Council noted the information set out in document C 106/3(b), as well as that provided orally by the Secretary-General on the report of the fifth session of the Council Risk Review, Management and Reporting Working Group (the Working Group), and by the Director, MED, on behalf of the Working Group's Chairman.

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

- (i) noted the Working Group's favourable consideration of the report on the Secretariat's risk management exercise 2010 and its appreciation of the work carried out;
- (ii) noted the main areas of risk highlighted by the Working Group and agreed, in the context of other identified risks, to revisit measures to reduce meeting costs that had previously been rejected; and invited the Secretariat to take such additional action as may be necessary to ensure that all IMO organs are fully aware of the measures that have already been approved to reduce meeting costs;
- (iii) agreed, in the context of changes to the Risk Management Framework, to the introduction of the four-band risk analysis matrix recommended by the JIU; approved the consequential amendments to the Framework shown at annex 1 of the document; and noted the Working Group's request to the Secretariat with regard to the interpretation and future elaboration of the concept of risk tolerance;
- (iv) noted the Working Group's discussions on the Context Document required by the Risk Management Framework; and approved the amended version thereof used for the Secretariat's 2010 risk management exercise, as set out at annex 2 to the document;
- (v) noted the Working Group's consideration of the report of the correspondence group on possible expansion of the Risk Management Framework across all elements of the Strategic Plan and High-level Action Plan; endorsed the Working Group's associated recommendations; and urged the Chairmen of all IMO organs to contribute actively to the examination of this issue through the Council's two Working Groups; and
- (vi) noted the Working Group's consideration of the JIU's "Review of enterprise risk management (ERM) in the United Nations system: benchmarking framework" and, in particular, its assessment of where IMO stands in relation to the JIU's benchmarks, as shown at annex 3 to the document – which assessment the Council endorsed.

3(b).3 The Council approved the report of the fifth session of its Risk Review, Management and Reporting Working Group in general and expressed satisfaction with the outcome of the session.

3(b).4 Taking into account its decisions under agenda items 3(a) and 3(b), the Council approved revised terms of reference for its *Ad Hoc* Working Group on the Organization's Strategic Plan – both in general and, specifically, for its twelfth session – as set out in document C 106/WP.4, with the following addition:

"2.1.5 consider the modalities by which it will carry out its work once the planning and budgeting cycles are aligned (see paragraphs 1.1.4 and 1.1.5 above);"

and with all subsequent paragraphs being renumbered accordingly.

Reference documents: C 106/3(b); C 106/16(b); C 106/WP.4; C 105/D (paragraphs 3(b).1 and 3(b).2), C 105/3(b); C 102/D (paragraphs 3(b).1 to 3(b).3); C 102/3(b); C 106/SR.1 and SR.8

4 ORGANIZATIONAL REFORMS (agenda item 4)

4.1 The Council noted the information set out in documents C 106/4, C 106/4/1, C 106/4/2 and C 106/4/3, as well as that provided orally by the delegations of the Bahamas and France and the Secretary-General, on organizational reforms.

4.2 With regard to document C 106/4 (on developments concerning the Organization's implementation of the International Public Sector Accounting Standards (IPSAS), in particular, on the first set of financial statements prepared under IPSAS and the outcome of the year-end audit), the Council noted, with satisfaction, that the Organization was among the first Organizations in the UN system to produce IPSAS-compliant accounts; welcomed the positive report on the first set of financial statements produced under IPSAS and the transparency of information provided (see also agenda item 5(b)); and requested that it be kept updated by further progress reports, in due course.

4.3 With regard to document C 106/4/1 (on disclosure of internal audit reports), the Council decided that internal audit reports, requested by Members, should be disclosed on the basis of the draft policy contained at annex to the document and, to that effect, adopted resolution C.77(106) (contained in document C 106/WP.3), promulgating the adoption of the policy (given at annex); and inviting the Secretary-General to review its operation on the basis of experience gained. The text of the resolution is reproduced at annex.

4.4 With regard to document C 106/4/2 (the Bahamas), proposing the introduction of four changes to the existing practices of the Organization due to delegations now working electronically, the Council:

- (i) noted the Secretary-General's positive response to the proposals on e-working made by the Bahamas; and
- (ii) decided to forward document C 106/4/2, with the comments made, to the twelfth session of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan (CWGSP), to review the implementation of the proposals and any other proposals submitted to the Group aimed at enhancing efficiency through e-working.

4.5 With regard to document C 106/4/3 (C 106/4/3/Rev.1 in the English version) (France, Germany, Norway, United Kingdom) and its addendum, proposing a review of the governance of data related to the IMO Ship Identification Number scheme and the IMO Unique Company and Registered Owner Identification Number scheme, the Council:

- (i) endorsed the proposal that a group of Member States conduct a review of the governance of the two schemes, in accordance with the objectives suggested in paragraph 24 thereof;
- (ii) invited Member States interested in participating in the review to notify the delegation of France accordingly; and
- (iii) requested the Secretary-General to make Secretariat resources available to assist the review, as necessary.

Reference documents: C 106/4; C 106/4/1-2; C 106/4/3 (French and Spanish only); C 106/4/3/Rev.1 (English only); C 106/4/3/Add.1; C 106/5(b); C 106/WP.3; C 105/4; C 104/4; C 100/4(a); C 98/4(a); Circular letter No.3087; C 106/SR.1 and SR.2

5 RESOURCE MANAGEMENT (agenda item 5)

(a) Human resource matters, including amendments to the Staff Regulations and Staff Rules (agenda item 5(a))

5(a).1 The Council noted the information set out in documents C 106/5(a) and C 106/5(a)/1 to 3, as well as that provided orally by the Secretary-General, on human resource matters, including amendments to the Staff Regulations and Staff Rules.

5(a).2 With regard to document C 106/5(a) (on the implementation, by the Organization, of the decisions of the United Nations General Assembly with respect to recommendations contained in the 2010 report of the International Civil Service Commission (ICSC)), the Council noted the information provided.

5(a).3 With regard to document C 106/5(a)/1 (on amendments to the Staff Rules recently implemented by the Secretary-General), the Council noted the new text of the amended staff rules 102.1, 107.9 (as amended orally by the Secretary-General), 107.14, 111.1 and 111.2.

5(a).4 With regard to document C 106/5(a)/2 (on revised proposals on the engagement of Associate Professional Officers (APOs)), the Council requested the Secretary-General to review the proposed policies and procedures outlined in the document; and, taking into account the comments made by the Council, to report the outcome to a future session of the Council.

5(a).5 With regard to document C 106/5(a)/3 (on the recruitment of women; the geographical and age distribution of staff; and staff development and training as at 31 May 2011), the Council took note of the information provided.

Reference documents: C 106/5(a); C 106/5(a)/1-3; C 105/5(a); C 105/5(a)/2-3; C 102/5(a)/2; C 106/SR.2

(b) Accounts and audit: accounts for the financial period 2010 and transfers within the 2010 budget (agenda item 5(b))

5(b).1 The Council noted the information set out in documents C 106/5(b) and C 106/5(b)/1, as well as that provided orally by the Secretary-General and the representative of the External Auditor, on the financial statements for the Organization's financial period, ended 31 December 2010, and the Auditor's report.

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

- (i) noted the Secretary-General's statement and the financial statements for the Organization's financial period ended 31 December 2010;
- (ii) welcomed the unqualified opinion of the External Auditor and expressed its appreciation for the report;
- (iii) noted the surplus of income over expenditure for 2010 of £4,218,259 (Statement II of the financial statements, annex to document C 106/5(b));
- (iv) noted the information provided on the net assets and long-term liabilities in paragraphs 20, 32 and 38, respectively, of the Secretary-General's statement at annex to document C 106/5(b);

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- (v) noted the overall budgetary situation of regular budget strategic results in 2010, representing a 9% underspend in the appropriation (paragraph 43 of the Secretary-General's statement at annex to document C 106/5(b));
 - (vi) welcomed, with appreciation, the achievement, in 2010, of a Members' contribution level of 99.02%;
 - (vii) welcomed the Secretary-General's stewardship of the Organization's Funds and his report to the Council; and
 - (viii) noted that matters related to the translation of documents of more than 20 pages (paragraph 4.4.2 of Circular letter No.3085) would be adhered to in future years, unless the Council decided otherwise.

5(b).3 The Council decided to forward the financial statements for the Organization's financial period ended 31 December 2010 and the External Auditor's report thereon to the twenty-seventh regular session of the Assembly.

Reference documents: C 106/5(b); C 106/5(b)/1; C 106/4; C 104/D; C 106/SR.4

(c) Report on investments (agenda item 5(c))

5(c).1 The Council noted the information set out in document C 106/5(c), as well as that provided orally by the Secretary-General, on the investment of the Organization's monies during 2010.

Reference documents: C 106/5(c); C 104/5(c); C 106/SR.2

(d) Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 61 of the IMO Convention (agenda item 5(d))

5(d).1 The Council noted the information set out in documents C 106/5(d), Add.1 and 2, as well as that provided orally by the Secretary-General, on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 61 of the IMO Convention.

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

- (i) noted the collection rate of Member States' contributions and the continuing arrears of those Member States identified in the three documents under review;
- (ii) further noted the balance in the Working Capital Fund of £2,006,008;
- (iii) reiterated its firm stance on the strict enforcement of Article 61 of the IMO Convention; and
- (iv) urged its Members and Member States as a whole, with outstanding contributions, to remit them as soon as possible.

Reference documents: C 106/5(d) and Add.1-2; C 105/5(b) and Add.1; C 106/SR.2

(e) Budget considerations for 2011 (agenda item 5(e))

5(e).1 The Council noted the information set out in document C 106/5(e), as well as that provided orally by the Secretary-General, on budget considerations for 2011.

5(e).2 In particular, the Council noted:

- (i) the external pay and price factors review;
- (ii) the forecast outturn of regular budget expenditure for 2011, assessed to be kept within the approved appropriation for 2011;
- (iii) the expected revenue and expenditure in the Trading Fund; and endorsed Approach D in table 7 (Distributable assets of the Trading Fund) of document C 106/5(e), to recognize the maximum distributable surplus amount in the 2010 accounts of the Trading Fund and the consequential in-year surplus distribution; and
- (iv) the expenditure status of the Headquarters Capital Fund; the Termination Benefit Fund; the Training and Development Fund; the Technical Co-operation Fund; and extra-budgetary programmes.

5(e).3 The Council authorized the Secretary-General to make, as and when necessary, timely transfers between Strategic Results to the extent that balances were available to cover or reduce deficits in Strategic Results appropriation balances, in accordance with the Organization's Financial Regulations and Financial Rules; and noted the planned transfers in the Technical Co-operation Fund.

Reference documents: C 106/5(e); C 106/5(b); C 105/D; C 105/5(c); C 105/5(c)/1; resolution A.1014(26); C 106/SR.4

6 TECHNICAL CO-OPERATION FUND – BIENNIAL ALLOCATION TO SUPPORT THE ITCP FOR 2012-2013 (agenda item 6)

6.1 The Council noted the information set out in document C 106/6, as well as that provided orally by the Secretary-General, on the proposed biennial allocation from the Technical Co-operation Fund to support the ITCP for 2012–2013.

6.2 In particular, the Council:

- (i) endorsed the proposals contained in documents TC 61/4 and TC 61/4/Corr.1, taking into account the views and recommendations of the Technical Co-operation Committee at its sixty-first session, subject to its approval of the proposed relevant appropriation in the results-based budget for the 2012-2013 biennium (see also agenda item 7); and
- (ii) approved the use of the TC Fund for the proposed activities under the ITCP for 2012-2013; and, in particular, the proposed biennial allocation of US\$16.4 million (equal to £9.94 million) from the TC Fund for that purpose.

Reference documents: C 106/6; C 106/11/Add.1; TC 61/3/1; TC 61/4; TC 61/4/Corr.1; C 106/SR.4

7 RESULTS-BASED BUDGET (agenda item 7)

7.1 The Council noted the information set out in document C 106/7, as well as that provided orally by the Secretary-General, on the results-based budget.

7.2 Following a comprehensive exchange of views, the Council:

- (i) expressed appreciation to the Secretary-General and staff for a clear, transparent and thorough budget proposal and also for their efforts to reflect in the proposed budget the maximum efficiencies and economies in operation;
- (ii) requested the Secretary-General to undertake a review of his budget proposals, taking into account the draft High-level Action Plan and the Strategic Plan, to identify further areas of efficiency gains and offsetting income in the regular budget, for submission to the extraordinary session of the Council in November 2011; and
- (iii) supported, in principle, the Secretary-General's proposed approach in addressing currency exchange rate fluctuation, through the use of the Working Capital Fund as an exchange reserve fund, with the extension of its terms of reference; and requested that the Secretariat monitor its operation and report back periodically to the Council.

Reference documents: C 106/7; C 106/5(e); C 105/D; TC 61/4; resolutions A.1011(26), A.1012(26) and A.1014(26); C 106/SR.5

8 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME (agenda item 8)

8.1 The Council noted the information set out in documents C 106/8, C 106/8/1, C 106/8/2 and C 106/8/3, as well as that provided orally by the Secretary-General and the delegations of the Bahamas and the Republic of Korea, on the Voluntary IMO Member State Audit Scheme.

8.2 With regard to document C 106/8, reporting on progress made in the implementation of the Audit Scheme since its last session, the Council:

- (i) encouraged Member States that had not yet volunteered for audits to do so as and when they were ready and as early as possible;
- (ii) invited Member States to continue to nominate as many qualified auditors as possible; and
- (iii) encouraged Member States in need of assistance to enable them to participate in the Scheme, to seek such assistance through the ITCP.

8.3 The Council also noted:

- (i) the ongoing training of auditors;
- (ii) reported activities in support of the Scheme;
- (iii) the progress made in the conduct of audits and those scheduled for the rest of the year; and

- (iv) the issuance by the Secretariat of further audit summary reports; and that the fifth consolidated audit summary report would be issued as a document to the forthcoming twenty-seventh regular session of the Assembly.

8.4 With regard to document C 106/8/1, containing the report of the fourth session of the Joint Working Group on the Member State Audit Scheme, the Council noted:

- (i) the progress made in the revision of the Framework and Procedures for the Scheme;
- (ii) the need to decide, no later than at its 109th session, on the issue of confidentiality in the context of a mandatory scheme (see also paragraph 8.6 below);
- (iii) the invitation by the Group to MSC 89 and MEPC 62 to harmonize the replacement wording for UNCLOS;
- (iv) the need to establish a set of principles to be followed by the Secretary-General, when considering the audit schedule, which should be developed by mid-2013; and
- (v) the discussion on the participation in audit teams, as an auditor, of a member of the Secretariat.

8.5 The Council approved the holding of the Joint Working Group's next meeting in 2012 and the inclusion in its terms of reference of the revision of the Auditor's Manual; and further approved the Group's report in general.

8.6 With regard to the issue of confidentiality and the proposal in document C 106/8/2 (Bahamas), the Council agreed to refer the issue to the Joint Working Group for consideration and for the outcome therefrom to be considered by the MSC and the MEPC in the context of the mandatory instruments within their purview, prior to a decision being taken by the Council, as noted in paragraph 8.4(ii) above.

8.7 With regard to the proposal in document C 106/8/3 (Republic of Korea), the Council decided to refer it to the Joint Working Group for detailed consideration when revising the Framework and Procedures for the Scheme.

Reference documents: C 106/8; C 106/8/1-3; C 105/D; C 105/6; JWGMSA 4/3; JWGMSA 4/WP.1; resolutions A.1018(26) and A.974(24); C 106/SR.6

9 CONSIDERATION OF THE REPORTS OF THE MARITIME SAFETY COMMITTEE (agenda item 9)

9.1 The Council noted the information set out in documents C 106/9 and C 106/9/Add.1, as well as that provided orally by the Chairman of the Maritime Safety Committee and the Secretary-General, on the report of the Committee's eighty-eighth (24 November to 3 December 2010) and eighty-ninth (11 to 20 May 2011) sessions.

9.2 With respect to document C 106/9, reporting on the outcome of MSC 88, the Council endorsed:

- (i) the unplanned outputs agreed by the Committee for inclusion in the Organization's current High-level Action Plan; and

- (ii) the action taken by the Committee in approving intersessional meetings specified in paragraph 61 of document C 106/9, pending further modifications by MSC 89.

9.3 The Council also noted:

- (i) the adoption, by the Committee, of amendments to the 1974 SOLAS Convention and mandatory codes related thereto, the 1988 SOLAS Protocol and CSC 1972;
- (ii) the action taken by the Committee on issues related to the evaluation and replacement of lifeboat release and retrieval systems;
- (iii) the action taken by the Committee on issues related to maritime security;
- (iv) the action taken by the Committee on issues related to goal-based ship construction standards;
- (v) the action taken by the Committee on LRIT-related matters;
- (vi) the Committee's decisions on issues brought to its attention by STW 41, DE 53, COMSAR 14, FP 54, FSI 18, NAV 56, DSC 15 and DE 54;
- (vii) the action taken by the Committee on issues relating to the technical assistance sub-programme in maritime safety and security;
- (viii) the action taken by the Committee on capacity-building-related issues for the implementation of new measures;
- (ix) the action taken by the Committee on human element-related issues;
- (x) the action taken by the Committee on formal safety assessment and general cargo ship safety-related issues;
- (xi) activities pertaining to the issue of piracy and armed robbery against ships;
- (xii) the action taken by the Committee to facilitate the entry into force of the 1993 Amendments to the International Convention for Safe Containers (CSC), 1972;
- (xiii) the action taken by the Committee regarding the revision of the Committees' Guidelines on the organization and method of work;
- (xiv) the Committee's recommendations that 25.5 meeting weeks should be allocated to the MSC and the MEPC and their subsidiary bodies for the 2012-2013 biennium and its decision to further consider, at MSC 89, the request of C 104 to look into the possibility of reducing the number of days of future sessions;
- (xv) the status of planned outputs for the 2010-2011 biennium;
- (xvi) the action taken by the Committee on issues relating to the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium;

- (xvii) the draft Assembly resolutions (on the World-wide Radio Navigation System and on Principles of minimum safe manning) approved by the Committee for submission to the twenty-seventh session of the Assembly for adoption; and the 33 guidelines and other recommendations approved by the Committee for dissemination;
- (xviii) the action taken by the Committee regarding the IMO/IACS co-operation on the IACS Quality System Certification Scheme; and
- (xix) the action taken by the Committee regarding the development of guidance for coastal States on how to respond to maritime emergencies involving radioactive materials.

9.4 With respect to document C 106/9/Add.1, reporting on the outcome of MSC 89, the Council endorsed:

- (i) the proposals for the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium; and
- (ii) the action taken by the Committee in approving the intersessional meetings specified in paragraph 60 of document C 106/9/Add.1, taking into account the request that meetings are not scheduled to take place in the same week.

9.5 The Council also noted:

- (i) the adoption, by the Committee, of amendments to the 1974 SOLAS Convention and mandatory codes related thereto;
- (ii) the action taken by the Committee on issues related to the evaluation and replacement of lifeboat release and retrieval systems;
- (iii) the action taken by the Committee on issues related to maritime security;
- (iv) the action taken by the Committee on issues related to goal-based ship construction standards (GBS);
- (v) the action taken by the Committee on LRIT-related matters;
- (vi) the Committee's decisions on issues brought to its attention by DSC 15, DE 54, DE 55, SLF 53, STW 42, BLG 15, FSI 19 and COMSAR 15;
- (vii) the action taken by the Committee on issues relating to the technical assistance sub-programme in maritime safety and security;
- (viii) the action taken by the Committee on capacity-building-related issues for the implementation of new measures;
- (ix) the action taken by the Committee on formal safety assessment and general cargo ship safety;
- (x) the piracy-related activities;
- (xi) the actions taken by the Committee regarding the revision of the Committees' Guidelines on the organization and method of work, including matters related to reducing administrative burdens and the risk management framework;

- (xii) the Committee's decision to reduce to five the number of days for MSC 91;
- (xiii) the status of planned outputs for the 2010-2011 biennium;
- (xiv) the updated post-biennial agenda of the Maritime Safety Committee;
- (xv) the seven draft Assembly resolutions approved by the Committee for submission to the twenty-seventh session of the Assembly for adoption; and the 22 guidelines and other recommendations approved by the Committee for dissemination; and
- (xvi) the action taken by the Committee regarding the development of guidance for coastal States on how to respond to maritime emergencies involving radioactive materials.

9.6 With respect to paragraph 27 of document C 106/9/Add.1, the Council, having considered the three options proposed by the Committee regarding the adoption of an Agreement on the Implementation of the 1993 Protocol relating to the 1977 Torremolinos Convention on the Safety of Fishing Vessels, decided to pursue the matter by means of a conference to be convened as early as possible in 2012 and held in Cape Town, South Africa, with the attendant costs being covered by South Africa and requested the Secretary-General to take the necessary implementing action. The Council expressed deep appreciation to the Government of South Africa for its invitation and generosity.

9.7 The Council approved the reports of the eighty-eighth and eighty-ninth sessions of the Maritime Safety Committee and decided to transmit them, together with its comments and recommendations, to the twenty-seventh regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention. The Council expressed deep appreciation to the outgoing Chairman of the Committee, Mr. Neil Ferrer (Philippines), for his outstanding chairmanship and contribution to the work of the Committee.

Reference documents: C 106/9 and Add.1; MSC 88/26 and addenda; MSC 89/WP.1; MSC 89/25 and addenda; C 106/SR.6 and SR.7

10 CONSIDERATION OF THE REPORTS OF THE LEGAL COMMITTEE (agenda item 10)

10.1 The Council noted the information set out in documents C 106/10 and C 106/10/Corr.1, as well as that provided orally by the Chairman of the Legal Committee and the Secretary-General, on the report of the Committee's ninety-seventh (15 to 19 November 2010) and ninety-eighth (4 to 8 April 2011) sessions.

10.2 In particular, the Council:

- (i) approved the Committee's report on the status of planned outputs for the 2010-2011 biennium and the planned outputs for the 2012-2013 biennium, as set out in annexes 4 and 5, respectively, to document LEG 98/14; and
- (ii) requested the Legal Committee to re-examine, at its next session, the proposed revision of Strategic Direction 7.2, concerning liability and compensation issues connected with transboundary pollution damage resulting from offshore oil exploration and exploitation activities, under the "Any other business" item of its agenda; and to report to the Council accordingly.

10.3 The Council also noted:

- (i) the draft Assembly resolution on Guidelines on fair treatment of seafarers in the event of a maritime accident, at annex 2 to document LEG 98/14, approved by the Committee for submission to the twenty-seventh session of the Assembly, for adoption;
- (ii) the draft Assembly resolution on the Issuing of bunkers certificates to ships that are also required to hold a CLC Certificate, at annex 1 to document LEG 97/7, approved by the Committee for submission to the twenty-seventh session of the Assembly, for adoption;
- (iii) the Committee's agreement that two meeting weeks should be adequate for the 2012-2013 biennium (unless unforeseen circumstances required it to request a third meeting week) and its intention to reassess its workload for the 2014-2015 biennium, in the light of any new developments; and
- (iv) the draft Assembly resolution on issue of wreck removal certificates to bareboat-registered vessels, at annex 8 to document LEG 98/14, approved by the Committee for submission to the twenty-seventh session of the Assembly, for adoption.

10.4 The Council approved the reports of the ninety-seventh and ninety-eighth sessions of the Legal Committee and decided to transmit them, together with its comments and recommendations, to the twenty-seventh regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

Reference documents: C 106/10; C 106/10/Corr.1; LEG 97/15; LEG 98/14; C 106/SR.7

11 CONSIDERATION OF THE REPORT OF THE TECHNICAL CO-OPERATION COMMITTEE (agenda item 11)

11.1 The Council noted the information set out in document C 106/11 and its addendum, as well as that provided orally by the Vice-Chairman of the Technical Co-operation Committee and the Secretary-General, on the report of the Committee's sixty-first session (21 to 23 June 2011).

11.2 With regard to document C 106/11/Add.1, the Council, in particular, noted:

- (i) the Committee's approval of the ITCP for 2012-2013, as amended; the planned outputs for 2012-2013; and the revised guidelines on methods and organization of the Committee's work; and
- (ii) the establishment of a Correspondence Group for the development of a demonstration project linking the ITCP with MDG 1 on the reduction of poverty.

11.3 The Council approved an allocation of US\$16.4 million from the Technical Co-operation Fund to support the delivery of the ITCP during the 2012-2013 biennium.

11.4 The Council approved the report of the sixty-first session of the Technical Co-operation Committee and decided to transmit it, together with its comments and recommendations, to the twenty-seventh regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention. The Council expressed deep appreciation to the

outgoing Chairman of the Committee, Vice-Admiral Giancarlo Olimbo (Italy), for his outstanding chairmanship and contribution to the work of the Committee.

Reference documents: C 106/11 and Add.1; TC 61/WP.1; TC 61/16; C 106/SR.7 and SR.8

12 PROTECTION OF VITAL SHIPPING LANES (agenda item 12)

12.1 The Council noted the information set out in documents C 106/12, C 106/12/1 and C 106/12/1/Add.1, as well as that provided orally by the Secretary-General and by the delegations that spoke, on protection of vital shipping lanes.

12.2 With respect to document C 106/12, reporting on recent developments in the Cooperative Mechanism for the Straits of Malacca and Singapore, the Council:

- (i) expressed appreciation to the littoral States of Indonesia, Malaysia and Singapore for the timely implementation of the various components of the Cooperative Mechanism in the two Straits;
- (ii) noted, with appreciation, the contributions of Germany and the European Commission to the IMO Malacca and Singapore Straits Trust Fund;
- (iii) also expressed appreciation to those Member Governments, intergovernmental and non-governmental organizations, which had made contributions to, and/or pledged support for, the various projects under the Cooperative Mechanism, the Aids to Navigation Fund and the IMO Straits Fund; and
- (iv) invited Member Governments and organizations to continue contributing to the projects under the Mechanism and the two funds.

12.3 With respect to documents C 106/12/1 and its addendum, on the issue of piracy off the coast of Somalia, the Council expressed appreciation for the continued efforts exerted by the Organization in dealing with the issue.

12.4 The Council reaffirmed its mandate to the Secretary-General to continue his work relating to the protection of shipping lanes of strategic importance and significance; and to report to the Council as and when appropriate.

Reference documents: C 106/12; C 106/12/1 and Add.1; C 105/D, section 12; MSC 89/18/2 and Add.1; MSC 89/INF.25; resolution A.1026(26); Circular letter No.3164; C 106/SR.8

13 WORLD MARITIME UNIVERSITY (agenda item 13)

(a) Report of the Board of Governors (agenda item 13(a))

13(a).1 The Council noted the information set out in document C 106/13(a), as well as that provided orally by the Secretary-General, on the report of the Board of Governors on the work of the World Maritime University during the 2010 academic year.

13(a).2 The Council expressed deep appreciation to the Government of Sweden and the City of Malmö for their continuous generous contribution to the University; and also expressed appreciation to the Nippon Foundation and the Ocean Policy Research Foundation of Japan; the International Transport Workers' Federation; the Governments of

Canada, Denmark, the Republic of Korea, the United Kingdom and the United States and Inmarsat Global Ltd., for their contribution to the finances of the University; as well as to all other Governments, organizations and individuals, who contribute to its running.

Reference documents: C 106/13(a); C 106/13(b); C 106/13(c); C 106/SR.8

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

13(b).1 The Council noted the information set out in document C 106/13(b), as well as that provided orally by the Secretary-General, on the budget of the World Maritime University for the 2011 calendar year.

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

- (i) welcomed the efforts of the management of the University to reduce costs and attract additional income; and
- (ii) reiterated its appreciation to those Governments and organizations that support the University financially.

Reference documents: C 106/13(b); C 106/13(a); C 106/13(c); TC 61/9; C 106/SR.8

(c) Financial sustainability (agenda item 13(c))

13(c).1 The Council noted the information set out in document C 106/13(c), as well as that provided orally by the Chairman of the Correspondence Group and the Secretary-General, on the outcome of the Group's work, aimed to assist the Secretary-General in responding to resolution A.1031(26), requesting him to work out, under the direction of the Council, ways and means to ensure the financial sustainability of the World Maritime University (WMU).

13(c).2 In particular, the Council:

- (i) thanked the Coordinator and members of the Correspondence Group for the information provided in the document and for assisting the Secretary-General to respond to the above request of the Assembly;
- (ii) agreed to ring-fencing 5% of the "not less than 75%" of the Trading Fund in-year surplus allocated to the TC Fund under resolution A.1014(26), to support WMU as an interim measure;
- (iii) decided to consider the proposal of the Correspondence Group, calling for the establishment and operation of an Endowment Fund, at its 108th session; and requested the Secretary-General to prepare proposals in this regard;
- (iv) instructed WMU to continue seeking ways to become self-financing, including through research and consultancies; and
- (v) authorized the Secretary-General to report to the forthcoming twenty-seventh session of the Assembly on the outcome of its deliberations and discussions on this item, in response to the Assembly's request in resolution A.1031(26).

Reference documents: C 106/13(c); C 105/D; C 105/11; C 104/12(b)/1; resolutions A.1030(26) and A.1031(26); Circular letter No.3153; C 106/SR.9

14 IMO INTERNATIONAL MARITIME LAW INSTITUTE (agenda item 14)

(a) Report of the Governing Board (agenda item 14(a))

14(a).1 The Council noted the information set out in documents C 106/14(a) and C 106/14(a)/1, as well as that provided orally by the Secretary-General, on the report of the Governing Board of the IMO International Maritime Law Institute (IMLI).

14(a).2 With respect to document C 106/14(a), providing the Annual Report of IMLI's Governing Board, the Council:

- (i) recognized the essential role the Institute continued to play in contributing to strengthening the capacity of developing countries to implement the various IMO treaty instruments to which they are party; and
- (ii) reaffirmed its continuous support to the Institute, in recognition of its success in maintaining high academic standards in the field of international maritime law.

14(a).3 With respect to document C 106/14(a)/1, proposing a review and update of the Statute of the International Maritime Law Institute, the Council agreed to this being undertaken, in the first place, by the IMO Legal Affairs and External Relations Division, in consultation with the Director of the Institute and, subsequently, by the Council itself in accordance with article 33 of the IMLI Statute; the outcome of the review to be presented to the Council at its 108th session.

Reference documents: C 106/14(a); C 106/14(a)/1; C 106/14(b); TC 61/9; C 106/SR.9

(b) Budget (agenda item 14(b))

14(b).1 The Council noted the information set out in document C 106/14(b), as well as that provided orally by the Secretary-General, on the budget of the IMO International Maritime Law Institute.

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

- (i) noted the "unqualified" nature of the audit on the Institute's financial performance up to the end 2010; and
- (ii) expressed appreciation to all donors who supported, and continue to support, the Institute financially, particularly the Nippon Foundation; the "Euromed Cooperation on Maritime Safety and Prevention of Pollution from Ships – SAFEMED" project; the Indian Ocean Commission (IOC), through its "GEF-WIO Marine Highway Development and Coastal and Marine Contamination Prevention Project"; the Lloyd's Register Educational Trust; the Government of Switzerland; the Government of Malta; the Comité Maritime International (CMI) Charitable Trust; the Neptune Orient Lines of Singapore; and the Sea Pine Tree Foundation of the Republic of Korea.

Reference documents: C 106/14(b); C 106/14(a); C 106/SR.9

15 ASSEMBLY MATTERS (agenda item 15)

(a) Provisional agenda for the twenty-seventh regular session of the Assembly (agenda item 15(a))

15(a).1 The Council noted the information set out in document C 106/15(a), as well as that provided orally by the Secretary-General, on the provisional agenda for the twenty-seventh regular session of the Assembly.

15(a).2 The Council approved the provisional agenda for the twenty-seventh regular session of the Assembly, contained in document C 106/15(a).

Reference documents: C 106/15(a); C 106/SR.9

(b) Preparations for the twenty-seventh regular session of the Assembly (agenda item 15(b))

15(b).1 The Council noted the information set out in document C 106/15(b), as well as that provided orally by the Secretary-General, on preparations for the twenty-seventh regular session of the Assembly.

Reference documents: C 106/15(b); C 106/SR.9

(c) Draft report of the Council to the Assembly on the work of the Organization since the twenty-sixth regular session of the Assembly (agenda item 15(c))

15(c).1 The Council noted the information set out in document C 106/15(c), as well as that provided orally by the Secretary-General, on the draft report of the Council to the Assembly on the work of the Organization since the twenty-sixth regular session of the Assembly.

15(c).2 The Council approved the report, subject to such changes as may be deemed necessary and any developments, which may occur between the issue of the document and the twenty-seventh regular session of the Assembly, which would be reported to the Council for consideration and approval at its twenty-sixth extraordinary session.

Reference documents: C 106/15(c); Council Summaries of Decisions and Committee reports; C 106/SR.9

(d) Appointment of the External Auditor (agenda item 15(d))

15(d).1 The Council noted the information set out in document C 106/15(d), as well as that provided orally by the Secretary-General, on the appointment of the External Auditor.

15(d).2 The Council invited interested Member States to submit nominations for the appointment of the Organization's External Auditor (who would also act as external auditor for WMU and IMLI) by 5 September 2011, to allow time for the preparation of a relevant submission to the twenty-seventh session of the Assembly.

15(d).3 The Council endorsed a proposal by the United States that the term of the office of the External Auditor be limited to a period of four years, renewable for a further period of four years; and that the relevant regulation of the Organization's Financial Regulations and Financial Rules be amended accordingly.

Reference documents: C 106/15(d); Council Summaries of Decisions and Committee reports; C 106/SR.9

16 EXTERNAL RELATIONS (agenda item 16)

(a) Relations with the United Nations and the specialized agencies (agenda item 16(a))

16(a).1 The Council noted the information set out in documents C 106/16(a), C 106/16(a)/1, C 106/16(a)/2 and C 106/16(a)/3, as well as that provided orally by the Secretary-General, on relations with the United Nations and the specialized agencies.

16(a).2 In particular, the Council noted:

- (i) the outcome of the 2010 second session and the 2011 first session of the United Nations Chief Executives Board for Coordination (CEB);
- (ii) the resolutions adopted by the General Assembly of the United Nations, which contain information of relevance to IMO, received since the 104th session of the Council;
- (iii) the outcome of the eleventh meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP); and
- (iv) the outcome of the second formal review meeting of the United Nations Global Counter-Terrorism Strategy.

16(a).3 The Council requested the Secretary-General to keep it informed of any relevant developments concerning the above-mentioned issues.

Reference documents: C 106/16(a); C 106/16(a)/1-3; A/RES/60/288, A/RES/62/272; A/RES/64/297; C 101/11(a)/2; C 106/SR.9

(b) Joint Inspection Unit (agenda item 16(b))

16(b).1 The Council noted the information set out in document C 106/16(b), as well as that provided orally by the Secretary-General, on the reports of the Joint Inspection Unit (JIU).

16(b).2 The Council noted that the report entitled "Environmental Profile of the United Nations system organizations: review of their in-house environmental management policies and practices" (JIU/REP/2010/1) had not been included in the document, as it was not addressed to the governing bodies.

16(b).3 The Council noted the report entitled "Review of travel arrangements within the United Nations system" (JIU/REP/2010/2) and the Secretary-General's comments thereon.

16(b).4 The Council noted the report entitled "Ethics in the United Nations system" (JIU/REP/2010/3) and the Secretary-General's comments thereon.

16(b).5 The Council noted the report entitled "Review of enterprise risk management in the United Nations system: Benchmarking framework" (JIU/REP/2010/4) and the Secretary-General's comments thereon, as well as the confirmation provided by the Risk Review, Management and Reporting Working Group that the development and implementation of the Organization's Risk Management Framework was consistent with the 10 benchmarks recommended by the JIU.

16(b).6 The Council noted the report entitled "The audit function in the United Nations system" (JIU/REP/2010/5) and the Secretary-General's comments thereon.

16(b).7 The Council noted the report entitled "Preparedness of United Nations system organizations for the International Public Sector Accounting Standards (IPSAS)" (JIU/REP/2010/6) and the Secretary-General's comments thereon, which indicated that the 16 best practices identified in the report were useful and had been applied during the planning of, and transition to, IPSAS. The Council concluded that the actions it had taken, together with the Secretary-General, during the transition to IPSAS, had been consistent with the three recommendations contained in the report.

16(b).8 The Council noted the report entitled "Policies and procedures for the administration of trust funds in the United Nations system organizations" (JIU/REP/2010/7) and the Secretary-General's comments thereon.

16(b).9 The Council noted the report entitled "Inter-agency staff mobility and work/life balance in the organizations of the United Nations system" (JIU/REP/2010/8) and the Secretary-General's comments thereon.

Reference documents: C 106/16(b); C 106/3(b); C 106/4/1; C 106/SR.9 and SR.10

(c) Relations with non-governmental organizations (agenda item 16(c))

16(c).1 The Council noted the information set out in documents C 106/16(c), C 106/16(c)/1, C 106/16(c)/1/Corr.1, C 106/16/(c)/2, C 106/16/(c)/3, C 106/16(c)/4 and C 106/WP.2, as well as that provided orally by the Secretary-General, the Hot Briquetted Iron Association (HBIA), the International Spill Control Organization (ISCO), the Republic of Korea and the Chairman of the group of Council Members, on relations with non-governmental organizations.

16(c).2 With respect to document C 106/16/(c), containing information on new applications for consultative status, the Council decided:

- (i) to grant consultative status, on a provisional basis, for no more than two years, after which a review should be conducted, to the International Iron Metallics Association Ltd. (IIMA);
- (ii) not to grant consultative status to the Grain and Feed Trade Association (GAFTA);
- (iii) not to grant consultative status to the Antarctic and Southern Ocean Coalition (ASOC);
- (iv) not to grant consultative status to the International Maritime Fumigation Organization (IMFO);
- (v) not to grant consultative status to the International Association for the Catalytic Control of Ship Emissions to Air (IACCSEA);
- (vi) not to grant consultative status to the Exhaust Gas Cleaning Systems Association (EGCSA); and
- (vii) not to grant consultative status to PRBA – The Rechargeable Battery Association.

16(c).3 With respect to document C 106/16(c)/3, submitted by the International Spill Control Organization (ISCO), the Council decided to convert the consultative status granted to ISCO on a provisional basis to full consultative status.

16(c).4 With respect to document C 106/16(c)/2, submitted by the Hot Briquetted Iron Association (HBIA), the Council noted that HBIA would cease to exist in 2012 and was not seeking the renewal of its provisional consultative status.

16(c).5 With respect to document C 106/16(c)/1 and its corrigendum, inviting the Council to review the list of the remaining non-governmental organizations in consultative status with IMO, and make appropriate recommendations to the Assembly regarding the continuance, or otherwise, of the consultative status granted to them, the Council decided:

- (i) to withdraw the International Bar Association's (IBA) consultative status;
- (ii) to remind the International Road Transport Union (IRU) and the International Association of Oil and Gas Producers (OGP) of the necessity to fulfil their obligations, including the requirement to make substantial contribution to the work of IMO, in accordance with the Rules Governing Relationship with Non-Governmental Organizations, and the Guidelines on the Grant of Consultative Status and that, should there be no improvement in their performance during the next biennium, their status may be withdrawn;
- (iii) to maintain the consultative status of the remaining organizations listed in the document; and
- (iv) to emphasize the requirement for all non-governmental organizations in consultative status to contribute substantially to the work of IMO; and to submit recommendations to this effect to the twenty-seventh regular session of the Assembly.

16(c).6 With respect to its review of the Guidelines on the Grant of Consultative Status and document C 106/16(c)/4, submitted by the Republic of Korea, the Council decided:

- (i) to further scrutinize and discuss the guidelines;
- (ii) to convene the group of Council Members during working hours at its 108th session, with the task of, in addition to screening new applications, discussing the Guidelines on the Grant of Consultative Status, and if necessary, the Rules Governing Relations with non-governmental organizations, and submitting any amendments to them for the Council's consideration; and
- (iii) to instruct the Secretariat to prepare a document grouping non-governmental organizations in consultative status according to interests/activities, to assist in the review of these organizations for the next biennium.

Reference documents: C 106/16(c); C 106/16(c)/1-4; C 106/16(c)/1/Corr.1; C 106/WP.2; C 105/13(a); C 105/13(a)/1; C/ES.24/D; C/ES.24/12(b); C 102/D; C 102/18(d); A 26/19(d)/1; resolutions A.1032(26) and A.1009(25); MEPC 56/23; C 106/SR.10

(d) World Maritime Day (agenda item 16(d))

16(d).1 The Council noted the information provided orally by the Secretary-General on the theme for World Maritime Day 2012 and endorsed his proposal that it should be:

"IMO: One hundred years after the Titanic".

16(d).2 The Council authorized that action be taken for the celebration of World Maritime Day in 2012, in accordance with the established practice.

16(d).3 The Council noted the information provided by the Italian delegation with regard to this year's parallel event, to be held in Rome, on 13 and 14 October 2011.

Reference document: C 106/SR.10

(e) International Maritime Prize (agenda item 16(e))

16(e).1 The Council noted the information set out in document C 106/16(e), as well as that provided orally by the Secretary-General, on the International Maritime Prize.

16(e).2 The Council decided, by acclamation, to award the International Maritime Prize for 2010 posthumously to Ms Linda (Lindy) Johnson of the United States. It also expressed its appreciation to the Government of the United States for nominating such an eminent candidate for the Prize.

16(e).3 The Council noted and endorsed the measures taken and those proposed by the Secretary-General in respect of the 2011 Prize.

Reference documents: C 106/16(e); C 104/D; Circular letters No.3039 and No.3173; C 106/SR.10

(f) IMO Award for Exceptional Bravery at Sea (agenda item 16(f))

16(f).1 The Council noted the information set out in document C 106/16(f) and its addendum, as well as that provided orally by the Secretary-General, on the IMO Award for Exceptional Bravery at Sea.

16(f).2 The Council endorsed the decision of the Panel of Judges to bestow the 2011 IMO Award for Exceptional Bravery at Sea on Captain Seog Hae-gyun of the **M/V SAMHO Jewelry**, a national of the Republic of Korea, nominated by the Government of the Republic of Korea.

16(f).3 In addition, the Council agreed that Certificates of Commendation in recognition of meritorious services rendered should be awarded to the following nominees:

- Mr. Wang Hao, rescue swimmer of the B-7313 SAR helicopter aircrew, Bei Hai Search and Rescue Flying Service, Ministry of Transport, nominated by China;
- captain Cao Deguang, Master of the rescue vessel **Bei Hai Jiu 111**, Bei Hai Rescue Bureau, Ministry of Transport, nominated by China;
- Mr. Guo Wenbiao, founder of and rescuer with the volunteer station "Folk Relieving Station of the Sea Peace", Zhejiang Province, nominated by China;

- the crew of the **M/V Charlotte Maersk**, Maersk Line, Danish A.P. Moller – Maersk Group, nominated by Denmark;
- Third Petty Officer Jesús Damián Orta Sáenz and Corporal Edgar José Iturriaga Cariño, Mexican Navy, nominated by Mexico;
- the Master and crew of the **M/V Momentum Scan**, nominated by the Netherlands;
- the crew of the Coast Guard rescue helicopter 6022, U.S. Coast Guard Air Station Clearwater, in particular, AST2 Sara Faulkner, nominated by the United States of America; and
- Chief Engineer Anthony Gervasio and QMED Louis Longlois, crewmembers of the offshore supply vessel (OSV) **Damon B. Bankston**, Tidewater Marine, nominated by the United States of America.

16(f).4 The Council further agreed to award special certificates to the Maritime Rescue Coordination Centres (MRCCs) Falmouth (United Kingdom) and Stavanger (Norway), for their contribution, over many years, to search and rescue operations unfolding in distant areas, far away from their respective countries' SAR regions, which might serve as a good example for other MRCCs to follow.

16(f).5 The Council also decided that Letters of Commendation should be sent to the following nominees:

- six Australian Customs and Border Protection Service Marine Enforcement Officers on board the patrol vessel **ACV Triton**, and 12 members of the Australian Defence Force on the patrol boat **HMAS Pirie**, nominated by Australia;
- the crew of the aircraft UH-12 "N-7051", Brazilian Navy 5th Squad of Helicopters of General Use, nominated by Brazil;
- the crew of the rescue tugboat **Nan Hai Jiu 197**, Nan Hai Rescue Bureau, Ministry of Transport, China, nominated by China;
- the crew of the fishing boat **Zhe Ping Yu 0158**, nominated by China;
- Italian Coast Guard 7th Naval Squadron, Lampedusa, Sicily, nominated by Italy;
- Captain Zaw Aung and the crew of the **MT MTM Princess**, nominated by Myanmar;
- Captain Jeffrey J. Federigan of the **M/V Delmas Nacala**, nominated by the Philippines;
- the crew of the patrol ship **Taepyeongyang No.9**, Coast Guard of the Republic of Korea, nominated by the Republic of Korea;
- the crew of the Coast Guard MH-60J helicopter CG 6007, U.S. Coast Guard Air Station Kodiak, nominated by the United States of America;

- Bei Hai SAR Flying Service, China Rescue and Salvage Bureau, Ministry of Transport, China, nominated by the International Maritime Rescue Federation (IMRF); and
- Mr. Zhou Guoxiong, boatswain of the rescue vessel **Dong Hai Jiu 113**, Donghai Rescue Bureau, Ministry of Transport, China, nominated by the International Maritime Rescue Federation (IMRF). The crew of the Dong Hai Jiu 113 was also nominated by China; the Council agreed, however, that Mr. Zhou Guoxiong should really be the person to be honoured, in view of the key role he played in the rescue.

16(f).6 The Council extended its congratulations to Captain Seog Hae-gyun, the winner of the 2011 IMO Award for Exceptional Bravery at Sea, and to those candidates who had been selected to receive Certificates of Commendation or Letters of Commendation, as well as to the Maritime Rescue Coordination Centres (MRCCs) Falmouth (United Kingdom) and Stavanger (Norway). The Council also expressed appreciation to all the remaining candidates and to those who had nominated such worthy candidates for the Award.

16(f).7 The Council noted and endorsed the arrangements proposed by the Secretary-General in respect of this year's Awards ceremony and the 2012 Award.

Reference documents: C 106/16(f) and Add.1; C 104/D; Circular letter No.3101; C 106/SR.10

(g) Day of the Seafarer (agenda item 16(g))

16(g).1 The Council noted the information provided orally by the Secretary-General and other delegations which spoke on the celebrations to mark the first ever Day of the Seafarer.

16(g).2 The Council expressed appreciation to all those who had worked to organize the celebrations of the first Day of the Seafarer; and looked forward to equally successful celebrations in the future.

Reference document: C 106/SR.10

17 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 17)

17.1 The Council noted the information set out in document C 106/17, as well as that provided orally by the Secretary-General, on the status of the Convention and membership of the Organization.

17.2 The Council endorsed the Secretary-General's recommendation that IMO Member States, which are not members of the International Hydrographic Organization (IHO), give favourable consideration to joining that Organization, given that its objectives with regard to the safety of navigation and protection of the marine environment are closely related to those of IMO.

Reference documents: C 106/17; C 106/SR.10

18 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 18)

18.1 The Council noted the information set out in document C 106/18 and its addendum, as well as that provided orally by the Secretary-General, on the status of conventions and other multilateral instruments in respect of which the Organization performs depositary functions.

18.2 The Council noted particularly that the entry into force provisions of the 2010 Manila amendments to the STCW Convention and Code would be met on 1 July 2011 and that the amendments would, as a consequence, enter into force on 1 January 2012.

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

- (i) as far as safety-related conventions are concerned, the 1995 STCW-F Convention (which now needs only one more ratification to meet its entry into force requirements); and
- (ii) as far as environment-related conventions are concerned, the 2004 Ballast Water Management Convention,

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

18.4 The Council endorsed the Secretary-General's request for similar, swift action to be taken by both Signatory and non-Signatory States with regard to two further treaties, namely, the Nairobi International Convention on the Removal of Wrecks, adopted in May 2007; and the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, adopted in May 2009.

18.5 The Council further endorsed the Secretary-General's request to Governments which had not already done so, to sign the 2010 HNS Protocol, which had opened for signature on 1 November 2010 and would remain open until 31 October 2011.

18.6 The Council also encouraged Governments to consider ratifying the ILO Consolidated Maritime Labour Convention, 2006, given the impetus it will provide, once it has entered into force, to encourage young people to enter the seafaring profession.

18.7 The Council requested the Secretary-General to continue communicating with Governments that had not yet ratified IMO treaties, encouraging and assisting them to accept and implement these treaties at their earliest convenience.

Reference documents: C 106/18 and Add.1; C 106/SR.10

19 APPOINTMENT OF THE SECRETARY-GENERAL (agenda item 19)

19.1 The Council noted the information set out in documents C 106/19 and C 106/19/1, as well as that provided orally by the Secretary-General.

19.2 With regard to document C 106/19/1, outlining possible revised voting procedures, the Council approved the proposed amendment to rule 37 *ter* with immediate effect.

19.3 The Council, having taken note of its Rules of Procedure governing the election of the Secretary-General, elected Mr. Koji Sekimizu of Japan, as Secretary-General of the Organization, with effect from 1 January 2012, for an initial term of four years; and congratulated him on his appointment.

19.4 The Council instructed the Secretary-General to forward its recommendation on the appointment of Mr. Koji Sekimizu, as the Organization's next Secretary-General, to the forthcoming twenty-seventh regular session of the Assembly, for approval in accordance with rule 52 of the Council's Rules of Procedure and Article 22 of the IMO Convention.

Reference documents: C 106/19; C 106/19/1; C 105/16, C 105/16/1, C 105/D, C 89/D; C 106/SR.3

20 APPRECIATION OF THE SERVICES TO THE ORGANIZATION OF MR. E.E. MITROPOULOS (agenda item 20)

20.1 The Council noted the information set out in document C 106/20 (Council Chairman) attaching, at annex, a draft Assembly resolution expressing appreciation of the services to the Organization of Mr. E.E. Mitropoulos.

20.2 The Council approved, in principle, the draft resolution by acclamation and decided to forward it to the twenty-seventh regular session of the Assembly with a view to adoption.

Reference documents: C 106/20; C 106/SR.10

21 PLACE, DATE AND DURATION OF THE NEXT SESSION OF THE COUNCIL (agenda item 21)

21.1 The Council noted the information set out in document C 106/21, as well as that provided orally by the Secretary-General, and confirmed that its twenty-sixth extraordinary session would be held on Thursday, 17 and Friday, 18 November 2011. The Council further agreed that its 107th session would be held on Thursday, 1 December 2011, at the conclusion of the twenty-seventh session of the Assembly unless otherwise announced during the session.

Reference documents: C 106/21; C 106/SR.10

22 SUPPLEMENTARY AGENDA ITEM (agenda item 22)

Measures toward enhancing maritime trade recovery related to the global supply chain system and maritime conveyances

22.1 The Council noted the information contained in document C 106/22 (United States), on the security, efficiency and resilience of the maritime elements of the global supply chain system and decided to refer the matter to the Facilitation Committee, for consideration at its thirty-seventh session, under existing agenda item 8.2, as proposed.

Reference documents: C 106/22; MSC 88/4/2; C 106/SR.10

ANNEX

**Resolution C.77(106)
adopted on 27 June 2011**

POLICY ON THE DISCLOSURE OF INTERNAL AUDIT REPORTS TO MEMBER STATES

THE COUNCIL,

RECALLING the decision, at its eighty-ninth session, on the approval of additional terms of reference governing Internal Oversight, as reflected in paragraph 22.1 of document C 89/D,

RECALLING FURTHER that Internal Oversight Services (IOS) assists the Secretary-General in the implementation of financial regulation 10.1,

NOTING the Comprehensive Review of Governance and Oversight in the UN Secretariat, Funds and Programmes and Specialized Agencies (A/63/883/Add.1) and the desirability to further enhance transparency in the use of the Organization's resources by providing Member States with access to internal audit reports under certain conditions,

HAVING CONSIDERED the proposal of the Secretary-General in document C 106/4/1, which sets out a policy and conditions for the release of internal audit reports to Member States on request,

1. APPROVES the Policy on the disclosure of internal audit reports to Member States, set out in the annex to the present resolution;
2. REQUESTS the Secretary-General to monitor the application of the Policy and to inform the Council, as and when necessary, of any difficulties encountered or improvement that may be needed to ensure that the benefits to be accrued from the work of IOS remains at the forefront of this Policy.

ANNEX

POLICY ON THE DISCLOSURE OF INTERNAL AUDIT REPORTS TO MEMBER STATES

Background

1 In 2002, representatives of internal audit service of the UN system and multilateral financial institutions (RIAS) agreed to follow the standards and code of ethics contained in the Professional Practices Framework of the Institute of Internal Auditors (IIA). The disclosure of internal audit reports to representatives of Member States is not incompatible with the IIA standards.

2 In the Comprehensive Review of Governance and Oversight in the UN Secretariat, Funds and Programmes and Specialized Agencies (A/63/883/Add.1), it was recommended that internal audit reports be made available to Member States upon request. The UN Office of Internal Oversight (OIOS) has stated that, in the interest of transparency, the whole UN system should, as a minimum, apply the standard set by the General Assembly (A/RES/59/272), namely that any Member State may, on request, have access to any OIOS report that is not issued as a General Assembly report.

3 Disclosure of internal audit reports to Member States is subject to specific criteria, conditions and procedures defined in this policy, which is consistent with the IIA professional guidance, and with legal or statutory requirements. This policy aims to bring the Organization in line with the provisions applied elsewhere in the UN system.

Application Procedures

4 Requests for access to internal audit reports are to be made in writing to the Head of Internal Oversight (IOS) by an authorized representative of a Member State, and should be specific as to the internal audit report, the reason and purpose for the request. The request should include a statement that the criteria, conditions and procedures provided for in the policy will be adhered to and the confidentiality or privacy requirements will be respected.

5 The Head, IOS, will review the report concerned to assess the potential risk to the Organization and determine whether it is suitable for dissemination outside the Organization, i.e. it does not contain information deemed particularly sensitive that relates to third parties or a Member State, government or administration; or could compromise pending action; or where its release might lead to legal complications or impinge on the safety, security or privacy of any individual. In such cases, in respect of findings in the report related to specific Member States or the Governments of those States, the Head, IOS shall inform them accordingly and provide them with an opportunity to review the report and make comments. In respect of individuals, the Head, IOS, in consultation with Human Resource Services and Legal Office, may at his/her discretion, abbreviate, edit or amend the report or, in exceptional circumstances, withhold the report, giving reasons for so doing. Only final reports of completed audits will be released and they will include management comments thereon.

6 When satisfied that the report may be released for review by a Member State or where a Member State wishes to review a report requested for release, the Head, IOS, will make the report available on a voluntary basis without prejudice to the privileges and immunities of the Organization. The report will only be made available for reading at the office of the Head, IOS, and no copies of the report, or any part thereof, irrespective of the utilized media, process or means shall be made. During the reading of the report concerned, Member States may also put questions to the Head, IOS, as needed.

7 Information on the number of requests to make internal audit reports available; the outcomes of those requests; the number of internal audit reports disclosed and their titles; and confirmation of adherence to the principle of confidentiality for audit information disclosed in accordance with these procedures should be made available to the external auditors.
