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GENERAL

The 105th session of the Council was held from 1 to 5 November 2010, under the Chairmanship of Mr. J. Lantz (United States). The Vice-Chairman, Mr. D. Ntuli (South Africa), was also present. All 40 members of the Council attended the session.

Reference documents: C 105/INF.1 and C 105/SR.1

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

Algeria, Angola, Belize, Benin, the Plurinational State of Bolivia, Bulgaria, the Cook Islands, Côte d'Ivoire, the Democratic People's Republic of Korea, Ecuador, Gabon, the Gambia, Georgia, Ghana, Grenada, Honduras, the Islamic Republic of Iran, Liberia, the Libyan Arab Jamahiriya, the Marshall Islands, Monaco, Morocco, Myanmar, Peru, Poland, Saint Vincent and the Grenadines, the Slovak Republic, the Syrian Arab Republic, Tonga, Trinidad and Tobago, Ukraine, Uruguay, Vanuatu, the Bolivarian Republic of Venezuela and Yemen attended the session as observers. Hong Kong, China (Associate Member) also attended the session as an observer.

Reference document: C 105/SR.1

1 ADOPTION OF THE AGENDA (agenda item 1)

1.1 The Council adopted the agenda and, with one adjustment, the timetable as proposed in document C 105/1/Rev.1; and noted the annotations to the agenda contained in document C 105/1/1.

Reference documents: C 105/1/Rev.1; C 105/1/1; C 105/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 delegations attending the session were found to be in order.

Reference documents: C 105/2; C 105/SR.1 and SR.4

3 STRATEGY AND PLANNING (agenda item 3)

(a) Monitoring of performance

3(a).1 The Council noted the information set out in documents C 105/3(a), C 105/3(a)/1, C 105/3(a)/2, C 105/3(a)/3 (Denmark) and C 105/3(a)/4 (Australia, Denmark and Sweden), as well as that provided orally by the Secretary-General, on monitoring of performance.

3(a).2 With regard to document C 105/3(a), the Council:

- (i) noted and welcomed the information provided by the Secretary-General on the action taken to mitigate the adverse effects, on the health and morale of staff, of working long night-shifts, particularly during meeting weeks; and also noted that the Secretary-General would continue to monitor the situation and report further in due course;
- (ii) approved, with regard to the alignment of the planning and budgeting cycles, Option B – the overlapping framework – for implementation as from the 2012-2013 biennium; and
- (iii) consequently, also approved an associated amendment to the Organization's Financial Regulation 3.4 as follows:

"The Secretary-General shall submit, in the second year of the biennium, an outline of the budgetary implications of the projected High-level Action Plan for the following biennium to the regular session of the Council prior to the regular session of the Assembly";

as well as proposed amendments to Financial Regulation 3.5 and to Rules 14 and 15 of the Assembly's Rules of Procedure, as set out in paragraphs 19 and 20 of the document; and decided to forward them to the twenty-seventh regular session of the Assembly for adoption.

3(a).3 With regard to document C 105/3(a)/1, reporting on the Organization's performance indicators, the Council decided to refer it to the twelfth session of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan (CWGSP), together with the suggestions, guidance and requests made by the Council, for examination and comment.

3(a).4 With regard to document C 105/3(a)/2, reporting on the status of the planned outputs of the Assembly, the Council and the Secretariat for this biennium, the Council noted the information contained therein, as amplified by the Secretary-General.

3(a).5 With regard to documents C 105/3(a)/3 and C 105/3(a)/4, on proposals to reduce administrative burdens, the Council agreed, with respect to document C 105/3(a)/3, to:

- (i) add a further task to the standing terms of reference of the CWGSP, namely, to consider the establishment of long-term objectives for the Organization on the reduction of administrative burdens and the methodology to be used for the examination of proposals on such potential reductions; and
- (ii) requested the CWGSP, in carrying out this task, to seek input from other bodies of the Organization, as necessary, and to report back to the Council in due course on both aspects: objectives and methodology.

3(a).6 The Council invited interested Member States to correspond informally during the intersessional period on the foregoing matters, with a view to submitting to the CWGSP substantive input for its consideration*.

3(a).7 With respect to document C 105/3(a)/4, the Council agreed to invite the next Meeting of Chairmen to consider the proposals contained therein and, through the Committees, to advise the Council accordingly, with a view to their subsequent finalization by the co-sponsors, as appropriate.

3(a).8 The Council encouraged all Member States, not just Council Members, to participate actively in both the CWGSP meetings and the informal correspondence exercise.

Reference documents: C 105/3(a); C 105/3(a)/1-4; C 104/3; C 104/3/2; C 104/D (paragraphs 3.2, 3.4(ii); 3.4(iii) and 3.8); C/ES.25/3; C/ES.25/D (paragraph 3.2(ii)); CWGSP 10/2(a) and (b); resolutions A.1011(26), A.1012(26) and A.1013(26); MSC 83/INF.2; C 105/SR.1 and SR.2

(b) Risk management

3(b).1 The Council noted the information set out in document C 105/3(b), and that provided orally by the Secretary-General, on the 2010 risk management exercise (the second undertaken) carried out by the Secretariat.

3(b).2 The Council decided to refer the report on the outcome of the risk management exercise to the fifth session of its Risk Review, Management and Reporting Working Group (CWGRM), tentatively scheduled to convene in April 2011.

Reference documents: C 105/3(b); C 102/3(b); C 102/D, paragraph 3(b).2(iv); CWGRM 4/2/1; C 105/SR.2

4 ORGANIZATIONAL REFORMS (agenda item 4)

4.1 The Council noted the information set out in documents C 105/4 and C 105/4/1, as well as that provided orally by the Secretary-General, on organizational reforms.

4.2 With regard to document C 105/4, reporting on developments with respect to the Organization's adoption of the International Public Sector Accounting Standards (IPSAS) and related audit matters, the Council expressed its satisfaction with the progress to date and requested to be updated on its adoption in due course.

*

The delegation of Denmark offered to coordinate the informal correspondence. The contact details are:
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4.3 With regard to document C 105/4/1, providing an update on developments in respect of the public access to IMO documents on the new public website, the Council noted the information therein, as amplified by the Secretary-General, and expressed appreciation for the user-friendly new system and the greater transparency and accountability it provided.

Reference documents: C 105/4; C 105/4/1; C 105/3(b); C 105/5(c); C 104/4; C 104/4/1; C 104/5(b)/1; C 104/D (paragraph 4.3); C 102/4/1; C 101/4/1; C 105/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 the documentation, 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 105/5(a) and its addendum, the Council approved the implementation of the UN General Assembly decisions referred to therein, with effect from the dates it will determine.

5(a).3 With regard to document C 105/5(a)/1, the Council noted, in particular, the amendments to Staff Rules 103.7 and 107.12, as well as the addition of appendices E and F to the Staff Regulations and Staff Rules.

5(a).4 With regard to document C 105/5(a)/2, the Council noted, in particular, the information provided on the recruitment of women, the geographical and age distribution of staff and staff development and training; and, with regard to document C 105/5(a)/2/Add.1, the report on recent senior-level appointments and promotions in the Organization.

5(a).5 With regard to document C 105/5(a)/3, the Council supported, in principle, the proposed policy and procedure for the engagement of Associate Professional Officers (APOs) in the future. In noting the need for flexibility in arrangements for the selection of APOs and the payment of the costs involved, particularly in respect of APOs nominated by developing countries, the Council invited the Secretary-General, taking into account the comments made, to review the proposed procedures and submit a revised proposal to its next session.

Reference documents: C105/5(a) and Add.1; C 105/5(a)/1; C 105/5(a)/2 and Add.1; C 105/5(a)/3; C 105/5(c); C 105/INF.2; C 104/5(a)/3; C 102/5(a)/1; C 96/3(a)/3; C 105/SR.2

(b) 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(b))

5(b).1 The Council noted the information set out in document C 105/5(b) and its addendum, as well as that provided orally by the Secretary-General, on the status of Member States' contributions; advances to the Working Capital Fund; and the implementation of Article 61 of the IMO Convention.

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

- (i) noted the collection rate of Members States' contributions and the continuing arrears of those Member States identified in the two documents under review;
- (ii) noted the reported developments in advances to the Working Capital Fund;
- (iii) urged Member States with outstanding contributions to remit them as soon as possible; and
- (iv) reiterated its firm stance on the strict enforcement of Article 61 of the IMO Convention.

Reference documents: C 105/5(b) and Add.1; C 104/5(d) and Add.1-3; C 105/SR.2

(c) Budget considerations for 2010 and 2011 (agenda item 5(c))

5(c).1 The Council noted the information set out in documents C 105/5(c) and C 105/5(c)/1 (the Bahamas, Chile, Denmark, Greece, Jamaica, Japan, the Marshall Islands, Malaysia, the Netherlands, Singapore and Sweden), as well as that provided orally by the Secretary-General, on budget considerations for 2010 and 2011.

5(c).2 The Council expressed appreciation for the clarity and transparency of the information presented in document C 105/5(c) and, in particular, noted:

- (i) the external pay and price factors review;
- (ii) the issues identified in respect of dual currency budgeting and the Secretary-General's view that its implementation would not be applicable at IMO;
- (iii) the forecast outturn level of the regular budget expenditure for 2010, assessed to be kept within the approved appropriation for 2010; and also the Secretary-General's intention to present to the Council, at its 106th session, a plan on how to finance, procure and account for carbon offsets, in line with the climate-neutral UN policy;
- (iv) the expected revenue from, and expenditure in, the Trading Fund and the consequential in-year surplus distribution;
- (v) the forecast expenditure level in the Termination Benefit Fund; and, in this regard, endorsed the Secretary-General's proposals on how to address the future funding of employee benefit liabilities;
- (vi) the expenditure status of the Headquarters Capital Fund; the Training and Development Fund; the Technical Co-operation Fund; and extra-budgetary programmes;
- (vii) the transfers between years; and
- (viii) the preliminary consideration of the 2011 budget,

and also authorized the Secretary-General to make, as and when necessary, timely transfers between Strategic Results to the extent that balances are available to cover or reduce deficits in Strategic Results appropriation balances, in accordance with the Organization's Financial Regulations and Financial Rules.

5(c).3 The Council requested the Secretary-General to provide an assessment of the proposals contained in document C 105/5(c)/1, to address currency exchange rate fluctuations, taking into account the experience of ICAO and other international agencies and relevant comments made; and to report to the Council at its 106th session.

Reference documents: C 105/5(c); C 105/5(c)/1; C 104/5(e); C 104/D; A 26/17(d) and Add.1; resolution A.1014(26); C 105/SR.3

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

6.1 The Council noted the information provided in documents C 105/6 and C 105/6/1, as well as that provided orally by the Secretary-General, on the Voluntary IMO Member State Audit Scheme.

6.2 With regard to document C 105/6, the Council particularly:

- (i) encouraged Member States that had not yet volunteered to be audited, to do so as and when they are ready and as early as possible;
- (ii) invited Member States to continue to nominate as many qualified auditors as possible;
- (iii) encouraged Member States that may need assistance to enable them to participate in the Scheme, to seek such assistance through the ITCP; and
- (iv) decided to re-establish the Joint Working Group on the Member State Audit Scheme, comprising MSC, MEPC, TCC, FAL and LEG Committees' members and approved the proposed terms of reference for it as set out in the annex to document C 105/6.

6.3 The Council also noted:

- (i) the ongoing training of auditors;
- (ii) the assistance provided to Member States during the current year under the ITCP;
- (iii) the other technical assistance activities being provided in support of the Scheme; and
- (iv) the progress made in the conduct of audits and the anticipated delivery of audits scheduled for the rest of the current year.

6.4 With regard to document C 105/6/1, the Council noted the fourth consolidated audit summary report and requested the MSC and the MEPC to consider it and advise the Council, in due course, of the outcome of their consideration.

6.5 The Council further encouraged Member States and the Secretariat to identify difficulties preventing Member States from volunteering for audit, with the aim of addressing these at a future date.

Reference documents: C 105/6; C 105/6/1; resolution A.1018(26); C 105/SR.4

7 CONSIDERATION OF THE REPORT OF THE FACILITATION COMMITTEE (agenda item 7)

7.1 The Council noted the information set out in document C 105/7, as well as that provided orally by the Chairman of the Facilitation Committee and the Secretary-General, on the report of the Committee's thirty-sixth session (6 to 10 September 2010).

7.2 In particular, the Council noted:

- (i) the entry into force of amendments to the Annex to the FAL Convention;
- (ii) the present status of the FAL Convention;
- (iii) the progress made in the comprehensive review of the Convention;
- (iv) the finalization of an Explanatory Manual to the FAL Convention;
- (v) the progress made in relation to the transmission, by electronic means, of information relating to the clearance of ships, including the Single Window; and on the revision of the IMO Compendium on facilitation and electronic business;
- (vi) the development of a FAL resolution on Revised Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases;
- (vii) the Committee's request that the Secretariat continue the IMO Stowaway Focal Point trial period;
- (viii) the issuance, by the Committee, of guidance in relation to the facilitation aspects of denial of shore leave and access to ships;
- (ix) the Committee's request that the Secretariat continue the trial mechanism for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials, including those in packaged form used in medical or public health applications;
- (x) the action taken by the Committee on issues relating to the delivery of technical assistance in the field of facilitation of international maritime traffic;
- (xi) that thematic priorities for the facilitation of international maritime traffic would, as agreed by the Committee, be forwarded to the Technical Co-operation Committee for inclusion in the ITCP for the 2012-2013 biennium;
- (xii) the Committee's recommendation with regard to applications by non-governmental international organizations for consultative status;

- (xiii) the adoption of amendments to the Committee's Guidelines on organization and method of work, in accordance with the provisions of resolution A.1013(26);
- (xiv) the Committee's decision in relation to the role, mission, strategic direction and work of the Committee;
- (xv) the Committee's views with regard to the scheduling of FAL meetings; and
- (xvi) the recommendation that two meeting weeks should be allocated to the Committee during the 2012-2013 biennium.

7.3 The Council, having encouraged Members to make use of the in-house focal point for the facilitation of the resolution of stowaway cases, approved the report of the thirty-sixth session of the Facilitation 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.

Reference documents: C 105/7; FAL 36/17; C 105/SR.5

8 CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE (agenda item 8)

8.1 The Council noted the information set out in document C 105/8, as well as that provided orally by the Chairman of the Marine Environment Protection Committee and the Secretary-General, on the report of the Committee's sixty-first session (27 September to 1 October 2010).

8.2 In particular, the Council endorsed:

- (i) subject to MSC 88's concurrent decision, the Committee's proposals on activities, priorities and plan of meeting weeks of the two Committees and their subsidiary bodies for the 2012-2013 biennium, for inclusion in the Secretary-General's relevant budget proposals;
- (ii) the approval of intersessional meetings for working/technical groups in 2011; and
- (iii) the unplanned output approved by the Committee for the DE Sub-Committee, as set out in paragraph 35 of the document under review.

8.3 The Council also noted:

- (i) the adoption of amendments to MARPOL Annex III (revised MARPOL Annex III) and to MARPOL Annex VI (revised form of the Supplement to the IAPP Certificate);
- (ii) the progress made concerning the control of GHG emissions from ships, and the discussions that took place on the proposal to introduce mandatory energy efficiency measures for ships under MARPOL Annex VI and on market-based measures;

- (iii) the approval of draft amendments to MARPOL Annex VI to designate an Emissions Control Area in the waters surrounding the Commonwealth of Puerto Rico and the United States Virgin Islands and to exempt ships powered by old propulsion boilers, for circulation, with a view to adoption at MEPC 62;
- (iv) the decisions taken concerning the implementation of the BWM Convention, including the granting of Basic Approval to three, and Final Approval to six, ballast water management systems that make use of Active Substances;
- (v) the work carried out to promote the ratification and implementation of the Hong Kong Ship Recycling Convention;
- (vi) the approval of draft amendments to MARPOL Annex IV (designation of the Baltic Sea as a Special Area) and Annex V (revised Annex V) for circulation, with a view to adoption at MEPC 62;
- (vii) the action taken concerning the implementation of the OPRC Convention, the OPRC-HNS Protocol and relevant Conference resolutions; and
- (viii) the action taken concerning the Technical Co-operation Sub-programme for the Protection of the Marine Environment.

8.4 The Council approved the report of the sixty-first session of the Marine Environment Protection 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.

8.5 The Council noted, with appreciation, a US\$3 million contribution the Norwegian Development Cooperation Agency (Norad) had made to the Organization's Integrated Technical Co-operation Programme, focusing on marine-environment related activities.

8.6 The Council expressed its heartfelt condolences to the delegation of the United States for the untimely passing of Ms. Lindy Johnson, whose commitment to environmental issues had contributed significantly to IMO's work leading to the adoption of several relevant standards. It was also saddened to hear of the passing of Mr. Per Eriksson of Sweden, who had been Chairman of both the MSC and MEPC and winner of the International Maritime Prize.

8.7 The Council expressed deep appreciation to Mr. Miguel Palomares, Director, Marine Environment Division, who would be retiring at the end of 2010, after a long and distinguished career in IMO, in the Conference, Maritime Safety and Marine Environment Divisions; and welcomed Mr. Jo Espinoza-Ferrey as MED's new Director.

Reference documents: C 105/8; MEPC 61/24; C 105/SR.4

9 REPORT ON THE 32nd CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE LONDON CONVENTION 1972 AND THE 5th MEETING OF CONTRACTING PARTIES TO THE 1996 PROTOCOL TO THE LONDON CONVENTION (agenda item 9)

9.1 The Council noted the information set out in document C 105/9, as well as that provided orally by the Secretary-General, on the report of the 32nd Consultative Meeting of Contracting Parties to the London Convention 1972 and the 5th Meeting of Contracting Parties to the 1996 Protocol to the London Convention (11 to 15 October 2010).

Reference documents: C 105/9; LC 32/12; LC 32/15; A 26/16; C 105/SR.5

10 REPORT ON THE 2010 CONFERENCE OF PARTIES TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978 (agenda item 10)

10.1 The Council noted the information set out in document C 105/10, as well as that provided orally by the President of the 2010 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and the Secretary-General, reporting on the outcome of the Conference, which was held in Manila, the Philippines (21 to 25 June 2010).

10.2 In particular, the Council:

- (i) expressed appreciation to the President and other Officers, as well as to the Secretariat, for the successful conclusion of the Conference; and to the Government of the Philippines for hosting it and providing excellent host country facilities;
- (ii) authorized the Secretary-General to perform the depositary functions requested of him under the provisions of paragraph 23 of the Final Act;
- (iii) pending a decision by the twenty-seventh regular session of the Assembly, endorsed the designation of 25 June of every year as the "**Day of the Seafarer**", as set out in Conference resolution 19; and welcomed the inclusion of the Day, by the United Nations, in the list of annual UN observances; and
- (iv) authorized the Secretary-General to take appropriate action to promote and celebrate the Day of the Seafarer in 2011; and, likewise, invited Governments, shipping organizations, companies, shipowners and other parties concerned to take relevant appropriate actions.

Reference documents: C 105/10; STCW/CONF.2/32-34; C 105/SR.5

11 FINANCIAL SUSTAINABILITY OF THE WORLD MARITIME UNIVERSITY (agenda item 11)

11.1 The Council noted the information set out in document C 105/11 and its corrigendum, as well as that provided orally by the Chairman (Sweden) of the Correspondence Group, the Secretary-General and the President of the World Maritime University (WMU) on the University's financial sustainability.

11.2 The Council, reaffirming the immense importance of WMU in the implementation of IMO standards and in the provision of valuable services to the shipping industry, decided, in view of the inconclusive outcome of the Correspondence Group's work, to renew its mandate* with the same terms of reference and, in this regard, urged all Member States, as well as IGOs and NGOs, to participate in its work in order to develop a broad consensus on the measures necessary to ensure the financial sustainability of WMU.

11.3 The Council reiterated its deep appreciation to the Government of Sweden for its continuing financial support to WMU, and noted the Secretary-General's intention to explore funding proposals that, if found to be appropriate, might be examined within the context of his budget proposals for the next biennium.

Reference documents: C 105/11 and its corrigendum; resolution A.1031(26); C 104/12(b); C 105/SR.5 and SR.6

12 PROTECTION OF VITAL SHIPPING LANES (agenda item 12)

12.1 The Council noted the information set out in documents C 105/12, its addendum and C 105/INF.3, as well as that provided orally by the Secretary-General, on protection of vital shipping lanes.

12.2 With regard to 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 contribution made by Norway and pledged by Germany 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 Cooperative Mechanism and the two Funds.

12.3 With respect to the matter of piracy off the coast of Somalia, the Council noted:

- (i) that Oman had signed the Djibouti Code of Conduct; and the progress made in the implementation of the Code;

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- (ii) the continued engagement of the Secretariat in the activities of the Contact Group on Piracy off the Coast of Somalia, and its working groups;
- (iii) the correspondence exchanged between the Secretary-General, Executive Heads of other organizations and the Secretary-General of the United Nations, on the 2011 World Maritime Day theme; and
- (iv) the petition on piracy presented to the Secretary-General by representatives of international shipping and seafarers' organizations,

and expressed appreciation to the Secretary-General for his continued efforts in dealing with the issue of piracy off the coast of Somalia.

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 105/12 and Add.1; C 105/INF.3; C 104/14; C 104/D, paragraphs 14.3, 15(e).1 and 15(e).2; C/ES.25/D, paragraph 12.5; resolution A.1026(26); C 105/SR.6

13 EXTERNAL RELATIONS (agenda item 13)

(a) Relations with non-governmental organizations (agenda item 13(a))

13(a).1 The Council noted the information set out in documents C 105/13(a) and C 105/13(a)/1, as well as that provided orally by the Secretary-General, on relations with non-governmental organizations.

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

- (i) noted the information provided concerning the procedures by which consultative status to non-governmental organizations is granted; and
- (ii) decided to examine, at its next session, the Guidelines on the Grant of Consultative Status, in order to determine whether any amendments should be made to them.

13(a).3 The Council decided to grant consultative status to the Bureau International des Containers et du Transport Intermodal (BIC), on a provisional basis, for a period of two years.

13(a).4 The Council noted the change of name of the Vessel Operators Hazardous Materials Association, Inc. (VOHMA) to the International Vessel Operators Dangerous Goods Association, Inc. (IVODGA).

Reference documents: C 105/13(a); C 105/13(a)/1; C 104/D, paragraph 15(d).3; C 102/D; MSC 87/26; FAL 36/14; C 105/SR.6

(b) Report on World Maritime Day 2010 (agenda item 13(b))

13(b).1 The Council noted the information set out in documents C 105/13(b) and C 105/13(b)/1 (Argentina), as well as that provided orally by the delegation of Argentina and the Secretary-General, on World Maritime Day.

13(b).2 With regard to document C 105/13(b), the Council noted, in particular, the launch of the Seafarers' Rights International and the presentation of the petition calling for action to protect seafarers and ships at risk of attack by pirates.

13(b).3 The Council joined the Secretary-General in expressing appreciation for the very worthwhile contributions which various Member Governments, organizations and individuals had made to the success of the Day; by their attendance at the reception held in IMO Headquarters; and the kind and meaningful messages sent to the Secretary-General on the occasion.

13(b).4 The Council expressed appreciation to all Members and organizations, which had joined in the celebrations through various special events to mark the Day, and had informed the Secretariat, in advance of the Day, of those activities.

13(b).5 With regard to the sixth World Maritime Day parallel event, the Council, noting its successful organization, jointly, by the Government of Argentina and IMO, in Buenos Aires, on 7 and 8 October 2010, expressed appreciation to the Government of Argentina (in particular, the Ministry of Foreign Affairs, the Argentine Navy and the Prefectura Naval Argentina) for hosting the event; to the Member Governments and international organizations, which sent representatives to attend it; and to the media for covering it.

13(b).6 With regard to World Maritime Day 2011, the Council recalled its decision, at its 104th session, in June 2010, that the theme for the Day would be "Piracy: orchestrating the response", and noted that the Secretary-General would, as usual, make all necessary arrangements for the celebration of the Day, in accordance with past practice and decisions taken by the Council and the Assembly; further noted the preparation of an action plan on the theme, for delivery throughout 2011; welcomed the initiative to invite the UN Secretary-General to launch the action plan; and looked forward to being updated on developments in due course.

13(b).7 The Council recalled that the 2011 World Maritime Day parallel event would be hosted by Italy; and reiterated its appreciation to the Government of Italy for its offer and invitation.

Reference documents: C 105/13(b); C 105/13(b)/1; C 104/D; C 102/D; Circular letter No.3091; C 105/SR7.

14 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 14)

14.1 The Council noted the information set out in document C 105/14, as well as that provided orally by the Secretary-General, on the status of the Convention and membership of the Organization.

14.2 The Council endorsed the Secretary-General's recommendation that IMO Member States, which are not yet 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 105/14; C 105/SR.7

15 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 15)

15.1 The Council noted the information set out in document C 105/15, its addendum and its corrigendum, 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.

15.2 The Council noted that:

- (i) the Manila amendments to the STCW Convention and Code, adopted in June 2010, are expected to enter into force on 1 January 2012, under the tacit amendment procedure; and
- (ii) the signature period for the 2010 HNS Protocol opened on 1 November 2010, and would remain open until 31 October 2011, and encouraged Governments to sign it.

15.3 The Council endorsed and supported the Secretary-General's continuing efforts to encourage Governments to consider accepting those IMO treaty 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 1993 Torremolinos Protocol and the 1995 STCW-F Convention, the latter needing 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.

15.4 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 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.

15.5 The Council noted that 20 ratifications were still needed to meet the entry into force requirements of the ILO Maritime Labour Convention, 2006, and urged Governments to ratify it, given the impetus it would provide, once it has entered into force, to encourage young people to enter the seafaring profession.

15.6 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 105/15 and Add.1; C 105/15/Corr.1 (English and Spanish only); C 105/SR.7

16 APPOINTMENT OF THE SECRETARY-GENERAL (agenda item 16)

16.1 The Council noted the information set out in documents C 105/16 and C 105/16/1 (Council Chairman), as well as that provided orally by the Secretary-General, on the practices and procedures for the appointment, selection and conditions of service of the Secretary-General of the Organization.

16.2 With regard to document C 105/16, concerning the Joint Inspection Unit (JIU) report entitled "Selection and Conditions of Service of Executive Heads in the United Nations System Organizations" (JIU/REP/2009/8), the Council endorsed the actions proposed by the Secretary-General to be taken in response to each JIU recommendation, in particular those given in paragraphs 17 and 19 of the document.

16.3 With regard to document C 105/16/1, concerning the appointment of the next Secretary-General, the Council invited the Secretary-General to inform all Member States that:

- (i) in accordance with Article 22 of the IMO Convention, the Council would take the necessary action, at its June 2011 session, with regard to the appointment of the next Secretary-General, for submission to the Assembly for its approval at its next regular session;
- (ii) nominations from Member Governments for candidates for the position of Secretary-General would be invited, to reach IMO by 31 March 2011 at the latest;
- (iii) the Secretary-General would, soon after 31 March 2011, circulate to the Council, any candidacies received, or any other communications received in response to the invitation referred to above; and
- (iv) the appointment of the next Secretary-General of the Organization would be placed on the agenda of the June 2011 session of the Council.

16.4 With regard to the voting procedure for the election of the Secretary-General, the Council agreed:

- (i) to amend Rule 37 of the Council's Rules of Procedure by replacing the words "ensuing meeting" with the following words:

"first suitable subsequent opportunity during the same session of the Council";

- (ii) in order to address the situation, where four or more candidates are standing for election as Secretary-General, a new rule 37*bis* should be added, as follows:

"In the event of four or more candidates standing for the position of Secretary-General, if, in the first and subsequent ballots, no candidate obtains a majority in accordance with Rule 37, a number of successive ballots shall be held, in each of which the candidate who received the least number of votes in the previous ballot shall not be included in the list of candidates for the subsequent ballot."; and

- (iii) to address the situation, where two or more candidates gain the same number of votes for the joint lowest position, a new paragraph 37 *ter* should be added as follows:

"In cases where two or more candidates gain the same number of votes in joint lowest position, a run-off ballot shall be held between them and the candidate gaining the lowest number of votes shall be eliminated from subsequent ballots."

16.5 The Council noted the Secretary-General's intention to submit, to its 106th regular session, information explaining how the revised Rules are anticipated to work in practice, and also noted that it may be necessary in the future to review the Rules on voting generally.

Reference documents: C 105/16; C 105/16/1; C 104/15(b); C 88/27(b); C 89/30; C 90/33; C 105/SR.7 and SR.8

17 SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDAS FOR THE NEXT TWO SESSIONS OF THE COUNCIL (agenda item 17)

17.1 The Council noted the information set out in document C 105/17 and that provided orally by the Secretary-General, on the substantive items proposed for inclusion in the provisional agendas for its 106th regular and twenty-sixth extraordinary sessions.

17.2 With regard to the agenda for the 106th regular session, the Council approved the addition of an agenda item after "Appointment of the Secretary-General", to read "Appreciation of the services to the Organization of Mr. E.E. Mitropoulos"; and noted that the adoption of the agendas would take place at the beginning of each session, in accordance with the usual practice.

17.3 The Council agreed to the proposed dates for each session, 27 June to 1 July 2011 and 17 and 18 November 2011, respectively, as well as to their duration, namely, five days for the 106th regular session and two days for the twenty-sixth extraordinary session. The Council also agreed to delete the square brackets around the item "(h) Day of the Seafarer" in the agenda of the 106th regular session.

Reference documents: C 105/17; C 105/SR.7

18 PLACE AND DATE OF THE NEXT SESSION OF THE COUNCIL (agenda item 18)

18.1 The Council noted the information set out in document C 105/18, as well as that provided orally by the Secretary-General, and reiterated its decision that the 106th session of the Council be held at the Headquarters of the Organization from 27 June to 1 July 2011.

Reference documents: C 105/18; C 105/17; C 105/SR.7