

KPI Information Update IU-51-2013

(IMO 28th Assembly Outcome [held from 25th November to 4th December 2013])

► **Brief description:** IMO Assembly is the highest Governing Body of the organisation. It consists of all Member States (170) and meets once every two years where it approves the work programme, votes the budget and determines IMO financial arrangements. The Assembly also elects a Council for a two year term as is the case for 2014 and 2015.

By way of explanation, the Council is the Executive Body of the IMO and is responsible, under the Assembly, for supervising the IMO work. Between the two-yearly sessions of the Assembly the Council performs a majority of all Assembly functions most notable of which is that of appointing the Secretary-General, though subject to approval by the Assembly.

Council members are elected in three categories as follows:

1. Category (a) 10 States with the largest interest in providing international shipping services
2. Category (b) 10 other States with the largest interest in international seaborne trade, and
3. Category (c) 20 States not elected under (a) or (b) above which have special interest in maritime transport or navigation and, importantly, whose election to the Council will ensure the representation of all major geographic interests of the world.

A great deal of the first week was spent by relevant Member States making their case for election to the Council for the next biennium 2014 / 2015. On this occasion, the 10 sitting States in Category (a) and (b) were unchallenged whilst 24 Members vied for the 20 places in Category (c). Voting slips for this third category were cast by the 157 Member States present of which 154 were valid.

The Council, as the elected executive body of 40 Member States, normally meets twice a year (once a year during Assembly year) and monitors the status of the biennial budget, also the progress of work by the legal and technical bodies, i.e. Legal, Facilitation, Technical Co-Operation, Maritime Safety and Marine Environment Protection Committees, with the

latter two - the MSC and the MEPC - acting as the 'Parent bodies' of the recently reorganised specialist Sub-Committees.

The composition of the New Council is:
 Category (a) *China, Greece, Italy, Japan, Norway, Panama, Republic of Korea, Russian Federation, UK and USA.*

Category (b) *Argentina, Bangladesh, Brazil, Canada, France, Germany, India, Netherlands, Spain and Sweden.*

Category (c) *Australia, Bahamas, Belgium, Chile, Cyprus, Denmark, Indonesia, Jamaica, Kenya, Liberia, Malaysia, Malta, Mexico, Morocco, Peru, Philippines, Singapore, South Africa, Thailand and Turkey. [Peru replaces Egypt but the composition of Category (c) is otherwise unchanged.]*

In order to achieve its objectives, succeeding Assemblies adopt three documents:

- (1) The Strategic Plan (SP), covering a six-year period;
- (2) The High Level Action Plan (HLAP) covering the biennium, i.e. over the next 2 years, and
- (3) The Results-Based Budget (RBB), also over the biennium.

In simple terms, the Assembly then sets out to quantify the high-level actions necessary to achieve the directions laid out in the Strategic Plan and as provided for in the Results-Based Budget.

► **Points of interest from the meeting suitably abbreviated as follows:**

- ✓ STRATEGY, PLANNING AND REFORM. A draft Assembly resolution on 'High Level Action Plan of the Organisation' and priorities for the 2014 - 2015 biennium was adopted in Plenary.
- ✓ IMO MEMBER STATE AUDIT SCHEME. It was decided that after transition from voluntary to mandatory, the Audit

Scheme should be arranged and carried out in line with the Framework and Procedures using the III Code (IMO Instrument Implementation Code) as the audit standard.

- ✓ REPORTS AND RECOMMENDATIONS OF MSC, MEPC AND FAL COMMITTEES.

► Reports and recommendations by all three committees during the period under review were approved and adopted as follows:

I) MSC: Four draft Assembly resolutions related to maritime safety were adopted:

1. IMO Ship Identification Number Scheme
2. Recommendations for the training and certification of personnel on mobile offshore units (MOU)
3. Recommendation on the use of adequately qualified deep-sea pilots in the North Sea, English Channel and Skagerrak
4. Recommendation on the use of adequately qualified deep-sea pilots in the Baltic

A further seven draft Assembly resolutions related to both maritime safety and marine environment protection were also adopted:

1. IMO Instrument Implementation Code (III Code)
2. Revised guidelines on the implementation of the International Safety Management (SM) Code by Administrations
3. Revised guidelines for a structure of an integrated system of contingency planning for shipboard emergencies
4. Recommendation on the use of national tonnage in applying international conventions
5. Guidelines to assist investigators in the implementation of the Casualty Investigation Code
6. Amendment to the survey guidelines under the Harmonised System of Survey and Certification (HSSC), 2011
7. 2013 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code

II) MEPC: Two draft Assembly resolutions were adopted:

1. 2013 Guidelines for the designation of special areas under MARPOL, and
2. Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004.

It was noted that MEPC 65 had approved (2) with a view to providing confidence in the application of the BWM Convention. The resolution will allow flag states to give owners up until the first special survey date of a vessel after the convention comes into force, to be compliant, and this could mean up to a five-year respite for some.

The criteria of at least 30 Member States has already been exceeded by 5, representing 31% of world tonnage and the Convention will come into force a year after the percentage of the global fleet represented by signatories exceeds 35%. So far, 31 BW systems have gained full type-approval out of a total of 71 systems being developed or tested.

Ship-owners generally consider that the testing process is not robust enough, indeed the US has drawn up its own regulations which will come into force soon and they will not ratify the BWM Convention. Vessels built before this month will have until the first scheduled survey, after either 2014 or 2016 depending on ballast-water capacity. IMO type-approval of systems will also require US approval of which there is none to date.

However, 27 have received a provisional permit known as an 'Alternative Management System' (AMS) and having such a permit grants them a five-year window to operate in accordance with the rules. Type approval by the US authorities for which manufacturers must apply is more stringent than that for IMO.

III) FAL: Two draft Assembly resolutions were adopted:

1. Implementation of the Facilitation Convention, and
2. Fair treatment of Crew Members in respect of shore leave and access to shore-side facilities.

The short-term solution at (2) was proposed by the Islamic Republic of Iran pending the entry into force of relevant amendments to the FAL Convention.

► **AMENDMENTS (MINOR) were made to:**

- ✓ The International Convention on Load Lines, 1966
- ✓ The International Convention on Tonnage Measurement of Ships, 1969, and
- ✓ The International Regulations for Preventing Collisions at Sea, 1972

SUMMARY RECORDS OF ASSEMBLY

- *A new system offering the ability to record discussions in all the six interpreted languages of the Assembly's plenary meetings found favour with a majority of the Committee. The traditional (and costly) hard-copy Summary Record will accordingly be suspended for this session of Assembly and the impact of doing so duly evaluated by the Secretariat, reporting to Assembly 29 in two years' time. The capability of recording Plenary in the Committee Room simultaneously with Room 9 or 10 will also be further investigated.
- *LIMITATION OF LIABILITY FOR MARITIME CLAIMS (LLMC 96). Amendments to LLMC 96 are expected to enter into force on 8 June 2015 raising the general limits in article 3 by some 51%, and reflect the changes in monetary values that have occurred since the last increase in 1996.
- *PRESERVATION AND COLLECTION OF EVIDENCE ON BOARD. Following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, draft Guidelines have been produced to assist ship's Masters in the preservation of evidence and in the pastoral and medical care of persons affected; also, when appropriate, in the collection of evidence during the period between receipt of a report of a possible serious crime having been committed on board and the time when law enforcement authorities or other professional crime scene investigators take action.
- *PIRACY. Note was taken of the Legal Committee's strong support for a proposal that organisations in consultative status with IMO should share their experience in resolving problems relating to the apprehension of pirates as well as its agreement to collaborate closely with the United Nations Interregional Crime and Justice Research Institute (UNICRI) with regard to piracy-related issues.
- *THE INTEGRATED TECHNICAL CO-OPERATION PROGRAMME (ITCP). The Committee noted that the ITCP for 2014 - 2015, comprises 15 regional and global programmes to provide assistance to developing countries, with a total funding requirement of \$25.2 million.
- *RESULTS-BASED BUDGET FOR THE 2014 - 2015 BIENNIUM. Plenary endorsed the Secretary General's Mixed Zero-Growth policy for the regular biennium 2014- 2015 budget, representing Zero Nominal Growth for 2014 and Zero Real Growth of 2.9% for 2015. This represents a regular budget for the 2014 - 2015 biennium of £64,304,000, comprising an appropriation of £31,686,000 for 2014 and £32,618,000 for 2015. It also agreed to a total number of meeting-weeks of 32.6, comprising 17.2 weeks for 2014 and 15.4 weeks for 2015.
- *COUNCIL 111 MEETING. Following completion of Assembly 28, the newly elected Council met for its 111th session. No matters additional to the many issues at Assembly were discussed but candidates for the Chairman and Vice Chairman posts were considered. In the event, Mr J Lantz (USA) was re-elected as Chairman, also Mr D Ntuli (SOUTH AFRICA) as Vice Chairman. The 112th regular session of the Council will be held at IMO from 16 through 20 June 2014.