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## **GENERAL**

The ninety-fourth session of the Council was held from 20 to 24 June 2005 under the Chairmanship of Mr. L. Díaz-Monclus (Venezuela). The Vice-Chairman, Mr. J. Franson (Sweden), was also present.

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

At their request, the delegations of Angola, Antigua and Barbuda, Belize, Benin, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Gabon, Iran (Islamic Republic of), Jamaica, Kenya, Liberia, Malaysia, Marshall Islands, Mauritius, Morocco, New Zealand, Pakistan, Papua New Guinea, Peru, Saint Vincent and the Grenadines, Thailand, Tuvalu, Uruguay, Vanuatu and the Associate Member, Hong Kong, China were invited to attend the session as observers.

**Reference document:** C 94/SR.1

## **1 ADOPTION OF THE AGENDA (agenda item 1)**

1.1 The Council adopted the agenda contained in document C 94/1/Rev.1 and the proposed provisional timetable and noted, with approval, the introduction of annotations to the agenda in document C 94/1/1.

1.2 The Council agreed to the circulation of a working paper (C 94/WP.1) on the refurbishment of the Headquarters building, which had been submitted by the United Kingdom after the deadline for the submission of documents established by the Guidelines on the organization and method of work of the Council (Circular letter No.2601).

1.3 With respect to agenda item 17(d) on Relations with non-governmental organizations, the Council convened a small group composed of members of the delegations of Argentina, China, Egypt, Italy, the Philippines, Spain and the United States and open to other interested Council Members to screen the application for consultative status submitted by the International Center for Environmental Research (ICFER). Mr. N.F. Ferrer (Philippines) was invited to chair the Group.

**Reference documents:** C 94/1/Rev.1; C 94/1/1; C 94/SR.1

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

2.1 The Council noted the Secretary-General's report that the credentials of delegations attending the session were in order in accordance with rule 9 of the Rules of Procedure of the Council.

**Reference documents:** C 94/2; C 94/SR.1 and SR.3

### **3 RESOURCE MANAGEMENT (agenda item 3)**

#### **(a) Personnel matters, including amendments to the Staff Regulations and Staff Rules (agenda item 3(a))**

3(a).1 The Council noted the information set out in document C 94/3(a) and its addendum, and that provided orally by the Secretary-General on personnel matters. The Council also took note of the information provided by the Secretary-General concerning the Organization's contingent liabilities arising under Appendix D of the Organization's Staff Regulations and Staff Rules.

3(a).2 The Council requested that, in future, information on the breakdown of professional positions by country, grade and gender also be provided on staff in positions located outside IMO Headquarters.

3(a).3 The Council considered the conclusions and recommendations in the report on augmenting the Secretariat's resources with statistical analysis skills provided at annex to document C 94/3(a)/1. The Council welcomed the proposals made and the proposed two-step approach to the acquisition of statistical analysis skills, underlining the need for consistency with statistics prepared by other organizations and the need to avoid duplication of work done by others. In noting the conclusion and recommendations in the report, the Council decided to take them into account when considering the Secretary-General's work programme and budget proposals for the 2006-2007 biennium under agenda item 6.

3(a).4 The Council expressed appreciation for the organizational initiatives taken, including the redeployment of resources, to secure enhanced efficiency and effectiveness and to absorb new demands, to the extent this was practicable.

**Reference documents:** C 94/3(a) and Add.1; C 94/3(a)/1; C 94/3(e)/Add.2; C 93/9(a)/Add.1; C 93/D; C 93/5; C 94/SR.1

#### **(b) Accounts and audit: accounts for the first calendar year of the twenty-third financial period and transfers within the 2004 budget (agenda item 3(b))**

3(b).1 The Council noted the information set out in document C 94/3(b) and its addenda on Accounts and audit: accounts for the first calendar year of the twenty-third financial period and transfers within the 2004 budget, and that provided orally by the Secretary-General; and expressed appreciation for the improved format in which the information was provided, which rendered it more transparent.

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

- (i) noted the Secretary-General's financial report and accounts for 2004;
- (ii) endorsed the year-end transfers between major programmes;
- (iii) welcomed the unqualified opinion of the Comptroller and Auditor General of India;
- (iv) noted the financial out-turn for 2004 and the achievement of a budgetary surplus of £108,069;

- (v) welcomed, with appreciation, the achievement of a contribution level of 96.48%;
- (vi) welcomed the sustained volume of sales of IMO publications;
- (vii) expressed appreciation to the External Auditor;
- (viii) welcomed the Secretary-General's attention to his stewardship of the Organization's Funds and his report to the Council; and
- (ix) decided to forward the financial statements, schedules, Notes to the Accounts and the Comptroller and Auditor General's report to the twenty-fourth regular session of the Assembly, expressing its satisfaction with the Comptroller and Auditor General's unqualified report.

**Reference documents:** C 94/3(b) and Add.1-2; C 92/17(b) and Add.1-2; resolution A.942(23); C 94/SR.1

**(c) Report on investments (agenda item 3(c))**

3(c).1 The Council noted the information set out in document C 94/3(c) containing a Report on the Organization's investments, and that provided orally by the Secretary-General.

**Reference documents:** C 94/3(c); C 93/5; C 93/D; C 94/SR.2

**(d) Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 56 of the IMO Convention (agenda item 3(d))**

3(d).1 The Council noted the information set out in document C 94/3(d) and its addenda containing a report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 56 of the IMO Convention, and that provided orally by the Secretary-General.

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

- (i) noted the continuing arrears of the Member States identified in the documents and the Secretary-General's report;
- (ii) urged all Member States and Council Members, in particular, to remit all outstanding contributions;
- (iii) reiterated its C 93 decision that the terms of Article 56 of the IMO Convention be strictly enforced between Assembly years;
- (iv) agreed that the loss of a Member State's voting rights under Article 56 of the IMO Convention did not entail a loss of its voting rights at meetings of Committees insofar as these relate to any votes on amendments to multilateral instruments to which the Member State is a Party; and

- (v) commended the Secretary-General on the actions he had taken to improve the rate of payments of arrears of contributions particularly bearing in mind their importance to balancing the IMO budget.

**Reference documents:** C 94/3(d) and Add.1-2; C 93/9(c)/Add.1; C 94/SR.2

**(e) Preliminary consideration of work programme and budget prospects for 2005 (agenda item 3(e))**

3(e).1 The Council noted the information on preliminary consideration of work programme and budget prospects for 2005, contained in document C 94/3(e) and the status report on programme delivery provided in Addendum 2 (annex1) to the same document, as well as the information provided orally by the Secretary-General.

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

- (i) noted the forecast out-turn level of the regular budget expenditure for 2005 and, further to the approval given by the Council at its twenty-second extraordinary session and the Assembly at its twenty-third regular session, authorized the Secretary-General to make transfers between Major Programmes to the extent that balances were available to cover or reduce deficits in programme appropriation balances;
- (ii) noted the Secretary-General's plan, subject to any unforeseen expenditure demands during the remaining months of the year, to transfer the appropriation for capital investment of £100,000 to the Headquarters Capital Fund prior to finalizing the accounts for 2005;
- (iii) noted the forecast level of the year-end cash surplus of the General Fund and the dependency of this forecast on a level of contribution receipts of at least 97 per cent and, accordingly, urged Member States to remit their financial contributions promptly in accordance with the Organization's Financial Regulations and Financial Rules;
- (iv) welcomed the anticipated increase in publication sales for 2005 and the consequential improvement of the year-end fund balance available for transfers in 2006 and 2007;
- (v) noted, with concern, the reduced transfer made to the Headquarters Capital Fund and the forecast year-end fund balance and reserves;
- (vi) noted the forecast expenditure level for 2005 in the Termination Benefit Fund and the year-end fund balance and reserves;
- (vii) noted, with concern, the reduced transfer from the General Fund to the Training and Development Fund and consequential forecast year-end fund balance and reserves;
- (viii) noted the forecast expenditure level for 2005 in the Technical Co-operation Fund and the year-end balance and reserves;

- (ix) welcomed the Secretary-General's commitment to balancing the Organization's programme needs within the approved appropriation;
- (x) noted information on the IMODOCS contained in Addendum 1 to document C 94/3(e) as well as a relevant progress report provided in Addendum 2 (annex 2) to the same document;
- (xi) welcomed the Secretariat's response in making all possible improvements within the functional capabilities of the current IMODOCS operating system; and
- (xii) noted the resource implications for major IT system enhancements in the future, which would be discussed under agenda item 6 (Work Programme and budget for the twenty-fourth financial period 2006-2007).

3(e).3 With regard to document C 94/3(e)/1, concerning the performance indicators identified in the Organization's Strategic Plan, the Council:

- (i) noted and welcomed the information provided in annexes 1, 2 and 3 to the said document;
- (ii) referred the annexes to the document to the next session of the *ad hoc* Council Working Group on the Organization's Strategic Plan (to take place from 19 to 23 September 2005) for information and consideration in the context of its review of the Strategic Plan; and
- (iii) instructed the Secretariat to prepare an analysis of the data and to draw any relevant conclusions to aid the Working Group in its work in reviewing the Strategic Plan, the high-level action plan and biennium priorities.

3(e).4 With regard to document C 94/3(e)/3, concerning the results of the Pilot Scheme for the Electronic Access to certain IMO Publications, the Council, having noted the advice of the Chairman of the Technical Co-operation Committee and the Secretary-General's comments, decided to maintain the Scheme for another year and to evaluate its effectiveness in accordance with the recommendations of the TCC.

3(e).5 The Council requested the Secretariat to undertake a survey, within the ambit of the ITCP, to assess the relative impact of the Scheme on developing countries and to assess how the scheme might be utilized more extensively and effectively by developing countries; and requested the Secretary-General to report the outcome of the survey at C 96.

**Reference documents:** C 94/3(e) and Add.1-2; C 94/3(e)/1-3; C 93/9(e); resolution A.942(23); TC 55/9; TC 51/6/1; TC 52/9; TC 53/11; C 90/23; C/ES 22/18 and Add.1; TC 54/12; C 92/14 and Add.1; C 94/SR.3



#### **4 PROGRAMME FOR CHANGE (agenda item 4)**

##### **(a) ERP (agenda item 4(a))**

4(a).1 The Council noted the information set out in document C 94/4(a) and its addendum, on progress made in the implementation and optimization of the use of SAP, the Organization's chosen Enterprise Resource Planning (ERP) system, and that provided orally by the Secretary-General.

4(a).2 The Council welcomed the progress made on:

- (i) the post-implementation work and progress made with SAP and the ERP system; and
- (ii) realizing benefits from SAP and the ERP system to date.

4(a).3 The Council noted information in document C 94/WP.3 on queries raised during discussion in respect of ERP savings.

4(a).4 The Council expressed appreciation for the efforts made by the staff to introduce and optimize the use of the SAP system to the benefit of the Organization.

**Reference documents:** C 94/4(a) and Add.1; C 94/WP.3; C 93/7 and Add.1; C 94/SR.3

##### **(b) HQ building refurbishment (agenda item 4(b))**

4(b).1 The Council noted the information set out in document C 94/4(b) and its addendum, which it had requested the Secretary-General and the United Kingdom to provide at its last session, and also noted the Secretary-General's report on negotiations which had taken place with the United Kingdom Government since C 93, as set out in document C 94/4(b)/1.

4(b).2 The Council welcomed revised proposals made by the Host Government as set out in document C 94/WP.1 and, in particular, its willingness to share a greater part of the costs burden. Recognizing the importance of undertaking some key elements of the unavoidable works programme without undue delay, plus some elements of other work, the Council:

- (i) agreed, in principle, to going forward with a revised programme of works on the basis of the 90:10 cost-sharing formula;
- (ii) invited the Secretary-General and the Host Government to continue their negotiations with a view to identifying the detailed programme of work to be undertaken within the proposed phase 1 funding limit of £25 million;
- (iii) requested the Secretary-General to present more detailed information to the twenty-third extraordinary session of the Council, including alternative options for financing the programme of work, on the basis of guidance from the Council, proposals for any necessary amendments to the budget and appropriations for the next biennium; and identification of any repercussions on the meetings' programme;

- (iv) expressed appreciation to the Secretary-General for vigorously pursuing the Council's mandate to find an acceptable solution to the needs of the Organization for a cost-effective solution to the refurbishment of the Headquarters building; and
- (v) expressed appreciation to the Host Government for adopting a flexible approach to the benefit of the Organization and its membership.

**Reference documents:** C 94/4(b) and Add.1; C 94(b)/1; C 94/WP.1; C 93/D; C 93/9(e)/1; C 94/SR.3 and SR.4

## **5 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME (agenda item 5)**

5.1 The Council noted the information set out in document C 94/5, containing the report of the third session of the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme (Joint Working Group), as well as that set out in documents C 94/5/2 and C 94/5/3, reporting on the outcome of MSC 80 and TCC 55's consideration of the report of the Group, and that provided orally by the Chairman of the Joint Working Group and the Secretary-General.

5.2 The Council:

- (i) endorsed the opinion of the Joint Working Group that the Model Memorandum of Co-operation and associated documentation should seek to clarify the geographical scope of the particular audit, and that a separate Model Memorandum of Co-operation might be required for overseas/dependent territories;
- (ii) endorsed the view of the Joint Working Group that there is no requirement for Member States to have a quality management system other than the quality standards system required by the STCW Convention, as amended, and that the Audit Scheme is not to establish conformity with ISO 9001 requirements, but to establish compliance with the Code for the implementation of mandatory IMO instruments; and that auditors should, therefore, be properly trained to audit, based on the approved audit standard;
- (iii) agreed by a large majority, to align fully the text of the draft Framework with respect to UNCLOS with that contained in paragraphs 4 and 5 of the draft Code for the implementation of mandatory IMO instruments;
- (iv) noted that the Joint Working Group had developed guidance to auditors on the STCW Convention and that MSC 80 had endorsed the guidance;
- (v) concurred with the opinion of the Joint Working Group that, with regard to lead auditor and auditor's qualifications, the phrase (e.g. "in accordance with ISO 19011 or any subsequent ISO standard"), as contained in paragraphs 4.2.1 and 4.3.1 of the draft Procedures, is an example and should not be the limiting factor in the nomination and acceptance of auditors; but that other appropriate experience and auditor's qualifications should also be taken into account;

- (vi) endorsed the view of the Joint Working Group of the need to retain a structured approach in determining the scope of any audit, and that there would be no selective approach for the provisions of any mandatory instruments. However, some degree of flexibility should be afforded to those Member States that ratify certain instruments close to the audit taking place, or to accommodate other pragmatic reasons for restricting the scope of the audit;
- (vii) endorsed the decision of the Joint Working Group that, in cases where it is not possible to resolve differences amicably by negotiation, the audited Member State will be able to provide its views in writing and these would be annexed to the audit interim report and, if unresolved, the final report; and
- (viii) concurred with the decision of the Joint Working Group that, while the audited Member State's corrective action plan should be presented to the Secretary-General within 90 days of receiving the audit interim report, flexibility should be allowed for a Member State, in exceptional circumstances, to provide justifiable reason(s) to the Secretary-General if the 90-day deadline cannot be met.

5.3 With regard to the draft Framework for the Voluntary IMO Member State Audit Scheme and its appendices, the Council decided:

- (i) to delete the words "security" and "recognized security organizations" in the draft Framework, as recommended by MSC 80;
- (ii) to note the decision of MSC 80 to develop, at an appropriate time, suitable provisions for the eventual inclusion of other safety and security-related issues in the Audit Scheme, taking into account the experience gained from the implementation of the Scheme and salient safety and security-related issues; and
- (iii) to approve the draft Framework and its appendices, as amended, recognizing that MSC 80 and TCC 55 had already endorsed the draft Framework and appendices, subject to C/ES.23 consideration of any recommendations that MEPC 53 might make on the matter.

5.4 The Council approved the draft Procedures for the Voluntary IMO Member State Audit Scheme and appendices, recognizing that MSC 80 had already endorsed them, subject to C/ES.23 consideration of any recommendations MEPC 53 might make on the matter, and instructed the Secretariat, with assistance from the co-ordinator of the correspondence group on the Audit Scheme, to clean up the text for any possible editorial errors and inconsistencies.

5.5 The Council approved the draft Assembly resolution on "Framework and Procedures for the Voluntary IMO Member State Audit Scheme", recognizing that MSC 80 and TCC 55 had already endorsed it, subject to C/ES.23 consideration of any recommendations MEPC 53 might make on the matter.

5.6 The Council, noting that the Group had addressed its terms of reference and completed its work as set out in document C 92/13/Add.1, approved the report in general and expressed appreciations to Mr. R. Kilvington (New Zealand), Chairman of the Joint Working Group, Mr. J. Rasmussen (Denmark), Co-ordinator of the Council's Correspondence Group and all those, including the Secretariat, who participated in the development of the documentation for the Voluntary IMO Member State Audit Scheme which had led to a successful outcome.

5.7 The Council noted the information set out in document C 94/5/1, on the operational cost estimates and funding options, and that provided orally by the Secretary-General.

5.8 In particular, the Council:

- (i) noted that a reasonable pool of duly trained auditors could be developed by mid-2006, based on Member States nominating qualified auditors for training under the Scheme, taking into account the proposed technical co-operation global programme for the Scheme, which has been included in the ITCP for the 2006-2007 biennium;
- (ii) noted the need for Member States to volunteer for audits, possibly by 31 March 2006, to facilitate the development of the initial overall IMO audit plan for submission to the Council in June 2006;
- (iii) endorsed, in principle, the assumptions made in arriving at 20 to 30 possible audits for the biennium 2006-2007 and requested the Secretary-General to take appropriate action to implement the Scheme within the relevant budget appropriations and available funds, with due regard to priorities and a degree of flexibility;
- (iv) noted the revised operational cost estimate of £337,500 for the conduct of 25 audits during the biennium 2006-2007; and that requests from Member States for pre-audit visits by the audit team leader and any possible need for an audit team leader to travel to IMO Headquarters would be dealt with on a case-by-case basis;
- (v) agreed that audit visits would be financed by the Member State volunteering to be audited and that Member States volunteering for audits would have to indicate, in their official confirmation of their desire and readiness for audit, that they are also prepared to meet the travel and DSA costs of the audit team; and
- (vi) noted that a formalized Trust Fund for funding the operational cost of the Audit Scheme may not be necessary at this stage and each Member State volunteering for audit should ensure that the established operational cost of the audit visit be fully funded by it prior to the audit.

**Reference documents:** C 94/5; C 94/5/1-3; C 94/WP.4; C 93/6; C 93/D; TC 55/3/2; C 92/D; JWGMSA 3/2; MSC 80/8, MSC 80/24 (annex 9); C 94/SR.4, SR.5 and SR.6

## **6 WORK PROGRAMME AND BUDGET FOR THE TWENTY-FOURTH FINANCIAL PERIOD 2006-2007 (agenda item 6)**

6.1 The Council noted the information set out in document C 94/6, its addendum and document C 94/6/1 on the proposed work programme and budget for the biennium 2006-2007, and that provided orally by the Secretary-General.

6.2 The Council expressed appreciation for the transparent and thorough documentation and its improved structure aligning the work programme with the Strategic Plan; and for the presentation of a work programme and budget which recognized the need for prudence.

6.3 The Council accordingly welcomed the Secretary-General's efforts to secure efficiencies and economies in operation and endorsed the focus and priorities placed in the proposed work programme, which set an agenda for addressing safety, security and environmental issues of concern to Member Governments.

6.4 The Council, noting the various comments and proposals made by Governments, requested the Secretary-General to present a revised budget to its twenty-third extraordinary session and, in particular:

- (i) broadly endorsed the Secretary-General's proposals for a Zero Real Growth level of appropriation for 2006-2007, subject to a review of the pay and price assumptions used; and also subject to an adjustment to the appropriation related to the non-replacement of the reprographic equipment and the savings consequent on the closure of the Production Unit;
- (ii) endorsed the Secretary-General's decision on the closure of the Production Unit as well as the strengthening of the Secretariat to address new demands;
- (iii) agreed to the transfer to the Technical Co-operation Fund of not less than the £3 million amount suggested by TCC 55 and looked forward to the Secretary-General's proposals with respect to funds to replenish the Headquarters Capital Fund, the Termination Benefit Fund and the Training and Development Fund;
- (iv) requested the Secretary-General to take into account in his revised proposals the decision, in principle, to go ahead with the refurbishment of the Headquarters building;
- (v) decided that referral of the work programme and budget to the *ad hoc* Working Group on the Organization's Strategic Plan was not necessary and amended accordingly the terms of reference for the Group's fifth session, proposed in the annex to document C 94/3(e)/2, scheduled to take place from 19 to 23 September 2005; and
- (vi) welcomed the intention of the delegation of Mexico to submit proposals to the Council's twenty-third extraordinary session for a new mechanism to establish an appropriate level of transfers to the Technical Co-operation Fund of the surplus from the Printing Fund.

**Reference documents:** C 94/6 and Add.1; C 94/6/1; C 94/3(a)/Add.1; C 94/3(a)/1; C 94/3(e); C 94/3(e)/2; C 94/SR.6 and SR.7

## **7 TECHNICAL CO-OPERATION FUND – BIENNIAL ALLOCATION TO SUPPORT THE ITCP PROGRAMME FOR 2006-2007 (agenda item 7)**

7.1 The Council noted the information contained in document C 94/7 and its addendum on the biennial allocation of funds from the Technical Co-operation Fund to support the delivery of the ITCP during 2006-2007, and that provided orally by the Secretary-General.

7.2 In particular, the Council:

- (i) approved, in principle, a transfer of £3m in the 2006-2007 biennium from the surplus of the Printing Fund to the Technical Co-operation Fund;
- (ii) deferred consideration of further transfers to the TC Fund to agenda item 6 (Work Programme and Budget for the twenty-fourth financial period 2006-2007);
- (iii) approved the proposed biennial allocation of £5,155,400 from the TC Fund, and its programmed use, to support the essential activities of the ITCP during 2006-2007; and
- (iv) authorized the Secretary-General to use the un-programmed funds of the TC Fund, during the next biennium, should demands or partnership opportunities arise.

**Reference documents:** C 94/7 and Add.1 ; C 94/11 and Add.1 ; TC 55/3 ; TC 55/3/3 and 4; TC 55/3/4/Corr.1; C 94/SR.6

## **8 PROTECTION OF VITAL SHIPPING LANES (agenda item 8)**

8.1 The Council took note of the information contained in document C 94/8 on protection of vital shipping lanes, and that provided orally by the Secretary-General and the delegations of Indonesia and Singapore.

8.2 In particular, the Council:

- (i) expressed appreciation to the Secretary-General and the staff in the Maritime Safety Division, for their efforts to progress the issue;
- (ii) acknowledged the co-operation of the Governments of Indonesia, Malaysia and Singapore towards ensuring the success of the contemplated IMO-sponsored meeting in Jakarta, which is scheduled to take place from 6 to 8 September 2005; and
- (iii) reiterated appreciation to the Government of Indonesia for offering to host the aforementioned meeting, which should be organized at the highest possible level.

8.3 The Council also reaffirmed its mandate to the Secretary-General to continue work relating to the protection of shipping lanes of strategic importance and significance, reporting to the Council when appropriate.

**Reference documents:** C 94/8; C 93/D, paragraph 15; C 94/SR.7

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

9.1 The Council noted the information set out in document C 94/9 and its addendum, and that provided orally by the Chairman of the Maritime Safety Committee and the Secretary-General on the reports of the Maritime Safety Committee on its seventy-ninth (1 to 10 December 2004) and eightieth (11 to 20 May 2005) sessions.

9.2 The Council further noted the work accomplished or envisaged by the Maritime Safety Committee and, in accordance with article 21(b) of the IMO Convention, decided to transmit the Committee's reports, with the Council's comments and recommendations, to the twenty-fourth regular session of the Assembly.

9.3 In particular, with respect to MSC 79, the Council:

- (i) noted the adoption of amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol, the 1988 Load Lines Protocol, the 1966 Load Lines Convention and to various Codes mandatory under the 1974 SOLAS Convention, as well as the adoption of new mandatory standards;
- (ii) noted the progress made by the Committee on the consideration of passenger ship safety issues;
- (iii) noted the action taken by the Committee on issues related to maritime security;
- (iv) noted the reported developments on the issue of goal-based new ship construction standards;
- (v) noted the confirmation of additional STCW Parties found to be giving full and complete effect to the implementation of the 1978 STCW Convention, as amended;
- (vi) noted the Committee's decisions on issues brought to its attention by DE 47, FSI 12, NAV 50, SLF 47 and DSC 9;
- (vii) endorsed the Committee's decision that the fishing vessel Safety Code and Voluntary Guidelines be published in all the official languages of the Organization, as an exceptional case;
- (viii) noted the Committee's consideration of the issue of holding and funding the workshops of port State control regimes' representatives and that the Committee would further consider the issue at MSC 80;
- (ix) noted the action taken by the Committee on issues relating to formal safety assessment (FSA);
- (x) noted the Organization's activities pertaining to the issue of piracy and armed robbery against ships;
- (xi) noted the Committee's decision to halt the trial of the new reporting procedure and to re-establish the previous reporting procedure;

- (xii) noted the Committee's recommendations that 25.5 meeting weeks should be allocated to the MSC, MEPC and their subsidiary bodies for the biennium 2006-2007;
- (xiii) endorsed the Committee's approval to hold intersessional meetings as listed in paragraph 65 of document C 94/9;
- (xiv) noted the 38 guidelines and other recommendations approved by the Committee for dissemination; and
- (xv) noted the Committee's decision on IMSO's action in respect of radiocommunication services.

9.4 With respect to MSC 80, the Council:

- (i) noted the adoption of amendments to the 1974 SOLAS Convention, and to various Codes and Guidelines mandatory under the 1974 SOLAS Convention;
- (ii) noted the progress made by the Committee in its work on passenger ship safety, and, noting also its request for an appropriate funding (US\$90,000) to enable phase 2 of the WMU's "Proposal to co-ordinate a search and rescue research programme" to be carried out during the biennium 2006-2007, requested the Secretary-General to take appropriate action to satisfy the above request;
- (iii) noted the action taken by the Committee on issues relating to maritime security;
- (iv) noted the developments on the issue of goal-based new ship construction standards;
- (v) noted the action taken by the Committee on issues relating to formal safety assessment (FSA), in particular with regard to the establishment of a group of experts on FSA;
- (vi) noted the Committee's decisions on issues brought to its attention by SLF 47, DSC 9, STW 36, FP 49, COMSAR 9, DE 48 and FSI 13;
- (vii) noted the confirmation of additional STCW Parties found to be giving full and complete effect to the requirements of the 1978 STCW Convention, as amended;
- (viii) noted that the Committee, having instructed the Secretariat to submit to FSI 14 an appropriate analysis on the future of the global workshops on port State control, requested FSI 14 to report to MSC 82 on the outcome of its further consideration of the matter;
- (ix) noted the Organization's activities pertaining to the issue of piracy and armed robbery against ships, including ongoing preparations by the Secretariat, in co-operation with MOWCA, to examine the possible establishment of a regional integrated coastguard network in West and Central Africa;



- (x) noted the establishment of an intersessional working group to prepare a unified interpretation of SOLAS regulations XII/6.5.1 and XII/6.5.3 and the MSC's instruction that it reports to Committee 2 (Technical Committee) of the Assembly at its twenty-fourth regular session for consideration and action as appropriate;
- (xi) noted the Committee's action on issues relating to the application of the Committee's Guidelines on the organization and method of work, in particular, the approval of the sub-committees' terms of reference;
- (xii) noted the adoption by the Committee of amendments to its Rules of Procedures regarding invitations to experts;
- (xiii) noted the Committee's concern with regard to difficulties experienced following the reduced distribution of hard copies of session documents and the need to improve the reliability of access to the IMODOCS website (see also paragraphs 3(e).2(x) and (xi) above);
- (xiv) noted the Committee's confirmation of the draft high-level action plan and draft outcome-based priorities for the 2006-2007 biennium;
- (xv) took account of the progress made by the Committee and sub-committees during the past biennium, on subjects established in the Committee's long-term work plan (up to 2010), when considering the Secretary-General's proposal for the next biennium budget;
- (xvi) endorsed the Committee's approval to hold intersessional meetings as listed in paragraph 66 of document C 94/9/Add.1;
- (xvii) noted the draft resolution approved by the Committee for submission to the twenty-fourth regular session of the Assembly for adoption and the 33 guidelines and other recommendations approved by the Committee for dissemination;
- (xviii) noting the impending retirement of the Chairman of the Committee, Mr. T. Allan (United Kingdom), expressed its deep appreciation to him for his outstanding services to the Committee and to the Organization; and
- (xix) noted that Mr. I. Ponomarev (Russian Federation) had been elected as Chairman and that Mr. N. Ferrer (Philippines) had been re-elected as Vice-Chairman for 2006.

**Reference documents:** C 94/9 and Add.1; C 94/5/2; C 94/17(d)/Add.2; MSC 79/23 and Add.1-4; MSC 80/24 and Add.1; C 94/SR.8

## **10 CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE (agenda item 10)**

10.1 The Council noted the information set out in document C 94/10 and its addendum, and that provided orally by the Chairman of the Legal Committee and the Secretary-General, on the report of the Legal Committee at its ninetieth session (18 to 29 April 2005).

10.2 The Council further noted the work accomplished or envisaged by the Legal Committee and, in accordance with article 21(b) of the IMO Convention, decided to transmit the Committee's report, with the Council's comments and recommendations, to the twenty-fourth regular session of the Assembly.

10.3 In particular, the Council:

- (i) noted the completion by the Committee of the review of the SUA treaties and that the draft SUA protocols, approved as a consequence of this review, are ready for consideration by the International Conference on the Revision of the SUA Treaties, scheduled to be held from 10 to 14 October 2005;
- (ii) expressed appreciation for the outcome of the work of the Committee on such a complex and sensitive issue and urged all Members to contribute to a successful outcome of the October Conference;
- (iii) noted the Committee's progress on the draft Convention on Wreck Removal and its intention to recommend the convening of a diplomatic conference in the next biennium to adopt it;
- (iv) noted the progress made by the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers; and that its sixth session is scheduled to be held from 19 to 21 September 2005;
- (v) noted the draft Assembly resolution on Exemption for terrorism-related claims under the 2002 Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, for submission to the Assembly at its twenty-fourth regular session for adoption;
- (vi) noted the draft Assembly resolution on fair treatment of seafarers in the event of a maritime accident, for submission to the Assembly at its twenty-fourth regular session for adoption; and that the second session of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Fair Treatment of Seafarers is scheduled to take place from 13 to 17 March 2006;
- (vii) noted the Committee's decision to keep the subject of places of refuge under review and that, for the time being, there is no need to develop a new convention;
- (viii) noted, with concern, that none of the Contracting States to the HNS Convention had, so far, reported on contributing cargo received, and endorsed the Committee's request to the Secretariat to write to these Contracting States underlining the importance of their obligation, under article 43 of the Convention, to do so;
- (ix) noted the Committee's concern that the draft high-level action plan prepared by the Council remained flexible enough to allow for adjustment of priorities, when necessary;

- (x) noting the retirement of the Chairman of the Committee, Mr. A.H.E. Popp, QC (Canada), expressed its deep appreciation to him for his outstanding services to the Committee and to the Organization; and
- (xi) noted the election of Professor Lee-Sik Chai (Republic of Korea) as Chairman of the Committee; the re-election of Mr. K. Mbiah (Ghana) as first Vice-Chairperson; and the election of Ms. R.L. Irwin (Australia) as second Vice-Chairperson, for the year 2006.

**Reference documents:** C 94/10 and Add.1; LEG 90/15; C 94/SR.8

## **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 94/11 and its addendum and that provided orally by the Chairman of the Technical Co-operation Committee and the Secretary-General, on the report of the Technical Co-operation Committee on its fifty-fifth session.

11.2 The Council further noted the work accomplished or envisaged by the Technical Co-operation Committee and, in accordance with Article 21(b) of the IMO Convention, decided to transmit the Committee's report, with the Council's comments and recommendations, to the twenty-fourth regular session of the Assembly.

11.3 In particular, the Council:

- (i) noted that the Committee had approved the ITCP for 2006-2007 and also that it had agreed that a sum of \$500,000 should be allocated from the TC Fund reserves to support capacity-building activities related to the Voluntary IMO Member State Audit Scheme;
- (ii) noted that the long-term financing of the ITCP would be based on the following precepts that will form the basis of the formulation of the Organization's technical co-operation resource mobilization strategy, namely:
  - (a) ensuring that the TC Fund is maintained as a core fund to support the delivery of the primary activities of the biennial ITCP, and as a means to attract cost-sharing participation from external donor countries and organizations;
  - (b) maximizing the cost-effectiveness of our delivery mechanism – i.e. by reducing costs without lowering the quality of the services provided;
  - (c) establishing an equitable financial mechanism which can ensure the sustainability of a certain minimum level or core capacity of the Organization to respond to the emerging technical assistance needs of developing member countries;

- (d) mobilizing external financial and in-kind support through partnerships with Member States, organizations and industry, to supplement the core funding of the ITCF; and
- (e) sharing responsibility for resource mobilization;
- (iii) noted that the Committee had agreed, in principle, to the establishment of a ship recycling fund proposed by the MEPC on the understanding that, when the Fund is established, detailed information is provided, *inter alia*, on the specific purposes for which the Fund would be used; and
- (iv) noted with appreciation the action taken by the Secretary-General to implement resolution A.965(23) on the “Development and Improvement of Partnership Arrangements for Technical Co-operation” and his intention to secure external financial and in-kind support before expanding the regional presence scheme.

**Reference documents:** C 94/11 and Add.1; TC 55/13; C 94/SR.9

## **12 INTERNATIONAL TECHNICAL CO-OPERATION SPECIAL PURPOSE FUNDS (agenda item 12)**

### **(a) International Maritime Security Trust Fund (agenda item 12(a))**

12(a).1 The Council took note of the information contained in document C 94/12(a) and that provided orally by the Secretary-General on the International Maritime Security Trust Fund.

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

- (i) noted the status of the International Maritime Security Trust Fund;
- (ii) reminded Member States and the industry that fundraising is a shared responsibility and that everyone should work together in partnership to secure the sustainability of the Fund and IMO’s Global Technical Co-operation Programme on Maritime Security; and
- (iii) urged Member States and the industry to contribute generously to the IMST Fund.

**Reference documents:** C 94/12(a); C 90/12/1; C/ES.22/14/1; C 94/SR.9

### **(b) International SAR Fund (agenda item 12(b))**

12(b).1 The Council took note of the information contained in document C 94/12(b) and that provided orally by the Secretary-General on the International SAR Fund.

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

- (i) noted the status of the International SAR Fund;
- (ii) expressed appreciation to all organizations and individuals who had contributed to the Fund both financially and in-kind; and
- (iii) urged Member States and the industry to contribute generously to the ISAR Fund.

**Reference documents:** C 94/12(b); C 90/D; C 92/D; C 93/11; MSC 72/23; MSC 74/24; MSC 77/26; MSC 78/26; C 94/SR.9

### **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 contained in documents C 94/13(a), C 94/13(a)/Corr.1 and C 94/13(a)/Add.1 on the Annual Report of the Board of Governors of the World Maritime University for the year 2004 and that provided orally by the Secretary-General.

13(a).2 The Council, in particular:

- (i) expressed its satisfaction at the University's outstanding record of academic achievement and of excellence in its operations, a record which has again been verified by renowned international authorities on higher education;
- (ii) extended its gratitude and compliments to the international donors and supporters of the University, the Chancellor, the Board of Governors and the President and international staff of the University, for their valuable contribution to the University's outstanding success and continued progress in the service of IMO and the global maritime community; and
- (iii) urged all IMO Member States and the maritime community as a whole to respond positively to the requests of the Assembly in resolution A.933(22) on "Sustainable financial support for the World Maritime University", to enable it to continue playing its global role efficiently and effectively.

**Reference documents:** C 94/13(a) and Corr.1 and Add.1; C 94/SR.8

#### **(b) Budget (agenda item 13(b))**

13(b).1 The Council noted the information contained in document C 94/13(b) on the budget of the World Maritime University for the year 2005 and that provided orally by the Secretary-General.

13(b).2 The Council, in particular:

- (i) expressed deep gratitude to the Governments and diverse organizations which sustain the University through their generous financial support, most notably, the Government of Sweden and the City of Malmö; the Ship and Ocean Foundation and the Nippon Foundation of Japan; the Government of Norway; the International Transport Workers' Federation; the Governments of Canada, the United Kingdom, the Republic of Korea, Denmark and France; and Inmarsat Limited; and
- (ii) noted the continuing financial challenges facing the University and, therefore, urged Member States to maintain, increase or establish their support to the University, through operational or fellowship funding, to enable it to continue discharging its mandate of professional service to the global maritime community.

**Reference documents:** C 94/13(b); C 94/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 document C 94/14(a) and its addendum, and that provided orally by the Secretary-General on the report of the Governing Board of the IMO International Maritime Law Institute.

14(a).2 The Council, in particular:

- (i) expressed appreciation to the Secretary-General and the Director of the Institute for their continuing efforts to ensure the long-term viability of the Institute;
- (ii) expressed appreciation to the Institute's faculty and staff for their determined and dedicated efforts to strengthen the Institute's academic and financial base;
- (iii) pledged support to the Institute, which had just completed sixteen years of operation; and acknowledged that, despite limited resources, it has maintained high academic standards in the field of international maritime law; and
- (iv) recognized the essential role the Institute continues to play in strengthening the capacity of developing countries to implement the many IMO treaties and regulations.

**Reference documents:** C 94/14(a) and Add.1; C 94/14(b)/Add.1; C 92/16(a) and Add.1; C 94/SR.9

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

14(b).1 The Council noted the information set out in document C 94/14(b) and its addendum and that provided orally by the Secretary-General on the budget of the IMO International Maritime Law Institute.

14(b).2 The Council, in particular:

- (i) expressed deep gratitude to the Government of Malta for its continuing support of the Institute, as well as to all donors who have supported the Institute financially over the years and, among the new donors, The Nippon Foundation, in particular, for providing funds for 10 scholarships for the period 2004-2005;
- (ii) noted the 'unqualified' nature of the financial audit of the Institute up to August 2004; and
- (iii) noted the Institute's Governing Board's request to its Director to explore possible alternative methods to ensure the medium to long-term viability of the Institute and to report to the Board at its next session.

**Reference documents:** C 94/14(b) and Add.1; C 92/16(b) and Add.1; C 94/SR.9

**15 ASSEMBLY MATTERS (agenda item 15)**

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

15(a).1 The Council noted the information set out in document C 94/15(a), containing the provisional agenda for the twenty-fourth regular session of the Assembly, and that provided orally by the Secretary-General.

15(a).2 The Council approved the provisional agenda for A 24 as contained in document C 94/15(a).

**Reference documents:** C 94/15(a); C 94/SR.9

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

15(b).1 The Council noted the information set out in document C 94/15(b) and that provided orally by the Secretary-General on the preparations for the twenty-fourth regular session of the Assembly.

**Reference documents:** C 94/15(b); C 94/SR.9

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

15(c).1 The Council noted the information set out in document C 94/15(c) containing the draft report of the Council to the Assembly on the work of the Organization since the twenty-third regular session of the Assembly, and that provided orally by the Secretary-General.

15(c).2 The Council approved the report, subject to any developments which may occur between the issue of the aforementioned document and the twenty-fourth regular session of the Assembly, which would be reported to the Council for consideration and approval at its twenty-third extraordinary session.

15(c).3 The Council approved the Secretary-General's proposal to, henceforth, change the format of the report to summarize only issues of importance to the Organization that have occurred during any preceding biennium but which have not been dealt with by the Committees and to limit reports on subjects, which are substantively reported on under other, separate *ad hoc* Assembly agenda items, to cross-references to those agenda items.

**Reference documents:** C 94/15(c); Council Summaries of Decisions and Committee reports; C 94/SR.9

**16 REVIEW OF THE ORGANIZATION'S FINANCIAL FRAMEWORK IN ACCORDANCE WITH ASSEMBLY RESOLUTION A.942(23) (agenda item 16)**

16.1 The Council noted the information set out in document C 94/16 and that provided orally by the Secretary-General on the review of the Organization's financial framework in accordance with Assembly resolution A.942(23).

16.2 The Council noted the Organization's generally improved contribution position, and the Secretary-General's updated statistical analysis, which would form part of the Council's report to the twenty-fourth regular session of the Assembly.

16.3 The Council endorsed the draft report to the Assembly, as contained in the annex to document C 94/16 with the deletion of the square brackets around the second half of paragraph 27 thereof; and requested the Secretary-General to forward it to the twenty-fourth regular session of the Assembly.

**Reference documents:** C 94/16; C 92/18 and Add.1; C 93/18; C 94/SR.9

**17 EXTERNAL RELATIONS (agenda item 17)**

**(a) Relations with the United Nations and specialized agencies (agenda item 17(a))**

17(a).1 The Council noted the information set out in document C 94/17(a) and that provided orally by the Secretary-General with respect to the recent session of the United Nations Chief Executives Board for Coordination (CEB).



17(a).2 The Council noted the information contained in document C 94/17(a)/1 and its addendum and that provided orally by the Secretary-General with respect to decisions of the United Nations General Assembly and the United Nations Economic and Social Council (ECOSOC) on matters of relevance to IMO; on General Assembly resolutions 59/24 (Oceans and the law of the sea) and 59/25 (Sustainable fisheries); and on the sixth session of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP), held in New York from 6 to 10 June 2005.

17(a).3 The Council noted the additional information provided by the Secretary-General regarding the *ad hoc* consultative meeting of representatives of international organizations on the question of the “genuine link” (as requested of IMO by UN General Assembly resolution 59/24 on Oceans and the Law of the Sea), scheduled to be held at IMO Headquarters from 7 to 8 July 2005, the outcome of which would be reported to the Council at its twenty-third extraordinary session.

**Reference documents:** C 94/17(a); C 94/17(a)/1 and Add.1; United Nations General Assembly resolutions 59/24 and 59/25; C 94/SR.9

**(b) Joint Inspection Unit (agenda item 17(b))**

17(b).1 The Council noted the information set out in document C 94/17(b) and that provided orally by the Secretary-General on the Joint Inspection Unit.

17(b).2 The Council noted the report entitled “Review of the Headquarters Agreements Concluded by the Organizations of the United Nations System: Human Resources Issues Affecting Staff”, and endorsed the conclusions of the Secretary-General that no action was necessary in respect of its recommendations; that adequate dialogue existed with the Host Government on issues of privileges, immunities and benefits granted to the Organization and its staff members, which ensured that they were not disadvantaged compared to other diplomatic missions and their staff members in the United Kingdom; and that procedures existed within the Secretariat to advise staff members of their privileges, immunities and benefits associated with the Headquarters Agreement.

17(b).3 The Council also noted the report entitled “Overview of the Series of Reports on Managing for Results in the United Nations” and the Secretary-General’s conclusion that the proposed benchmarking framework provided a useful tool which the Organization could draw upon in its ongoing initiatives, including, *inter alia*, the restructuring of the Organization’s work programme and budget; the Change Management Programme; the introduction of an ERP system; and the Strategic Plan adopted under resolution A.944(23), all of which are elements of the benchmarking framework identified in the Joint Inspection Unit report for results-based management.

17(b).4 The Council further noted the report entitled “Implementation of Results-Based Management in the United Nations Organizations – Part I” and welcomed the Secretary-General’s acceptance of the nine benchmarks specified therein, in view of the ongoing initiatives within the Organization.

17(b).5 The Council noted further the report entitled “Delegation of Authority and Accountability – Part II”, and welcomed the Secretary-General’s acceptance, in principle, of the 16 benchmarks specified therein, which should be seen in the light of the Change Management Programme; the ERP/SAP system; and the IMO staff training programme.

17(b).6 In addition, the Council noted the report entitled “Managing Performance and Contracts – Part III” and the Secretary-General’s comments on the nine benchmarks specified therein, which should be seen in the light of future progress made on performance management by the International Civil Service Commission and the UN common system as a whole, recognizing fully the need for adequate resources for training.

17(b).7 The Council noted also the report entitled “Procurement Practices within the United Nations System” and concurred with the Secretary-General’s comments that the recommendations were not germane to the Organization’s procurement activities.

17(b).8 Finally, the Council noted the 2003 Annual Report of the Joint Inspection Unit – Supplement No.34A/59/34.

**Reference documents:** C 94/17(b); C 94/SR.9

**(c) Relations with intergovernmental organizations (agenda item 17(c))**

17(c).1 The Council noted the information set out in document C 94/17(c) and its addenda and that provided orally by the Secretary-General.

17(c).2 The Council approved the draft Agreements of Co-operation between IMO and the following international organizations: the Commonwealth Telecommunications Organisation (CTO); the International Oil Pollution Compensation Supplementary Fund (IOPCSF); the Mediterranean Memorandum of Understanding on Port State Control (Med MoU); and the Memorandum of Understanding on Port State Control in the Black Sea Region (BS MoU), all of which follow the previously-established pattern of agreements concluded by IMO with other international organizations; and requested the Secretariat to submit them to the twenty-fourth regular session of the Assembly for final approval.

17(c).3 The Council noted the information provided by the Secretary-General that negotiations between the Secretariats of IMO and the African Union (AU) with regard to the adoption of an Agreement of Co-operation were still continuing, and that it would be informed of future developments in due course.

**Reference documents:** C 94/17(c) and Add.1-2; C 93/D, paragraph 17(b).1; C 94/SR.9

**(d) Relations with non-governmental organizations (agenda item 17(d))**

17(d).1 The Council noted the information set out in documents C 94/17(d) and its addenda, C 94/17(d)/1, and C 94/WP.2 and that provided orally by the Secretary-General and the Chairman of the group of Council Members established on the opening day of the session, on relations with non-governmental organizations.

17(d).2 The Council decided not to proceed with the application from the International Center for Environmental Research (ICFER), as it did not meet the requirements for consultative status under the Rules Governing Relationship with International Non-governmental Organizations and the Guidelines on the Grant of Consultative Status.

17(d).3 The Council requested the Secretariat, in consultation with Council Members, to review and, if necessary, recommend changes to the questionnaire sent to non-governmental organizations which have requested consultative status with IMO, to enable the Council to decide on any changes needed to the aforementioned questionnaire and to improving the application process.

17(d).4 The Council decided that consultative status should not be granted to the European Maritime Heritage (EMH).

17(d).5 The Council decided, pending advice from MEPC 53, to defer a decision on consultative status being granted to the International Bunker Industry Association (IBIA) to its twenty-third extraordinary session.

17(d).6 The Council decided that consultative status be granted to the International Towing Tank Conference (ITTC).

17(d).7 The Council noted the information provided by the Secretary-General on the application for consultative status by the International Association of Airport and Seaport Police (IAASP) and decided to defer a decision on the matter pending advice from MSC 81.

17(d).8 The Council decided to retain the provisional consultative status of INTERFERRY.

17(d).9 The Council decided to retain the provisional consultative status of the International Maritime Health Association (IMHA).

17(d).10 Regarding Greenpeace International, the Council:

- (i) noted the views expressed by Council Members, reiterating the necessity for Greenpeace International to comply with the international regulations concerning the safety of navigation and, in particular, the Collision Regulations and the implementation of the ISPS Code;
- (ii) requested the Secretary-General to draw the attention of Greenpeace International to the serious allegations made against it at MSC 80 and C 94, which appear to contradict Greenpeace's undertaking previously given to IMO not to endanger the safety of shipping; to invite Greenpeace International to respond to these allegations; and to report to the Council at its twenty-third extraordinary session accordingly;
- (iii) requested the Secretariat to continue to monitor the activities of Greenpeace International; and
- (iv) decided to review the status of Greenpeace International at its twenty-third extraordinary session.

17(d).11 The Council requested the Secretary-General to remind the Advisory Committee on Protection of the Sea (ACOPS) and the Latin American Shipowners' Association (LASA) of their obligations in accordance with the Guidelines on the Grant of Consultative Status; and to advise C 23 accordingly to enable the Council to decide whether to retain the consultative status of the two organizations.

17(d).12 The Council decided to maintain the consultative status of the remaining organizations listed in document C 94/17(d)/1, and to submit a recommendation to this effect to the Assembly.

**Reference documents:** C 94/17(d) and Add.1-2; C 94/17(d)/1 and C 94/WP.1; C/ES.22D, paragraph 25(a).2; C 92/D, paragraph 22.2(i) and (iii); C 93/D, paragraph 17(c).2 and 17(c).6(i) to (iv); resolution A.938(23); MEPC 48/21 and 49/22; MSC.76/23 and 78/26; MSC 79/23; MEPC 51/22; C 94/SR.9

#### **(e) World Maritime Day (agenda item 17(e))**

17(e).1 The Council noted the information and Secretary-General's proposals set out in document C 94/17(e) for the revitalization of World Maritime Day and the establishment of an IMO Award for Exceptional Bravery at Sea, and that provided orally by the Secretary-General.

17(e).2 The Council commended the Secretary-General for his efforts to promote the World Maritime Day, its theme and the image of shipping; and noted that the traditional annual reception for the diplomatic and maritime community, would remain the main event in 2005 for celebrating the Day, which would be held at IMO Headquarters on 29 September 2005.

17(e).3 The Council agreed, in principle, with the Secretary-General's proposal to hold an event elsewhere in the world, possibly every other year, in parallel with the celebration of World Maritime Day at IMO Headquarters and requested him to report to it, in due course, on his proposals for:

- (i) the criteria for selecting the country (or region) to hold the "parallel" event;
- (ii) the results of a formal cost-benefit assessment of the proposal, to include the implications that any future decisions would have on the IMO regular budget; and
- (iii) the anticipated impact on individual countries' own celebrations.

17(e).4 The Council welcomed the offer (including costs) of the Government of Portugal to host a trial "parallel" event, as well as the interest of other Members in doing the same, and requested the Secretary-General to take appropriate action in the context of the Portuguese offer; and to report to the Council on the outcome of the experience gained in the implementation of the trial "parallel" event.

17(e).5 The Council agreed to the establishment of an IMO Award for Exceptional Bravery at Sea, expressed its appreciation for the proposal made; and requested the Secretary-General to prepare draft Guidelines for the Award, for consideration by the Council at its ninety-sixth session, based on the criteria listed in paragraphs 10 to 14 of document C 94/17(e).

**Reference documents:** C 94/17(e); C 93/D, paragraph 18.4; C 93/SR.9; C 94/SR.9

**(f) International Maritime Prize (agenda item 17(f))**

17(f).1 The Council noted the information in document C 94/17(f) and that provided orally by the Secretary-General on the International Maritime Prize.

17(f).2 The Council decided to award the International Maritime Prize for 2004 to Mr. Luis Martínez Wolf (Mexico), and extended its congratulations to him.

17(f).3 The Council also expressed its appreciation to the other candidates, who all had impressive credentials, and to the Governments of Mexico and the Islamic Republic of Iran, as well as to IMarEST, for nominating such eminent candidates for the Prize.

17(f).4 The Council noted and endorsed the measures taken and those proposed by the Secretary-General in respect of the Prize for 2005.

**Reference documents:** C 94/17(f); Circular letters Nos. 2523 and 2617; C 94/SR.10

**18 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 18)**

18.1 The Council noted the information set out in document C 94/18 and its addendum, and that provided orally by the Secretary-General, on the status of the Convention and membership of the Organization. The Council also noted, with satisfaction, the further growth in the membership of the Organization and extended its welcome to Timor-Leste, the new Member of IMO, assuring it of the readiness of both the Secretariat and the Member States to offer any assistance and co-operation which may be required.

18.2 The Council noted the status of replies received with regard to the application of the Government of the Cook Islands for membership of the Organization, and the initiatives that the Secretary-General had taken to encourage further approvals of this application; and that, in addition to the invitation to attend meetings of the Assembly, the MSC and the MEPC, the Government of the Cook Islands had been invited to attend the subsidiary meetings of these bodies, as authorized by the Council at its ninety-third session, as an interim measure, until its application for membership of the Organization had been approved.

18.3 The Council noted the information provided by the Secretary-General concerning the number of Member States which had accepted the 1991 amendments to the IMO Convention, and the additional measures he had undertaken, since the Council's last session, to encourage the further acceptances required to bring the amendments into force; the Council also encouraged those Council Members, which had yet to accept the amendments, to give urgent consideration to the matter.

18.4 The Council requested the Secretary-General to continue urging those Member States, which had not already done so, to consider accepting the 1991 amendments to the IMO Convention at the earliest possible opportunity; and to report to the twenty-third extraordinary session of the Council and the twenty-fourth regular session of the Assembly accordingly.

**Reference documents:** C 94/18 and Add.1; C 94/SR.10

## **19 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 19)**

19.1 The Council noted the information set out in document C 94/19 and its addendum, and that provided orally by the Secretary-General, on the developments which had occurred since its last session, in the status of conventions and other multilateral instruments in respect of which the Organization performs functions.

19.2 The Council noted the entry into force, on 3 March 2005, of the Protocol of 2003 to the International Fund for Compensation for Oil Pollution Damage, 1992 and, on 19 May 2005, of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (Annex VI of MARPOL 73/78).

19.3 The Council endorsed and supported the Secretary-General's continuing efforts to encourage Governments to consider accepting those instruments to which they were not yet parties and reiterated its plea to Member Governments to pay particular attention to ratifying the 1993 Torremolinos Protocol and the 1995 STCW-F Convention, as well as the 2001 AFS Convention, to enable them to enter into force without further delay.

**Reference documents:** C 94/19 and Add.1; C 94/SR.10

## **20 DATE AND PLACE OF THE NEXT SESSION OF THE COUNCIL (agenda item 20)**

20.1 The Council noted the information set out in document C 94/20 and that provided orally by the Secretary-General.

20.2 The Council decided:

- (i) to hold its twenty-third extraordinary session on Thursday, 17 and Friday, 18 November 2005; and
- (ii) to hold its ninety-fifth regular session on Friday, 2 December 2005, at the conclusion of the twenty-fourth session of the Assembly.

**Reference documents:** C 94/20; C 94/SR.10

## **21 SUPPLEMENTARY AGENDA ITEMS (agenda item 21)**

### **IMO's response to the tsunami disaster in South Asia**

21.1 The Council noted the information set out in document C 94/21 and that provided orally by the Secretary-General on IMO's response to the tsunami disaster in South Asia.

21.2 The Council expressed appreciation to the Secretary-General for IMO's prompt, decisive and comprehensive response to the devastating news emerging from the disaster on the technical front, and to the Executive Heads of IHO and IALA for their preparedness to assist and for the level of co-operation achieved between the three organizations (IMO, IHO and IALA) in respect of the safety of navigation aspects which needed attending to following the disaster.

21.3 The Council also expressed appreciation to all concerned for the generous donations to the Tsunami Maritime Relief Fund, which the Secretary-General established in January 2005 in order to give the Organization, the maritime community and the shipping industry at large an opportunity to support the UN-wide disaster relief efforts. The Council expressed particular appreciation to the Union of Greek Shipowners for its most generous donation in excess of US\$1 million. The Council expressed satisfaction with the way the crisis had been handled from IMO's perspective and with the prompt and comprehensive response to it.

**Reference documents:** C 94/21; C 94/SR.10

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