



COUNCIL  
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## ASSEMBLY MATTERS

### (c) Draft report of the Council to the Assembly on the work of the Organization since the twenty-second regular session of the Assembly

#### Note by the Secretary-General

#### SUMMARY

**Executive summary:** This document contains a draft report by the Council to the Assembly on the work of the Organization since the 22<sup>nd</sup> Assembly in November 2001.

**Action to be taken:** Paragraph 3

**Related documents:**

1 Annexed is the draft report of the Council on the work of the Organization since the twenty-second regular session of the Assembly. The draft has been prepared for consideration by the Council and eventual submission to the Assembly at its twenty-third regular session.

2 Cross-references are to the items on the provisional agenda of the twenty-third regular session of the Assembly, as presented in document C 90/31(a).

#### Action requested of the Council

3 The Council is invited to consider the draft report and approve it, with such amendments as it deems necessary, for submission to the Assembly in accordance with Article 23 of the Convention of the Organization.

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## ANNEX

**DRAFT REPORT OF THE COUNCIL TO THE ASSEMBLY  
ON THE WORK OF THE ORGANIZATION SINCE THE  
TWENTY-SECOND REGULAR SESSION OF THE ASSEMBLY**

**Table of contents**

	<b>Paragraphs</b>	<b>Pages</b>
Introduction .....	1	3
<b>GENERAL MATTERS</b> .....	2-25	3-9
Status of the IMO Convention .....	2	3
Officers of the Council and Committees of IMO .....	-	3-4
International Conferences and other Meetings .....	-	4-5
Financial Matters .....	4-8	6
Human Resources (HR) reforms.....	9	6
Office Services.....	10	6
IT and Office Automation Services.....	11	7
Publishing Activities .....	12-15	7-8
Privileges and Immunities .....	16-18	8
Developments relating to the Congestion Charging Scheme for Central London.....	19-22	8-9
Memorial to Seafarers.....	23-25	9
<b>TECHNICAL WORK OF THE ORGANIZATION</b> .....	26-180	10-32
Maritime Safety .....	26-129	10-26
Marine Environment Protection .....	130-165	26-30
Facilitation of Maritime Transport .....	166-180	30-32
<b>WORK OF THE LEGAL COMMITTEE</b> .....	181-211	33-37
<b>TECHNICAL CO-OPERATION</b> .....	212-240	37-41

	<b>Paragraphs</b>	<b>Pages</b>
<b>CONFERENCE SERVICES</b> .....	241-246	41-42
Language Services .....	242	41
Documents Services .....	243-244	41
Electronic mail for the dispatch of documents .....	245-246	42
<b>EXTERNAL RELATIONS</b> .....	247-258	42-44
Co-ordination with the United Nations system .....	247	42
Relations with Other Intergovernmental Organizations .....	248	42
Relations with Non-Governmental Organizations .....	249-250	43
World Maritime Day .....	251	43
International Maritime Prize .....	252	43
Public Information Services .....	253-254	43
Library Services .....	255-258	43-44

## Introduction

1 This report is presented in accordance with Article 23 of the IMO Convention and describes developments in the work of the Organization since the 22<sup>nd</sup> regular session of the Assembly in November 2001. The references to specific documents, the subjects of which are dealt with in the report, are to enable the Assembly to have more comprehensive information on the subjects concerned.

## GENERAL MATTERS

### Status of the IMO Convention

2 Membership of the Organization as at 31 March 2003 stood at 162 with three Associate Members. Since the 22<sup>nd</sup> regular session of the Assembly, four States have accepted the IMO Convention and become Members of the Organization, i.e. the Union of Comoros, the Republic of Moldova, Saint Kitts and Nevis and the Republic of San Marino. The Faroe Islands became an Associate Member on 3 December 2002. A report on the status of the Convention and membership of the Organization is submitted under item [6] of the Assembly's agenda.

### Officers of the Council and Committees of IMO

Body	Chairman	Vice-Chairman	Sessions
Council	Mr. Chen Tze Penn (Singapore)	Mr. J. Franson (Sweden)	87 <sup>th</sup> to 90 <sup>th</sup> sessions
Maritime Safety Committee	Mr. T. Allan (United Kingdom)	Admiral F.S.A.H. El Kady (Egypt)	75 <sup>th</sup> and 76 <sup>th</sup> sessions
Legal Committee	Mr. A.H.E. Popp QC (Canada)	Mr. E.K. Mbiah (Ghana)  Professor Chai Lee Sik (Republic of Korea)	83 <sup>rd</sup> to 85 <sup>th</sup> sessions

**Officers of the Council and Committees of IMO (Cont'd)**

<b>Body</b>	<b>Chairman</b>	<b>Vice-Chairman</b>	<b>Sessions</b>
Marine Environment Protection Committee	Mr. M. Julian (Australia)  Mr. A. Chrysostomou (Cyprus)	Mr. G. Fernández (Panama)	47 <sup>th</sup> to 48 <sup>th</sup> sessions  49 <sup>th</sup> session  47 <sup>th</sup> to 49 <sup>th</sup> sessions
Facilitation Committee	Mr. L.D. Barchue, Sr. (Liberia)  Mr. C. Abela (Malta)	Mr.C. Abela (Malta)  Capt. M.A. Almeida (Brazil)	29 <sup>th</sup> session  30 <sup>th</sup> session
Technical Co-operation Committee	Captain M.U. Ahmed (Bangladesh)	Mr. J.-M. Schindler (France)	50 <sup>th</sup> to 53 <sup>rd</sup> sessions

3 The Council wishes to record its deep appreciation of the work of these officers, whose able guidance has contributed to the work of the respective Committees and the Council.

**International conferences and other meetings**

**2002 International Conference on the Revision of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974**

Dates: 21 October to 1 November 2002

Purpose: To consider and adopt a Protocol to the 1974 Athens Convention in order to provide compensation in adequate measure for loss of human life and physical injury for passengers travelling by sea. The Protocol has also introduced into the Convention the notion of strict liability of the carrier, as well as that of compulsory insurance and a simplified procedure for updating the limitation amounts.

Results: The Conference adopted the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974. The treaty is open for signature at the Headquarters of the Organization from 1 May 2003 until 30 April 2004 and shall thereafter remain open for accession. It will enter into force twelve months following the date on which ten States have expressed their consent to be bound by it. The Conference also adopted the following three resolutions:

- .1 Resolution on Regional Economic Integration Organizations;
- .2 Resolution on certificates of insurance or other financial security and ships flying the flag of a State under the terms of a bareboat charter registration; and
- .3 Resolution on framework of good practice with respect to carriers' liabilities.

A detailed report on the Conference is given under agenda item [14(a)] of the Assembly.

### **2002 Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974**

Dates: 9 to 13 December 2002

Purpose: To consider and adopt amendments to chapters V and XI of the Convention as well as the International Ship and Port Facility Security (ISPS) Code.

Results: The Conference adopted the amendments to SOLAS chapters V and XI and new SOLAS chapter XI-2 and the associated International Ship and Port Facility Security (ISPS) Code.

A detailed report on the Conference is given under agenda item [14(b)] of the Assembly.

### **2003 International Conference on the Establishment of a Supplementary Fund to the 1992 Fund Convention**

Dates: 12 to 16 May 2003

Purpose: To consider and adopt a protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 to pay compensation for claims exceeding the limits established in the 1992 CLC and 1992 Fund Convention.

Results: The results of the Conference will be reported after the Conference has taken place.

A detailed report will be given under agenda item [14(c)] of the Assembly.

## **Financial Matters**

4 The Financial Services have continued to meet the ongoing financial accounting, management accounting, treasury functions and the provision of income and expenditure reports. The final accounts of the Organization were completed at due dates and were submitted to the External Auditors. Audit observations were systematically followed-up and reported to the Council which were concluded in discussion with the Intersessional Working Group on Accounts and Audit.

5 The budgetary performance in 2002 led to a saving of £659,652 representing 3.2% of approved total appropriation of £19,919,948. The contribution receipts from Member States in 2002 reached 98% of the assessed contributions, amongst the best in the UN system.

6 The funds not needed for immediate requirements were invested with the United Kingdom Major Banks, with Triple A ratings on the basis of a listing of institutions recommended by a Treasury Management Advisor. The total interest earned for 2002 in the six Funds of the Organization amounted to £919,238. The initial total amount of the six Funds invested was £21,243,157 as at 1 January and the balance as at 31 December 2002 was £17,750,576.

7 Following the recommendations made by Deloitte & Touche (D&T) in their report in June 2002 that IMO introduce an integrated accounting, budgeting and planning system to replace a number of existing financial and management information systems, and the Council's endorsement, in principle, of this recommendation, the Secretariat followed a three-stage procurement process. Some 50 IMO staff were extensively involved in defining their requirements and the development and assessment of the scripted demonstrations. This process contributed substantially to the buy-in and commitment of staff at all levels to the Change Management Programme (CMP). The Council deferred a decision on the selection of a preferred system pending an evaluation of an offer made by the Government of Brazil. This offer is to provide a customised budgetary control and financial system based on applications and systems in place in the Brazilian Navy and is now in the process of evaluation by the Secretariat.

8 The Finance and Budget Section has been reorganized into two separate Services: Financial Services and Management Accounting Services, in line with the MANNET recommendations, to facilitate the decision making-process of managers.

## **Human Resources (HR) Reforms**

9 As part of the Change Management process, the Personnel Section is moving from an "allowance-based" verification culture, to a more results-oriented service in which the HR function supports management and helps the staff develop their competencies.

## **Office Services**

10 The key objective of the Office Services is to provide delegates and staff with a secure and conducive working environment in which to operate. The installation of a new air conditioning system was completed by the United Kingdom Department for Transport in August 2002. Arrangements were begun in 2002 to further enhance security within the Building with a view to the installation of a barrier system.



## **IT and Office Automation Services**

11 The IT and Office Automation Services continue to integrate Information Technology into the work processes for the delivery of programmes and in meeting Member States needs. The installation of a new Local Area Network infrastructure was completed in March 2002 to replace the aging Token Ring network. The new system is based on a fibre-optic technology, providing staff with faster access to documents on the network, and Member States with faster access to IMO documents via the World Wide Web. Security on the IMO network has been further strengthened with a two- layer firewall. IT is now an integral part of the delivery of the Organization's major programme.

## **Publishing Activities**

12 The Organization's publications form an essential component in the dissemination and implementation of the Organization's safety and environmental objectives. With this in view and in order to further streamline the publications activities, a technical restructuring took place in 2001: the printing unit was combined with the editorial process and the new unit emerged as Editorial and Production.

13 The Publishing Service is committed to reach an ever-increasing number of recipients of IMO publications and, with this premise in mind, promotes the Organization's books to the highest possible degree: attendance at specialized maritime exhibitions, mailing shots, monthly email newsletters to its more than 100 distributors, advertising in the trade press and website announcements of new and forthcoming titles. IMO's Online purchasing continues to be in high demand and some 75% of all IMO's distributors take advantage of this facility. The number of CD-ROM titles has increased and in addition to already well known CD's on the market, SOLAS as well as MARPOL are each now available on one disk in the three working languages. The diversity of the media on which IMO publications are henceforth available – paper, CD-ROM and virtual ebooks – ensures further penetration of the market. Some 15% of titles sold account for electronic publications.

14 Major new publications and revised editions were published in 2002: the IMDG Code and its Supplement; International Regulations for Preventing Collisions at Sea (COLREG); the 22<sup>nd</sup> Assembly resolutions in six official languages of IMO; a new Code on Intact Stability; a new IMO Standard Marine Communication Phrases publication; a revised edition of Performance Standards for Shipborne Radiocommunications and Navigation Equipment; a new OPRC-HNS Protocol 2000; a revised edition of the ISM Code; Fire Safety Code (FSS); Guidelines on Fatigue; a new version of Assembly resolutions on CD-ROM (English only); MARPOL (French and Spanish edition); BLU Code (French and Spanish edition); and a new version of SOLAS and MARPOL on CD-ROM (multilingual). All of these titles are being translated and published in the three working languages and, in due course, in the other three official languages of the Organization. Eight new Model Courses in Spanish and two in French have also been published. Reprints of existing titles in all six languages continue to be an important part of the publishing programme.

15 Sales in 2002 proved to be a record year in terms of revenues since the establishment of the Printing Fund in September 1965. Net sales generated were £5,400,000 (gross sales of £7,700,000). These revenues place IMO among the top two publishers in the United Nations system. The Council has recognized that IMO's publishing activities were commended in a Joint Inspection Unit report and IMO's revenue producing activity in terms of book sales were singled

out, particularly since these revenues represent a relatively high percentage of the Organization's regular budget.

### **Privileges and Immunities**

16 Pursuant to resolution A.908(22) on Agreement with the Host State regarding the extension of privileges and immunities to Permanent Representatives and Divisional Directors, the United Kingdom enacted legislation to extend privileges and immunities to Permanent Representatives, acting Permanent Representatives and Divisional Directors. This legislation came into force on 17 July 2002. Member States were notified of this development by means of Circular letter No. 2405 dated 29 July 2002. Subsequently, by means of Circular letter No. 2440 dated 18 December 2002, Member States were provided with a consolidated text of the amended Headquarters Agreement and the amended text of the Procedure for the Accreditation to IMO of Permanent Representatives and Members of Permanent Missions of Member Governments.

17 The Council, at its 89<sup>th</sup> session in November 2002, expressed its appreciation to the Secretary-General, and to the former Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, for bringing this matter to a successful conclusion. The Council also agreed to inform the Assembly of the successful outcome of the matter and, as a consequence, to delete this item from its agenda.

18 A full report on this subject appears under item [19] of the Assembly.

### **Developments relating to the Congestion Charging Scheme for Central London**

19 On 18 March 2002, the United Kingdom Foreign and Commonwealth Office (FCO) circulated a Note to all Diplomatic Missions and certain International Organizations (Note No. A102/02) concerning the introduction of a Congestion Charging Scheme for Central London. This Note advised the Organization that in the view of the FCO there were no legal grounds for exempting Diplomatic Missions, International Organizations and their staff from the scheme. In a subsequent Note dated 18 June 2002, the FCO informed the Organization that the Mayor of London had decided not to exempt or discount any diplomatic vehicles from the Scheme (Note No. A330/02).

20 On 11 September 2002, the Secretary-General sent a note to the Protocol Division of the FCO expressing the Organization's disappointment and disagreement regarding the conclusion of the FCO that there were no legal grounds for exempting IMO from the operation of the Scheme. The Secretary-General expressed the view that the application of the Scheme represented a new tax that would significantly impact on the Organization and requested that formal consultations should be initiated in accordance with articles 16 and 9.2 of the Headquarters Agreement, in order to assess the implications of the Scheme within the framework of the operations of the Headquarters Agreement and of the Convention on Privileges and Immunities of the Specialized Agencies of the United Nations, with a view to securing an exemption for the Organization in light of its special status.

21 Subsequently, by letter dated 12 September 2002, the Protocol Division of the FCO stated that the Scheme was not an initiative of the United Kingdom Government but that of the Greater London Authority which is responsible for transport in London, and reiterated the FCO's view that there are no legal grounds for exempting Diplomatic Missions and International Organizations from the Scheme. However, the letter said the Protocol Division of FCO would be willing to meet with the Organization to discuss the Scheme.

22 Consultations under the Headquarters Agreement, between officials of the Protocol Division of the FCO and the Director of the Administrative Division and the Director of the Legal Affairs and External Relations Division from the Organization are on-going.

### **Memorial to Seafarers**

23 Following the successful completion of the Memorial project, which marked the accomplishment of the first objective set by the Seafarers' Memorial Trust Fund, the Council, at its 89<sup>th</sup> session in November 2002, decided that it should now move to the implementation of the second objective, namely the establishment of a chair on maritime safety and marine pollution prevention at the World Maritime University. A good start had been made, but more funds needed to be secured. The Council therefore encouraged all those entities already approached, or to be approached by the Secretary-General, to contribute generously, so that the accomplishment of the new objective could be achieved as early as possible.

24 The Council congratulated the Secretary-General for his ceaseless efforts to bring the entire project to fruition and invited him to continue promoting the Seafarers' Memorial Trust Fund scheme.

25 A full report on this subject appears under agenda item [38] of the Assembly.

## TECHNICAL WORK OF THE ORGANIZATION

### MARITIME SAFETY

#### GENERAL

26 The Maritime Safety Committee (MSC) was scheduled to meet three times during the biennium: the 75<sup>th</sup> session was held from 15 to 24 May 2002, the 76<sup>th</sup> session from 2 to 13 December 2002 and the 77<sup>th</sup> session will be held from 28 May to 6 June 2003.

27 During the biennium under review, the MSC and its Sub-Committees continued to promote greater safety at sea and security at sea and ports through the development and adoption of international standards, having due regard to the spirit and intent of resolutions A.500 (XII), A.777 (18) and A.900 (21).

28 During the biennium increased emphasis was placed on the maritime security, human element and its role in preventing, and minimizing the impact of, maritime accidents while also focusing on the effective implementation of the revised STCW Convention and the ISM Code.

29 The reports of the MSC, presented under agenda item [9] of the 23<sup>rd</sup> session of the Assembly, give details of the substantive work accomplished by the Committee and its subsidiary bodies during the biennium under review. A number of recommendations are proposed for adoption by the Assembly.

#### SAFETY-RELATED INSTRUMENTS

30 The acceptance of safety-related conventions, protocols and codes was broadened and will be further pursued through the Sub-Committee on Flag State Implementation (FSI).

#### AMENDMENTS TO SOLAS AND OTHER SAFETY-RELATED INSTRUMENTS

##### Amendments adopted by MSC 75

31 In separate expanded sessions, the Committee considered and:

- .1 by resolution MSC.123(75), adopted amendments to SOLAS chapters IV, V, VI and VII and to the appendix to the Annex to the Convention;
- .2 by resolution MSC.124(75) adopted amendments to the 1988 SOLAS Protocol; and
- .3 by resolution MSC.125(75), adopted amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18) as amended).

32 Amendments are expected to enter into force on 1 January 2004 provided they are deemed to be accepted on 1 July 2003 in accordance with the provisions of article VIII of the SOLAS Convention and (article VI of the 1988 SOLAS Protocol as far as the amendments under paragraph 31.2 above are concerned).

## **Amendments adopted by MSC 76**

33 In separate expanded sessions, the Committee considered and, by resolution MSC.134 (76), adopted amendments to SOLAS chapters II-1, II-2, III and XII while, by resolution MSC.135 (76), adopted amendments to the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships (INF Code).

34 The above amendments are expected to enter into force on 1 July 2004 provided they are deemed to be accepted on 1 January 2004 in accordance with the provisions of article VIII of the 1974 SOLAS Convention.

35 The Committee also considered and, by resolution MSC.133 (76), adopted the Technical provisions for means of access for inspections – a new mandatory instrument which is expected to become effective on 1 January 2005 as specifically decided by the Committee when adopting the resolution MSC.134 (76) referred to in paragraph 33.

## **PARTICULARLY IMPORTANT MSC ACTIVITIES**

### **Preparation of reports pursuant to STCW regulation I/7, paragraph 2**

36 MSC 75 noted progress made on the evaluation of information communicated by STCW Parties and further noted that, at the end of the Committee's first extraordinary session, the list of confirmed STCW Parties consisted of 71 Parties confirmed by MSC 73; 23 Parties confirmed by MSC 74; and 8 Parties confirmed by the extraordinary session, giving a total of 102 Parties, as promulgated by MSC/Circ.1018.

37 MSC 75 confirmed an additional 4 Parties to bring the total to 106, as promulgated in MSC/Circ.1031 and MSC 76 confirmed a further 2 Parties to bring the total to 108 of the 144 Parties to the Convention, as promulgated by MSC/Circ.1066.

### **Updating the list of confirmed STCW Parties (the so-called 'white list')**

38 MSC 75 agreed that a 5-yearly cycle of updates of the 'white list' should be adopted and instructed the STW Sub-Committee to prepare the procedures necessary for regular updating of the list and to consider whether it was necessary for the STCW Convention or STCW Code to be amended to adopt these procedures

### **Approval of competent persons**

39 MSC 75 and MSC 76 approved additional competent persons nominated by Governments, and instructed the Secretariat to update the relevant MSC circular accordingly.

### **Large passenger ship safety**

40 The MSC Working Group on Large Passenger Ship Safety met once during the biennium. The outcome of the work was reported to MSC 75 and was again addressed by the Committee at MSC 76.

- 41 During the period under review, the MSC:
- .1 approved a guiding philosophy, strategic goals and objectives for dealing with large passenger ship safety matters;
  - .2 identified areas for further consideration containing additional guidance for sub-committees assigned work on this matter;
  - .3 developed and disseminated to its subsidiary bodies a work plan containing specific tasks to be accomplished and associated timeframes for such tasks to be completed; and
  - .4 provided additional guidance, as requested from the COMSAR, DE, FP, NAV and SLF Sub-Committees.

Large passenger ship safety has also been placed on the provisional agenda for MSC 77.

### **Safety of bulk carriers**

42 During the current biennium, the Committee's work on bulk carrier safety has continued focusing on matters arising from reports concerning the bulk carrier **Derbyshire**; the outcome of FSA studies on bulk carrier safety; and proposed amendments to the 1974 SOLAS Convention, the 1988 LL Protocol and resolution A.744(18).

43 MSC 76 adopted new SOLAS regulations XII/12 on Hold ballast and dry space water ingress alarms and XII/13 on Availability of pumping systems, as well as regulation II-1/3-6 on Access to spaces in the cargo areas of oil tankers and bulk carriers.

44 At MSC 76, the Committee also agreed to a list of recommendations for decision-making emanating from the various FSA studies on bulk carrier safety and instructed the DSC, FSI, NAV, DE and SLF Sub-Committees to take action on the recommendations falling under their respective purview. Work on bulk carrier safety will, therefore, continue on these recommendations and also regarding ships of this type of less than 150 m in length.

45 Additionally, MSC 76 approved amendments to Annex B to the 1988 LL Protocol, some of them affecting bulk carriers directly (e.g. hatch cover strength and reserve buoyancy forward). The approved amendments are expected to be considered by MSC 77 for adoption, with a recommended entry-into-force date of 1 January 2005.

### **Measures to enhance maritime security**

46 The actions taken by MSC 75 and MSC 76 related to this item are set out in the draft progress report to the Assembly in compliance with resolution A.924(22) on Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships, submitted under agenda item [16].

## **THE WORK OF SUB-COMMITTEES**

### ***STABILITY, LOAD LINES AND FISHING VESSEL SAFETY***

47 The Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) was scheduled to meet twice during the biennium: the 45<sup>th</sup> session was held from 22 to 26 July 2002 and the 46<sup>th</sup> session will be held from 8 to 12 September 2003. The outcome of SLF 45 was reported to MSC 76 and the outcome of SLF 46 will be reported to MSC 78.

#### **Revision of SOLAS chapter II-1 parts A, B and B-1**

48 During the period under review, progress has been made in the revision of SOLAS chapter II-1 parts A, B and B-1. Completion of this task, which would result in the amended chapter II-1, is expected at SLF 46 in September 2003.

#### **Amendments to Annex B to the 1988 LL Protocol**

49 Draft amendments to Annex B to the 1988 LL Protocol, developed by the SLF Sub-Committee, were approved by MSC 76 for adoption at MSC 77. These amendments address, *inter alia*, reserve buoyancy forward, hatch cover strength, spurling pipes and cable lockers, means for safe passage of crew, etc.

#### **Fishing vessel safety**

50 Progress has been made on the revision of the FAO/ILO/IMO Code of Safety for Fishermen and Fishing Vessels and the FAO/ILO/IMO Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, in collaboration with other sub-committees.

#### **Other matters**

51 Other matters which the SLF Sub-Committee has made progress on or finalized include the review of the Intact Stability Code; Guidelines on partially weathertight hatchway covers on board containerships; revision of the model test method under resolution 14 of the 1995 SOLAS Conference; interpretations of the 2000 HSC Code; and IACS unified interpretations.

### ***FIRE PROTECTION***

52 The Sub-Committee on Fire Protection (FP) met twice during the biennium: the 46<sup>th</sup> session was held from 4 to 8 February 2002 and the 47<sup>th</sup> from 10 to 14 February 2003. The outcome of FP 46 was reported to MSC 75 and the outcome of FP 47 will be reported to MSC 77.

#### **Passenger ship safety**

53 MSC 75 approved Interim Guidelines for evacuation analyses for new and existing passenger ships and on Guidelines for smoke control and ventilation systems for internal assemble stations and atriums on new passenger ships.

### **Fire safety systems**

54 MSC 75 approved proposed amendments to resolution A.602 (15) on Revised Guidelines for marine portable fire extinguishers for subsequent adoption at A 23 and approved MSC/Circ.1035 on Guidelines for the use and installation of detectors equivalent to smoke detectors. MSC 76 adopted resolution MSC.134 (76) containing amendments to SOLAS chapter II-2 on matters relating to the carriage of dangerous goods. MSC 77 will consider the outcome of FP 47 on the above subject, on use of smoke helmet type breathing apparatus; unified interpretations of the revised guidelines for approval of sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12 (resolution A.800 (19)); Code of practice for atmospheric oil mist detectors; and guidelines on partially weathertight hatchway covers on board containerships.

### **Unified interpretations**

55 MSC 75 approved unified interpretations of the International Code for Application of Fire Test Procedures (FTP Code) and fire test procedures referred to in the Code, the revised SOLAS chapter II-2; and the 2000 HSC Code. MSC 77 will consider the outcome of FP 47 on the above subject, in particular unified interpretation of the SOLAS chapter II-2, in force before 1 July 2002, the revised SOLAS chapter II-2 and the guidelines for the approval of fixed water-based local application fire-fighting systems.

### **Human element**

56 MSC 77 will consider the outcome of FP 47 on the following human element-related matters, which address:

- .1 draft Assembly resolution on Graphical symbols for shipboard fire control plans, proposed for submission to A 23 for adoption; and
- .2 a circular on principles for hot work on board all types of ships.

### ***BULK LIQUIDS AND GASES***

57 The Sub-Committee on Bulk Liquids and Gases (BLG) met twice during the biennium: the 7<sup>th</sup> session was held from 24 to 28 June 2002 and the 8<sup>th</sup> session from 24 to 28 March 2003. The outcome of BLG 7 was reported to MEPC 48 and MSC 76 and the outcome of BLG 8 will be reported to MSC 77 and MEPC 49.

### **Human element**

58 MSC 76 approved, pending concurrent clearance of MEPC 49, Recommendation for the use of a standard format for the cargo information required by chapter 16 of the IBC Code.

### **Revision of MARPOL Annex II**

59 MSC 76 approved, in principle, the criteria for assigning carriage requirement for products subject to the IBC Code.



## ***RADIOCOMMUNICATIONS, SEARCH AND RESCUE***

60 The Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) was scheduled to meet twice during the biennium: the 6<sup>th</sup> session was held from 18 to 22 February 2002 and the 7<sup>th</sup> session was held from 13 to 17 January 2003. The outcome of COMSAR 6 was reported to MSC 75 and the outcome of COMSAR 7 will be reported to MSC 77.

### **ITU World Radiocommunication Conference matters**

61 MSC 75 approved the IMO position on the World Radiocommunication Conference 2003 (WRC-03) agenda items on matters concerning maritime services, for submission first to the Conference Preparatory Meeting (CPM-02) and subsequently to WRC-03.

62 MSC 75, having recalled its instructions, at MSC 74, to the Secretariat to study, in collaboration with ITU, the legal implications involved on the status of observers from United Nations specialized agencies attending ITU World Radiocommunication Conferences, approved the relevant IMO statement inviting Maritime Administrations to support and defend the IMO views, individually or collectively, during such conferences, for submission to the relevant ITU Plenipotentiary Conference.

### **SAR matters/Joint ICAO/IMO Working Group**

63 MSC 75 endorsed the Sub-Committee's action in inviting the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR to consider the questions raised by the delegation of Cyprus, supported by the delegation of the Bahamas, on the rotation of the permanent membership of that group and the meeting venues, which should include, e.g. on an alternate basis, the Organization's Headquarters, giving the permanent missions located in London the possibility to participate as observers at no cost to their delegations.

### **Watchkeeping on VHF channel 16 by SOLAS ships**

64 MSC 75 endorsed the Sub-Committee's recommendation that the existing SOLAS regulation IV/12.3 concerning watchkeeping on VHF channel 16 should not be changed.

### **Adoption of amendments to the IAMSAR Manual**

65 During the biennium and following meetings of the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime SAR, the Committee adopted proposed amendments to the International Aeronautical and Maritime SAR Manual (section 1) as had been modified by COMSAR 6 which, following interventions by the delegations of Greece and Cyprus, the Committee referred to the joint working group for clarification and advice to COMSAR 7.

### **Review of safety measures and procedures for the treatment of persons rescued at sea**

66 The actions taken by MSC 75 and MSC 76 relating to this item are set out in the draft progress report to the Assembly in compliance with resolution A.920(22) on Review of safety measures and procedures for the treatment of persons rescued at sea, submitted under agenda item [15].

### **Follow-up to the 2000 Florence SAR Conference**

67 MSC 75 was informed that, as part of step 3 of the 5-step approach concerning implementation of the draft global SAR plan, proposed by COMSAR 4 and endorsed by MSC 72:

- .1 an assessment mission had been conducted to Kenya, Seychelles and the United Republic of Tanzania to identify the needs (including financial needs) for establishing the Mombasa regional MRCC and sub-centres in Seychelles and the United Republic of Tanzania; and
- .2 on 3 May 2002 the Governments of Kenya, Seychelles and the United Republic of Tanzania had signed a Multilateral Agreement on Co-ordination of Maritime Search and Rescue Services.

68 Having noted the above information, MSC 75 instructed the Secretariat to continue its activities to implement the recommendations of the Florence Conference; and to report developments to MSC 77.

### ***SHIP DESIGN AND EQUIPMENT***

69 The Sub-Committee on Ship Design and Equipment (DE) met twice during the biennium: the 45<sup>th</sup> session was held from 18 to 22 March 2002 and the 46<sup>th</sup> from 10 to 19 March 2003. The outcome of the Sub-Committee's work was reported to MSC 75 and MSC 76 and will be reported to MSC 77 and MSC 78, as appropriate.

### **Ship manoeuvrability**

70 MSC 76 adopted Standards for ship manoeuvrability and approved the associated Explanatory notes to the Standards for ship manoeuvrability, thereby revoking the interim guidelines in existence so far.

### **Guidelines for certain ship types**

71 MSC 76 approved Interim Guidelines for wing-in-ground (WIG) craft and Guidelines for ships operating in Arctic ice-covered waters.

### **Matters related to resolution A.744 (18)**

72 MSC 76 approved Guidelines on the sampling method of thickness measurements for longitudinal strength evaluation and repair methods in accordance with annex 12 to Annex B to resolution A.744 (18), as amended. The Committee further approved proposed amendments to resolution A.744 (18) to incorporate the aforementioned guidelines into the resolution, for consideration with a view to adoption at MSC 77.

### **Measures to prevent accidents with lifeboats**

73 MSC 77 will consider the outcome of DE 46 on the above subject, which is expected to include revision of MSC/Circ.614 on the inspection and maintenance of lifeboat on-load release gear; amendments to SOLAS regulations III/19 and III/20; guidelines for periodic servicing of

lifeboat arrangements; and guidelines on safety during abandon ship drills and fire drills on board ships.

### **Bulk carrier safety**

74 MSC 76, following consideration of the results of the work of its Working Group on Bulk Carrier Safety, added 11 new bulk carrier safety-related items to the agenda of DE 46, which the Sub-Committee is expected to consider and report thereon to MSC 77.

### **Other matters**

75 Other matters on which the Committee made progress within the DE Sub-Committee's area of responsibility, include the preparation of draft new SOLAS regulations on bulk carrier safety; large passenger ship safety; revision of the fishing vessel Safety Code and Voluntary Guidelines; interpretations of the 2000 HSC Code; review of fast rescue boat and means of rescue requirements; SOLAS requirements for anchoring, mooring and towing equipment; SOLAS amendments regarding carriage and stowage of immersion suits; amendments to the LSA Code, resolution MSC.81 (70) and MSC/Circ.980 regarding performance testing and approval standards for SOLAS personal life-saving appliances and amendments to SOLAS requirements on electrical installations.

### ***SAFETY OF NAVIGATION***

76 The Sub-Committee on Safety of Navigation (NAV) was scheduled to meet twice during the biennium: the 48<sup>th</sup> session was held from 8 to 10 July 2002 and the 49<sup>th</sup> session will be held from 30 June to 4 July 2003. The outcome of NAV 48 was reported to MSC 76 and the outcome of NAV 49 will be reported to MSC 78.

### **Ships' routing measures and mandatory ship reporting systems**

77 During the biennium under review, the MSC, acting on recommendations of the NAV Sub-Committee, adopted a number of:

- new, and amendments to existing, traffic separation schemes (TSS);
- routing measures other than TSSs; and
- mandatory ship reporting systems,

and decided on the dates they should become effective.

### **Development of appropriate model courses/standards in the operational use of IBSS**

78 MSC 76 instructed the STW Sub-Committee to develop appropriate model courses/standards in the operational use of integrated bridge systems (IBSSs), taking into account an approved Guidance covering operational aspects.

### **Places of refuge**

79 MSC 76 noted the NAV 48 progress report on the preparation of draft Guidelines on places of refuge for ships in need of assistance, along with an associated draft Assembly resolution; as well as on a draft Assembly resolution on Establishment of maritime assistance services.

80 It also noted the general support for urgent action on the issue of places of refuge, including the issue of financial security and, accordingly, requested Member Governments to give priority to it and submit relevant proposals to any subsequent meetings of IMO's competent bodies, including LEG 86, to ensure that the matter was considered from all possible angles and that it progressed satisfactorily.

81 With respect to the aforementioned draft Assembly resolutions and draft Guidelines, MSC 76 agreed that they should be forwarded to COMSAR 7 with a view to it establishing whether there was any conflict with existing SAR procedures.

82 MSC 76 further authorized NAV 49, taking into account any proposals and comments made on the draft Guidelines by the Committee, COMSAR 7, the MEPC and the Legal Committee, to submit their final text, together with the associated draft Assembly resolutions, directly to the 23<sup>rd</sup> session of the Assembly for adoption.

83 MSC 76 invited the Legal Committee to consider the work in progress from the point of view of issues within its competence and, in particular, with respect to the provision of financial security to cover either expenses which the coastal State may have incurred or to provide adequate compensation to meet any liabilities of the shipowner which may arise.

#### **ITU matters**

84 MSC 76 adopted resolution MSC.140 (76) on Recommendation for the protection of the AIS VHF data link, which had been conveyed to ITU for consideration and appropriate action.

#### **Proposed amendments to SOLAS regulations V/2 and V/22.1**

85 MSC 76 approved proposed amendments to SOLAS regulations V/2 and V/22.1 and invited the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 77.

#### **Mandatory daily position reporting by ships**

86 MSC 76, having considered a proposal by the United Kingdom outlining the need for daily reporting, to their company, their ships' daily position (a need which had originally been identified in the context of bulk carrier losses), approved draft amendments to SOLAS regulation V/28 with a view to adoption at MSC 77; and invited the Secretary-General to circulate them in accordance with SOLAS article VIII.

#### **Performance standards for navigational and radiocommunication equipment and systems**

87 During the period under review, the MSC adopted performance standards for navigational and radiocommunication equipment and systems and amendments to relevant Assembly resolutions, as prepared by the NAV and COMSAR Sub-Committees.

#### ***DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS***

88 The Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) was scheduled to meet twice during the biennium: the 7<sup>th</sup> session was held from 23 to 27 September 2002 and the 8<sup>th</sup> session will be held from 22 to 26 September 2003. Urgent

matters emanating from DSC 7 were reported to MSC 76 (the full report of DSC 7 will be considered at MSC 77) and the outcome of DSC 8 will be reported to MSC 78.

### **Mandatory International Maritime Dangerous Goods (IMDG) Code\***

89 MSC 75 adopted a new IMDG Code, the provisions of which, in order to facilitate the seamless multimodal transport of dangerous goods, may be applied from 1 January 2003 pending their official anticipated entry into force date of 1 January 2004 in mandatory form and adopted amendments to SOLAS by which compliance with the provisions of the IMDG Code will become mandatory on 1 January 2004 if deemed accepted on 1 July 2003.

### **Amendments to the CSS Code**

90 MSC 75 approved the amendments to Annex 13 to the Code of Safe Practice for Cargo Stowage and Securing (CSS Code).

### **Review of the BC Code**

91 The Committee noted the progress made on the review of the Code of Safe Practice for Solid Bulk Cargoes (BC Code), including harmonization with the new IMDG Code and the revision of the format of the Code to make it more user friendly.

### ***TRAINING AND WATCHKEEPING***

92 The Sub-Committee on Standards of Training and Watchkeeping was scheduled to meet twice during the biennium: the 33<sup>rd</sup> session was held from 21 to 25 January 2002 and the 34<sup>th</sup> session from 24 to 28 February 2003. The outcome of STW 33 was reported to MSC 75 and the outcome of STW 34 will be reported to MSC 77.

### **Training and certification of maritime pilots and revision of resolution A.485(XII)**

93 MSC 75 approved a draft Assembly resolution on Recommendations on training and certification and operational procedures for maritime pilots other than deep-sea pilots for submission to the 23<sup>rd</sup> Assembly for adoption, to supersede resolution A.485(XII).

### **End of STCW transitional provisions**

94 MSC 75 endorsed the Sub-Committee's action in issuing STCW.7/Circ.12 on Advice for port State control officers and recognized organizations on action to be taken in cases where not all seafarers certificates and endorsements meeting STCW 95 requirements after 1 February 2002.

### **Certificates issued under STCW chapter VI**

95 MSC 75 approved MSC/Circ.1030 on Guidance for port State control officers on issues related to certificates of competency.

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\* As adopted by resolution MSC.122 (75)

### **Unlawful practices associated with certificates of competency**

96 MSC 75 considered the research report on unlawful practices associated with certificates of competency and endorsements compiled by the Seafarers International Research Centre Cardiff University and approved the list of actions to be taken by the Sub-Committee and the Secretariat to address the problem.

### **Reference to amendments in the title of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978**

97 In order to address the difficulties reportedly arising due to requests by port State control officers for certificates and endorsements bearing references to "STCW 95", MSC 75 approved MSC/Circ.1032 on Guidance for port State control officers on references to STCW 95 in certificates, endorsements and documentary evidence.

### ***FLAG STATE IMPLEMENTATION***

98 The Sub-Committee on Flag State Implementation (FSI) was scheduled to meet twice during the biennium: the 10<sup>th</sup> session was held from 8 to 12 February 2002 and the 11<sup>th</sup> session from 7 to 11 April 2003. The outcome of FSI 10 was reported to MSC 75 and MSC 76 and the outcome of FSI 11 will be reported to MSC 77 and to MSC 78, as well as to MEPC 49.

### **Self-assessment of flag State performance**

99 MSC 76 considered the issue of the effectiveness of the self-assessment of flag State performance, with particular emphasis on the need to complete the identification of the problems and purpose associated with the database of self-assessment forms (SAFs) and on how the information contained therein might be used to analyse flag State performance.

### **Reporting procedures on port State control detentions and analysis and evaluation of reports**

100 Regarding the need to notify flag States of any detentions, MSC 76 agreed that the information contained in the lists of detentions and corresponding flag State comments should reflect both the factual situation regarding the detention of ships and the status of the exchange of information between the flag and port States concerned and be made freely accessible via the internet on the IMO public website and, concerning flag State comments, through the Equasis information system.

### **Casualty statistics and investigations**

101 MSC 76 approved Interim Guidelines to assist flag States and other substantially interested States to establish and maintain an effective framework for consultation and co-operation in marine casualty investigations. The MSC and the MEPC continued the review of the method of work on casualty statistics and investigations and agreed to publish information on casualties on the IMO website.

## **Responsibilities of Governments and measures to encourage flag State compliance**

102 MSC 76 considered possible measures to ensure that flag States meet international standards as a follow-up to the 7<sup>th</sup> session of the United Nations Commission on Sustainable Development (CSD 7) and agreed that resolution A.847 (20) on Guidelines to assist Flag States in the implementation of IMO instruments should be amended in the form of a draft Flag State Implementation Code.

## **Procedures concerning observed ISM Code major non-conformities**

103 In the context of their consideration of the verification to be conducted after a company's Document of Compliance had been withdrawn on the basis of a major non-conformity, MSC 76 approved a circular on Procedures concerning observed ISM Code major non-conformities.

## **Illegal, unregulated and unreported (IUU) fishing and related matters and implementation of resolution A.925 (22)**

104 MSC 76, while continuing its work to assist the FAO on the issue of illegal, unregulated and unreported (IUU) fishing, agreed to include the consideration of the implementation of resolution A.925 (22) on Entry into force and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention in its future work on this item.

## **TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY**

### **Developments concerning safety-related technical co-operation activities**

105 During the biennium under review, the MSC received updated information on safety-related technical co-operation projects and programme activities under execution by the Maritime Safety Division and maritime security-related technical co-operation activities within the Organization's Integrated Technical Co-operation Programme (ITCP), and on relevant future activities. It also noted that detailed information on these projects/activities was contained in a relevant database maintained by the Secretariat.

### **IMO model course programme**

106 During the same period, the MSC received updated information on the IMO model course production and revision and instructed the Secretariat to follow up the model course project and report developments to future sessions of the MSC.

## **FORMAL SAFETY ASSESSMENT**

107 Following approval by the MSC and MEPC of the Guidelines for formal safety assessment (FSA) for use in the rule-making process, and after some experience has been gained from their application, MCS 77 is expected to consider comments and proposals as may be submitted by Member Governments and international organizations on the subject.

## **PIRACY AND ARMED ROBBERY AGAINST SHIPS**

### **Statistical information**

108 During the biennium under review, the MSC consistently addressed this issue and, at its 76<sup>th</sup> session, being informed that the total number of incidents reported to the Organization since 1984 had risen to 2,880 by the end of October 2002, expressed grave concern at the continuing incidents reported and the escalation in the violence applied. The MSC was particularly concerned to note the loss of lives of seafarers. MSC 76 also observed that, although after the 11 September attacks emphasis had been placed on **security**, the issue of piracy and armed robbery against ships continued to cast a black spot on the image of the shipping industry as a whole. The maritime community could not any longer tolerate this situation and the serious repercussions it had on the security of passengers and crews and the safety of ships, not to mention the impact on the marine environment if a piracy/armed robbery incident resulted in oil or other hazardous and noxious cargoes escaping into it. The MSC, therefore, urged, once again all Governments and the industry to intensify their efforts to eradicate these unlawful acts.

### **Implementation of the anti-piracy project**

109 MSC 75 noted that Phase two (evaluation and assessment missions) of the project had comprised:

- .1 a mission to Jakarta, Indonesia (13 and 14 March 2001);
- .2 a regional meeting held in Singapore (15 and 16 March 2001);
- .3 a regional meeting held in Guayaquil, Ecuador (25 and 26 September 2001); and
- .4 a regional meeting held in Accra, Ghana (25 and 26 March 2002).

110 MSC 75 and MSC 76 received and endorsed the reports on the Guayaquil and Accra Regional Meetings respectively and took action on their recommendations as specified in its respective reports.

111 At MSC 76, several delegations appreciated the efforts of the IMO Secretariat and of Member Governments and industry organizations, which had contributed towards facilitating the fielding of the three assessment and evaluation missions to Singapore, Guayaquil (Ecuador) and Accra (Ghana) undertaken in 2001 and 2002. They also expressed gratitude to those Member Governments, which had provided assistance to vessels which had come under attack by pirates and armed robbers in various parts of the world.

112 The delegation of the United Kingdom, supported by other delegations, outlined the need for the Organization to assess the progress made so far, following the conclusion of the assessment and evaluation mission phase of the anti-piracy project and to develop a co-ordinated plan of action for future activities to tackle piracy and armed robbery against ships through concluding of regional agreements. MSC 76 endorsed that proposal and instructed the Secretariat to submit an appropriate document to MSC 77.



### **Towards concluding regional agreements**

113 MSC 75 recalled that the Secretary-General had informed MSC 74 that, in pursuance of a request of the March 2001 regional Meeting in Singapore, he had communicated with all countries which had sent representatives thereto inviting them to participate, at an appropriate time, in a regional meeting to consider concluding a regional agreement on co-operation against piracy and armed robbery against ships.

114 MSC 75 noted that the process to promote and conclude viable regional agreements to combat piracy and armed robbery against ships was progressing rather slowly and urged Member Governments to give urgent consideration to the issue instructing their appropriate national authorities to address it on a priority basis.

115 MSC 76 was informed by the Secretariat that, following completion of the second phase of the anti-piracy project, the Secretariat was consulting with Governments interested to receive technical assistance and was also co-ordinating missions to countries which were expected to request such assistance, using, for this purpose, the answers to the questionnaires handed over to the participants to the Singapore, Guayaquil and Accra Meetings.

### **Outcome of the second meeting of the United Nations Open-Ended informal consultative process on Oceans and Law of the Sea**

116 The Secretariat provided MSC 75 with extracts from the report of the 2<sup>nd</sup> meeting (7 to 11 May 2001) of the United Nations Informal Consultative Process on Oceans and the Law of the Sea, covering piracy and armed robbery at sea, which were of direct relevance to the on-going work of IMO; and noted that the Organization had already acted on the areas identified therein (e.g. through the adoption of resolution A.922 (22) on Code of Practice for the investigation of the crimes of piracy and armed robbery against ships; and resolution A.923 (22) on Measures to prevent the registration of "Phantom" ships); and instructed the Secretariat to follow closely further developments at the United Nations level and report thereon to the MSC, as appropriate.

### **Outcome of the fifty-sixth session of the United Nations General Assembly**

117 MSC 75 noted that the 56<sup>th</sup> session of the United Nations General Assembly had, *inter alia*, adopted, on 28 November 2001, resolution A/RES/56/12 on Oceans and the law of the sea, requesting, among other provisions, the United Nations Secretary-General, in co-operation with competent international organizations and programmes, including IMO, to review the efforts being made to build capacity as well as to identify the duplications that needed to be avoided and the gaps that might need to be filled for ensuring consistent approaches, both nationally and regionally, with a view to implementing the United Nations Convention on the Law of the Sea; and to include a section on this subject in his annual report on Oceans and the Law of the Sea.

118 In this regard, the Secretariat provided MSC 75 with extracts from the aforementioned United Nations' General Assembly resolution of direct relevance to the on-going work of IMO, whereby the General Assembly (under section IX on Piracy and armed robbery of the said resolution), *inter alia*:

- “30. *Welcomes initiatives of the International Maritime Organization* and Governments aimed at enhancing international cooperation, particularly at the regional level, and encourages the development by Governments, based on mutual trust, of a common approach to enforcement, investigation and prosecution in dealing with piracy and armed robbery at sea;
31. *Calls upon States and private entities concerned to cooperate fully with the International Maritime Organization*, including by submitting reports on incidents to the Organization and by implementing its guidelines on preventing attacks of piracy and armed robbery; etc.”.

119 MSC 75 noted the above information and instructed the Secretariat to follow closely any further relevant developments and report thereon to the Committee, as appropriate.

#### **QUALITY CERTIFICATION OF IACS MEMBER SOCIETIES**

120 MSC 75 received information on developments with regard to IMO’s participation in the IACS quality system certification scheme since MSC 73 and the IMO observer’s report. The Committee decided, in view of developments relating to the full implementation of the ISM Code, bulk carrier safety, survey and certification and other issues, to extend the Organization’s participation in the Scheme on the same basis as in the past, that is with no financial implication to the Organization; and instructed the Secretariat to report on developments to MSC 78.

#### **MEETING OF THE CHAIRMEN**

121 MSC 75, having considered various proposals on new concepts to improve the performance of the sub-committees, noted several views expressed in the course of the discussion, which it decided should be brought to the attention of the Meeting of Chairmen of the MSC, MEPC, TCC and the FAL Committee along with the Chairmen of the technical sub-committees, which had been scheduled to take place on 15 June 2002, to mainly consider ways and means to enhance the efficiency and effectiveness of the IMO bodies concerned.

#### **Application of the Committee’s Guidelines**

122 Subsequently, in considering the report of the Chairmen’s Meeting, MSC 76 agreed to the recommendations to amend the MSC/MEPC Guidelines on the organization and method of work. As instructed the Secretariat has prepared draft rearranged and modified Guidelines on the organization and method of work for consideration by MSC 77.

#### **Other issues**

123 MSC 76 then made decisions on a number of other issues, including:

- .1 terms of reference of the sub-committees;
- .2 long-term work plan of the Organization and determination of whether there was a need to restructure the sub-committees;
- .3 ability to implement new requirements and recommendations;

- .4 role of the SPI Working Group and matters related to maritime security;
- .5 responsibilities and roles of the sub-committee Chairmen and Vice-Chairmen;
- .6 attendance of journalists at meetings of IMO's technical bodies, etc.

124 With regard to paragraph 123.2, MSC 76 agreed that any modifications to the long-term work plan deemed necessary to achieve the objectives of the Organization, as set out in resolution A.900(21), would be conditional on any changes in the structure of the sub-committees, which, in turn, should only be considered when the outcome of the Ad Hoc Council Working Group on the Organization's Strategic Plan becomes available and the strategy and policies of the Organization are agreed. However, the Committee saw no immediate need to change the structure of the sub-committees at present.

#### **IMO MODEL AUDIT SCHEME**

125 The Council, at its 88<sup>th</sup> session, approved, in principle, the concept for an IMO Model Audit Scheme to be implemented on a voluntary basis and requested the MSC, the MEPC and the TCC to consider how the details of an IMO Model Audit Scheme could be developed, identifying those environmentally-, safety-and security-critical areas that should be covered by the Scheme.

126 The Committees agreed to establish a Joint MSC/MEPC/TCC Working Group to meet at MSC 77 to consider the proposed IMO Model Audit Scheme further and to progress the matter in accordance with the terms of reference agreed by the Council.

#### **WORK PROGRAMME AND RELATED MATTERS**

##### **Work programmes of the sub-committees and provisional agendas**

127 During the period under review, the Committee:

- .1 continued its efforts to improve its efficiency through streamlining its own work programme and that of the sub-committees and making the best possible use of the available resources without impairing work on important and urgent safety-related issues;
- .2 continued implementing the agenda management procedure contained in the Guidelines on the organization and method of work; and
- .3 approved the work programmes and provisional agendas for sub-committee sessions, which were prepared in accordance with the aforementioned procedure.

##### **Allocation of meeting weeks in the 2004-2005 biennium**

128 MSC 76, having been advised of consultations between the MSC and MEPC Chairmen with the Chairmen of sub-committees and, bearing in mind financial restraints, agreed to recommend to the Council that 25.5 meeting weeks be allocated to the MSC, MEPC and sub-committees during the biennium 2004-2005, emphasizing that this represented the minimum

required to maintain the efficiency and effectiveness of the Organization's technical bodies. The Committee agreed that the total of 25.5 meeting weeks proposed might be reduced by one or two on the understanding that future meetings would be scheduled in a manner which would not adversely affect the efficiency and commitments of its work.

### **Intersessional meetings**

129 Bearing in mind the view of the Council that intersessional meetings of working groups should be restricted to the minimum necessary; paragraph 36 of the revised Guidelines on the organization and method of work; and its decision at MSC 66 that all sub-committees should scrutinize the need for intersessional meetings of the working groups and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justified request for consideration, the Committee approved, during the period under review, intersessional meetings of working groups, as listed in the respective MSC reports.

### **MARINE ENVIRONMENT PROTECTION**

130 The Marine Environment Protection Committee (MEPC) was scheduled to meet three times during the biennium: MEPC 47 was held from 4 to 8 March 2002, MEPC 48 from 7 to 11 October 2002 and MEPC 49 will be held from 14 to 18 July 2003. The MEPC further pursued the formulation of new international standards and the promotion of effective implementation of existing standards in the field of marine environment protection, taking into account resolutions A.500(XII), A.777(18) and A.900(21).

131 The MEPC had given priority to the development of the draft International Convention for the Control and Management of Ships' Ballast Water and Sediments, the preparation for the entry into force and implementation of MARPOL Annex VI, the formulation of IMO Guidelines on Ship Recycling, the designation of Particularly Sensitive Sea Areas (PSSAs) and implementation of the OPRC Convention and the OPRC-HNS Protocol.

132 The reports of MEPC 47, MEPC 48 and MEPC 49, presented under Assembly agenda item [11], give details of the substantive work accomplished by the MEPC and subsidiary bodies. A number of recommendations are proposed for adoption by the Assembly under agenda item [11].

### **ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

133 MEPC 48 adopted, by resolution MEPC.99(48), amendments to the Condition Assessment Scheme (CAS) to include the Model Survey Plan and the Guidance Note for the Safe Conduct of CAS in accordance with the provisions of article 16 of MARPOL 73/78.

134 MEPC 48 adopted, by resolution MEPC.100(48), amendments to the List of Substances annexed to the 1973 Intervention Protocol to use a simple reference to the criteria and relevant instruments to ensure the most expeditious means of maintaining information on chemicals covered by the Protocol in accordance with the provisions of Article III of the Protocol.

### **HARMFUL AQUATIC ORGANISMS IN BALLAST WATER**

135 The MEPC continued its consideration of the draft International Convention for the Control and Management of Ships' Ballast Water and Sediments, taking into account the report

of an intersessional meeting of the Ballast Water Working Group which was held from 30 September to 4 October 2002 with the approval of the 88<sup>th</sup> session of the Council.

136 MEPC 47 considered a number of principal areas of concern including the objectives of the Convention, the concept of acceptable ballast water, Tier Two requirements and ballast water treatment standards, and developed a revised draft text of the Convention.

137 MEPC 48 recognised that substantial progress had been made by the Ballast Water Working Group in formulating the revised draft Convention which provides a sound framework for discussion at the Diplomatic Conference; however MEPC 48 considered that the draft Convention should be further reviewed by MEPC 49 in July 2003 and the draft text of the Convention should be circulated six months before the Diplomatic Conference.

138 As approved by the Council at its 89<sup>th</sup> session, a second intersessional meeting of the Ballast Water Working Group was held from 3 to 7 March 2003 to refine the draft Convention. MEPC 49 will consider the outcome of the Working Group in preparation for the Diplomatic Conference which is scheduled to be convened in early 2004.

## **RECYCLING OF SHIPS**

139 MEPC 47 continued to consider matters relating to ship recycling and confirmed IMO's overall responsibility associated with ship recycling. It agreed that IMO, for the time being, should develop guidelines to be adopted by an Assembly resolution, while recognizing the need for continued co-operation with ILO and the Secretariat of the Basel Convention (SBC).

140 MEPC 48 considered the draft IMO guidelines prepared by the Working Group on Ship Recycling and agreed that the draft guidelines needed further development before submission to the 23<sup>rd</sup> session of the Assembly for adoption. MEPC 48 requested inputs from the DE, BLG and FSI Sub-Committees and decided to establish an intersessional correspondence group on the matter and to reconvene the Working Group on Ship Recycling during MEPC 49.

141 It is expected that the draft IMO Guidelines on Ship Recycling will be finalized at MEPC 49 for submission to the 23<sup>rd</sup> Assembly for adoption.

## **PREVENTION OF AIR POLLUTION FROM SHIPS**

142 MEPC 47 considered and adopted the Guidelines for the sampling of fuel oil for determination of compliance with Annex VI of MARPOL 73/78 by resolution MEPC.96(47).

143 MEPC 48, through the Working Group on Air Pollution, continued to develop an IMO strategy on greenhouse gas reduction to be adopted by an Assembly resolution. MEPC 48 noted that the Working Group had made significant progress with regard to the proposed future IMO measures for controlling greenhouse gas emissions from ships engaged in international shipping. However, MEPC 48 agreed that, before further action was taken on the draft Assembly resolution, the policy issues on greenhouse gas emission in the context of Article 2.2 of the Kyoto Protocol must be resolved, and agreed to consider this point further at MEPC 49.

144 In order to make further progress on the development of the IMO strategy on greenhouse gas reduction, MEPC 48 agreed to establish an intersessional correspondence group on the matter and to reconvene the Working Group on Air Pollution during MEPC 49 with a view to finalizing the IMO strategy.

145 MEPC 48 noted statements of delegations on their intentions to ratify MARPOL Annex VI on prevention of air pollution from ships in the near future. The Committee, recalling Conference resolution 1 of the 1997 Air Pollution Conference, which requested the Committee to identify the impediment to entry into force of the Annex if the entry into force conditions had not been met by 31 December 2002, agreed to review the situation at MEPC 49.

## **IMPLEMENTATION OF THE OPRC CONVENTION AND THE OPRC-HNS PROTOCOL AND RELEVANT CONFERENCE RESOLUTIONS**

146 MEPC 47 noted the achievements of the OPRC Working Group and MEPC 48 approved the revised Manual on Oil Pollution: Section IV on Combating Oil Spills.

147 MEPC 48 approved, in principle, the work programme for the early entry into force and implementation of the OPRC-HNS Protocol, and agreed that the proposed timetable for the work programme would be further considered at MEPC 49.

148 MEPC 48 noted the report of the Third Research and Development Forum on High-density Oil Response, Brest, France, 11 to 13 March 2002, and agreed to request the Secretariat to develop an action plan to promote the recommendations of the Forum for consideration by MEPC 49.

149 MEPC 48 also noted the outcome of the IMO/UNEP Forum on Regional Arrangements for Co-operation in Combating Marine Pollution Incidents and requested the Secretariat to initiate appropriate action to give effect to the recommendations of that Forum. The Committee also encouraged the holding of such Forum whenever possible to promote regional co-operation on preparedness and response to marine pollution.

### **Future arrangements for the work of the OPRC Convention and the OPRC-HNS Protocol**

150 MEPC 48 recalled that Article 12 of the OPRC Convention and Article 10 of the OPRC-HNS Protocol designate the Organization to carry out several functions and activities relating to the implementation of these two instruments. The functions requested of the Organization have been largely carried out through the OPRC Working Group. During discussion of the matter, the Committee recognized that, because of the increasing workload and more urgent work programme items of the Committee, the OPRC Working Group had not always been able to meet during the MEPC sessions due to the restriction on the number of working groups.

151 MEPC 48, having considered the proposal by delegations, agreed to establish a Technical Group on the OPRC Convention and the OPRC-HNS Protocol, which would be a subsidiary body of the Committee to meet in the week prior to the Committee and to report to the Committee at its subsequent session. The Committee requested Australia to submit draft Terms of Reference for the Technical Group to MEPC 49 for consideration.

## **IDENTIFICATION AND PROTECTION OF SPECIAL AREAS AND PARTICULARLY SENSITIVE SEA AREAS (PSSA)**

152 MEPC 47 designated the sea area around the Malpelo Island of Colombia as a new Particularly Sensitive Sea Area by resolution MEPC.97(47) and the sea area around the Florida Keys of the United States as another new Particularly Sensitive Sea Area by resolution MEPC.98(47). MEPC 47 agreed that the effective date for the introduction of protective measures associated with Malpelo Island and the Florida Keys would be six months after the formal approval of associated routing measures at MSC 75.

153 With a view to assisting Member Governments in formulating their PSSA proposals for consideration by the Committee, MEPC 48 approved the Guidance Document for Submission of PSSA Proposals (MEPC/Circ.398).

154 MEPC 48 designated the Wadden Sea of Denmark, Germany and the Netherlands as a new PSSA by resolution MEPC.101(48).

155 MEPC 48 approved, in principle, the designation of the Paracas National Reserve of Peru as a new PSSA, pending consideration of the proposal for an "Area to be Avoided" by the NAV Sub-Committee.

156 MEPC 48 approved the proposed amendments to regulation 10 of MARPOL Annex I for designating the Oman area of the Arabian Sea as a Special Area under MARPOL Annex I, and requested the Secretary-General to circulate the proposed amendments in accordance with the provisions of Article 16 of MARPOL 73/78 for consideration at MEPC 49 with a view to adoption.

## **HARMFUL EFFECTS OF THE USE OF ANTI-FOULING SYSTEMS FOR SHIPS**

157 MEPC 47, in considering follow-up action to the adoption of the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention), requested the FSI Sub-Committee to develop, as a matter of urgency, the Guidelines on Surveys of Anti-fouling Systems, the Guidelines for Brief Sampling of Ships' Anti-fouling Systems and the Guidelines for Inspection of Ships' Anti-fouling Systems.

158 MEPC 48 adopted the Guidelines for Survey and Certification of Anti-fouling Systems on Ships by resolution MEPC.102(48). MEPC 48 requested the FSI Sub-Committee to develop the other two Guidelines as soon as possible.

## **ENVIRONMENTAL PROGRAMMES AND TECHNICAL CO-OPERATION**

159 The GEF/UNDP/IMO project on removal of barriers to the effective implementation of ballast water control and management measures in developing countries, which commenced in March 2000, is to be completed in 2004. It is expected that a new phase of this project will be adopted by GEF.

160 The GEF/World Bank/IMO PDF/Block B grant project on development of a regional Marine Electronic Highway (MEH) in the East Asian Seas commenced in March 2001 and led to the preparation of a four-year demonstration project for the development of the MEH in the Straits of Malacca and Singapore. This demonstration project is expected to be approved by GEF and to commence in 2004.

## **FOLLOW-UP TO UNCED AND WSSD**

161 MEPC 47 noted that the IMO report on implementation of Agenda 21 had been submitted to the Commission on Sustainable Development in connection with the World Summit on Sustainable Development (WSSD). The IMO report was well received at the Second Preparatory Meeting for WSSD.

162 MEPC 48 noted that IMO participated in the process of WSSD and provided information on the achievements of IMO in the implementation of Chapter 17 of Agenda 21. IMO's current initiatives on the management of ships' ballast water (GloBallast) and the Marine Electronic Highway (MEH) Project for the Malacca and Singapore Straits and three new proposed initiatives by the Regional Programme on Building Partnerships for Environmental Management in the Seas of East Asia (PEMSEA) were introduced during the Summit.

163 The outcome of WSSD, including the Plan of Implementation adopted by the Summit, was brought to the attention of the 89<sup>th</sup> session of the Council. MEPC 49 is expected to consider how to carry out the work requested of IMO in the Plan of Implementation, especially paragraph 34 which urges IMO to enhance maritime safety and protection of the marine environment.

## **IMO MODEL AUDIT SCHEME**

164 MEPC 48 noted that the Council, at its 88<sup>th</sup> session, had requested the MSC and MEPC to consider how the details of an IMO Model Audit Scheme could be developed; to advise on those safety- and environmentally-critical areas to be covered by the Scheme; and to consider the matter further, at MEPC 49, and prepare a report for submission to the 22<sup>nd</sup> extraordinary session of the Council.

165 MEPC 48 agreed to endorse the proposal to hold a Joint MSC/MEPC/TCC Working Group during MSC 77 and requested MEPC delegations to participate in the Joint Working Group in order to provide contributions to the Group to address MARPOL-related issues.

## **FACILITATION OF MARITIME TRANSPORT**

166 During the period under review, the Facilitation Committee (FAL) continued to serve as the forum for discussing issues and problems arising in connection with the Convention on Facilitation of International Maritime Traffic (FAL), 1965 and the Organization's activities to reduce, simplify and standardize the documentation, formalities and procedures connected with the arrival and departure of persons and ships engaged in international trade.

167 The FAL Committee met twice during the biennium: the 29<sup>th</sup> session was held from 7 to 11 January 2002 and the 30<sup>th</sup> session from 27 to 31 January 2003. The outcome of FAL 29 was reported to the 88th session of the Council and that of FAL 30 will be reported to the 90<sup>th</sup> session of the Council.

### **Facilitation aspects in the context of maritime security**

168 In the context of security and as requested by the Assembly in resolution A.924 (22), the Committee considered facilitation aspects of maritime traffic, and agreed to further consider the following issues at FAL 31:



- a detailed study of WCO data requirements for a cargo report along with IMO FAL Forms (1 to 7), the IMO Compendium on Facilitation and Electronic Business and the security-related documentation requirements (e.g. the International Ship Security Certificate, Continuous Synopsis Record, etc.) to facilitate international trade and support measures to enhance maritime security; and
- review of resolution A.872 (20) on Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic.

169 The SPI Working Group, as instructed by MSC 76, also gave preliminary consideration to various requests of the 2002 Maritime Security Conference and prepared a draft outline for the development of a model course for Port Facility Security Officers, which had been subsequently submitted to STW 34 for consideration.

### **Facilitation aspects relating to measures and procedures for the treatment of persons rescued at sea**

170 The Committee considered the issue from the facilitation point of view as requested by the Assembly in resolution A.920 (22), and gave preliminary consideration on issues such as: identification of administrative procedures for the disembarkation of persons rescued at sea; identification of a need for a checklist for recording information on persons rescued at sea; and related amendments to the FAL Convention, and agreed to further consider these issues at FAL 31, taking into consideration any relevant developments in the Organization and other international fora.

### **Stowaways**

171 FAL 29 adopted amendments to the annex to the FAL Convention, which had been approved at its last session to include key elements aimed at resolving stowaway problems. The amendments entered into force on 1 May 2003.

172 The Committee also reviewed reports on stowaway incidents and, while agreeing that the statistics presented contained valuable information regarding the assessment of the Guidelines on the allocation of responsibilities to seek successful resolution of stowaway cases (resolution A.871 (20)), invited Member Governments and non-governmental international organizations to unfailingly submit such reports to the Organization.

### **Strategic review of the FAL Convention and the work of the Committee**

173 The Committee considered the report of its Chairman on the strategic review of the FAL Convention and the Committee's work to modernize and bring the Convention up-to-date with developments in the shipping industry; and to rationalize the Committee's work as a whole, and agreed, in principle, with the Chairman's recommendations contained in the report. Necessary follow-up action will be taken at the next session.

### **Electronic means for the clearance of ships**

174 The Committee considered the most appropriate way to facilitate the process of clearing the ship of its cargo, passengers and crew by using information technology solutions, such as “electronic signature”; and “single window concepts and pre arrival information”.

175 The Committee approved amendments to the IMO Compendium on Facilitation and Electronic Business (FAL.5./Circ.15/Corr.1) and also approved a FAL Circular on E-Addresses (FAL.5/Circ.19), recognizing that publication of one or more dedicated E-addresses of appropriate Governmental authorities in a port or in a country would facilitate the exchange of electronic information between masters of ships and shore-based authorities.

### **Development of a questionnaire to obtain up-to-date information on differences to Convention Standards and Recommended Practices**

176 The Committee developed a questionnaire seeking information from FAL Contracting Governments on differences they had registered between national practices and the Standards and Recommended Practices contained in the Annex to the FAL Convention, with a view to determining whether they were outdated or could be amended to make them more universally acceptable; and to provide a mechanism through which FAL parties would be encouraged to review the exceptions they had registered and other measures taken to align their national requirements and procedures with those of the Convention. To this effect, the Committee approved an associated FAL circular (FAL.3/Circ.184).

### **Development of a FAL Convention explanatory Manual**

177 The Committee agreed that the development of an explanatory Manual to the FAL Convention could help in interpreting the legal provisions of the Convention some of which are complex and, at times, difficult to understand. To this effect, it established an intersessional correspondence group to prepare the general outline of such a Manual for submission to FAL 31 for consideration.

### **Ship/port interface matters**

178 The Working Group on Ship/Port Interface (SPI Working Group) met concurrently with FAL 29 and FAL 30 and its outcome has been included in the reports of the Committee (section 12 of FAL 29/18 and FAL 30/20).

179 The SPI Working Group, apart from work on maritime and port security, prepared a draft joint MSC/MEPC/FAL Circular on the availability of tug assistance; and also justification of the work on the development of guidelines on minimum training and education for mooring personnel, for submission to MSC 77 for approval.

### **Work programme and working arrangements**

180 The Committee reviewed its long-term work plan up to 2010 and prepared a revised long-term plan comprising objectives and specific subjects.

## **WORK OF THE LEGAL COMMITTEE**

### **Sessions of the Legal Committee**

181 The Legal Committee was allocated two meeting-weeks in 2002 and two in 2003 in the budget for the 2002-2003 biennium. The Committee held two sessions in 2002, namely, the 84<sup>th</sup> and 85<sup>th</sup> sessions from 22 to 26 April 2002 and from 22 to 24 October 2002, respectively. The 86<sup>th</sup> session was held from 28 April to 2 May 2003 and the 87<sup>th</sup> session will be held from 13 to 17 October 2003.

182 The outcome of LEG 84, LEG 85, LEG 86 and LEG 87, presented under Assembly agenda item [10], give details of the substantive work accomplished by the Committee.

### **Provision of Financial Security: Crew Claims**

183 The Committee at its 84<sup>th</sup> session noted the adoption by the IMO Assembly at its 22<sup>nd</sup> session of resolution A.930 (22) on Provision of Financial Security in Case of Abandonment of Seafarers and resolution A.931 (22) on Guidelines on Shipowners' Responsibilities in respect of Contractual Claims for Personal Injury to or Death of Seafarers. The draft resolutions and guidelines, which were prepared by the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, took effect on 1 January 2002.

184 At its 85<sup>th</sup> session, the Committee took note of an oral report on the fourth session of the Working Group, which was held from 30 September to 4 October 2002. The Committee noted that the Group had entered the second part of its mandate, consisting in monitoring the implementation of the above-mentioned resolutions. The Committee also noted that, in order to help this monitoring process, the Group had prepared two questionnaires to be sent to competent national Administrations and to relevant organizations. These questionnaires were circulated under the joint aegis of IMO and ILO. The holding of a fifth session of the Group was endorsed by the Committee.

### **Draft convention on wreck removal**

185 The Committee at its 84<sup>th</sup> session continued its consideration of a re-drafted and consolidated text of the draft wreck removal convention (hereinafter the DWRC). The Committee addressed some fundamental issues, such as the definitions of "convention area", "wreck", "hazard", "shipowner", "the State whose interests are the most directly threatened by the wreck", and "flag State". The term "shipowner" was changed throughout the text with the term "registered owner", and the definition of "flag State" was replaced with that of "State of the ship's registry".

186 The Committee generally accepted that the DWRC should include provisions on liability and compensation and considerable support for including provisions on evidence of financial security. The Committee established a Working Group to take the DWRC further and to report to the Committee at its next session.

187 At its 85<sup>th</sup> session, the Committee considered a number of issues. These included the relationship between the draft convention and the Intervention Convention and a proposal to reinstate the definition of "flag State" throughout the draft. Progress was made on other pending

issues, including financial liability for locating, marking and removing wrecks, evidence of financial security, measures to facilitate the removal of wrecks, and the question of whether a State would be deemed to give advance consent to the exercise by a coastal State of authority to remove wrecks, where this was not otherwise permitted under international law. The Committee considered whether the term “act of terrorism” should be expressly included in the draft. The matter was referred back to the Working Group.

188 The Committee approved in principle a draft article aiming at ensuring that the DWRC did not overlap and conflict with other liability regimes. It also broadly supported the inclusion of an article on measures to facilitate the removal of wrecks, but noted the diverging views with regard to the power of the Coastal State to remove wrecks. In this connection the Secretariat was requested to prepare a document on the mandate of the IMO to regulate the coastal State’s intervention powers in the EEZ, within the framework of international law, including UNCLOS. This was submitted to LEG 86.

### **Review of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, and its Protocol of 1988 relating to Fixed Platforms Located on the Continental Shelf (SUA Convention and SUA Protocol)**

189 In line with the decision adopted at its 83<sup>rd</sup> session and Assembly resolution A.924(22), the Committee at its 84<sup>th</sup> session considered possible amendments to the SUA Convention and Protocol to take account of present day conditions.

190 The Committee established a formal Correspondence Group under the leadership of the United States, with the task of studying and proposing necessary amendments to the two treaties in order to facilitate, strengthen and expand international co-operation and co-ordination as a means of combating unlawful acts, including terrorist acts.

191 The Committee, at its 85<sup>th</sup> session, considered draft protocols to the SUA Convention and Protocol submitted by the United States as leader of the Correspondence Group, as well as another submission on the need to avoid overlap and duplication with other treaties.

192 The Committee held a preliminary discussion on the main features of the draft protocols. While some concern was expressed on the possibility of overlapping and duplication with other treaties, it was also noted that some overlap might be unavoidable in order to close the gaps that would arise if some States did not become party to other conventions on terrorism and if some States did not become party to the new protocol.

193 The Committee instructed the Correspondence Group to continue its deliberations. It was further suggested that the Maritime Safety Committee might consider the safety aspects of the draft proposals.

### **Advice requested by the International Working Group on Maritime Security (ISWG)**

194 At its 84<sup>th</sup> session, the Committee, in response to a request by the ISWG on how the terms “ownership” and “control” of ships should be defined for the purpose of detecting or deterring unlawful acts involving the use of a ships, decided that an examination of beneficial ownership and piercing of the corporate veil was not necessary. It agreed that the fundamental issue was to determine “who has effective operational control of the ship”. The Committee concluded that, to that end, information which answers the following questions is relevant:

- .1 who appoints the crew?
- .2 who fixes the use of the ship?
- .3 who signs the charterparty on behalf of the owner?

195 The Committee decided that suitably adapted concepts from the ISM Code combined with flag State responsibilities would provide a good reference point or framework for answering these questions.

### **Draft protocol to amend the 1992 Fund Convention**

196 The Legal Committee, at its 84<sup>th</sup> session, considered a draft protocol to the 1992 Fund Convention, which had been prepared under the aegis of the 1992 IOPC Fund Assembly. The protocol aimed to establish an optional supplementary Fund open to States Parties to the 1992 Fund Convention to pay compensation for claims exceeding the limits established in the 1992 CLC and 1992 Fund Convention. The Committee approved the draft text as contained in document LEG 84/5 and concluded that the draft protocol was ready for submission to a diplomatic conference and that it had good prospects both for adoption by the conference and subsequent implementation by States. The Diplomatic Conference is scheduled to take place from 12 to 16 May 2003. A full report appears under item [14 (c)].

### **Places of refuge**

197 The Legal Committee, at its 84<sup>th</sup> session, began its consideration of the legal issues related to this subject. It concluded that there were no legal barriers to the development by the Organization of guidelines on this subject and supported the development of such guidelines by the MSC.

198 Noting that one significant issue which required resolution was the possible responsibility of a coastal State for pollution caused by ships in distress in the event it agrees entry into a port or a place of refuge, the Committee agreed that the liability and compensation aspects had to be addressed.

199 As part of this process, the Committee, at its 85<sup>th</sup> session, noted the results of a survey conducted by the CMI at the Committee's request, to ascertain the extent to which domestic law dealt with the problem of vessels in distress seeking refuge.

200 To identify gaps in the existing system, the Secretariat was requested to review, in co-operation with the CMI, the provisions of existing international instruments and of national law dealing with liability and compensation and their application to places of refuge.

201 The Committee agreed to examine the legal aspects of the draft Assembly resolutions on the liability aspects of places of refuge should it be asked to do so by the MSC and to this end requested the Secretariat to circulate the drafts well in advance of the Committee's next session.

### **Monitoring implementation of the HNS Convention**

202 The Committee at its 84<sup>th</sup> session discussed and approved a short overview of the HNS Convention submitted by the delegation of the United Kingdom, as Co-ordinator of the Correspondence Group on monitoring the implementation of the Convention. The Committee

decided that the overview should be posted on the IMO website and circulated in written form to Governments.

203 At its 85<sup>th</sup> session the Committee considered information on a number of incidents involving the international carriage of hazardous and noxious substances since 1995 and encouraged Member States to add any other relevant information to the list.

204 The Committee agreed that the Correspondence Group should continue to develop a comprehensive guidance on the implementation of the Convention and to keep the Committee informed of its progress. Governments were urged to speed up the ratification process of the HNS Convention.

205 The Committee noted with appreciation the work done by the 1992 Fund on the development of electronic database to report contributing cargo under the HNS Convention.

### **Technical Co-operation – Sub-Programme for maritime legislation**

206 The Committee at its 84<sup>th</sup> and 85<sup>th</sup> sessions noted with satisfaction the progress reports on the implementation of the sub-programme from June 2001 to June 2002. The Committee also noted the information provided by the Director of the Technical Co-operation Division on the main features of implementation of the subprogramme in view of the ongoing requests for assistance received from many countries wishing to update their maritime legislation.

### **Code of practice for the investigation of crimes of piracy and armed robbery at sea**

207 The Committee, at its 84<sup>th</sup> session, noted a proposal by Brazil to amend resolution A.922(22) and the Code of practice for the investigation of crimes of piracy and armed robbery against ships. It agreed to keep the matter in its work programme and on its agenda for the 86<sup>th</sup> session.

### **Measures to protect crews and passengers against crimes on vessels**

208 The Committee, at its 85<sup>th</sup> session, noted information on an incident on the high seas involving the suspicious death of a seafarer. Arising out of this, the Committee considered the difficulties for a flag State geographically far from the place of the incident to take steps to exercise jurisdiction over such an incident.

209 The Committee concluded that it would be premature to include this matter on its work programme as a separate item until additional information was available on current State practice and domestic law. In this connection, the Committee accepted the offer by the CMI to develop a questionnaire, in consultation with the Secretariat of the IMO Legal Office, to solicit information from the IMO to Member Governments which might be relevant to the Committee's further consideration of this matter.

### **Treatment of persons rescued at sea**

210 The Committee at its 85<sup>th</sup> session took note of the information on the work of other IMO bodies on treatment of persons rescued at sea as well as of the Secretary-General's initiative in promoting inter-agency co-operation in this regard.

211 The Committee decided that there was no specific action to be taken at this session. However, it took notice that it might be requested by other IMO bodies to examine particular issues, and that it would need to decide at its 86<sup>th</sup> session what interim report to submit to the Council for transmission to the 23<sup>rd</sup> Assembly.

## **TECHNICAL CO-OPERATION**

### **General**

212 The Technical Co-operation Committee (TCC) was scheduled to meet three times during the current biennium: the 51<sup>st</sup> session was held on 13 June 2002, the 52<sup>nd</sup> on 28 November 2002 and the 53<sup>rd</sup> will be held on 11 and 12 June 2003.

213 The principal achievements during the biennium under review include improvements made to enhance the effectiveness of the Integrated Technical Co-operation Programme (ITCP), the rapid development and delivery of a global capacity building programme on maritime security and new TC measures adopted to improve the management, delivery and monitoring of the ITCP as a result of the Change Management Programme.

### **Development and implementation of the ITCP activities**

214 During the period under review, a total of 99 regional and global projects/programmes were developed and implemented. These include a new global programme on maritime security launched at the beginning of 2002. The new ITCP for 2004-2005 is now being prepared, which will be submitted to the 53<sup>rd</sup> session of the TCC for consideration and adoption.

215 To measure and improve the effectiveness of the ITCP, a new format of the Annual Report on the ITCP was endorsed by the TCC to provide an improved analysis, not only of the financial aspects of the programme, but also of the work actually accomplished. The Secretariat prepared a paper on external constraints to the delivery of the ITCP, with suggestions for remedial action. The suggestions were approved by the 52<sup>nd</sup> session of the TCC.

### **Technical assistance on maritime security**

216 In response to Assembly A.924(22), the initial two-year programme of global assistance on maritime security was launched in February 2002, within the framework of the ITCP and with a total budget of £1.5 million (i.e. US\$2,145,000) from the TC Fund. On completion of a training package, seven sub-regional seminars/workshops were held in the second half of 2002. The seminars/workshops involved participants of 86 countries, two Associate Members and a total of 306 trainees.

217 At the beginning of 2003 the global programme's aim was revised, taking into account the decisions of the Diplomatic Conference on Maritime Security held in December 2002. Accordingly, increased technical assistance in this field is taking place in 2003, including a further seven sub-regional seminars/workshops. In addition to these activities, the Technical Co-operation Division is also responding positively to *ad hoc* requests for support in terms of advisory missions or national workshops in individual countries, as well as on-the-job training attachments.

## **Women in development**

218 The period from June 2001 to date has been marked by a number of significant changes, including the introduction of a new source of funding for the programme and a change of emphasis to the implementation mechanism. The first development phase of the Norway-funded Special Fellowship Programme for Women was reviewed through an impact assessment exercise. The review recommended that the next phase of the Special Fellowship Programme should cluster the funding allocation rather than disperse individual fellowships on a global basis. A critical mass of women trained in maritime disciplines could be achieved within a specific country/region, establishing a target group of women experts who should play a more effective role in highlighting the benefits of capitalizing on capacity-building – without gender restrictions.

219 Governments and training institutions have provided very successful on-the-job training opportunities and training courses for women engaged in shipping and port operations.

## **IMO training institutions and fellowships**

220 2002 was notable for a range of major academic developments for the World Maritime University. Four new Professorial Chairs were established: three are sponsored by the Nippon Foundation, and one by the Government of Canada. The University launched the first edition of the WMU Journal of Maritime Affairs, and also published Maritime Legislation by Professor P.K. Mukherjee, the third WMU book published to date. A new doctoral programme conducted jointly with the University of Wales Swansea was launched and a very successful international symposium on maritime security was held at WMU in August. All these activities took place alongside the University's usual range of teaching, research, consultancy and professional development courses. Up to end-2002, the University has a global outreach of 1,754 graduates in 141 countries and territories.

221 The IMO International Maritime Law Institute is now widely regarded as a centre of excellence in the teaching and training of maritime lawyers, particularly from developing countries. The Institute's academic reputation is enhanced by some 36 visiting eminent maritime lawyers who visit the Institute annually to teach their areas of specialization. The Institute's examination processes are monitored by external examiners, thereby guaranteeing the highest academic standards. By the academic year 2002/2003 the Institute has a total of 274 graduates from 95 countries and territories. Over the past few months the Institute started to offer a Ph.D. and the response has been encouraging.

222 Since the last Assembly, another thirteen courses have been conducted at the IMO International Maritime Academy in Trieste, Italy, with the generous support of the Government of Italy, the Province and City of Trieste, the European Union and the International Hydrographic Union. This brings the total of courses conducted at the Academy since its establishment in July 1988 to 47 and the number of Academy trainees to over 450.

223 The seventeenth course on Advanced Course on Port Operations and Management will be held in Le Havre, France, from 8 September to 10 October 2003. From its commencement in 1987 to end-2002, this annual month-long course has trained a total of 323 from 93 countries/territories with the generous support of the Government of France.

224 Considerable support has also been received by the Organization for the training of maritime personnel in various maritime subjects through respective fellowship programmes established by Brazil, India, Mexico, and the Netherlands.



### **IMO model courses**

225 Work on the IMO model course project continued throughout the 2001-2002 biennium with the translation and publication in French and Spanish of another model course. Four other model courses have also been translated into Spanish by ROCRAM for publication and are expected to be available for sale shortly. ROCRAM is in the process of translating another four more model courses into Spanish.

226 The OPRC Working Group meeting prior to MEPC 48 session reviewed the work carried out by consultants regarding the development of an OPRC model training course on “Foundation level for managers and operators” and of the revision of the existing levels 1, 2 and 3 model courses. The work of the familiarization of the foundation courses and for the revision of levels 1, 2 and 3 OPRC model courses is currently under way. A total of twenty-four national and twenty regional workshops/seminars on contingency planning and OPRC model training courses were held between 2001 and 2002. Another twenty-three national and seventeen regional training events are scheduled for 2003.

### **Resource mobilization and partnership building**

227 Over the past two years, in addition to the continued financial support for the ITCP implementation from the IMO/French Protocol, Norway, Singapore and Hong Kong, China, the Secretariat has successfully established new partnership arrangements with the following donor countries and institutions: Germany, the Republic of Korea, the United Kingdom, and the European Commission.

228 Additionally, new partnerships have been developed with the following national and regional institutions, focusing on the decentralized delivery of joint technical assistance programmes: AASTMT (the Arab Academy for Science, Technology and Maritime Transport), the Director-General of the Maritime Territory and Merchant Marine of Chile, the Prefectura Naval Argentina, ASEAN (The Association of Southeast Asian Nations) and the Tokyo MOU Secretariat.

229 Since the adoption of a new maritime security regime in December 2002, there has been increasing demand for related technical assistance. The Secretariat has been mobilizing support from Member States, industry and other development partners, including UNDP, the World Bank and the regional development banks.

230 A Workshop on Partnership Building will take place at IMO Headquarters on 9 and 10 June 2003. The purpose of this Workshop is to encourage the development and improvement of partnership arrangements between IMO and Governments, industry, institutions and organizations through exchange of information and open discussion.

### **IMO regional presence**

231 In accordance with the Council’s decision to extend the scheme for IMO’s regional presence from Africa to other regions during 2002-2003, the IMO Secretariat consulted the countries that had indicated interest in hosting IMO’s regional presence offices in Asia. Following consultations, it was decided that IMO regional presence offices would be set up in India and the Philippines for the South Asian and the East Asian sub-regions respectively. Consultations have also been carried out between the IMO Secretariat, UNDP and the host

countries concerning specific venues and other matters. The posts for the regional co-ordinators were advertised locally through UNDP offices in Manila and New Delhi. It is expected that the two offices will be established during 2003.

### **Improving structural arrangements at Headquarters**

232 Following a decision taken by the Secretary-General in September 2002 within the context of the Change Management Programme, a new technical co-operation (TC) functional structure has been introduced to strengthen efficiency and effectiveness in the delivery of IMO's TC activities. By building on up-to-date management procedures and redefining the interface with financial systems, the aim is to improve the implementation rate for the delivery of TC and donor funds and to consolidate TC management and oversight responsibility, in conjunction with the introduction of a more results-based approach. The necessary tools are being developed, including new monitoring tools to enable the Secretariat to maintain a critical overview on progress against specified programme milestones, and to track any significant slippages.

233 The operational aspect of monitoring is one of the major features of the new measures, involving the introduction of an early-warning system to be triggered against specific milestones. The early intervention in case of delays or failure to complete donor-funded activities on time will entail increased outsourcing in order to translate the donor funding into operational reality for the developing regions. In this respect, the Secretariat would be making greater use of partnerships with national and regional institutions to achieve its aim, as agreed by TCC.

### **Promoting in-kind support and TCDC**

234 In developing the ITCP and managing the delivery of its activities, the Secretariat has successfully promoted two modalities of co-operation that now reflect significant contributions to the resource base of the ITCP.

235 Considerable in-kind support was provided during the period under review by a large number of donors and recipients, and this includes the provision of: facilities for conferences and training events; board and lodging for trainees; the services of advisers and instructors on a no-fee basis; didactic materials and equipment, etc.

236 In terms of TCDC, an allocation of US\$300,000 was specifically included in the ITCP for the current biennium with the sole purpose of promoting TCDC activities. In this connection, MOUs were signed with the maritime authorities of Argentina and Chile to provide advisors and instructors on a TCDC basis for the delivery of technical assistance in other Latin American countries. Similar arrangements are being explored with other authorities and institutions.

### **Innovative approaches to technical assistance**

237 At the initiative of the Secretary-General during the 21<sup>st</sup> extraordinary session of the Council and as an initial response by the Secretariat to the MANNET recommendations on alternative approaches to technical co-operation, a pilot activity was convened in January 2003 on the development of distance learning tools. The World Maritime University was contracted to convert an existing IMO model course on marine accident and incident investigation into individual CD-ROMs in proactive self-study format to meet the human resource development needs of the maritime/port sector.

238 The TCC gave initial consideration to proposals to launch a pilot test making IMO publications available at no cost on the Internet. It is expected that a decision on this matter will be made at the 90<sup>th</sup> session of the Council, to be held in June 2003, following further consideration of the potential consequences of the proposals by the 53<sup>rd</sup> session of the TCC.

239 The 88<sup>th</sup> session of the Council, held in June 2002, approved in principle the concept of an IMO Model Audit Scheme to be implemented on a voluntary basis. The TCC gave its initial consideration to the principle of technical assistance and it was agreed that the Committee would focus on the capacity-building aspect of the scheme in order to help developing countries enhance their performance in implementing appropriate IMO Conventions.

### **Methods and organization of work**

240 With a view to improving further the TCC's work, a number of reforms have been introduced, during the period under review, to the Committee's Guidelines on organization and methods of work; a number of changes to its Rules of Procedure are under consideration and, subject to approval by the Assembly, the time allocated to the Committee will be increased and re-organized so that it will hold annual sessions of three days each, independently of the Council sessions.

### **CONFERENCE SERVICES**

241 There were 21.3 fully serviced official meeting weeks in 2002 and there are 20.2 scheduled to take place in 2003. In addition, during 2002 there were two Intersessional Working Groups on Maritime Security, convened by the Maritime Safety Committee on the basis of an Assembly resolution. There have also been an increasing number of meetings of other bodies on technical and other matters relating to the work of the Organization and the Conference Division has serviced several meetings of the IOPC Fund. The Conference Services Business Centre has proved very useful to delegates and, at the request of the Council, has been further expanded. As reported to the Council, a new integrated registration system has been introduced to ensure effective registration procedures in line with security requirements and safety recommendations.

### **Language services**

242 The official languages (Arabic, Chinese, English, French, Russian and Spanish) have been used as appropriate in connection with official meetings. Documents for these meetings have been translated into the working languages (English, French and Spanish). The computerized terminology database is being upgraded with a view to ensuring the maintenance of high quality and timely translation. The new software will be available in the six official languages of the Organization.

### **Documents services**

243 The large volume of documentation required for the meetings has been planned for and processed for translation, typing, printing and dispatch as speedily as possible, with the assistance of the computerized monitoring system, e-DRITS (Electronic Documents Registration Information and Tracking System).

244 The move to digital printing of documents from offset printing in 1999 has continued to be very successful, with a reduction in overtime being maintained together with faster delivery.

### **Electronic mail for the dispatch of documents**

245 In accordance with the Council decision at its 78<sup>th</sup> session in June 1997 on the development of an Internet-based Bulletin Board System for the electronic distribution of IMO documents, documents have continued to be circulated to Member States in printed form as well as being available in electronic form. From the user feedback received by the Administrator, the IMODOCS appears to function to the expectations of the Member States.

246 The Council also decided that, at a later stage and in the light of the experience gained, the Secretary-General would review the situation in this regard. To enable the Secretary-General to carry out an appropriate review, Circular letter No.2381 was sent in May 2002 to Member States attaching a questionnaire in order to ascertain the reasons why the IMODOCS website is not used by some Member States. To date, four replies have been received.

## **EXTERNAL RELATIONS**

### **Co-ordination with the United Nations system**

247 Co-operation with the United Nations and the specialized agencies, as well as co-ordination on programme matters are the main focus of the Inter-Agency Relations Unit. This Unit undertakes the practical arrangements to ensure that IMO is promoted throughout the United Nations system with the view to ensure that activities do not overlap or are duplicated. Inter-agency discussions of general or specific interest to IMO were kept under review by the United Nations Chief Executives Board (CEB) which now replaces the Administrative Committee on Coordination (ACC), and brought to the attention of the Council, in particular, the following issues:

- Follow-up to the Millennium Declaration;
- New Partnership for Africa's Development (NEPAD);
- Threat to maritime security;
- Treatment of persons rescued at sea;
- Implications of the United Nations Convention on the Law of the Sea for IMO;
- World Summit on Sustainable Development;
- Eradication of poverty.

### **Relations with Other Intergovernmental Organizations**

248 At its 89<sup>th</sup> session, the Council noted the conclusion of a Memorandum of Understanding between the World Customs Organization and IMO and that the Agreement of Co-operation with the Organization of African Unity (OAU) has lapsed. The Council also approved the terms of an Agreement of Co-operation with the Pacific Community and the Port Management Association of West and Central Africa (PMAWCA).

## **Relations with Non-Governmental Organizations**

249 Since the 22<sup>nd</sup> Assembly, the Council has considered three new applications for consultative status; turned down one and granted consultative status to one of them. In respect of applications previously submitted, the Council reached final decisions on eight applications, turned down four and granted consultative status to four of them. Two applications are still under consideration. Details on the actions taken by the Council on these applications are submitted to the Assembly under agenda item [31 (a)].

250 The Council completed its biennial review of the non-governmental organizations in consultative status for the period March 2001 to February 2003.

## **World Maritime Day**

251 World Maritime Day 2002, was celebrated during the last week of September. The theme of the Day in 2002, as approved by the Council, was "**IMO – Safer Shipping Demands a Safety Culture**", and the theme for 2003 is "**IMO – Committed People Working for Safe, Secure and Clean Seas**". A full report on World Maritime Day for 2002 and 2003 is being submitted to the Assembly under agenda item [36].

## **International Maritime Prize**

252 The International Maritime Prize for 2000 was awarded by the Council to **Mr. Heikki Juhani Valkonen (Finland)** and the Prize for 2001 to the late **Dr. Giuliano Pattofatto (Italy)**. The prize for 2002 will be decided at the current session of the Council. A report on the International Maritime Prize is being submitted to the Assembly under agenda item [37].

## **Public Information Services (PIS)**

253 Information on the work and the decisions of IMO is disseminated by the PIS in many different formats, including press briefings, meeting reports, focus papers, the magazine 'IMO News' and articles prepared for other magazines. Day-to-day work also includes answering the many hundreds of requests for information that reach the Organization from journalists, the media and the general public. In addition, the PIS drafts speeches for the Secretary-General to give at a wide variety of external meetings throughout the year.

254 PIS has also assumed responsibility for the upkeep of major parts of the IMO public-access website, which provides a comprehensive and constantly growing source of information about the Organization.

## **Library Services**

255 The IMO Library continued to develop its resources in order to maintain its role of maritime information centre to meet the Secretariat's needs, the needs of delegates attending meetings and those of researchers, students and the public at large.

256 As well as providing traditional reference services the IMO Library Services responded to many worldwide e-mail requests for information. Enquirers are provided with documents, bibliographies, and information resources documents drawn from the Library databases or they are referred to other organizations if applicable. The monthly Current Awareness Bulletin and new acquisitions lists have been produced and posted on the web. The IMO Library Services also

monitor for the Secretariat and regional offices, the trade, legal and technical press, together with various external newswires on a daily basis. The catalogue of books/reports/ selected IMO documents has reached nearly 11,000 records and the database of bibliographic details of articles over 56,500 records (both from 1991 to date).

257 The Library Services are responsible for the Information Resources section of the website. New topics have been included such as maritime security, ports of refuge and the **Prestige** accident. In addition, the Directory of Maritime Links has increased to over 1,800 links, thereby giving the maritime community direct access to a large array of websites of interest.

258 The Library shares the responsibilities of the management of information on the IMO website with the Public Information Services and the Librarian chairs the meetings of the Website Steering Group when new issues require discussion. In addition, the Librarian is co-editor of the United Nations Atlas of the Ocean in partnership with the Marine Environment Division.

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