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SUMMARY OF DECISIONS

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

At their request, the delegations of Algeria, Barbados, Belize, Benin, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Ecuador, Gabon, Gambia, Grenada, Guatemala, Iceland, Iran (Islamic Republic of), Liberia, Marshall Islands, Mauritius, Monaco, Morocco, Oman, Papua New Guinea, Peru, Portugal, Qatar, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Thailand, Trinidad and Tobago, United Republic of Tanzania, Uruguay and the Associate Members, Hong Kong, China, and the Faroe Islands were invited to attend the session as observers.

Reference documents: C 90/SR.1, SR.3 and SR.10

INVITATION TO JOURNALISTS TO ATTEND THE SESSION

The Council considered a request that journalists be allowed to attend its meetings for this session, but decided that it preferred to hold them in private.

Reference document: C 90/SR.1

1 ADOPTION OF THE AGENDA (agenda item 1)

1.1 The Council adopted the agenda contained in document C 90/1/Rev.1.

1.2 The Council deferred until later in the session its decision on the request to consider a supplementary agenda item entitled "Requests from the news media to attend meetings".

1.3 The Council decided to take up the items for consideration in the order in which they were listed on the agenda, except for agenda item 34, "Appointment of the Secretary-General", which would be dealt with as the first item of business on the morning of Wednesday, 18 June 2003.

1.4 With respect to agenda item 29(a) "Applications for consultative status", the Council decided to convene a small group to screen the two new applications which had been submitted. The group was composed of the following delegations: Argentina, China, Cyprus, Italy, Nigeria, Singapore and the United States and Mr. A. Chrysostomou of the delegation of Cyprus agreed to chair the group.

Reference documents: C 90/1/Rev.1; C 90/SR.1

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

2.1 The Council noted the Secretary-General's report that the credentials of delegations attending the session were in order.

Reference documents: C 90/2; C 90/SR.1 and SR.3

3 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 3)

**As agreed by the Council, the decisions contained in the paragraphs marked with an asterisk in this agenda item were not formally adopted at the ninetieth session of the Council and will accordingly be referred to the twenty-second extraordinary session of the Council in November 2003.*

*3.1 The Council noted the information provided by the Secretary-General in document C 90/3 and in his introduction, in particular, the admission to IMO, as an Associate Member, of the Faroe Islands on 3 December 2002, and extended its welcome to the Faroe Islands.

*3.2 The Council also noted the status of replies received with regard to the application of the Cook Islands for membership of the Organization.

*3.3 The Council further noted the information provided by the Secretary-General concerning the number of Member States which had accepted the 1991 amendments to the IMO Convention and the steps he had taken to encourage further acceptances in this regard. The Council commended the Secretary-General on the initiatives he had taken and urged those Member States which had not already done so, to consider accepting the 1991 amendments at the earliest possible opportunity.

3.4 The Council decided to submit to the twenty-third session of the Assembly a draft resolution urging States to accept the 1991 Amendments to the Convention on the International Maritime Organization relating to the institutionalisation of the Facilitation Committee.

Reference documents: C 90/3; C 90/WP.3; C 90/SR.1 and SR.10

4 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 4)

4.1 The Council took note of the developments which had occurred since its eighty-ninth session in November 2002, including the adoption, by a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), of amendments to SOLAS 74 introducing a new chapter XI-2 on Special measures to enhance maritime security, supplemented by the International Code for the Security of Ships and of Port Facilities, (ISPS Code), which was expected to take effect on 1 July 2004.

4.2 The Council also noted the adoption, on 16 May 2003, of the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.

4.3 The Council endorsed and supported the Secretary-General's continuing efforts to encourage Governments to take early action on the consideration and acceptance of the instruments to which they are not yet parties, extended its appreciation to the Secretary-General for his efforts, which have contributed immensely to these favourable developments, and urged him to maintain these efforts in the future.

Reference documents: C 90/4 and Add. 1; C 90/SR.1

5 CONSIDERATION OF THE REPORTS OF THE MARITIME SAFETY COMMITTEE (agenda item 5)

5.1 The Council requested the delegation of the United Kingdom to convey its best wishes to the MSC Chairman, Mr. Tom Allan, for a speedy and complete recovery from the health problems which prevented his chairing the seventy-seventh session of the Committee.

5.2 The Council considered first the important issues emanating from the seventy-sixth session of the Maritime Safety Committee as contained in document C 90/5.

5.3 The Council noted the Secretary-General's statement concerning the oversight of UNCLOS.

5.4 The Council noted the adoption by the Committee of amendments to the 1974 SOLAS Convention and the INF Code, as well as the adoption of Technical provisions for means of access for inspections.

5.5 The Council noted the progress made by the Committee in its consideration of bulk carrier safety issues.

5.6 The Council noted the progress made by the Committee in furthering the implementation of the revised STCW Convention leading to the addition, in the so-called "White List", of more STCW Parties found to be giving full and complete effect to the provisions of the Convention.

5.7 The Council noted the safety-and security-related thematic priorities for the 2004-2005 ITCP agreed by the Committee.

5.8 The Council noted the Committee's actions on the outcome of the June 2002 Meeting of Chairmen of the MSC, MEPC, TCC and FAL Committees, along with the Chairmen of the technical sub-committees.

5.9 The Council noted the Committee's recommendation that 25.5 meeting weeks should be allocated to the MSC, MEPC and their subsidiary bodies for the biennium 2004-2005, which had previously been endorsed by MEPC 48.

5.10 The Council endorsed the action taken by the Committee in approving the intersessional meeting referred to in paragraph 77.

5.11 The Council noted the 20 guidelines and other recommendations approved by the Committee for dissemination.

5.12 The Council then considered the important issues emanating from the seventy-seventh session of the Maritime Safety Committee as contained in document C 90/5/Add.1.

5.13 The Council noted the outcome of the Committee's debate on the issues raised by the Bahamas and Greece in document C 89/12/1, and noted, in particular:

- (i) the Committee's invitation to the Council to consider the outcome of its debate in the context of the development of the Organization's Strategic Plan which the Council agreed to; and

- (ii) the Committee's decision to include a new item on "Goal-based new ship construction standards" in its agenda for the next session to consider the matter further in detail.

5.14 The Council noted the adoption by the Committee of amendments to the SOLAS Convention, the 1988 Load Lines Protocol and the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers.

5.15 The Council noted the Committee's decisions to progress the large passenger ship safety issue.

5.16 The Council noted the progress made in the Committee's efforts to further enhance the safety of bulk carriers.

5.17 The Council noted the actions taken by the Committee to promote implementation of the maritime security measures adopted by the 2002 SOLAS Conference.

5.18 The Council noted the areas of co-operation with ILO and WCO in the maritime security field; and the IMO Members which the Committee agreed should represent the Organization in the *ad hoc* Joint IMO/ILO Working Group.

5.19 The Council noted the Committee's actions on the places-of-refuge issue.

5.20 The Council decided that TCC should, as appropriate, be involved in the conduct of the analysis of the financial implications relating to the establishment of the proposed international SAR Fund, referred to in paragraph 43.

5.21 With respect to the translation of working group reports in all working languages in time for their consideration by technical Committees and sub-committees, the Council endorsed the Secretary-General's proposal, based on a recommendation of the June 2002 Meeting of Chairmen already considered by MSC 76 (namely that sub-committee draft reports presented to plenary on Friday for approval should only contain a summary of decisions, annexes (if any) and the action requested of the Committees, thus enabling the sub-committees to devote additional time to their substantive work during a meeting week and, at the same time, reducing the load on the translation services and spreading the peak load over a longer period as the final draft of the sub-committees' report would be finalized, through consultations between the Chairman and the Secretariat, after the session for adoption at the next) and:

- (i) agreed that the proposed arrangement be put to trial by one or two sub-committees to properly evaluate its impact on their work before further decisions are made; and
- (ii) requested the Secretary-General to study the various options available and their financial implications and report to the twenty-second extraordinary session of the Council for consideration and action as appropriate.

5.22 The Council noted the confirmation by the Committee of additional STCW Parties found to be giving full and complete effect to the requirements of the revised STCW Convention.

5.23 The Council noted the technical co-operation safety-and security-related activities reported.

5.24 The Council noted the Committee's decisions relating to human element and formal safety assessment.

5.25 The Council noted the reported activities within the Organization's anti-piracy project and, in particular, the co-ordinated plan of action for future activities.

5.26 The Council noted the approval by the Committee of the re-arranged and modified Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies, which will be issued following consideration by MEPC 49.

5.27 The Council:

- (i) noted the Committee's decisions concerning the sub-committees' work programmes and its long-term work plan (which were, subsequently, dealt with under agenda item 21);
- (ii) took into account the progress made by the Committee and sub-committees during the past biennium on subjects established in the Committee's long-term work plan (up to 2008), when considering the Secretary-General's proposals for the next biennium budget; and
- (iii) endorsed the action taken by the Committee in approving the intersessional meetings referred to in paragraph 84; and noted the comments made by the delegation of Cyprus regarding the composition of the Joint ICAO/IMO Working Group referred to in paragraph 84.2.

5.28 The Council noted the five draft resolutions approved by the Committee for submission to A.23 for adoption and the 35 guidelines and other recommendations approved by the Committee for dissemination.

5.29 The Council noted the developments and the additional information provided by the Secretary-General, concerning the participation of IMO in the Equasis information system.

5.30 The Council noted the action taken by the Committee to increase awareness about the Severe Acute Respiratory Syndrome (SARS) and about the measures taken to prevent its spread.

5.31 The Council took note of the remaining paragraphs of documents C 90/5 and C 90/5/Add.1 and decided to transmit the reports of the Committee's seventy-sixth and seventy-seventh sessions, together with its comments and recommendations, to the Assembly in accordance with Article 21(b) of the IMO Convention.

Reference documents: C 90/5 and Add. 1; MSC 76/23; MSC 77/26; C 90/SR.1 and SR.2

6 CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE (agenda item 6)

6.1 The Council took note of the work accomplished or envisaged by the Legal Committee.

6.2 The Council decided to transmit the report of the Legal Committee on its eighty-sixth session to Member Governments for information and to the Assembly, in accordance with article 21(b) of the IMO Convention, for consideration and action, as appropriate.

6.3 The Council, in particular:

- (i) noted the views of the IMO Secretariat, endorsed by the Legal Committee, upholding IMO's mandate to adopt rules concerning coastal State intervention powers to regulate wreck removal in the EEZ, provided that such rules do not conflict with the principles contained in the United Nations Convention on the Law of the Sea, 1982 (UNCLOS);
- (ii) approved the recommendation that, on a planning basis, provision be made for two diplomatic conferences during the biennium 2004-2005 to consider:
 - a draft convention on wreck removal; and
 - a draft protocol to amend the Convention on 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 Protocol);
- (iii) took note of the decision to include the consideration of measures to protect crews and passengers against crimes committed on vessels as a separate agenda item; and
- (iv) took further note of the Committee's decision to elect its officers at the last regular session for each calendar year.

Reference documents: C 90/6 and Add.1; C 90/6/Add.1/Corr.1; LEG 86/15; C 90/SR.1 and SR.2

7 CONSIDERATION OF THE REPORTS OF THE TECHNICAL CO-OPERATION COMMITTEE (agenda item 7)

7.1 The Council considered the report of the Technical Co-operation Committee on its fifty-second session (C 90/7) and, in particular, noted:

- (i) the Committee's decision to participate actively in the joint Working Group on the Model Audit Scheme, which would be comprised of the MEPC, MSC and TCC and convened at MSC 77, and to continue its consideration of the capacity-building implications of the scheme;
- (ii) the Committee's endorsement, subject to final approval by the Council, of the draft terms of reference for the above-mentioned joint Working Group, and its particular interest in paragraph 2 of the terms of reference and items 1.1.2 to 1.1.5 of the annex to those terms of reference;
- (iii) the Committee's appreciation of the Secretary-General's decisions to introduce a new technical co-operation management and monitoring system as a result of the outcome of the TC project of the Change Management Programme;
- (iv) the Committee's concern that the delay in introducing an Enterprise Resource Planning (ERP) or similar system will have an adverse impact on the implementation of the agreed technical co-operation management system and on the delivery of the ITCP;

- (v) the Committee's approval of the solutions recommended by the Secretariat to overcome the identified external constraints to the implementation of the ITCP activities;
- (vi) the Secretary-General's decision to extend the IMO regional presence scheme to South and East Asia, and his acceptance of the offers, by the Governments of India and the Philippines, respectively, to host the corresponding regional presence offices;
- (vii) the Secretariat's continued efforts to establish new partnerships with national and regional institutions and organizations so as to expand the resource base of the ITCP, decentralize further the implementation of programme activities and promote technical co-operation among developing countries;
- (viii) the Committee's appreciation of the excellent work carried out by the Secretariat to develop and implement the Organization's global programme on maritime security, resulting in the preparation of a model training package, its delivery in 2002 through seven sub-regional events held with a very tight schedule, and the provision of further assistance at national level through advisory missions, workshops and on-the-job training attachments;
- (ix) the Committee's recognition that the formal adoption of a new maritime security regime will increase demand for related technical assistance, and that the Organization should make appropriate provision for this, and also mobilize support from Member States, industry and other development partners; and
- (x) the Committee's agreement that additional information be provided by the Secretariat on the details, parameters and implications of the proposed introduction, on a limited pilot basis, of a system providing free electronic access to IMO publications; subject to such approval, the additional information would be submitted to the Committee's fifty-third session with a view to the pilot phase starting in July 2003, should the scheme be approved by the Committee and the Council.

7.2 Additionally, the Council approved:

- (i) the Committee's final recommendation regarding the allocation of two annual sessions under the 2004-2005 biennium, which would be considered further under item 18 of the Council's agenda;
- (ii) the long-term work plan of the Committee for submission to the twenty-third regular session of the Assembly and inclusion in the Long Term Work Plan of the Organization, which would be considered further under item 21 of the Council's agenda; and
- (iii) the Committee's future work programme for the biennium 2004-2005.

7.3 The Council decided to transmit the report of the Committee's fifty-second session, with its comments and recommendations, to the twenty-third regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

7.4 The Council considered the report of the Technical Co-operation Committee on its fifty-third session and, in particular, noted:

- (i) the Committee's appreciation of the Interim report on the ITCP for 2002-2003, and, in particular, of the exceptional increase in the volume of assistance delivered in 2002;
- (ii) the Committee's decision to request the Secretariat to submit proposals to the Committee, at its fifty-fourth session, for streamlining and consolidating reports made to Member States on the implementation of technical co-operation activities;
- (iii) the very successful Workshop on Partnership Building held at IMO Headquarters on 9 and 10 June 2003;
- (iv) the Committee's endorsement of a draft Assembly resolution on the development and improvement of partnership arrangements, for submission to the twenty-third session of the Assembly for approval;
- (v) the Committee's approval of the ITCP 2004-2005, as a realistic and achievable programme;
- (vi) the Committee's approval of the methodology (operational framework and terms of reference) proposed by the Secretariat for the impact assessment exercise 2000-2003;
- (vii) the Committee's appreciation of the good progress achieved on the Organization's global programme on maritime security and the action taken with respect to the feasibility of establishing an International Maritime Security Trust Fund as called for by Conference resolution 5 of the SOLAS Conference on Maritime Security; and
- (viii) the Committee's approval of amendments to its Rules of Procedure in order that they be aligned with those of other Committees.

7.5 The Council also noted the following actions by the Technical Co-operation Committee, recognizing that matters related to the voluntary IMO Model Audit Scheme, TC Fund and electronic access to certain IMO publications would be dealt with under items 15, 19 and 23 of its agenda:

- (i) the Committee's endorsement of the outcome of the Joint Working Group's decision on the capacity building, technical co-operation and funding for the Model Audit Scheme and the Committee's endorsement of the draft Assembly resolution on the voluntary IMO Model Audit Scheme, with the amendment of operative paragraph 6 of that resolution, the Council further noted that funding for the Model Audit Scheme would be considered under items 18 and 19 of the Council's agenda;
- (ii) that the Committee recommended that a pilot study be initiated on electronic access to IMO publications for a test period of ten months starting from 1 July 2003 and the Committee's request of the Secretariat to submit a report on the study to the fifty-fourth session of TCC in June 2004;

- (iii) approval of the TC Fund Programme for the 2004-2005 biennium and the Committee's recommendation that the Secretary-General be authorized to use, during 2004-2005, the unprogrammed funds of the TC Fund for demands on partnership opportunities as and when they arise; and
- (iv) the Committee's request to transfer all the surplus from the Printing Fund to the TC Fund and its intention to use, for financial forecasting and planning purposes, £1.4 million immediately for the activities planned for 2004-2005.

7.6 The Council authorized the Secretary-General to transmit the report of the Committee's fifty-third session, with its comments and recommendations, to the twenty-third session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

Reference documents: C 90/7; C 90/7/1; TC 52/14; TC 53/19; C 90/SR.2

8 CONSIDERATION OF THE REPORT OF THE FACILITATION COMMITTEE (agenda item 8)

8.1 The Council approved, in general, the report of the Facilitation Committee on its thirtieth session and the actions taken by that Committee, as itemized in document C 90/8, sub-paragraphs 22.1 to 22.17.

8.2 In particular, the Council:

- (i) noted the approval of amendments to the IMO Compendium on Facilitation and Electronic Business and of FAL.5/Circ.19 on E-addresses;
- (ii) noted the Committee's decision to develop a questionnaire to obtain up-to-date information on differences to Standards and Recommended Practices contained in the annex to the FAL Convention and approved an associated FAL Circular;
- (iii) endorsed the establishment of a correspondence group to develop an explanatory Manual to the FAL Convention;
- (iv) noted the Committee's action on facilitation-related maritime security issues;
- (v) noted the Committee's action on facilitation aspects relating to measures and procedures for the treatment of persons rescued at sea;
- (vi) noted the Committee's action on the issue of stowaways;
- (vii) noted the Committee's decision on the availability of tug assistance;
- (viii) noted the Committee's decision on the development of Guidelines on minimum training and education for shore-side mooring personnel;
- (ix) noted the SPI Working Group's action on measures to enhance maritime security;
- (x) noted the Committee's decision on harmonization of certificates and documents;
- (xi) noted the Committee's decision on updating of certificates and documents required to be carried on board ships;

- (xii) noted the Committee's action on facilitation-related thematic priorities for the ITCP for the 2004-2005 biennium;
- (xiii) noted the Committee's action on expediting its institutionalization;
- (xiv) approved the list of substantive items to be included in the agenda for the Committee's thirty-first session;
- (xv) approved the Committee's long-term work plan (up to 2010) and agreed to forward it to the Assembly for endorsement which would be further considered under item 21 of the Council's agenda;
- (xvi) noted the Committee's request for two meeting weeks for the Committee in the biennium 2004-2005; and
- (xvii) noted the Committee's action in respect of the SPI Working Group's work programme.

Reference documents: C 90/8; FAL 30/20; C 90/SR.2

9 REPORT ON THE 2002 CONFERENCE OF CONTRACTING GOVERNMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 (agenda item 9)

9.1 The Council noted the successful conclusion of the Conference, particularly the adoption of amendments to the 1974 SOLAS Convention, the associated International Ship and Port Facility Security (ISPS) Code and the pertinent Conference resolutions all aimed at enhancing maritime security.

9.2 The Council expressed appreciation to Mr. J. Franson (Sweden), the President of the Conference and to the Officers of the Conference: Mr. W.J.S. Elliott (Canada), Mr. M. Nakamoto (Japan), H.E. Ms. A-R. Moreno Razo (Mexico), Prof. M. Szymonski (Poland) and H.E. Mr. El Hadj Amadou Niang (Senegal), Vice-Presidents of the Conference; Mr. J.F. Wall (United Kingdom), Chairman of the Committee of the Whole; Mr. D. Baird (Australia) and Dr. S. Ilgrin (Turkey), Vice-Chairmen of the Committee of the Whole; Mr. N. Charalambous (Cyprus), Chairman of the Drafting Committee; Admiral E. Schroth (Peru) and Mr. I. Ponomarev (Russian Federation), Vice-Chairmen of the Drafting Committee and Mr. Z. Alam (Singapore), Chairman of the Credentials Committee, for their excellent work.

9.3 The Council authorized the Secretary-General to undertake the actions requested of him by the Conference, as set out in the Final Act.

Reference documents: C 90/9; SOLAS/CONF.5/31, 32 and 34; C 90/SR.2 and SR.3

10 REPORT ON THE 2003 INTERNATIONAL CONFERENCE ON THE ESTABLISHMENT OF A SUPPLEMENTARY FUND TO THE 1992 FUND CONVENTION (agenda item 10)

10.1 The Council:

- (i) took note of the information contained in document C 90/10/Add.1 and the successful conclusion of the Conference;
- (ii) expressed appreciation to the President of the Conference, H.E. Ambassador M. Belmahi (Morocco) and the Officers of the Conference, Captain M.G. Genne (Argentina), Ms. B.S. Olsen (Denmark), H.E. Mrs. N. Kirui (Kenya), H.E. Mrs. J.L. Kekedo (Papua New Guinea), and Mr. A.A. Saifaldeen (Qatar), Vice-Presidents of the Conference; Mr. A.H.E. Popp, Q.C. (Canada), Chairman of the Committee of the Whole, Mr. L. Diaz-Monclus (Venezuela) and Professor Chai-Lee-Sik (Republic of Korea), Vice-Chairmen of the Committee of the Whole; Mr. T. Johansson (Sweden), Chairman of the Drafting Committee, Mr. G. Gasc (France) and Dr. G. Cutajar (Malta), Vice-Chairmen of the Drafting Committee and Ms. L. Fernandez (Panama), Chairman of the Credentials Committee, for their excellent work;
- (iii) authorized the Secretary-General to perform the depositary functions and other functions required under the Final Act of the Conference and under the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, as set forth in documents LEG/CONF.14/21 and LEG/CONF.14/20, respectively; and
- (iv) took further note of the action requested of the Organization in each of the three Conference resolutions as set forth in document LEG/CONF.14/22.

Reference documents: C 90/10 and Add.1; LEG/CONF.14/20-22; C 90/SR.3

11 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 (agenda item 11)

11.1 The Council congratulated the Maritime Safety, Legal and Facilitation Committees on the significant progress made in their consideration of a complex, complicated and sensitive issue with humanitarian connotations and also congratulated the Secretary-General for progress made in his initiative to seek co-ordination in the response of United Nations specialized agencies and programmes through his inter-agency initiative.

11.2 The Council decided that the three Committees concerned should continue to work on the subject, that the Secretary-General should pursue his initiative further and that all of them should report progress to the Council in due course.

11.3 The Council further decided to endorse the Secretary-General's progress report on the Review of safety measures and procedures for the treatment of persons rescued at sea, for submission to the twenty-third session of the Assembly for information and action, as appropriate, with the proviso that it might be expanded to incorporate any input decided by the Legal Committee, at its eighty-seventh session.

Reference documents: C 90/11 and Add.1; C 90/SR.3

12 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 (agenda item 12)

12.1 The Council congratulated the Maritime Safety, Legal and Facilitation Committees on the significant progress made in their consideration of a complex and complicated issue of immense importance.

12.2 The Council decided that the Maritime Safety, Legal, Facilitation and Technical Co-operation Committees and the Organization as a whole, should continue to work to assist in the wide and effective implementation of the security measures adopted in December 2002 and to strengthen, as might be necessary, the regulatory regime established by the 2002 SOLAS Conference and through other relevant IMO instruments. In so doing, the Committees concerned should keep the Council informed of developments.

12.3 The Council further decided to endorse the Secretary-General's progress report on the Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships, for submission to the twenty-third session of the Assembly for information and action as appropriate, with the proviso that it might be expanded to incorporate any input decided by the Legal Committee at its eighty-seventh session and further developments in the implementation of the technical assistance programme on maritime security.

12.4 The Council endorsed the Secretary-General's decision to establish an International Maritime Security Trust Fund, as called for by resolution 5 of the 2002 SOLAS Conference, to provide a dedicated source of financial support for maritime security technical co-operation activities to assist developing countries, noting with appreciation the pledge of Germany to contribute US\$25,000.00 to the Trust Fund.

Reference documents: C 90/12 and Add.1; C 90/12/1; C 90/SR.3

13 CHANGE MANAGEMENT PROGRAMME (agenda item 13)

13.1 The Council:

- (i) took note of and welcomed the Secretary-General's very positive report on the progress of the Change Management Programme;
- (ii) agreed to the investment in an ERP system on the basis of the costs summarised in paragraph 10 of document C 90/13/Add.1;
- (iii) agreed that the source of funding for the ERP system investment should be considered under agenda item 18; and
- (iv) expressed its appreciation to the Government of Brazil for its generous offer.

Reference documents: C 90/13 and Add.1; C 90/SR.3

14 CONSIDERATION OF THE STRATEGY AND POLICY OF THE ORGANIZATION, INCLUDING THE REPORT OF THE WORKING GROUP (agenda item 14)

14.1 The Council took note, with appreciation, of the report of the Working Group and the summary of decisions in annexes 2, 3 and 4 of the Annex to document C 90/14/Add.1.

14.2 The Council approved the Mission Statement for the Organization in annex 2 to the Annex to document C 90/14/Add.1, including the word “efficient”.

14.3 The Council further:

- (i) noted the trends, developments and challenges facing the Organization over the Strategic Plan period as identified by the Working Group;
- (ii) approved the strategic directions for the Organization over the Strategic Plan period developed by the Working Group (C 90/14/Add.1, Annex, annex 4) subject to further discussion at the next meeting of the Working Group regarding the reference to the development of goal-based standards for the design and construction of new ships;
- (iii) noted the proposal made by the delegation of Brazil with respect to restructuring of the Organization;
- (iv) noted the discussions on the development of objectives and the examples developed by the Working Group;
- (v) agreed that the *ad hoc* Working Group be reconvened from 20 to 22 October 2003 to continue its work on a draft of the Strategic Plan in accordance with the revised Terms of Reference and timetable (C 90/14/1, Annex) with a view to reporting to the twenty-second extraordinary session of Council and adoption of the Strategic Plan by the twenty-third Assembly;
- (vi) noted the examples of possible performance indicators;
- (vii) noted the sources of information currently available to the Secretariat which might be used when considering the collection and collation of data;
- (viii) approved the recommendation that the Strategic Plan be developed on a six-yearly basis, with reviews at each biennium to ensure that it is maintained up-to-date; and
- (x) approved the report in general.

14.4 With reference to the report of the second meeting of the *ad hoc* Working Group (C 90/14/Add.1, annex, paragraphs 5.8 and 5.9) and document C 90/14/1, the Council decided that the Strategic Plan should be at once comprehensive and concise, and that it should only incorporate:

- (i) a mission statement for the Organization;
- (ii) trends, developments and challenges in the shipping and maritime world;

- (iii) strategic directions in which the Organization shall go, based on the emerging trends, developments and challenges;
- (iv) defined and measurable objectives, as necessary to add value to the strategic directions; and
- (v) performance indicators for the measurement of performance of the Organization and its objectives.

14.5 In agreeing the revised Terms of Reference for the *ad hoc* Council Working Group as proposed in the annex to document C 90/14/1, the Council noted that further work had to be done within the timeframe specified in the revised Terms of Reference which will include:

- (i) the translation of the strategic directions into high level action plans;
- (ii) a prioritization of the areas of work; and
- (iii) a projection of the Organization's prospective resource requirements.

14.6 The Council further agreed that annexes 2, 3, 4, 6 and 7 to the report of the second meeting of the *ad hoc* Council Working Group provided a good basis for the further work of the Working Group and for timely finalization of the Strategic Plan, in accordance with the amended Terms of Reference.

Reference documents: C 90/14 and Add.1; C 90/14/1; C 90/SR.3 and SR.4

15 IMO MODEL AUDIT SCHEME (agenda item 15)

15.1 The Council noted the contents of documents C 90/15, its addendum and the UN General Assembly resolution A/RES/57/141 on Oceans and the law of the sea.

15.2 With regard to the Joint Working Group's report, the Council:

- (i) noted the general discussion on the Scheme and, in particular, that it would contain references to the Code for the implementation of [mandatory] IMO instruments, as appropriate; and that the framework of the Scheme would be developed in such a way that, if the Code did not materialize, the scheme would remain independent and viable;
- (ii) approved the objectives of the Scheme, taking into account that MSC 77 and TCC 53 had endorsed the group's view and the overall aim and ten supporting objectives of the Scheme, and subject to Council's consideration of any recommendations MEPC 49 would make on this issue; and
- (iii) approved the group's decision that sovereignty and universality; consistency, fairness, objectivity and timeliness; transparency and disclosure; quality and inclusiveness; and continual improvement should be the principles of the Scheme, taking into account that MSC 77 and TCC 53 had endorsed the group's decision, and subject to Council's consideration of any recommendations MEPC 49 would make on this issue; and decided that the anonymity of the audited State be retained.

15.3 The Council endorsed:

- (i) the group's decision that the scope should be comprised of sections on IMO instruments; obligations and responsibilities of a Member State; and areas to be covered by the Scheme, and approved the inclusion of a generic reference to UNCLOS within the scope of the Scheme, taking into account that MSC 77 and TCC 53 had endorsed the group's decision, and subject to Council's consideration of any recommendations MEPC 49 would make on this issue;
- (ii) the safety-and security-related areas for the Scheme, taking into account that MSC 77 had approved the group's recommendation in this regard;
- (iii) the capacity-building and technical co-operation aspects of the Scheme taking into account the decisions and discussions at TCC 53 on this matter; and
- (iv) the group's consideration of the overall funding aspect of the Scheme, taking into account the decisions and recommendations of TCC 53 on this matter, as appropriate.

15.4 With regard to the invitation to endorse the environmentally-critical areas for the Scheme, the Council noted that this action would be considered at its twenty-second extraordinary session, along with the recommendations of MEPC 49.

15.5 The Council further noted:

- (i) the Framework for Member State Audits and agreed that, in principle, the Secretary-General should be assigned certain tasks relating to the functioning of the Scheme. The Council instructed the Joint Working Group to identify and analyze areas of possible responsibilities of the Secretary-General. These should include the relevant background information, the nature of the role and should also identify any administrative, financial or other implications for the Organization;
- (ii) the Procedures thus far developed for Member State Audits; and
- (iii) the substantive issues for the development of the Scheme. Recognizing that these may not be exhaustive and that further issues may be identified as the work on the development of the Scheme progresses, the Council instructed the Joint Working Group to continuously update the list of substantive issues relating to the development of the Scheme so as to enable the Council to monitor it. The Council also noted that there might be a need to review the terms of reference of the Joint Working Group following consideration of the issue by the Assembly, at its twenty-third session, so as to enable the completion of the work by November 2005.

15.6 With regard to the workplan for the development of the scheme, the Council approved:

- (i) the establishment of a correspondence group, under the co-ordination of Denmark, with terms of reference as set out in annex 3 to document C 90/15/Add.1 and urged Member States to participate in the work of the group. The Council decided that the correspondence group should, as appropriate, be conducted in accordance with the guidelines for correspondence groups contained in appendix 4 of the

Guidelines on the organization and methods of work for the MSC and MEPC and their subsidiary bodies;

- (ii) the convening of the Joint MSC/MEPC/TCC Working Group from 29 March to 2 April 2004, during MEPC 50, subject to endorsement by MEPC 49, and also, in principle, the convening of the Group in 2005, subject to the Council's consideration of the group's report in 2004; and
- (iii) the workplan, as amended, as reflected in paragraph 48 of annex 1 to C 90/15/Add.1.

15.7 The Council approved, in principle, the draft Assembly resolution on the Voluntary IMO Model Audit Scheme, as amended by TCC 53 and agreed to reconsider it, at its twenty-second extraordinary session, with any recommendations from MEPC 49 for final approval, for submission to the twenty-third session of the Assembly for adoption.

15.8 The Council further approved the report in general.

15.9 With respect to the proposal of Spain to make the Model Audit Scheme mandatory, the Council decided that there did not seem to be consensus to proceed with it at this time, while recognizing that several Members of the Council were desirous that the Scheme be made mandatory in the future. The Council therefore decided that the Scheme be developed in such a manner as not to exclude the possibility in the future of it becoming mandatory.

15.10 The Council reiterated the decisions it made at its last session, with necessary adjustments to reflect developments since then and decisions made during this session, and decided to request MEPC 49, when it meets in July 2003, to consider, from its own perspective, the report of the Joint MSC/MEPC/TCC Working Group, taking into account decisions made at this session; and to prepare a report elaborating on the requests of this session of the Council, for submission to the twenty-second extraordinary session of the Council in November 2003, for it to decide on any appropriate action required to move the issue forward.

Reference documents: C 90/15 and Add.1; C 90/15/1; C 90/SR.6

16 REVIEW OF THE SUB-COMMITTEE STRUCTURE: PROGRESS REPORT (agenda item 16)

16.1 The Council took note of the information received and comments made, in particular that MSC 76 saw no immediate need to change the structure of the sub-committees at present, and requested the Secretariat to report on the decisions made on this matter by MEPC 49 to the twenty-second extraordinary session of the Council.

16.2 The Council agreed, in principle, to the proposal by the delegation of the Bahamas to establish a working group to examine the terms of reference for the Committees and sub-committees in the light of the strategic plan, but decided to defer detailed consideration of the matter pending the development of the strategic plan. The Council requested the Bahamas to make a written submission on its proposal for the Council's further consideration.

16.3 The Council agreed that the review of the terms of reference of the sub-committees should continue.

Reference documents: C 90/16; C 90/SR.7

17 RESOURCE MANAGEMENT (agenda item 17)

(a) Personnel matters, including amendments to the Staff Regulations and Staff Rules (agenda item 17(a))

17(a).1 The Council noted the information contained in documents C 90/17(a) and its addendum and that provided orally by the Secretary-General relating to personnel matters.

17(a).2 The Council noted the disparity of representation in relation to geographical spread and gender, especially among staff in the Professional and Higher Categories and requested that this should be addressed wherever possible.

Reference documents: C 90/17(a) and Add.1; C 90/SR.7

(b) Accounts and audit: accounts for the first calendar year of the twenty-second financial period and transfers within the 2002 budget (agenda item 17(b))

17(b).1 The Council:

- (i) welcomed the Financial Report and accounts for 2002;
- (ii) noted with satisfaction a net saving of £553,814 in 2002;
- (iii) noted, with satisfaction, that a cash surplus of £168,195 was achieved during 2002;
- (iv) further noted, with satisfaction, that the Organization's accumulated cash surplus as at 31 December 2002 stood at £3,988,759;
- (v) welcomed, with appreciation, the achievement of a contribution level in 2002 of 98%; and
- (vi) further welcomed the continued growth of the level of sales of publications which, for 2002, totalled approximately £5.2 million, representing a 7% increase in sales income over 2001.

17(b).2 The Council also noted, with appreciation, the presence of the representative of the External Auditor and thanked him for his positive and unqualified report and, in addition, welcomed the Secretary-General's attention to his careful stewardship of the Organization's Funds.

17(b).3 The Council also welcomed the External Auditor's Opinion on the accounts for 2002 and appreciated the evident commitment by the Secretary-General and the External Auditor in assisting the Council in its governance responsibilities.

17(b).4 The Council agreed to follow the Secretary-General's suggestion that the Ad Hoc Group on Accounts and Audit under the chairmanship of Mr. Mervyn Jones (Bahamas) be requested to review the Financial Statements for 2002, which is the first calendar year of the twenty-second

financial period 2002-2003, and the External Auditor's report thereon, in order to advise the Council at its twenty-second extraordinary session in November 2003.

Reference documents: C 90/17(b) and Add.1; C 90/17(b)Add.1/Corr.1 (English only)
C 90/17(b)/Add.2; C 90/17(b)/Add.2/Corr.1; C 90/SR.7

(c) Report on investments (agenda item 17(c))

17(c).1 The Council took note of the information contained in the documentation.

Reference documents: C 90/17(c); C 90/SR.7

(d) Reports on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 56 of the IMO Convention (agenda item 17(d))

17(d).1 The Council:

- (i) took note of the information contained in document C 90/17(d) and its addenda and the additional information provided by the Secretary-General; and
- (ii) took further note of the continuing arrears of some Member States and urged all Member States and Council Members, in particular, to remit all outstanding contributions.

Reference documents: C 90/17(d) and Add.1-3; C 90/SR.7

(e) Preliminary consideration of work programme and budget prospects for 2003 (agenda item 17(e))

17(e).1 The Council noted:

- (i) the information contained in document C 90/17(e) and its addendum;
- (ii) the conclusion of document C 90/17(e) and its addendum and the Secretary-General's review of external pay and price factors;
- (iii) that the supplementary estimate for 2003 of £389,000 will be met from the Organization's accumulated reserves;
- (iv) the forecast out-turn level of expenditure under each Major Programme and authorized the Secretary-General to make transfers between Major Programmes to the extent that balances are available to cover or reduce deficits in programme appropriation balances; and
- (v) the authority given to the Secretary-General by the Assembly at its twenty-second session in resolution A.906(22) to draw, if necessary, on the Printing Fund, the Headquarters Capital Fund, the Technical Co-operation Fund and the Termination Benefit Fund monies to finance the approved regular budget programme appropriations, which should be reimbursed to each respective Fund as soon as and to the extent that income is available for that purpose, in accordance with the Organization's Financial Regulations and Rules.

17(e).2 The Council further:

- (i) urged Member States to remit their financial obligations promptly in accordance with the Organization's Financial Regulations and Rules;
- (ii) noted that the Organization's printing and publishing activities are on course to reach their estimated revenues for the year 2003; and
- (iii) further noted the Secretary-General's planned use of the Headquarters Capital Fund for 2003.

Reference documents: C 90/17(e) and Add.1; C 90/SR.7

18 WORK PROGRAMME AND BUDGET FOR THE TWENTY-THIRD FINANCIAL PERIOD (agenda item 18)

18.1 The Council had an extensive discussion on the Secretary-General's work programme and budget for the twenty-third financial period 2004-2005, expressed its appreciation to the Secretary-General for a balanced and transparent document and commended him for presenting a work programme which recognized the many challenges facing the Organization.

18.2 The Council agreed, in principle, to a Zero Real Growth (ZRG) budget, taking into account the comments made by the Council, including the basis of assumptions in defining ZRG. The Council additionally requested the Secretary-General to provide an assessment, within the framework of a ZRG budget, of the programme options and priorities for absorbing the new demands for which the Secretary-General sought additional funding, for the Council's consideration at its twenty-second extraordinary session in November 2003.

18.3 To enable the planned ERP system to proceed without further delay, the Council decided that it be financed on an interim basis by utilizing reserves from the Headquarters Capital Fund. A final discussion on the source of funding, either by an additional assessment over and above a ZRG budget, or from the Headquarters Capital Fund would be taken at the twenty-second extraordinary session of the Council in November 2003. At that meeting, the Council would also take a final decision on the future replenishment of the Headquarters Capital Fund, either by transfer from the Printing Fund or by the introduction of a new line item in the regular budget.

18.4 In response to a request to make drafting changes to paragraphs 9.7 to 9.9 of document C 90/18, to clarify the scope of the proposed Model Audit Scheme and to paragraph 15.5, to clarify the decision of the Assembly at its twenty-second session, concerning transfers from the Printing Fund to the Headquarters Capital Fund, the Council agreed that these clarifications should be transmitted to the twenty-third session of the Assembly.

Reference documents: C 90/18; C 90/18/Corr.1; C 90/18/Add.1; C 90/SR.8

19 TECHNICAL CO-OPERATION FUND (agenda item 19)

(a) Report on activities of the 2002-2003 programme

19(a).1 The Council took note of the information provided in the interim report on the technical co-operation activities that are being supported by the Technical Co-operation Fund (TC Fund)

and expressed its appreciation to the Organization's development partners and to the Secretary-General for the assistance that is being provided to the developing countries.

Reference documents: C 90/19(a); TC 53/2/1; C 90/SR.8

(b) Proposed programme for 2004-2005

19(b).1 The Council:

- (i) approved the transfer during the next biennium of a minimum amount of £1.4 million from the Printing Fund to the TC Fund, with the understanding that a decision on the transfer of all additional surpluses in the Printing Fund to the TC Fund, as requested by the Technical Co-operation Committee at its fifty-third session, would be deferred to the Council's twenty-second extraordinary session;
- (ii) endorsed the proposed biennial allocation of £5 million from the TC Fund, and its programmed use, to support the Integrated Technical Co-operation Programme during 2004-2005; and
- (iii) authorized the Secretary-General to use, during the next biennium, the un-programmed funds of the TC Fund should demands or partnership opportunities arise.

Reference documents: C 90/19(b); TC 53/5 ; C 90 SR.8

20 REVIEW OF THE ORGANIZATION'S FINANCIAL FRAMEWORK IN ACCORDANCE WITH ASSEMBLY RESOLUTION A.906(22) (agenda item 20)

20.1 The Council welcomed the Organization's improved contribution position, and noted the Secretary-General's updated statistical analysis, which had formed part of the Council's report to the twenty-second session of the Assembly. The Council also noted the practices and experience of other United Nations organizations which have in place a Contributions Incentive Scheme. The Council remained of the view that there appeared to be no strong desire to see a further change at present in the IMO financial framework.

20.2 The Council endorsed the draft report including the conclusion in paragraph 6 of the report and requested the Secretary-General to forward this report to the twenty-third session of the Assembly.

Reference documents: C 90/20; C 90/SR.8

21 LONG-TERM WORK PLAN (agenda item 21)

21.1 The Council endorsed the proposals of the Committees and, in accordance with the usual practice, requested the Secretary-General to consolidate the proposals, including any further recommendations from the Committees, and present them as an annex to the usual draft resolution to be submitted to the Assembly at its twenty-third regular session.

21.2 The Council decided that, as in the past, it would, at its twenty-second extraordinary session have a last look at the proposals being submitted to the twenty-third session of the Assembly, in order to determine whether any changes need to be made to them in the light of developments since the current session, including any changes that might be made by the Marine

Environment Protection Committee at its forty-ninth session and the Legal Committee at its eighty-seventh session.

Reference documents: C 90/21 and Add.1-2; C 90/SR.9

22 ORGANIZATION AND METHOD OF WORK OF THE COUNCIL (agenda item 22)

22.1 The Council noted the information provided in document C 90/22 and decided not to proceed with the review of the organization and work of the Council and to remove this item from its agenda for future sessions.

Reference documents: C 90/22; C 90/SR.9

23 CONSIDERATION OF THE ELECTRONIC ACCESS TO CERTAIN IMO PUBLICATIONS (agenda item 23)

23.1 The Council concluded that the proposed pilot scheme should go ahead as the Technical Co-operation Committee had recommended and therefore invited the Secretary-General to arrange for the trial scheme to begin in July 2003.

23.2 The Council invited the Secretary-General to provide a report for the Technical-Co-operation Committee's fifty-fourth session in June 2004 on the pilot scheme and to make an interim report to the Council's twenty-second extraordinary session in November 2003.

Reference documents: C 90/23; C 90/SR.9

24 WORLD MARITIME UNIVERSITY (agenda item 24)

(a) Report of the Board of Governors (agenda item 24(a))

24(a).1 The Council:

- (i) took note of the information provided in document C 90/24(a) on the Annual Report of the World Maritime University for the year 2002;
- (ii) expressed its satisfaction on the University's impressive record of academic achievement and of excellence in all its operations;
- (iii) extended its gratitude and thanks to the international supporters of the World Maritime University, the Secretary-General as Chancellor of the University, members of its Board of Governors and the President and staff of the University for their invaluable contribution to the outstanding success and continued progress of this unique institution of international learning and co-operation in the service of IMO and the global maritime community; and
- (iv) urged IMO Member States and the maritime community as a whole to support the World Maritime University and live up to the spirit and words of Assembly resolution A.933(22), which calls for "Sustainable financial support for the World Maritime University", to enable this unique institution to continue providing its invaluable service to the global maritime community.

Reference documents: C 90/24(a); C 90/SR.9

(b) Budget (agenda item 24(b))

24(b).1 The Council:

- (i) took note of the information contained in document C 90/24(b), which deals with the budget of the World Maritime University for the year 2003;
- (ii) expressed its sincere gratitude to the Governments and diverse organizations which sustain the World Maritime University through their generous financial support, most notably the Government of Sweden and the City of Malmö, the Ship and Ocean Foundation and the Nippon Foundation of Japan, the Government of Norway, the International Transport Workers Federation, the Governments of Canada, Denmark, France and the United Kingdom and Inmarsat Limited; and
- (iii) took further note of the financial challenges facing the World Maritime University and therefore urged Member States to maintain, increase or establish their support to the University through operational or fellowship funding to enable it to continue effectively discharging its mandate of professional service to the global maritime community, which was given to it by the Assembly some 20 years ago.

Reference documents: C 90/24(b); C 90/SR.9

(c) Amendments to the Charter (agenda item 24(c))

24(c).1 The Council endorsed the amendments to the Charter of the World Maritime University as proposed in document C 90/24(c), and agreed to forward these amendments to the twenty-third session of the Assembly for approval.

Reference documents: C 90/24(c); C 90/SR.9

(d) Appointment of the Chancellor (agenda item 24(d))

24(d).1 The Council decided, by acclamation, to reappoint Mr. W.A. O'Neil the Secretary-General, as Chancellor of the Governing Board of the World Maritime University for the period 1 July 2003 to 30 June 2004 and congratulated him on his continuation in this capacity.

Reference documents: C 90/24(d); C 90/SR.9

***25 IMO INTERNATIONAL MARITIME LAW INSTITUTE (agenda item 25)**

**As agreed by the Council, the decisions relating to this agenda item were not formally adopted at the ninetieth session of the Council and will accordingly be referred to the twenty-second extraordinary session of the Council in November 2003.*

(a) Report of the Governing Board (agenda item 25(a))

25(a).1 The Council:

- (i) took note of the information contained in document C 90/25(a) and its addendum;

- (ii) expressed its appreciation to the Secretary-General for his continuing efforts to ensure the long-term viability of the Institute:
- (iii) further expressed its appreciation to the faculty and staff for their determined and dedicated efforts to strengthen the Institute's academic and financial base;
- (iv) pledged its support to the Institute, which has just finished its fourteenth year of operation, and acknowledged that despite the financial uncertainty, it had maintained high academic standards of tuition in the field of international maritime law; and
- (v) noted that the Institute is still playing an essential role for many developing countries, in strengthening their capacity to implement the many IMO regulations and that this role is as vital now as it was in 1989, when the Institute was established.

Reference documents: C 90/25(a) and Add.1; C 90/SR.9

(b) Budget (agenda item 25(b))

25(b).1 The Council noted of the information contained in the documents, as amplified by the Secretary-General in his introduction and expressed its deep gratitude to the Government of Malta for its continuing support of the Institute and to those donors who have contributed so generously over the years and also to new donors. The Council requested that in future more detail should be provided in the budget document indicating, for example, cash and in kind contributions.

25(b).2 The Council further noted that, notwithstanding the generous donations received and the considerable improvements made by the Institute and its Governing Board to build up reserves, the long-term financial situation of the Institute is still uncertain and urged Member States to provide it with financial assistance.

25(b).3 The Council requested that the implementation of the Assembly resolutions A.933(22), A.934(22) and A.935(22) on WMU, IMLI and IMA relating to financial support for these institutions be monitored and a report made to the twenty-second extraordinary session of the Council and the Assembly at its twenty-third session.

Reference documents: C 90/25(b) and Add.1; C 90/SR.9

(c) Appointment of the Chairman of the Governing Board (agenda item 25(c))

25(c).1 The Council decided, by acclamation, to reappoint Mr. W.A. O'Neil, the Secretary-General, as Chairman of the Governing Board of the International Maritime Law Institute for the period 1 July 2003 to 30 June 2004 and extended its congratulations to him on his continuation in this capacity.

Reference documents: C 90/25(c); C 90/SR.9

26 RELATIONS WITH THE UNITED NATIONS AND THE SPECIALIZED AGENCIES (agenda item 26)

(a) Report on decisions of the General Assembly of the United Nations on matters of relevance to IMO (agenda item 26(a))

26(a).1 The Council noted the information contained in the report and expressed its appreciation to the Secretary-General for bringing information to the attention of the United Nations General Assembly on recent IMO activities in its role as one of the competent international organizations in relation to ocean affairs and implementation of the United Nations Convention on the Law of the Sea.

26(a).2 The Council also noted that the Secretary-General will make the necessary arrangements for IMO to participate in the regular process for the global reporting and assessment of the State of the marine environment under the United Nations.

Reference documents: C 90/26(a); C 90/SR.9

(b) Co-ordination within the United Nations system (agenda item 26(b))

26(b).1 The Council took note of the information provided by the Secretary-General in the documents under this item, as amplified in his presentation. The Council expressed its support for the actions taken by the Secretary-General in relation to the inter-agency meeting in Paris on flag State implementation, and requested the Secretary-General to write to the Secretary-General of the United Nations, expressing the Council's position on the matter.

Reference documents: C 90/26(b) and Add.1; C 90/SR.9

27 JOINT INSPECTION UNIT (agenda item 27)

27.1 The Council agreed:

- (i) to take note of the information provided by the Secretary-General in document C 90/27; and
- (ii) to endorse the comments made by the Secretary-General on the three reports of the Joint Inspection Unit, namely "Support Costs Related to Extrabudgetary Activities in Organizations of the United Nations System", "Reform of the Administration of Justice in the United Nations System: Options for Higher Recourse Instances" and "United Nations System Revenue-Producing Activities".

Reference documents: C 90/27; C 90/SR.9

28 RELATIONS WITH INTERGOVERNMENTAL ORGANIZATIONS (agenda item 28)

28.1 The Council approved the amended text of the draft Agreement of Co-operation between IMO and the Pacific Community, which will be submitted to the twenty-third session of the Assembly for consideration and approval.

28.2 The Council noted the information provided by the Secretary-General regarding the response of the Director-General of the Pacific Community that the amended text is not inconsistent with the approval granted in November 2002 by the Committee of Representatives of Governments and Administrations of the Pacific Community.

28.3 The Council further noted that the draft Agreement will enter into force once it has been endorsed by the Assembly.

28.4 The Council approved the amended text of the Agreement of Co-operation between IMO and the European Conference of Postal and Telecommunications Administrations (CEPT), annexed to document C 90/28/Add.1, which will be submitted to the twenty-third session of the Assembly for consideration and approval.

Reference documents: C 90/28 and Add.1; C 90/SR.9

29 RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS (agenda item 29)

(a) Applications for consultative status (agenda item 29(a))

**As agreed by the Council, the decision contained in the paragraph marked with an asterisk in this agenda item was not formally adopted by the ninetieth session of the Council and will accordingly be referred to the twenty-second extraordinary session of the Council in November 2003.*

29(a).1 The Council decided to allow the application of the International Maritime Health Association (IMHA) to proceed for further screening by the Maritime Safety Committee (MSC) and the Marine Environment Protection Committee (MEPC) on a provisional basis providing that IMHA forward an updated list of its membership not later than 14 July 2003.

29(a).2 The Council requested the Secretary-General to inform IMHA that unless it has component branches or affiliates, its consultative status on a provisional basis will expire in four years and that the screening by the Committees is provisional to the submission of the updated membership list.

29(a).3 The Council decided to defer the application from the International Bunker Industry Association (IBIA) pending receipt of information from the IBIA concerning access to the Organization through other non-governmental Organizations and, if possible, from Member States concerning the national Members of the IBIA.

29(a).4 The Council decided to grant consultative status to the International Marine Transit Association/Interferry (IMTA-Interferry) on a provisional basis.

*29(a).5 The Council noted the new name of the International Cargo Handling Co-ordination Association (ICHCA), which, following its incorporation has now become ICHCA International Limited.

Reference documents: C 90/29(a) and Add.1-2; C 90/SR.9

(b) Review of organizations in consultative status (agenda item 29(b))

29(b).1 The Council decided:

- (i) to withdraw the consultative status of the International Bar Association (IBA) and the Iberoamerican Institute of Maritime Law (IIDM);
- (ii) to grant full status to the Association of European Shipbuilders and Shiprepairers (AWES); and
- (iii) to grant full status to the International Ship Suppliers Association (ISSA).

29(b).2 The Council further decided to withdraw the consultative status of Greenpeace International in line with Rule 10 of the Rules Governing Relationship with Non-Governmental International Organizations.

29(b).3 The Council noted that final decisions on all its actions in the current biennium will have to be made by the Assembly at its twenty-third session in November 2003.

29(b).4 With regard to the remaining organizations listed in document C 90/29(b), the Council decided to postpone its decision on their consultative status pending the provision of lists to the twenty-second extraordinary session of the Council.

Reference documents: C 90/29(b) and Add.1-2; C 90/SR.9

30 INTERNATIONAL MARITIME PRIZE (agenda item 30)

30.1 The Council decided to award the International Maritime Prize for 2002 to Mr. James Francis Wall (Frank Wall) (United Kingdom) and expressed appreciation to the other candidates, who also have impressive credentials, and to the Governments of South Africa, Thailand and the United Kingdom for nominating such eminent candidates for the Prize.

30.2 The Council noted and endorsed the measures taken and those proposed by the Secretary-General in respect of the Prize for 2003.

Reference documents: C 90/30; C 90/30/Corr.1 (English only); C 90/SR.9

31 ASSEMBLY MATTERS (agenda item 31)

- (a) **Provisional agenda of the twenty-third session of the Assembly (agenda item 31(a))**

**As agreed by the Council, the decisions contained in the paragraphs marked with an asterisk in this agenda item were not formally adopted at the ninetieth session of the Council and will accordingly be referred to the twenty-second extraordinary session of the Council in November 2003.*

*31(a).1 The Council approved the provisional agenda contained in document C 90/31(a) subject to the rearrangement of the agenda items as suggested by the Council to discuss more important items first.

Reference documents: C 90/31(a); C 90/SR.9

**(b) Preparations for the twenty-third regular session of the Assembly
(agenda item 31(b))**

*31(b).1 The Council took note of the information provided by the Secretary-General in document C 90/31(b).

31(b).2 The Council took further note of the information provided by the Secretary-General in document C 90/31(b)/Add.1, concerning the need to hold an extra session of the Marine Environment Protection Committee (MEPC) before the end of the year, and, in particular:

- (i) approved the holding of a two-day extra session of MEPC in December 2003 under Rule 2 of the Rules of Procedure of the MEPC, subject to the decision of MEPC 49 on the need for holding such a session; and
- (ii) approved the holding of the two-day extra session of MEPC during the twenty-third regular session of the Assembly, in order that no additional costs are entailed by the Organization.

Reference documents: C 90/31(b) and Add.1; C 90/SR.9

(c) Draft report of the Council to the Assembly on the work of the Organization since the twenty-second regular session of the Assembly (agenda item 31(c))

*31(c).1 The Council approved the report, subject to such changes as may be necessary in the light of the discussions and decisions of the Council, and any developments occurring between the issue of the document and the twenty-third regular session of the Assembly, which will be reported to the Council for consideration and approval at its twenty-second extraordinary session, immediately before the Assembly's session.

Reference documents: C 90/31(c); C 90/SR.9

***32 MEMORIAL TO SEAFARERS (agenda item 32)**

**As agreed by the Council, the decisions relating to this agenda item were not formally adopted at the ninetieth session of the Council and will accordingly be referred to the twenty-second extraordinary session of the Council in November 2003.*

32.1 The Council took note of the information provided by the Secretary-General and, in respect of the implementation of the second objective of the Seafarers Memorial Trust Fund, namely the establishment of a Chair on maritime safety and marine pollution prevention at the World Maritime University, the Council encouraged all those entities already approached, or to be approached by the Secretary-General and any other potential donors, to contribute generously so that the accomplishment of the new objective is achieved as early as possible.

32.2 The Council congratulated the Secretary-General for his continuing efforts to promote the objectives of the Seafarers Memorial Trust Fund scheme and invited him to report on developments to the next session of the Council.

Reference documents: C 90/32; C 90/SR.9

33 APPOINTMENT OF FUTURE SECRETARIES-GENERAL: REVIEW OF THE CONTRACT DOCUMENT (agenda item 33)

33.1 The Council noted the information provided in the document regarding the contract for the next Secretary-General, taking into account the comments made by the Secretary-General, particularly regarding the high living costs in London facing Secretaries-General, notably in respect of housing, and the limitation of the contract to two terms. The Council therefore decided to defer consideration of the matter until its twenty-second extraordinary session in November 2003.

Reference documents: C 90/33; C 90/SR.10

34 APPOINTMENT OF THE SECRETARY-GENERAL (agenda item 34)

34.1 The Council appointed Mr. E.E. Mitropoulos (Greece) as the Organization's Secretary-General from 1 January 2004 and recommended that the Assembly be invited to approve the appointment.

34.2 The Council agreed that Mr. Mitropoulos be offered a term of appointment of four years as from 1 January 2004, after which it may be renewed for one further term of four years.

Reference documents: C 90/34 and Add.1-4; C 90/SR.5

35 APPRECIATION OF THE SERVICES TO THE ORGANIZATION OF MR. W.A. O'NEIL (agenda item 35)

**As agreed by the Council, the decision contained in the paragraph marked with an asterisk in this agenda item was not formally adopted at the ninetieth session of the Council and will accordingly be referred to the twenty-second extraordinary session of the Council in November 2003.*

*35.1 The Council warmly supported the draft Assembly resolution seeking to capture the distinguished and outstanding contribution of the Secretary-General over the past 13.5 years.

35.2 The Council approved the inclusion of an additional paragraph relating to the Secretary-General's achievements in regard to privileges and immunities and agreed to forward the text to the twenty-third session of the Assembly for consideration and adoption.

Reference documents: C 90/35; C 90/SR.9

36 DATE AND PLACE OF THE NEXT SESSION OF THE COUNCIL (agenda item 36)

36.1 In the light of the information contained in the document, as amplified by the Secretary-General, the Council agreed to the proposed dates of the two forthcoming sessions of the Council, namely that the twenty-second extraordinary session of the Council will be held at IMO Headquarters on Friday, 21 November 2003 and the ninety-first regular session will be held on Friday, 5 December 2003, after the conclusion of the twenty-third session of the Assembly.

Reference documents: C 90/36; C 90/SR.9

37 SUPPLEMENTARY AGENDA ITEMS (agenda item 37))

Requests from the news media to attend meetings.

37.1 The Council agreed, in principle, to the desirability of the Organization having Guidelines to address the issue contained in document C 90/37 submitted by Cyprus (Requests from the news media to attend meetings) and requested the Committees to consider the draft guidelines contained in the annex to that document and advise the ninety-second session of the Council accordingly.

Reference documents: C 90/37; C 90/SR.10
