



COUNCIL - 90th session

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**SUMMARY RECORD OF THE SECOND MEETING**

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR  
on Monday, 16 June 2003 at 2.30 p.m.**

Chairman: Mr. CHEN TZE PENN (Singapore)  
Vice-Chairman: Mr. J. FRANSON (Sweden)  
Secretary-General: Mr. W.A. O'NEIL

A list of participants is given in document C 90/INF.1.

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**AGENDA ITEM 6 - CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE  
(C 90/6, Add.1 and Add.1/Corr.1; LEG 86/5) (continued)**

Mr. POPP (Canada), speaking as Chairman of the Legal Committee, continuing his introduction to the report of the Legal Committee, said that in the area of provision of financial security, the Committee had considered the report on the outcome of the International Conference on the Revision of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea. A separate submission on that matter had been prepared and would be discussed under item 10 of the Council's agenda. The Committee, at the request of the Council at its eighty-ninth session, had considered each of the three resolutions adopted by the Conference.

Concerning the first resolution on Regional Economic Integration Organizations, the Committee had agreed, prior to taking any decision, to request the Secretariat to consult with the United Nations and other agencies to determine what provisions relating to such organizations had been introduced into other conventions. On the second resolution, calling for IMO to carry out a study of insurance certificates under the Athens Protocol in the context of bareboat charter registrations, it had noted that the practice of allowing a bareboat charter to be registered in one State while the ship ownership was registered in another State could have implications for all liability conventions imposing certificate-issuing obligations on the State of the registered owner, and had accordingly decided that the study should not be limited to the Athens Protocol. It had accepted the offer of the Comité Maritime International (CMI) to conduct the study, and had requested the Secretariat to assist in its preparation. The Committee had noted that the third resolution, calling for the Organization to consider the question of how to ensure that carriers maintained insurance or other financial security to meet the full level of their liability under the Athens Protocol, would involve a reconsideration of Assembly resolution A.898(21) on Guidelines on shipowners' responsibilities for maritime claims, and had therefore included the issue on its agenda.

The Committee had considered the work of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, and had approved in principle the establishment of a database, on the understanding that the question of financing of the activity would require consideration by the Council. In that connection, the Committee had noted an offer by the International Ship Suppliers Association to assist with the provision of the resources needed. He had learned informally that, since the eighty-sixth session of the Legal Committee, the ILO Governing Body had approved the establishment of the database. The ILO Secretariat was looking into the costs involved: it had expressed a willingness to host the database and to cover some of the costs relating to its maintenance but had stated that it would look to extra-budgetary resources for its establishment. The Council would be kept informed of further developments.

One example of the advisory function provided by the Legal Committee to other IMO deliberating bodies was the Committee's involvement in the preparation of Guidelines on places of refuge. At the request of the MSC, the Legal Committee had considered the legal aspects of the Guidelines, together with a number of related submissions. The Committee had recognized the urgent need for Guidelines, acknowledging that, while some aspects of situations involving ships in distress were covered by the current liability and compensation regimes such as the CLC and Fund Conventions and the HNS Convention, there might be some gaps in coverage since not all ships were covered by the regimes and not all States had signed up to them. The Committee had recommended the inclusion in the Guidelines of a caveat noting that they did not address the

question of liability and compensation for damage resulting from a decision to grant or deny a ship a place of refuge. It had also recommended that the accompanying draft Assembly resolution be amended to include a request that, as a matter of priority, the Committee consider the Guidelines from its own perspective, including the provision of financial security to cover coastal State expenses and/or compensation issues. On the basis that the Guidelines were due to be discussed by the MSC and the Sub-Committee on Safety of Navigation from a technical point of view, the Committee had agreed to undertake a further review at its eighty-seventh session if so requested by the MSC and, if necessary, to submit its recommendations directly to the twenty-third session of the Assembly.

The Committee was continuing its work on places of refuge. A questionnaire on the matter prepared by the CMI in conjunction with the Secretariat had been circulated, but at the time of the eighty-sixth session insufficient replies had been received to enable it to prepare a comprehensive analysis. The Committee had urged delegations to remind their Administrations to complete the questionnaire in time for consideration at the eighty-seventh session.

In line with the Organization's mandate to enhance security on vessels, the Committee had continued with its consideration of measures to protect crews and passengers against ordinary, traditional crimes committed on board vessels on the high seas. Those measures were distinct from the review of the SUA Convention and Protocol which dealt specifically with terrorist activities. The main priority was to provide a mechanism whereby the captain or master of a vessel could deliver the alleged offender to the authorities at the nearest port of call and continue with the voyage. The Committee's deliberations to date had revealed a real problem in that regard, which was shared by several States.

A questionnaire prepared by the CMI together with the Secretariat had been circulated to Member States, and the Committee had considered an interim report prepared by the CMI summarizing the responses received so far. Once again, progress was dependent on sufficient responses being received from Governments; it was to be hoped that they would be forthcoming before the Committee's next session. It had been suggested that a new treaty might perhaps be required to allow for the disembarkation of alleged criminals, along the lines of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963 (Tokyo Convention). In view of its importance, the Committee had decided to remove the item from Any Other Business and to include it as a separate agenda item at future sessions of the Committee.

Referring to the work programme and long-term work plan, he drew attention to the recommendations put forward by the Committee that the Council make provision, on a planning basis, for the holding of two diplomatic conferences in 2004-2005: the first to consider a draft convention on wreck removal and the second to consider two protocols to the SUA instruments on the suppression of unlawful acts. While there was still work to be done on those two items, the Committee had made it a priority and was aiming for completion in the near future.

The Committee's work programme and long-term work plan reflected a comprehensive strategy to modernize international maritime law within the framework of IMO's mandate. The long-term work plan would be considered under item 21 of the Council's agenda.

Finally, the Committee had decided that, with immediate effect, it would elect its officers at the last regular session for each calendar year, thus bringing its practice into line with that of other IMO committees.

The SECRETARY-GENERAL said that the Council would be pleased to note the progress achieved by the Legal Committee at its eighty-sixth session, in particular the development of its two main priorities, namely, the preparation of a draft convention on wreck removal and the review of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and its Protocol relating to Fixed Platforms Located on the Continental Shelf (the SUA treaties). The Committee's decision to endorse the mandate of the Organization to consider and adopt a treaty enabling States to remove wrecks posing a danger from their Exclusive Economic Zones (EEZ) was very significant, and had implications for the work of the Organization going beyond that particular draft convention. It was also significant that IMO's mandate in that regard had been fully supported by the United Nations Office of the Law of the Sea.

He wished to commend the Committee for its prompt response to the request of the MSC with respect to the Guidelines on places of refuge, which was a good example of how the different IMO committees could and did work in tandem to achieve the Organization's objectives.

He urged Member States to remind their respective Administrations to respond to the various questionnaires being sent out by the Organization and the CMI. The information gathered through the responses would enable the Committee to proceed with its work with greater confidence so that the solutions it put forward did indeed address the problems it had been asked to resolve.

Mr. CHARALAMBOUS (Cyprus) expressed satisfaction at the increase in the efficiency and effectiveness of the work of the Legal Committee during the biennium. It had provided advice to other IMO committees in a number of areas, including places of refuge and maritime security, and it was regrettable that some committees were not always willing to refer matters to it for consideration. He supported the proposal that provision be made for two diplomatic conferences during 2004-2005 and looked forward to discussing the long-term work plan during consideration of agenda item 21.

Mr. BARKINDO (Nigeria) commended the Legal Committee on its work, in particular in regard to the draft convention on wreck removal. Nigeria considered that wrecks posed a serious menace and had established a high-level technical committee to study the matter. A consultant had been appointed to locate wrecks, assess their condition and make recommendations regarding their removal. Most of the floating wrecks in Nigeria's territorial waters had been removed and seabed wrecks were currently being located.

The dumping of obsolete vessels in the territorial waters of West African countries was a serious concern, and it was often difficult to trace the owners of such vessels. He therefore supported the development of a convention that would oblige States Parties to ensure that their registered owners complied with obligations to facilitate the removal of wrecks.

Mr. TSANTZALOS (Greece) observed that the variety and importance of the work undertaken by the Legal Committee during the biennium emphasized the significance of its role. He supported the proposal that provision be made for two diplomatic conferences during 2004-2005.

The CHAIRMAN invited the Council to take note of the work accomplished or envisaged by the Legal Committee, and to decide 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.

In particular, he invited the Council to note 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 did not conflict with the principles contained in the 1982 United Nations Convention on the Law of the Sea (UNCLOS); to approve the Committee's 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); to take note of the Committee's decision to include the consideration of measures to protect crews and passengers against crimes committed on board vessels as a separate agenda item and to take further note of the Committee's decision to elect its officers at the last regular session for each calendar year.

**It was so decided.**

**AGENDA ITEM 7 - CONSIDERATION OF THE REPORT OF THE TECHNICAL CO-OPERATION COMMITTEE (C 90/7 and C 90/7/1; TC 52/14 and Corr.1, TC 53/19)**

Mr. AHMED (Bangladesh), speaking as Chairman of the Technical Co-operation Committee, said that the Committee had held its fifty-second session on Thursday, 28 November 2002. Its report had been circulated under cover of documents TC 52/14 and TC 52/14/Corr.1 and was summarized in document C 90/7.

The main thrust of the Committee's strategic approach over the previous year had been to foster different avenues of collaboration with development partners. The objective had been to broaden the partnership concept as much as possible, so as to extend regional implementation capacity, secure additional financial resources and contributions in-kind for the Integrated Technical Co-operation Programme (ITCP), and strengthen the exchange of information between all stakeholders in the maritime sector. A number of agenda items at the Committee's fifty-second session had related directly to the theme of "partnership building".

The Committee had acknowledged in particular the success of IMO's regional co-ordinators scheme through the three African regional presence offices in Côte d'Ivoire, Ghana and Kenya, which had resulted in the extension to 31 December 2003 of the Memoranda of Understanding (MoU) between IMO and the Governments of those countries with respect to the IMO regional presence offices for the Eastern and Southern Africa and Western and Central Africa (English- and French-speaking) subregions. The Committee had fully endorsed the Secretariat's proposal for extending the IMO regional presence scheme through the establishment of two offices in the South Asian and East Asian subregions, in India and the Philippines respectively. The increasing number of agreements and MoUs that IMO had negotiated in 2002 for various elements of programme implementation, such as the provision of technical expertise on a no-fee basis, were a testament to the successful partnership development strategy that was driving the development of partnership linkages. The report in document C 90/7 provided details of recent agreements with the Asia and Pacific region, the Latin America and Caribbean region, and through the New Partnership for Africa's Development (NEPAD) programme.

The Committee had also considered another important element of partnership building, namely the development of an inter-active website on the Partnerships for Progress Inventory. The Committee had been informed that good progress had been made in the development of the

MARTECAID (Maritime Technical Aid) website, which would be structured through an extranet to provide a global interface with Member States, non-governmental agencies, inter-governmental organizations and other development agencies.

Further discussion of the possibility of making IMO publications available in electronic format at no cost on its website had resulted in the Committee's agreement that the Secretariat should make a further assessment of the parameters for the test's success criteria. The matter had been considered again by the Committee at its fifty-third session and would be considered by the Council under agenda item 23.

One of the main operational priorities for 2002 had been the launch and implementation of the global maritime security programme. Following the completion of a new training package, seven subregional seminars/workshops had been held between July and November 2002 in Australia, Egypt, Kenya, Panama, Poland, Singapore, and Uruguay, with a total of 306 participants from 86 countries and two Associate Members.

The Committee had considered its Rules of Procedure and the allocation of time to its sessions during 2004-2005, and had agreed that it would reconsider the item at its fifty-third session with a view to adopting revised Rules of Procedure. That had been achieved, as his report on the fifty-third session would indicate.

Following the Council's request that it consider the Model Audit Scheme from a capacity-building perspective, the Committee had reviewed the draft terms of reference for the Joint MSC/MEPC/TCC Working Group for the further consideration of the voluntary Model Audit Scheme. There had been a consensus that it would be useful for the Secretariat to identify the need for additional arrangements and resources to ensure the timely provision of technical assistance to developing countries following the results of an audit.

Finally, the Committee had approved its future work programme for the period 2004-2005, which was set out in the annex to its report (document C 90/7).

The Committee had held its fifty-third session on Wednesday, 11 June and Thursday, 12 June 2003. The report of the Committee had been circulated under cover of document TC 53/19 and was summarized in document C 90/7/1.

The Committee had received a number of reports, including an interim report on the ITCP for the 2002-2003 biennium, and a progress report on the status of implementation of the technical co-operation activities financed or co-financed by the Technical Co-operation Fund (TC Fund). In addition, detailed activity reports had been presented on the global programme for maritime security, regional co-ordination, and the IMO Programme for the Integration of Women in the Maritime Sector.

The Committee had considered the ITCP for 2004-2005 (document TC 53/4). Changes and additions to the biennial programme would include maritime security; implementation of the revised IMDG Code and the 1995 STCW-F Convention; implementation of the OPRC-HNS Protocol and AFS Convention; assisting in control and management of ships' ballast water, and supporting training of personnel in ship/port interface activities. The proposed ITCP comprised 26 programmes with funding requirements of US \$14.1 million, based on the assessed needs of the developing regions and the new thematic priorities identified by the technical Committees, taking into account the increasing requests for assistance in compliance with the requirements of the ISPS Code.

The Committee had reviewed the methodology for the next Impact assessment exercise (IAE) to be launched early in 2004, in accordance with the directive that such an exercise was to be carried out every four years to measure the effectiveness of the assistance received by developing countries through the ITCP. The second IAE would be co-ordinated by the Technical Co-operation Division and the Internal Oversight Section and carried out by a team of external consultants in conjunction with the beneficiaries and development partners. The consultants would be asked to assess the impact of ITCP activities, focusing on the development of maritime legislation and the enhancement of maritime security, as well as those activities that were delivered through partnerships with national and regional institutions. The Government of Canada had kindly offered to provide support for the organization and execution of the IAE.

The Model Audit Scheme had been the subject of discussion by three Committees, and the TCC had been co-operating with the MSC and MEPC with respect, primarily, to the capacity-building aspects of the proposed scheme. At the fifty-third session the joint MSC/MEPC/TCC Working Group report on the IMO Model Audit Scheme had been reviewed and endorsed, specifically in relation to aspects concerning technical co-operation, capacity building and funding of the Scheme. The draft Assembly resolution on the Scheme had also been reviewed and endorsed, with an amendment to paragraph 6. The Committee had agreed on the work plan for the development of the Scheme and had called on its Members to participate in the related correspondence group.

In response to the request made by the Committee at its fifty-second session, a report had been presented on the proposal to make selected IMO publications freely accessible via the Internet. The assessment had included proposals as to how a suitable test might be conducted, and possible success criteria. It was proposed that in parallel with a trial period of 10 months starting from 1 July 2003 the Secretariat would carry out an analysis of the level of sales for the four publications concerned, and also consult the Organization's distributors on their experience. As part of the diversification of the Publishing Service's priced products, IMO had started offering "virtual" editions of its publications (starting with the ISPS Code), and had introduced a new "subscriber" service to certain other publications, which would enable users to access and download the publications if they wished, or to pay for access on a fee basis. After extensive debate, the Committee, while noting the concerns of two delegations, had recommended that the Secretariat should initiate a pilot study, and submit a report to its fifty-fourth session in June 2004.

Pursuant to discussions at the fifty-second session, the Committee had reviewed a detailed analysis comparing the Rules of Procedure of the five IMO Committees, and had adopted the amendments to its Rules of Procedure set out in annex 2 to document TC 53/16, as proposed by the Secretariat, with the exception of rule 17(c), which had been amended to read: "If the Chairman and Vice-Chairman are both unable to preside at a session, the Committee shall elect a new Chairman and a new Vice-Chairman". The revised Rules of Procedure would come into force and be fully effective as from the next session.

In considering the election of the Chairman and Vice-Chairman for 2004, the Committee had agreed, for practical reasons, to suspend the application of the amendments to its Rules of Procedure it had just adopted, which *inter alia*, stipulated a term of office limitation of four years. The Committee had unanimously agreed to re-elect Mr. M. Ahmed (Bangladesh) as Chairman for the year 2004. It had noted with regret that the present Vice-Chairman, Mr. Jean-Marc Schindler (France) was stepping down, and had expressed its sincere appreciation



for the considerable contribution he had made to the work of the Committee, in particular by facilitating support for the implementation of the Technical Co-operation Programme. Mr. Philip S.J. Lukuley (Sierra Leone) had been unanimously elected Vice-Chairman for the year 2004.

The Committee had paid tribute to the outgoing Secretary-General, praising his vision, leadership and strategy, which had led IMO into a new era in respect of its focus on and effectiveness in technical co-operation. Because of his efforts, the work of IMO was now more effective and better recognized. In response, the Secretary-General had expressed his appreciation for that tribute, and had stated that it was a matter of great satisfaction to have witnessed the transformation of the Committee to a proactive forum providing oversight and direction to the development and implementation of IMO's Technical Co-operation Programme. He had commended the work of the Members of the Committee, and especially of the Chairman and Vice-Chairman. He had also paid tribute to the Secretariat, in particular the Technical Co-operation Division under the leadership of its Director, Mr. D.T. Edwards, and had expressed confidence in the future both of the Committee and of the TC Programme.

The SECRETARY-GENERAL said that, as he had already reported to the Council, the Organization's management and delivery of its technical co-operation programme had been reassessed in detail under the Organizational Review and had subsequently been the subject of the change management programme launched the previous year to implement the Council's decisions on those matters. The Council and TCC had been kept fully informed of the various stages of implementation of the measures to ensure greater efficiency and effectiveness in the delivery of IMO's technical co-operation activities. The Committee had been informed of the key innovations, including the establishment of the contractual framework between TCD and the implementing agents, an early warning system to be triggered against specific milestones and benchmarks, and the introduction of contingency plans. TCD was recognized as the custodian of the regional dimension that drove every stage of the planning and delivery of the ITCP. Roles and responsibilities for every component of the ITCP cycle were also clearly defined under a Functional Framework matrix.

As a result of the new TC measures, he was introducing a more results-based approach, which should translate into a more effective use of donor funds at the field level. The new monitoring tools would enable IMO to maintain a critical overview of progress at any given time against specified programme milestones, and to track any significant slippages in the timing of delivery. There would be greater flexibility in terms of moving resources to the activities that were proving the most successful, to ensure that funds did not remain tied up in unproductive activities. The new measures were not an end in themselves, but were intended to be the means for improving delivery to the developing regions. Financial linkages and electronic data-retrieval were fundamental to support the new measures.

Regarding the time allocated to TCC for its deliberations, the Council would recall that it had not been possible to complete the approved agenda during the time available at both the fiftieth and the fifty-first sessions of TCC. At its fifty-second session, the Committee had considered the allocation of meeting time and priorities for the next two sessions to be held in 2004 and 2005, based on the assumption that the decision would be taken to hold two 3-day sessions in the biennium. As a result, the Council was requested to consider the Committee's recommendation that, for the biennium 2004-2005, it be allocated two annual sessions of three days' duration. The Council had previously noted that recommendation and provision for these meetings has been included in the draft Work Programme and Budget.

The fifty-third session had been a historic occasion, as it had been the first time that the TCC had met independently of the Council meeting. The range of issues before the Committee for consideration were a testament to the new direction and role it was taking, and he would like to congratulate its members on the impact their work was having in securing wider implementation of maritime conventions and instruments.

One of the accomplishments particularly appreciated by the Committee had been the significant increase in the level of delivery of TC programmes and projects, as illustrated in the Annual Report on the ITCP for 2002. The significant upward trend in overall disbursement sustained since 1999 had been confirmed by aggregate expenditure levels that amounted to over US \$12 million in 2002, through 28 programmes and 84 projects. There had been a sharp increase of some 27 percentage points in the volume of expenditure since 2001, generating a 78% rate of increase between 1999 and 2002. In terms of regional outputs, 11 packages of model primary or secondary legislation had been developed and 110 courses, seminars and workshops held, resulting in the training of some 3,150 persons.

He would also draw Council's attention to the approval by TCC of the ITCP for 2004-2005 and to the Biennial Allocation of the TC Fund, to support the Integrated Technical Co-operation Programme (ITCP) for the next biennium. The new ITCP comprised 26 programmes with funding requirements of US \$1.4 million compared to the current ITCP new priority activities which had been added, such as IMDG, STCW-F, OPRC-HNS and the AFS Convention on control of ship's ballast water and ship/port interface activities. The Committee had approved the TC Fund Programme for the next biennium, and had recommended that it be authorized to use, during 2004-2005, the unprogrammed funds of the TC Fund for demands or partnership opportunities as and when they arise.

The Committee had also considered his proposals for an allocation from the TC Fund – in the amount of £5 million - to support the delivery of the new ITCP. That sum, which represented 56% of the funding required for the entire ITCP, would be used to finance the core activities of the programme, and that level of up-front funding was a clear expression of IMO's commitment to its own technical co-operation work. The TC Fund allocation would support the core activities of all the regional and global programmes of the new ITCP, on the basis of 46% of requirements for each region and 71% for the global programmes, with the latter providing additional benefits to all regions. Those activities that were not identified as core activities in the annex to document TC 53/5 would require external donor contributions.

In conclusion, the Committee had recommended the transfer of all surplus funds from the Printing Fund to the TC Fund in accordance with Assembly resolution A.873(20). For financial forecasting and planning of the activities, £1.4 million of that surplus would be immediately used for the activities planned for the next biennium.

Finally, he was pleased to report on the outcome of the Workshop on Partnership Building, which had been held on 9-10 June and was the first workshop of its kind to be convened by IMO for the purpose of encouraging the development of partnerships between it and regional organizations, governments, institutions and industry. It had proved a very useful forum for the exchange of information and open discussion.

The outcome of the meeting had included a consensus on the need to expand existing partnerships, involve industry more effectively, identify suitable sources of funds, strengthen IMO's regional presence and identify IMO's goals more closely with the Millennium Development Goals. The participants had drafted a resolution on the "Development and

Improvement of Partnership Arrangements for Technical Co-operation”, which was annexed to document C 90/7/1 for submission to the Assembly.

He added his thanks to those of the TCC Chairman to Jean-Marc Schindler for the excellent work he had done, both recently as the Vice-Chairman of the Committee and previously as its Chairman.

Mr. NASTRUCCI (Italy) thanked the Secretary-General for the important additional information he had provided, and agreed that the Technical Co-operation Committee should be completely independent. Commending the Chairman of the Committee for the excellent work accomplished, he said he considered that in the proposed work programme for the forthcoming biennium regional co-ordination and delivery, the global programme for maritime security and the capacity-building aspects of the Model Audit Scheme were the three most important items.

Mr. EL DEEN BADAWY (Egypt) thanked IMO for organizing the workshop on 9 and 10 June in which Egypt had participated, and noted that regional partnerships were an important part of the Organization's work. The MoU between the Egyptian Ministry of Transport and IMO, signed in 1999, was to be extended, and the Secretary-General was to be invited to celebrate World Maritime Day in Alexandria and to sign a new MoU.

Seven workshops had been held in Alexandria, attended by 240 students from nine countries, and he suggested that the Arab Academy for Science, Technology and Maritime Transport in Alexandria might become the Arab regional presence office. By way of assistance to Africa, the Academy would be providing seven fellowships for African students for a four-year course of study.

Mr. VASSALLO (Malta), commending the excellent work carried out by the Committee during the biennium, said that although the Committee's work might be considered among the least glamorous in the Organization, it was nevertheless of paramount importance in facilitating the universal acceptance and implementation of IMO's instruments. The independence of the Committee was to be welcomed. He looked forward to the time when it would no longer be dependent on the Printing Fund, and supported the search for alternative means of funding:

The Committee was moving towards a new role whereby it would no longer rely on developed countries to assist developing countries, but would encourage developing countries to help each other. He thanked the World Maritime University, the International Maritime Law Institute and the Trieste Academy for the excellent work they had done in assisting in the realization of the Committee's goals.

Mrs. SEET-CHENG (Singapore) said she had identified four positive trends in the work of the Committee, an increase in the resources allocated to technical co-operation activities, a greater number of partnership programmes, the introduction of change management, which had brought in a more flexible system that was responsive to the requirements of evolving regulations, for instance those related to capacity-building for maritime security, and new regional co-ordination and regional delivery programmes that would sustain technical co-operation programmes and promote regional self-help.

Mr. AKINSOJI (Nigeria) congratulated the Committee for the successful programme delivery achieved during the biennium, particularly in Africa. Technical co-operation activities should be encouraged on an ever more decentralized basis, and IMO should seek to extend its regional presence. Nigeria thanked donor countries, expressing a willingness to work in

partnership with them. He agreed with the representative of Malta that the Committee's meetings currently demonstrated that developing and developed countries were working together in partnership.

Mr. BERTIN (observer, Cote d'Ivoire) said the technical co-operation work carried out by IMO was respected by all. His country was ready to support the regional co-ordination office in Abidjan in every way possible, and he thanked the Secretary-General for making available the resources necessary to support the recent meeting on the STCW Convention held in Abidjan.

He recalled that his Government awaited a response to a request submitted to the Secretary-General on 1 May that year.

Mr. FINLEY (Bahamas), supported by Mr. CHRYSOSTOMOU (Cyprus), referring to paragraphs 41, 42 and 43 of document C 90/7/1 on capacity-building aspects of the Model Audit Scheme, noted that documents C 90/15 and Add.1, referred to in connection with the funding of the Scheme, had yet to be considered by the Council. Additionally, paragraph 42 referred to the Committee's endorsement of the Joint Working Group's decision on capacity building, technical co-operation and overall funding for the Scheme. He took issue with that language, as it was not appropriate for the Committee to endorse any recommendation of the Joint Working Group, but rather for the Council to consider it and to decide. In the light of those comments, he proposed that paragraphs 41, 42 and 43 be considered after the conclusion of agenda item 15 on the IMO Model Audit Scheme.

Mr. NDOUTOUME BÉ (observer, Gabon) said the technical co-operation programme enabled developing countries such as his own to ratify IMO conventions and other instruments and to incorporate them into national legislation, and he wished to acknowledge the valuable work carried out by the Committee. His Government would be one of the first to hold a workshop on maritime and port security since the SOLAS Conference on Maritime Security in December 2002. He wished to place on record his appreciation of the contribution made by Mr. Schindler, outgoing Vice-Chairman, to the Committee's work.

The CHAIRMAN invited the Council to consider the specific action requested by the Committee at its fifty-second session, as contained in paragraphs 39.1 to 39.15 of document C 90/7. He suggested that the Council consider en bloc those items that it had been asked to note, under paragraphs 39.1 to 39.10, and also under paragraph 39.14.

He invited the Council to note 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; 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 the Committee's future work programme for the biennium 2004-2005.

**It was so decided.**

The CHAIRMAN noted that the report of the Technical Co-operation Committee at its fifty-second session, with its comments and recommendations, would be transmitted to the Assembly at its twenty-third regular session, in accordance with article 21(b) of the IMO Convention. He invited the Council to consider the specific action requested of the Council by the Technical Co-operation Committee at its fifty-third session, as contained in paragraphs 85.1

to 85.15 of document C 90/7/1. He suggested that it consider en bloc those items that it had been asked to note, under paragraphs 85.1 to 85.6, and also under paragraphs 85.9 to 85.14. He requested the Council to note the following actions by the Committee, recognizing that matters related to the voluntary audit scheme, the Technical Co-operation Fund, electronic access, the World Maritime University and the International Law Institute would be dealt with under agenda items 15, 19, 23, 24 and 25 respectively: approval of the TC Fund programme for the 2004-2005 biennium and the Committee's recommendation that the Secretary-General be authorized to use, using 2004-2005, the unprogrammed funds of the TC Fund for demands on partnership opportunities as and when they arose; and the Committee's request to transfer all the surplus from the Printing Fund to the TC Fund. For financial forecasting and planning of the activities, £1.4 million of that surplus would be immediately used for the activities planned for 2004 to 2005.

Mr. KORAN (United States) recommended that the Council should note rather than approve the transfer of funds from the Printing Fund, pending discussion of that issue under item 18 of the agenda, Work programme and budget for the twenty-third financial period 2004-2005.

Mr. CHRYSOSTOMOU (Cyprus), supported by Mr. GASC (France) and Mr. KAKPU (observer, Benin), pointed out that the action of the Secretary-General in transferring the surplus from the Printing Fund to the Technical Co-operation Fund had been authorized by an Assembly resolution in 1999. Unless the Council wished to recommend amending that resolution, therefore, no other action other than a transfer would be appropriate.

Mr. AMEYAW-AKUMFI (Ghana) agreed that, in view of the fact that the Council was considering issues that had yet to be taken up under other agenda items, it seemed more logical to note rather than to agree to any action. He further pointed out that references to matters that had yet to be considered under subsequent agenda items could lead to confusion, and should perhaps be avoided, in future.

Mr. VASSALLO (Malta), supported by Mr. NASTRUCCI (Italy), while heartily endorsing the view expressed by Cyprus, said that it might be possible to accommodate the views of the United States by deferring any agreement on the transfer until the Council came to deal with the appropriate agenda item. It was his understanding that the United States did not object in principle to the transfer of the funds but, procedurally speaking, preferred that the matter be considered in conjunction with the budget.

The CHAIRMAN requested the Council to endorse the proposed draft Assembly resolution on partnership-building as set out in the annex to document TC 90/7/1; and to authorize 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.

**It was so decided.**

#### **AGENDA ITEM 5 - CONSIDERATION OF THE REPORTS OF THE MARITIME SAFETY COMMITTEE (C 90/5 and Add.1) (continued)**

The SECRETARY-GENERAL, in response to an earlier question from Cyprus as to whether PSCs, MoUs and regional agreements had been admitted by Equasis, said that Equasis had established criteria for the inclusion of PSC regimes as well as criteria for them to become

members of its supervisory committee. Thus far, however, no applications had been received by Equasis and no new members or observers had been admitted.

On the question of the preparation and translation of the reports of the committees and sub-committees, he explained that reports were prepared and translated on the evening of the penultimate day of a meeting and presented to the committees for review on the final day. Given the extremely tight time-frame in which drafters and translators were obliged to work, it had been suggested that a summary of decisions be prepared and translated for presentation to the final committee meeting. Subsequently, a full report could be prepared and translated, and presented for approval at the next session of the committee or sub-committee concerned. It had not been proposed that the working practices of the working groups be changed. An evaluation of the costs involved would be prepared, and submitted to the Council at its next session. He proposed that the new working method should be carried out on a trial basis at a meeting of one of the sub-committees, and the results evaluated and discussed afterwards.

In the absence of any comment, the CHAIRMAN said he took it that the proposal that a draft summary of decisions be prepared and translated for a sub-committee or committee on a trial basis was approved.

**It was so decided.**

#### **AGENDA ITEM 8 - CONSIDERATION OF THE REPORT OF THE FACILITATION COMMITTEE (C 90/8)**

Mr. ABELA (Malta), speaking as Chairman of the Facilitation Committee, said that the thirtieth session of the Facilitation Committee had been held from 27 to 31 January 2003 and had been attended by delegations from 53 Member States, one Associate Member and representatives and observers from one United Nations specialized agency, one intergovernmental organization and 16 non-governmental organizations. The report of the Committee at the session under review had been issued as document FAL 30/20 and its outcome was summarized in document C90/8.

The Convention on Facilitation of International Maritime Traffic, 1965, as amended, had been accepted by 94 States, which was an increase of five since FAL 29. The new contracting Governments were: Congo, Estonia, Indonesia, Malta and Venezuela. Although the rate of acceptance of the Convention had improved over recent years, more acceptances would certainly assist the Organization's efforts to facilitate international maritime traffic. At its previous session, the Committee had given initial consideration to the request of the Assembly in resolution A.924(22), which called for a review of measures and procedures to prevent acts of terrorism that threatened the security of passengers and crews and the safety of ships. To respond to the Assembly's request, the Ship/Ports Interface Working Group had spent some considerable time in drawing up pertinent recommendations on ship and port facility security plans, which had been conveyed subsequently to the MSC, where they had been favourably considered.

Following the successful Conference on Maritime Security in December the previous year, the Committee had considered facilitation aspects of maritime traffic in the context of security and, as requested by the Assembly in resolution A.924(22), had agreed to further consider security-related issues at FAL 31, including, first, 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 (International Ship Security Certificate, continuous synopsis record, and the exchange of information through the single-window concept) in order to facilitate international trade and support measures to enhance maritime security; and, secondly, a review of resolution A.872(20) on Guidelines for the Prevention and suppression of smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic.

Another important item on the Committee's agenda had been the review of measures and procedures for the treatment of persons rescued at sea from the facilitation point of view, as requested by the Assembly in resolution A.920(22). The Committee had given preliminary consideration to 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 such persons; and amendments to the FAL Convention. It had agreed to further consider those issues at FAL 31, taking into consideration relevant developments in the Organization and in other international fora.

The stowaway issue, which had become a heavy burden on ships and crews and on the shipping industry as a whole, had continued to form an important part of the Committee's agenda. The Committee had reviewed the 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, had invited Member Governments and non-governmental organizations to submit as many reports to the Secretariat as possible, with accurate and consistent information. It had noted that the reports submitted sometimes contained inconsistent data, in particular concerning places of embarkation and disembarkation and the nationality of stowaways. The amendments to the annex to the FAL Convention, adopted by the Committee at its previous session to include key elements aimed at resolving stowaway problems, had entered into force on 1 May 2003, a development which would greatly contribute to the prevention and successful resolution of stowaway cases.

At its twenty-ninth session, the Committee had considered matters relating to the FAL Convention from a general point of view, and also how to modernize and bring it up to date with developments in the shipping industry in the context of the strategic review undertaken by the Committee. At FAL 30, the Committee had continued consideration of the issue and had 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. The Committee had also decided to issue a questionnaire to Member Governments which were not contracting Governments to the Convention in order to find out what had impeded them from ratifying it, with a view to encouraging them to prepare the national legislation required and, if need be, to request the Organization to assist them effectively to implement its provisions. To that effect, the Committee had approved an *ad hoc* FAL circular.

The Committee had also agreed to develop an explanatory Manual to the FAL Convention which could help in interpreting some of its legal provisions, which were complex and at times difficult to understand. It had established an intersessional correspondence group to prepare the general outline of such a manual for submission to FAL 31 for consideration.

When considering electronic means for the clearance of ships, the Committee had approved amendments to the IMO Compendium on Facilitation and Electronic Business, as well as a FAL circular on E-Address, recognizing that publication of one or more dedicated E-Addresses of appropriate governmental authorities in a port or country would help to facilitate exchange of electronic information to be provided by masters of ships calling at the ports of those countries. The Committee had considered that that would be in line with the single-window concept, and had also recognized that there might be need to amend the FAL Convention to take account of new developments in the use of E-business.

As usual, the SPI Working Group had met concurrently with the Committee, and in addition to the work on maritime security assigned to it by the MSC, had prepared a draft revised MSC/MEPC/FAL circular on bibliography and on availability of adequate tug assistance, which had subsequently been approved by the Committee and the MSC.

The SPI Working Group had also prepared justification for work to be undertaken on the development of guidance for minimum training and education for shore-side mooring services personnel which had subsequently been approved by the Committee and the MSC.

The Committee had noted with appreciation that the Council, at its eighty-eighth session, re-emphasizing the importance of the 1991 amendments to the IMO Convention, had adopted resolution C.75(88) entitled "1991 amendments to the Convention on the International Maritime Organization (institutionalization of the Facilitation Committee)". In that regard, the Committee had noted with appreciation that the said amendments had, by the time of its meeting, been adopted by 76 Member States. Although that represented a significant increase since the previous session, 32 acceptances were still needed to fulfil the entry into force requirements. The Secretariat had done its best to increase the number of acceptances, and the Committee had greatly appreciated its efforts. Member Governments had therefore been urged to accept the 1991 amendments at their earliest convenience, stressing that they had no financial implications for countries accepting them.

The Committee would continue to make an important contribution to the facilitation of international maritime traffic, an aspect of IMO's work to which governments, the industry, seafarers and the travelling public attached ever-increasing importance. He again invited Member States which had not yet accepted the 1991 amendments to do so as early as possible. In his assessment, the Committee was successfully proceeding with its work to facilitate the arrival, stay and departure of ships, cargoes and passengers, to the benefit of the seamless flow of international seaborne trade.

The SECRETARY-GENERAL expressed his appreciation for the work accomplished by the Facilitation Committee at its thirtieth session and for the leadership provided by its Chairman, Mr. Charles Abela of Malta.

In particular, he congratulated the Committee for the progress made on the review of the FAL Convention. As had been reported, the Committee had 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 were in need of amendment to make them more universally acceptable. That would provide a mechanism through which FAL parties would be encouraged to review the expectations they had registered and other measures taken to align their national requirements and procedures with those of the Convention.



He also commended the contributions of the Committee and the Working Group on Ship/Port Interface to the work of the Organization on the enhancement of maritime security and on the safety of persons rescued at sea, as requested by the Assembly in resolutions A.924(22) and A.920(22), respectively. The important role of the Committee in facilitating maritime traffic in the context of security and its continuing contribution to the facilitation of international seaborne trade was most appreciated.

Turning to the 1991 amendments to the IMO Convention aimed at institutionalizing the FAL Committee, he said a programme had been instituted to encourage Members to expedite their acceptance. He would continue to press those who had not yet accepted to do so as soon as possible.

Mr. HERNÁNDEZ (Honduras) said his country planned to become a signatory to the FAL Convention in August 2003. He thanked the Secretary-General for the assistance and advice that Honduras had received from IMO in that area.

Mr. GIANNIMARAS (Greece) paid tribute to the progress achieved by the Committee in such areas as use of electronic means for clearance purposes, maritime security, treatment of persons rescued at sea, stowaways and harmonization of certificates. Those achievements highlighted the Committee's value and the significance of its work.

The Committee also played an important role in regard to security measures. Within the framework of the 2002 Maritime Security Conference it had, together with the SPI Working Group, undertaken to consider the various facilitation aspects of maritime traffic with a view to ensuring the uninterrupted flow of international seaborne trade.

In the light of recent developments, he wished to emphasize the importance of early entry into force of the 1991 amendments, and to urge those Member States which had not accepted them to do so at their earliest convenience.

Mr. VASSALLO (Malta) said he was proud of the contribution to the FAL Committee made by Mr. Abela, who was a graduate of the World Maritime University.

IMO rightly placed considerable financial and organizational burdens on shipowners and masters, and it was only fair that in return it should seek to facilitate and harmonize as much as possible the various procedures that they were required to undergo. He would like to see more attention paid to the FAL Committee and hoped that it would soon be institutionalized and take its place among the other major committees of the Organization.

Mr. AMEYAW-AKUMFI (Ghana), referring to the issue of electronic data interchange techniques, said that Ghana had recently installed an interchange facility at one of its major ports, which would provide the customs and port authorities with data concerning maritime affairs. That facility should make it possible to establish links with other countries of the subregion in the near future.

He urged the Committee to look into the long-standing problem of stowaway incidents and other incidents on the high seas, so that agreement could be reached on steps to be taken to deal with them.

Mr. CHARALAMBOUS (Cyprus) welcomed the indication that the three Chairmen of the MSC, MEPC and FAL would make a joint proposal as to how the work of the SPI Working Group would be handled. He would prefer the question of meeting-weeks for the next biennium to be discussed under items 20 and 18.

Mr. BARKINDO (Nigeria) said that Nigeria had ratified a total of seven IMO conventions and was about to ratify the 1991 amendments to the IMO Convention.

The Committee's efforts to reach international agreement on measures to deal with stowaways and on procedures governing cargo movements were of great importance, and he urged the Council to continue to support it despite its current lack of institutional status.

Mr. PRASETYO (Indonesia) stated that his country had ratified the 1991 amendments in 1997, and the 1965 FAL Convention in 1999. However, he pointed out that Indonesia faced difficulties in implementing facilitation procedures in over 500 ports open for international trade, due to the varying levels of capability of the officials concerned.

Mr. EUN LEE (Republic of Korea) said that ship-port interface issues were of great importance because port areas were particularly liable to maritime accidents. However, hitherto IMO had not paid much attention to safety management in ports. Although he was aware that it was the sovereign right of the port State to regulate that question, he believed that IMO should define minimum standards for safety management in ports, which could be issued in the form of guidelines or recommendations.

Mr. ANGRISANO (observer, Monaco) said that Monaco had recently ratified the 1991 amendments to the IMO Convention. The increase in traffic following the opening of a new port had made compliance with IMO norms more important than ever. Monaco was currently studying the ISPS Code with a view to ensuring that the new port was secure and its passenger traffic unimpeded.

The CHAIRMAN invited the Council to approve, in general, the report of the Facilitation Committee on its thirtieth session and the action taken by that Committee, as itemized in document C 90/8, subparagraphs 22.1 to 22.17.

In particular, he invited the Council to note the approval of amendment to the IMO Compendium on Facilitation and Electronic Business and of FAL.5/Circ.19 on E-addresses (paragraph 4); to note 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 to approve an associated FAL circular (paragraph 5); to endorse the establishment of a correspondence group to develop an explanatory manual to the FAL Convention (paragraph 6); to note the Committee's action on facilitation-related maritime security issues (paragraph 7); to note the Committee's action on facilitation aspects relating to measures and procedures for the treatment of persons rescued at sea (paragraph 8); to note the Committee's action on the issue of stowaways (paragraph 9); to note the Committee's decision on the availability of tug assistance (paragraph 10); and to note the Committee's decision on the development of guidelines on minimum training and education for shore side mooring personnel (paragraph 11).

He further invited the Committee to note the SPI Working Group's action on measures to enhance maritime security (paragraph 12); to note the Committee's decision on harmonization of certificates and documents (paragraph 13); to note the Committee's decision on updating of

certificates and documents required to be carried on board ships (paragraph 14); to note the Committee's action on facilitation-related thematic priorities for the ITCP for the 2004 to 2005 biennium (paragraph 15); to note the Committee's action on expediting its institutionalization (paragraphs 16 and 17); to approve the list of substantive items to be included in the agenda for the Committee's thirty-first session (paragraph 18 and FAL 30/20, annex 5); to approve the Committee's long-term work plan up to 2010 and forward it to the Assembly for endorsement (paragraph 19 and FAL 30/20, annex 6), which will be considered under item 21 of the Council's agenda; to approve two meeting weeks for the Committee in the biennium 2004 to 2005 (paragraph 20); and to note the Committee's action in respect of the SPI Working Group's work programme (paragraph 21).

**It was so decided.**

**AGENDA ITEM 9 - REPORT ON THE 2002 CONFERENCE OF CONTRACTING GOVERNMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 (C 90/9)**

Mr. FRANSON (Sweden), speaking as President of the 2002 SOLAS Conference, said it had been an honour for Sweden and for himself to be elected President of the 2002 SOLAS Conference, which had been convened in accordance with the provisions of the SOLAS Convention and in line with the decisions of the Assembly at its twenty-second session, for the purpose of a new regulatory regime aimed at enhancing maritime security.

In his opening remarks at the Conference, the Secretary-General had stressed the importance and significance of the event and had underlined the beneficial impact it would have on the efforts of the maritime community to protect shipping against terrorism. Judging by the outcome of the Conference, he believed that it had responded to the expectations not only of the maritime sector, but of the world community as a whole. As a result of its deliberations, the Conference had adopted amendments to the International Convention for the Safety of Life at Sea, 1974, together with resolution 1 on the adoption of those amendments, and the International Ship and Port Facility Security (ISPS) Code, together with resolution 2 on the adoption of the Code, constituting attachments 1 and 2 to the Final Act of the Conference. The Conference had determined that, in accordance with article VIII(b)(vi)(2) of the 1974 SOLAS Convention, the adopted amendments and the associated ISPS Code should be deemed to have been accepted on 1 January 2004, unless objections thereto had been notified to the Secretary-General prior to that date, and would enter into force on 1 July 2004.

The Conference had also adopted nine resolutions as listed in paragraph 6 of document C 90/9, designed to assist implementation of the amendments adopted. Those amendments provided the shipping industry with a comprehensive set of international standards for maritime and port security, and he urged that speedy action be taken to implement them by the agreed entry into force date of 1 July 2004. Once the new regime was fully implemented and the recommended further work completed, an important step would have been taken towards the new goal of ensuring secure and efficient shipping on clean oceans.

The SECRETARY-GENERAL stated that document C 90/9 reported on the outcome of the Conference of Contracting Governments to the 1974 SOLAS Convention, which had been convened to consider amendments to that Convention and an associated International Ship and Port Facility Security Code aimed at enhancing maritime security. It had been held at IMO Headquarters from 9 to 13 December 2002.

The Conference, which had been triggered by the 11 September 2001 terrorist attacks on the United States, had been attended by representatives of 109 Contracting Governments to the 1974 SOLAS Convention, observers from two Member States which were not Contracting Governments, observers from two Associate Members and observers from two United Nations specialized agencies, eight inter-governmental organizations and 32 non-governmental organizations in consultative status. The presence of so many government representatives and observers had demonstrated the significance of the Conference, not only to the international maritime community but to the world community as a whole, and recognized the pivotal role played by shipping in the conduct of world trade.

The Conference had been convened following the adoption of Assembly resolution A.924(22), and the subsequent unanimous decision of SOLAS Contracting Governments. It had generated tremendous interest worldwide, and highlighted the need for the development of a security consciousness in all IMO's work which would complement the existing objectives of developing a safety culture and an environmental conscience in the maritime community.

The success of the Conference had been due to the spirit of co-operation displayed by all and to the tireless efforts of its elected officers. Those officers had been the President of the Conference, Mr. Johan Franson of Sweden; the Vice-Presidents, Mr. William J.S. Elliot of Canada, Mr. Mitsuo Nakamoto of Japan, Her Excellency Mrs. Alma-Rosa Moreno Razo of Mexico, Professor Mr. Marek Szymonski of Poland and His Excellency Mr. El Hadj Amadou Niang of Senegal; the Chairman of the Committee of the Whole, Mr. Frank Wall of the United Kingdom; the Chairman of the Drafting Committee, Mr. N. Charalambous of Cyprus; and the Chairman of the Credentials Committee, Mr. Z. Alam of Singapore. He thanked the Governments of the United States and the United Kingdom for the financial support provided for the Conference, and the Secretariat for its efforts in assisting the work.

Although he was confident that worldwide effective implementation of the measures adopted by the Conference would go a long way towards protecting the industry against terrorist attacks, he wished to stress that Contracting Governments and the industry should take prompt action to assure the proper implementation of the new regulatory regime. Neither the SOLAS Convention nor the ISPS Code provided for any extension of the entry into force date of 1 July 2004, and the repercussions for any ships and/or port facilities not complying with the provisions as of that date would be serious indeed. All those matters were clearly explained in MSC/Circ.1067, which had been issued in February of the current year.

Document C 90/9 referred to action which the Council was invited to take in relation to the outcome of the Conference, notably to authorize him to perform the functions requested of the Secretary-General in the Final Act, functions which were essentially the same as those normally performed by him in relation to instruments adopted by conferences convened by IMO.

The successful conclusion of the Conference in such a short period of time, and the tremendous efforts made by all involved, officials, delegates and IMO staff, boded well for the implementation of a global maritime security regime which itself would depend on co-operation between governments and between ship and shore.

Mr. FOKAS (Greece) expressed appreciation for the swift, decisive and effective way in which IMO had responded to the tragic events of 11 September, proving the ability of maritime nations to react to such challenges and showing IMO at its best.

The vulnerable nature of shipping activities made it imperative to establish a regulatory framework which would enhance ship and port security and thus reduce the possibility of shipping becoming a target of international terrorism. The Conference had succeeded in adopting a comprehensive regime of security measures, minimizing the risks to passengers, crews and port personnel as well as to vessels and their cargoes.

It was now incumbent on Member States to respond promptly and to give effect to the decisions of the Conference as speedily as possible. He urged all States to take early action for full implementation of the new measures, in order to ensure that any threat to maritime security from terrorism could be effectively countered.

Mr. CHAABAN (Lebanon) said Lebanon had begun to implement the ISPS Code on a step-by-step basis. Currently, it carried out physical inspections of closed cargo transport units (CTUs), but had no scanning machines. He would therefore appreciate clarification as to whether, under resolution no.9 of the Conference on enhancement of security in co-operation with WCO, Lebanon would be expected to issue a statement or certificate regarding the physical inspections it carried out.

Mr. EUN LEE (Republic of Korea) expressed appreciation of the efforts made to develop a series of measures on maritime security in such a short space of time, demonstrating IMO's ability to mobilize resources swiftly to address a very serious concern. The same approach should be taken in dealing with other important issues such as maritime safety and environmental protection.

Mr. DABO (Nigeria) said Nigeria appreciated the technical assistance given to it by IMO in implementing the ISPS Code. In particular, a successful regional workshop attended by some 25 countries had helped to raise awareness of the need for maritime security. Recently the first phase of a risk and vulnerability assessment of all Nigerian ports had been carried out, with a view to developing a port facilities security plan.

He looked forward to the establishment of a dedicated technical assistance phone line which would enable a developing country like his own fully to implement the ISPS Code within a limited period of time. A bill was currently before Parliament designed to regulate the activities of seafarers, dockworkers, stevedoring companies and terminal operators at Nigerian ports, in order to ensure maritime, naval and cargo security in line with ILO and IMO standards.

**The meeting rose at 5.30 p.m.**