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COUNCIL - 90th session

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SUMMARY RECORD OF THE NINTH MEETING

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR
on Friday, 20 June 2003 at 9.30 a.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 21 - LONG-TERM WORK PLAN (C 90/21 and Add.1-2)

The SECRETARY-GENERAL said that documents C 90/21, C 90/Add.1 and C 90/Add.2 set out proposals for the Organization's long-term work plan up to 2010. It also contained information requested by the Assembly at its twenty-first session on progress made on work approved for the previous long-term work plan up to 2008 which had been completed or was still under way.

Marine Environment Protection Committee proposals, as discussed by MEPC at its forty-eighth session, were listed in annex 1 to document C 90/21. MEPC expected to finalize its long-term work plan at its forty-ninth session and any changes made to the plan, along with information on progress made on subjects included in it, would be brought to the Council's attention at its twenty-second extraordinary session. Technical Co-operation Committee proposals, as recommended by the Committee at its fifty-second session, and information relating to progress, were contained in annex 2 to document C 90/21. Facilitation Committee proposals, as recommended by the Committee at its thirtieth session, along with information on progress, were contained in annex 3 to document C 90/21. Legal Committee proposals, as recommended by the Committee at its eighty-sixth session, and information relating to progress, were contained in the annex to document C 90/21/Add.1. The Legal Committee would be reviewing its long-term work plan at its eighty-seventh session in October, and any changes made to it would be brought to the attention of the Council at its twenty-second extraordinary session. Maritime Safety Committee proposals, as recommended by the MSC at its seventy-seventh session, and information on progress, were listed in the annex to document C 90/21/Add.2.

The proposals of each Committee, as approved by the Council, would be presented to the Assembly for consideration at its twenty-third session. The lists, as endorsed by the Council, would be annexed to a draft resolution which would be submitted to the Assembly for consideration and adoption. Any developments after the current session of the Council would be reported to its twenty-second extraordinary session immediately before the Assembly.

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

He further invited the Council to decide 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 needed 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.

It was so decided.

**AGENDA ITEM 22 - ORGANIZATION AND METHOD OF WORK OF THE COUNCIL
(C 90/22)**

The SECRETARY-GENERAL said that the item had its origin in the work of the Council Intersessional Working Group on the Organizational Review of the IMO Secretariat. The Working Group had raised the issue of the Council reviewing its organization and method of work, and had recommended that consideration be given to establishing a Council Working Group. Time had not permitted the Council to discuss the matter at its eighty-eighth session, and

it had been decided to keep the item on the agenda and to invite written proposals. As no written proposals had been received, either from Council Members or non-Council members, at its eighty-ninth session the Council had agreed to establish a Working Group which would meet after its ninetieth session to prepare a preliminary set of guidelines on the method of work.

The Council might wish to review its decision to establish the Working Group in view of the fact that no submissions had been received. However, he suggested that, if a session were to be held, the Group should meet during the week of 15-19 September 2003.

Mr. CHRYSOSTOMOU (Cyprus) said he strongly believed that there was no need to review the working methods of the Council, since it continued to perform excellently, obtaining good results while retaining independence and flexibility. He proposed that the item be deleted from the agenda.

The CHAIRMAN invited the Council to note the information provided in document C 90/22, and to decide 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.

It was so decided.

AGENDA ITEM 23 - CONSIDERATION OF THE ELECTRONIC ACCESS TO CERTAIN IMO PUBLICATIONS (C 90/23)

The SECRETARY-GENERAL said that the information in document C 90/23 gave the background to the Technical Co-operation Committee's previous consideration of the issue. The Chairman of TCC had reported on its further consideration of the proposed pilot scheme.

He had not found it easy to find a satisfactory position on the matter as there were extremely powerful arguments for making IMO's major instruments publicly available, so as to promote its objectives and foster their effective implementation, as the TCC had concluded. There were, however, equally strong arguments for maintaining the publications policy followed for many years and which had become successful in both financial and outreach terms. It would be therefore very important to monitor closely the effects and impact of the pilot study and to be very clear about what it was aiming to achieve. The practical reality would be that IMO would have two parallel online systems. There would be the planned "free" service as the TCC had recommended, enabling the public to access and download four nominated publications in read-only PDF format, and to read the instruments. Also, as part of the diversification of the Publishing Service's priced products, it would introduce "virtual" editions of IMO publications (starting with the ISPS Code), and a new "subscriber" service to certain other publications, enabling users to access and download publications as they wished, or to pay for access on a fee basis.

Currently, two copies of every publication were distributed free to every IMO Member, to affiliated NGOs and IGOs, and to depository libraries around the world – approximately 700 copies in all. Additionally, more than 7,000 books a year were given to training institutions and participants in IMO training courses through the Technical Co-operation Fund.

IMO would have to monitor very closely the interaction between those different initiatives so as to avoid losing a substantial part of its sales income for no real gain.

Mr. AHMED (Bangladesh), speaking as Chairman of the Technical Co-operation Committee, fully endorsed the Secretary-General's comments.

Mr. GENNÉ (Argentina) proposed that the Council should endorse the TCC decision to initiate the pilot study.

Mr. CHRYSOSTOMOU (Cyprus) said that he respected the TCC decision but was concerned that the Internet publications would not be the authentic texts of conventions but consolidated texts. He suggested publishing the convention first, followed by the subsequent amendments, so that readers would get the true, rather than the consolidated, picture. If there were a legal problem with such an arrangement, the situation could be reviewed.

Mr. FINLEY (Panama) said that he hoped that the Council would take particular note of the Secretary-General's comments. However laudable such a pilot scheme might be, nothing should be done to compromise the benefits that TCC traditionally received from any surplus from the Publication Fund, and the situation should be monitored very carefully.

Mr. ASUQUE (Philippines) said he supported the pilot study, as the Philippines was one of the Member States wishing to test it at one of its maritime training institutions. He suggested, however, that there be an announcement that the study was under way, so that the information could be disseminated to the maritime institutions of the Member States concerned. He noted the Secretary-General's comments on the importance of publications in relation to the implementation of IMO instruments, which was even more reason for having the pilot study.

Mr. CHRYSOSTOMOU (Cyprus) suggested that the published text of MARPOL should be prefaced by a statement to the effect that Annexes I and II were mandatory for all Parties to MARPOL, and indicating which of the other Annexes were in force and for which countries. A country that was Party to MARPOL was not necessarily Party to Annex IV or Annex V.

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

It was so decided.

AGENDA ITEM 24 - WORLD MARITIME UNIVERSITY:

(a) REPORT OF THE BOARD OF GOVERNORS (C 90/24(a))

The SECRETARY-GENERAL said that document C 90/24(a) contained the nineteenth Annual Report of the World Maritime University, submitted to Council by its Board of Governors in accordance with the University Charter. It provided an overview of major developments and essential information concerning the University during the calendar year 2002.

The report highlighted the continuing remarkable progress by the University, especially in areas such as academic development, international recognition and collaboration, research and consultancy, student enrolment, and the continuing expansion of the global network of graduates who carried their professional expertise and commitment throughout the world. It was no

wonder, therefore, that the strong demand for study at WMU continued unabated, far outstripping the resources necessary to satisfy that demand.

Three closely related initiatives had been taken during 2002, namely the establishment of four new professorial Chairs, three of which were sponsored by the Japanese Nippon Foundation and one by the Government of Canada; the introduction of a doctoral programme in collaboration with the University of Wales; and the further expansion of research and consultancy services and scholarly publications by the University. Those developments were testimony not only to WMU's significant academic progress, but also to the abiding faith of donors in the global mission and future of the institution.

Now completing its twentieth year of operation, WMU had so far enrolled 1,955 young people from 142 countries across the globe, making it a truly unique institution of international learning and co-operation of which everyone could be justly proud. Its future looked bright, but it needed and deserved the full and unreserved support of IMO and the international community if it was to sustain its role as a centre of excellence for advanced maritime education, training and research.

Mr. MOKHTAR (Egypt) expressed appreciation of the great distinction gained by WMU in the academic field, especially for its postgraduate doctoral programme. In recognition of the University's efforts to benefit developing countries through the award of scholarships and grants, Egypt was donating US \$20,000 to WMU.

Mr. AZUMA (Ghana) expressed gratitude for the gestures of Canada and Japan in sponsoring professorial Chairs, and congratulated the Chancellor of the University, Mr. O'Neil, and the Rector for their excellent leadership.

He wished to draw attention to the problem of a certain inequity between WMU and IMLI in the allocation of fellowships. While he agreed that IMLI was as important as WMU, the latter had a student population of some 200 each year, whereas IMLI had only about 20, and yet the number of fellowships awarded to both institutions was the same. He asked that consideration be given to allocating more fellowships to WMU.

Mr. HORIKE (Japan) said that he was glad to see that Japan's contribution through the Nippon Foundation was acknowledged in the relevant part of the report, including the scholarships and three Chairs.

The importance of WMU could not be overemphasized. Its alumni network had already become a valuable asset to the international maritime community and Japan was proud to be able to continue its contribution. He expressed appreciation for the recent establishment of the Kensaku Nomoto Doctoral Fellowship in memory of the late Professor Nomoto, mentioned on page 2 of the report.

The CHAIRMAN invited the Council to take note of the information provided in document C 90/24(a) on the Annual Report of the World Maritime University for the year 2002; to express its satisfaction on the University's impressive record of academic achievement and of excellence in all its operations; to extend 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 to urge 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 called 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.

It was so decided.

(b) BUDGET (C 90/24(b))

The SECRETARY-GENERAL said that the WMU budget for the current year projected a total income of US \$8.3 million and a total expenditure of US \$7.9 million, as compared to the 2002 income and expenditure totals of US \$7.8 million and US \$6.9 million respectively. The projected increases were largely due to the establishment of four new professorial Chairs, three sponsored by the Japanese Nippon Foundation and one by the Government of Canada. He expressed the gratitude of WMU and its Board of Governors for the additional financial support from Japan and Canada. He would also like to note that the University, through earnings from short courses, research, consultancy and other work, was generating an increasing amount of income, thus making an important contribution to its financial resources.

However, the figures in document C 90/24(b) showed the continued financial dependency of WMU on the generous donations of a relatively small group of countries and organizations. Most notable among those were 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. That core group of donors provided almost three-quarters of the total financial resources of WMU, without which it could not continue providing its invaluable service to IMO Member States and the global maritime community.

He was pleased to report a recent contribution of US \$120,000 from the Government of Germany and the German shipping industry for student fellowships. He also acknowledged a contribution of US \$40,000 from Class NK of Japan for the University’s computer system expenses, and of US \$30,000 from the Government of the People’s Republic of China as a special gift on the occasion of WMU’s twentieth anniversary.

He again urged other IMO Member States and the maritime industry to join the traditional group of WMU supporters and provide more broadly-based and long-term financial support. Sustained financial support from both developed and developing countries was necessary if the University was to continue meeting the growing demands on it from IMO and the maritime transportation sector worldwide.

The CHAIRMAN invited the Council to take note of the information contained in document C 90/24(b), which dealt with the budget of the World Maritime University for the year 2003; to express its sincere gratitude to the Governments and diverse organizations which sustained 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 to take further note of the financial challenges facing the World Maritime University and therefore urge 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.

It was so decided.

(c) AMENDMENTS TO THE CHARTER (C 90/24(c))

The SECRETARY-GENERAL said that document C 90/24(c) proposed two related housekeeping amendments to the World Maritime University Charter, namely the change of the title of Rector to “President” and that of Vice-Rector to “Vice-President (Academic)”. Such changes were consistent with international university practice and the role of the two positions involved, based on expert external advice and recommended by the University’s Board of Governors. The consensus was that the Rector and Vice-Rector’s titles should be amended to reflect the increased executive responsibilities undertaken by both incumbents in the University’s daily operation and management.

Mr. MOKHTAR (Egypt) fully supported the amendments, which were in line with the international status of the University. He recalled that it was Egypt that had proposed such amendments five years earlier.

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

It was so decided.

(d) APPOINTMENT OF THE CHANCELLOR (C 90/24(d))

The CHAIRMAN recalled that at its eighty-sixth session, Council had reappointed the Secretary-General, Mr. W.A. O’Neil, as Chancellor for the period 1 July 2001 to 30 June 2003. That two-year term was about to expire and, as the Chancellor was required to preside over the University’s graduation ceremony on 12 October 2003, he recommended, in the interests of continuity, that Mr. O’Neil’s appointment be extended to cover the interim period to 30 June 2004. Mr. O’Neil had confirmed that he would be honoured if his appointment as Chancellor were renewed.

He invited the Council to decide, 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 to congratulate him on his continuation in that capacity.

It was so decided.

The CHAIRMAN extended to Mr. O’Neil his personal congratulations and those of the Members of the Council.

AGENDA ITEM 25 - IMO INTERNATIONAL MARITIME LAW INSTITUTE:**(a) REPORT OF THE GOVERNING BOARD (C 90/25(a) and Add.1)**

The SECRETARY-GENERAL said that the Council had been kept informed of the Institute's progress since it had commenced operation in 1989. The fourteenth annual report to the Governing Board again focused on its academic operations and continuing efforts to achieve long-term financial sustainability. It was remarkable that it had managed to attract sufficient funding to cover its operations in the short and medium term. The Board had noted with great appreciation that funds authorized by the Council for 2002-2003 had permitted the grant of seven full and two partial fellowships to students from developing countries. He could not overemphasize the importance of such funding to attract students from countries not enjoying technical assistance from international organizations currently supporting IMLI.

The Institute continued to enjoy an excellent academic reputation, as witnessed by the outstanding performance of its graduates and the increased number of visiting fellows. It now had 274 graduates from 95 States and territories. The previous year, the Institute's Academic Committee had revised the LL.M course syllabus to include a new component entitled "International Maritime Security Law", following developments in the global maritime community post 11 September.

Mr. VASSALLO (Malta) noted that IMLI students tended to come from developing countries, and he would like to see the Institute provide training for students from developed countries as well. He suggested that it step up its marketing strategy and make more effort to attract students from countries other than from the developing world, as it was the only institute teaching maritime law from an international perspective.

(b) BUDGET (C 90/25(b) and Add.1)

The SECRETARY-GENERAL expressed his appreciation of the continuing support from those donors who had made possible the continuation of the IMO International Maritime Law Institute, either by general donations to its funds or by donating fellowships. Those contributions had secured sufficient funds to cover its budget for the academic year 2002-2003.

It was noteworthy that in paragraph 11 of the Report of the External Auditor on the Financial Statements of the Institute for the Year Ended 31 August 2002, the Comptroller and Auditor General of India had concluded: "As part of the audit, I am required to review whether the Institute's reserves and projected income will be sufficient to meet its ongoing activities for the following financial year. Based on my review, I am pleased to note that the funding position of the Institute has continued to be healthy, though there is a need to balance the current income with current expenditure to even out the deficit in operational activities. Accordingly, I have been able to issue an unqualified opinion on the financial statements for the financial year ended 31 August 2002."

Mr. MANGION (Malta), referring to the annex to document C90/25(b)/Add.1 which was entitled "Budget Doc.2", asked if any other budget documents should have been included. In comparing the IMLI budget with that of WMU, he noted that the latter had a list of budget contributions, mostly donations from governments, fellowship income and interest earnings, whereas the IMLI budget contained only projected expenditure and budget contributions and donations were not reflected. It was perhaps time for certain expenses to feature which, although donated, were really directly incurred by the Institute: for example, premises were provided free

of charge by the Government of Malta, as were maintenance costs on the building, and such costs were not reflected in the budget. He suggested having two entries, one under donations and the other under expenditure, to reflect the real cost of the running of the Institute.

The CHAIRMAN invited the Council to take note of the information contained in document C 90/25(a) and its addendum; to express its appreciation to the Secretary-General for his continuing efforts to ensure the long-term viability of the Institute; to further express its appreciation to the faculty and staff for their determined and dedicated efforts to strengthen the Institute's academic and financial base; to pledge its support to the Institute, which had just finished its fourteenth year of operation, and acknowledge that despite the financial uncertainty, it had maintained high academic standards of tuition in the field of international maritime law; and to note that the Institute was 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.

He noted that that decision would be referred to the twenty-second extraordinary session of the Council in November 2003 for formal adoption.

The SECRETARY-GENERAL confirmed that he would supply that information in his next report to the Council. He also confirmed that no budget documents were missing, and that the table contained in the annex to document C 90/25(b)/Add.1 had been submitted to IMO for presentation to the Council, following approval by the IMLI Board of Governors.

In reply to a question from Mr. MANGION (Malta), he said the information to be provided would cover the recently inaugurated building extension.

The CHAIRMAN invited the Council to take note of the information contained in the documents, as amplified by the Secretary-General in his introduction, and to express its deep gratitude to the Government of Malta for its continuing support of the Institute, to those donors who had contributed so generously over the years and also to new donors; and to further note 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 was still uncertain and to urge Member States to provide it with financial assistance.

He noted that that decision would be referred to the twenty-second extraordinary session of the Council in November 2003 for formal adoption.

**(c) APPOINTMENT OF THE CHAIRMAN OF THE GOVERNING BOARD
(C 90/25/(c))**

The CHAIRMAN said that the Secretary-General of IMO had been appointed by the Council as Chairman of the Governing Board in accordance with the IMLI Statute. In the interim period until the next Council session in June 2004, it was recommended that Mr. O'Neil's appointment be extended for continuity purposes. The Council would then consider the appointment of the Chairman of the IMLI Governing Board in accordance with the IMLI Statute at its ninety-second session in 2004. He was pleased to report that Mr. O'Neil had informed him that he would be honoured if his appointment as Chairman of the Governing Board were renewed.

He invited the Council to decide, 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 to extend its congratulations to him on his continuation in that capacity.

He noted that that decision would be referred to the twenty-second extraordinary session of the Council in November 2003 for formal adoption.

The SECRETARY-GENERAL thanked the Council. He regretted that he had omitted to mention in his report the opening of the new extension at IMLI, which would provide excellent facilities for visiting lecturers, and he was grateful to the Government of Malta for providing those facilities.

Mr. CHRYSOSTOMOU (Cyprus) recalled that the previous Assembly had adopted three separate resolutions urging Member Governments to make donations on a continuous basis to WMU, IMLI and the IMA, and requesting the Council to report to the Assembly on the situation. In that connection, he asked whether a monitoring system had been put in place. That information was necessary in order to enable the long-term financial viability of the three institutions to be assessed.

The SECRETARY-GENERAL said in response that that information would be provided at the forthcoming extraordinary session of the Council.

AGENDA ITEM 26 - RELATIONS WITH THE UNITED NATIONS AND THE SPECIALIZED AGENCIES:

(a) REPORT ON THE DECISIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON MATTERS OF RELEVANCE TO IMO (C 90/26(a))

The SECRETARY-GENERAL said that in document C 90/26(a) the resolutions adopted by the General Assembly of the United Nations and the Economic and Social Council were reported to the Council for information. No specific action or decision was requested of the Council in respect of those resolutions.

Regarding General Assembly resolution 57/141 on Oceans and the Law of the Sea, as requested by the Secretary-General of the United Nations for inclusion in his annual report to the General Assembly, he had provided to the United Nations information on recent IMO activities relating to the prevention and suppression of acts of terrorism against shipping and on initiatives he had taken in consultation with the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to address the issue of the treatment of persons rescued at sea. In recognizing the important role that the competent international organizations had in relation to ocean affairs and in implementing the United Nations Convention on the Law of the Sea, the Council would note that the General Assembly was urging all States and relevant international bodies to co-operate to prevent and combat piracy and armed robbery at sea, and to work together with IMO to strengthen measures to prevent the embarkation of ships involved in the smuggling of migrants. States were also urged to become parties to the relevant IMO conventions on maritime safety and security.

Regarding the decision of the General Assembly to establish by 2004 a regular process for the global reporting and assessment of the state of the marine environment under the United Nations, he would arrange for IMO to be consulted in the preparation of proposals on modalities and to be represented in the open-ended informal consultative process on oceans and the Law of the Sea.

As in the past, any further measures or developments in connection with the resolutions would be closely monitored by the IMO Secretariat. Any developments of interest to IMO would be reported to the Council for information and action as might be necessary.

The CHAIRMAN invited the Council to note the information contained in the report and to express 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 to implementation of the United Nations Convention on the Law of the Sea; and also to note that the Secretary-General would 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.

It was so decided.

**(b) CO-ORDINATION WITHIN THE UNITED NATIONS SYSTEM
(C 90/26(b) and Add.1)**

The SECRETARY-GENERAL said that the main outcome of the discussions at the meeting of the United Nations Chief Executive Board for Co-ordination (CEB) on 25 and 26 April 2003 was reported to the Council in document C 90/26(b)/Add.1. Its agenda had related to the themes that would be covered in 2003 in the report of the Secretary-General to the United Nations General Assembly on the implementation of the Millennium Declaration, notably strategies for sustainable development and financing for development. An account of the discussion on strategies for sustainable development was given in paragraphs 3 to 9 of the document.

As stated in paragraph 9, CEB had agreed that further consultations should be pursued on co-ordination arrangements relating to oceans and coastal areas. IMO would continue to participate in those consultations, and had suggested that the role of GESAMP in the proposed regular process for global reporting and assessment of the state of the marine environment be addressed through an *ad hoc* working group. At its eighty-ninth session the Council had requested the MSC, MEPC and TCC to take into account the relevant paragraphs of the Plan of Implementation of the World Summit on Sustainable Development in their respective activities. Financing for development had been discussed under the report of the High Level Committee on Programmes. As stated in paragraph 12, the Executive Heads had decided to issue a statement expressing support for the Doha Development Agenda.

CEB was continuing its reflections on further strengthening the United Nations systems' support for Africa's development and for the New Partnership for African Development (NEPAD). He would continue to strengthen the relationship of IMO with the system, in order to meet the challenges set for the development of Africa in the Millennium Declaration.

He next reported on an inter-agency meeting in Paris on flag State implementation, convened by the United Nations and chaired by the United Nations Division for Ocean Affairs and the Law of the Sea (DOALOS), and attended by representatives of FAO, UNCTAD, UNEP, IMO, ILO and OECD. Participants had exchanged views on the exercise of their mandate in connection with the implementation of article 94 of the 1982 Law of the Sea Convention (UNCLOS), which dealt with the exercise of flag State jurisdiction in matters such as safety and prevention of marine pollution, fishing, and social/welfare conditions on board vessels.

IMO had briefed the meeting on its ongoing work in the field of strengthening flag and port State jurisdiction. It had reaffirmed its mandate in that regard, and had noted that all matters regarding safety of navigation and prevention of marine pollution were being addressed by its Member States as well as by IGOs and NGOs participating in the meetings of its standing bodies. It had also highlighted its continuing work with other agencies, in which issues of common interest were already being addressed.

Bearing in mind that background and its well-established mandate, IMO had expressed the view that policy issues concerning the role, responsibilities and actions of Member States were not appropriate subjects for discussion at interagency meetings. In response to an OECD plea for a free-ranging discussion on policy issues concerning flag ownership and enforcement, it had stated that it was inconceivable that such a debate could take place in an inter-agency forum. That view had been shared by other participating agencies, specifically FAO, ILO, and UNCTAD.

In order to make their work better known throughout the United Nations system, all the participating agencies had agreed to send DOALOS an inventory of their work in progress, which would enable a composite text to be prepared and widely circulated.

The meeting should be considered as forming part of the normal channels of continuous consultation between the United Nations and its specialized agencies. No further meeting had been arranged.

Mr. CHARALAMBOUS (Cyprus) said he found it totally unacceptable that certain non-governmental organizations which had consultative status with IMO should attempt to re-open an issue with the United Nations when they knew that the maritime community was already handling it. That should be borne in mind when considering the renewal of the consultative status of such organizations.

Mr. BELL (Bahamas), supported by Mr. FINLEY (Panama), said he fully endorsed the Secretary-General's statement on the inappropriateness of discussion of policy issues by an inter-agency body. He also shared the view expressed by Cyprus that it was unfortunate that a group of non-governmental organizations should be able to bypass the authority of IMO and arrange for an inter-agency group to meet.

Mr. ROWE (United Kingdom) also endorsed the action taken by the Secretary-General.

Mr. DIOP (observer, Senegal) commended the Secretary-General on the strong position he had taken, and in particular on his support for the action taken by the United Nations with regard to NEPAD.

Mr. CHARALAMBOUS (Cyprus) suggested that the Secretary-General should write to the Secretary-General of the United Nations reflecting the support expressed by the Council at its current session for the action he had taken on behalf of IMO.

The CHAIRMAN invited the Council to take note of the information provided by the Secretary-General in the documents under the item, as amplified in his presentation; to express its support for the actions taken by the Secretary-General in relation to the inter-agency meeting in Paris on flag State implementation, and to request the Secretary-General to write to the Secretary-General of the United Nations, expressing the Council's position on the matter.

It was so decided.

AGENDA ITEM 27 - JOINT INSPECTION UNIT (C 90/27)

The SECRETARY-GENERAL said that document C 90/27 contained information on the three reports received from the Joint Inspection Unit since the eighty-ninth session of the Council.

The report entitled "Support Costs Related to Extrabudgetary Activities in Organizations of the United Nations system" followed four earlier reports on the subject. Although it was an informative reference work for re-evaluating or fine-tuning prevailing policies on support costs related to extrabudgetary activities of organizations of the United Nations system, it had limited applicability to the Organization's technical co-operation activities, as explained in paragraph 4. The Secretariat, subject to the reservations expressed in paragraph 7, agreed with the general thrust of the report entitled "Reform of the Administration of Justice in the United Nations System: Options for Higher Recourse Instances". The report entitled "United Nations System Revenue-Producing Activities" reviewed the managerial performance of revenue-producing activities. Although in most cases the primary objective of the activity was to promote the mission of the organization concerned, opportunities arose for revenues to be generated as a secondary objective. His comments on recommendations 6 to 10 and 12 of that report, which were of relevance to the Secretariat, were contained in paragraph 10 of the document.

The CHAIRMAN invited the Council to take note of the information provided by the Secretary-General in document C 90/27; and 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".

It was so decided.

AGENDA ITEM 28 - RELATIONS WITH INTER-GOVERNMENTAL ORGANIZATIONS (C 90/28 and Add.1)

The SECRETARY-GENERAL drew attention to document C 89/25, which reported that he had received a proposal from the Secretariat of the Pacific Community (SPC) to conclude an Agreement of Co-operation with a view to enhancing relations between the two organizations for the development of maritime needs in the Pacific. Subsequently, the Council had approved the terms of the draft agreement reproduced in annex 1 of document C 89/25.

As noted in document C 90/28, in the light of the Déclaration de Tahiti Nui it would now be necessary for the draft agreement with the SPC to reflect the change of name of the "South Pacific Commission" to the "Pacific Community" as well as the change of the terms "Secretariat of the Pacific Community" and "Committee of Representatives of Governments and Administrations (CRGA)" to refer to its secretariat and governing body respectively. The amended agreement, which had been the subject of consultation between representatives of the respective secretariats, was annexed to document C 90/28 for approval by the Council.

As indicated in document C 90/28/Add.1, he had received a communication from the Director-General of the Secretariat of the Pacific Community informing him that the amended text was consistent with the approval granted by the Committee of Representatives of Governments and Administrations of the Pacific Community in November 2002. Consequently,

the draft Agreement of Co-operation with the Pacific Community would enter into force when the IMO Assembly, at its twenty-third session in November 2003, endorsed the Council's decision.

He had received a communication from the Chairman of the CEPT Electronic Communications Committee informing him of the decision of the Assembly of CEPT to restructure the committees working within it. As a result, the European Committee for Telecommunications Regulatory Affairs (ECTRA) and the European Radiocommunications Committee (ERC) had been merged into a new Committee named the Electronic Communications Committee (ECC) which had taken over all the functions and responsibilities formerly assumed by the ERC. The ECC had stated its formal commitment to assuming the previous obligations of the ERC under the Agreement of Co-operation between IMO and CEPT.

That agreement would therefore need to be amended. The text annexed to the document, containing amendments indicating the change of delegation from the ERC to the ECC, was submitted for approval by the Council. Upon approval of that change of delegation, the ECC would assume the privileges and obligations envisaged in the agreement previously approved by the Council, with immediate effect.

The CHAIRMAN invited the Council to approve the amended text of the draft Agreement of Co-operation between IMO and the Pacific Community, which would be submitted to the twenty-third session of the Assembly for consideration and approval; to note the information provided by the Secretary-General regarding the response of the Director-General of the Pacific Community that the amended text was not inconsistent with the approval granted in November 2002 by the Committee of Representatives of Governments and Administrations of the Pacific Community; to further note that the draft agreement would enter into force once it had been endorsed by the Assembly; and to approve 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 would be submitted to the twenty-third session of the Assembly for consideration and approval.

It was so decided.

**AGENDA ITEM 30 - INTERNATIONAL MARITIME PRIZE (C 90/30, and Corr.1
(English only))**

The SECRETARY-GENERAL said that document C 90/30 submitted to the Council the nominations received for the award of the International Maritime Prize for 2002. The three candidates whose nominations had been received by the stipulated closing date were listed in paragraph 3 of the document and details concerning them, as provided by the nominating authorities, were contained in the annexes.

The CHAIRMAN invited the Council to decide on the award of the International Prize for 2002. The candidates nominated were Captain Brian Rodney Watt (South Africa), Dr. Ruth Banomyong (Thailand) and Mr. James Francis Wall (United Kingdom).

He invited the Council to proceed as on previous occasions when there had been more than one candidate for the Prize, and to select the winner by secret ballot.

On the proposal of the Chairman, the representatives of Chile and the Netherlands were appointed to act as scrutineers.

Following a secret ballot, the Council decided to award the International Maritime Prize for 2002 to Mr. J.F. Wall (United Kingdom).

Mr. ROWE (United Kingdom) said that it was a great honour for the United Kingdom that the 2002 Prize should be awarded to Mr. Frank Wall.

The SECRETARY-GENERAL asked the delegation of the United Kingdom to convey his congratulations to Mr. Wall. The appreciation of the Council would also be communicated to the nominating Governments for submitting such worthy candidates for the Prize. Arrangements for the presentation of the Prize would be made in consultation with the winning candidate.

With regard to the Prize for 2003, the necessary steps had been taken, as described in paragraphs 5 and 6 of document C 90/30. Nominations for the award of that Prize, which should be received no later than 15 January 2004, would be submitted to the Council at its ninety-second session.

The CHAIRMAN, on behalf of the Council, congratulated Mr. Wall (United Kingdom) on winning the International Maritime Prize for 2002. He invited the Council to express appreciation to the other candidates, who also had impressive credentials, and to the Governments of South Africa, Thailand and the United Kingdom for nominating such eminent candidates for the Prize; and to note and endorse the measures taken and those proposed by the Secretary-General in respect of the Prize for 2003.

It was so decided.

AGENDA ITEM 29 - RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS:

(a) APPLICATIONS FOR CONSULTATIVE STATUS (C 90/29(a) and Adds.1-2; C 90/WP.1)

The SECRETARY-GENERAL said that document C 90/29(a) and its addenda referred to two applications for consultative status from the International Maritime Health Association (IMHA) and the International Bunker Industry Association (IBIA). At the opening of the current session, a small group of Council Members had been convened with a view to scrutinizing the information provided and advising the Council as to whether the applications fulfilled the basic conditions required for consultative status. Its recommendations were now available for consideration by the Council in document C 90/WP.1.

Mr. CHRYSOSTOMOU (Cyprus), speaking as the Chairman of the small group of Council Members, said that the group had convened twice to consider the applications of IMHA and IBIA. The participating countries had been Argentina, China, Cyprus, Italy, Nigeria, Singapore and the United States.

The small group had found that both applicants had an international membership, headquarters and a governing body, but that neither of them had component branches or affiliated bodies, and it had therefore recommended that they should provide the Council with additional information before their applications were passed to the Committees for further scrutiny. With regard to IMHA, an outdated list of members had been supplied, and he recommended that the Council should instruct the Secretary-General to inform that organization that unless it had component branches or affiliates, its consultative status on a provisional basis would expire in four years. The deadline for provision of information was 14 July 2003, the date of the next session of the MEPC.

It was possible that IBIA might have access via other organizations such as the International Ship Suppliers Association (ISSA), and for that reason further information would be sought from Member States about its members.

The decisions of the small group regarding the two organizations were set out in paragraphs 4 and 5 of document C 90/WP.1. The number of NGOs in consultative status was currently 61.

The SECRETARY-GENERAL said that the Council had considered the application from the International Marine Transit Association/Interferry (IMTA-Interferry) at its eighty-eighth session, and, in the light of the advice of its small group, had referred the application to the MSC and MEPC, which had considered the application and recommended that consultative status be granted on a provisional basis.

The Council was invited to note the change of name of the International Cargo Handling Co-ordination Association to ICHCA International Limited.

The CHAIRMAN invited the Council to decide 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; to request 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; to decide 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; to decide to grant consultative status to the International Marine Transit Association/Interferry (IMTA-Interferry) on a provisional basis; and to note the new name of the International Cargo Handling Co-ordination Association (ICHCA), which, following its incorporation, had now become ICHCA International Limited.

He noted that that decision would be referred to the twenty-second extraordinary session of the Council in November 2003 for formal adoption.

**(b) REVIEW OF ORGANIZATIONS IN CONSULTATIVE STATUS
(C 90/29(b) and Add.1-2)**

The SECRETARY-GENERAL said that document C 90/29(b) contained a review of the non-governmental organizations currently associated with IMO, which updated the previous review of the Council at its twenty-first extraordinary session in November 2001. Information on the provisional basis of the consultative status of the two organizations was provided in paragraphs 3.1 to 3.7, with updated information in the light of the Rules and Guidelines, as amended by the Council at its eighty-sixth session in June 2001. The two organizations were the Association of European Shipbuilders and Shiprepairers (AWES) 1979 and the International Ship Suppliers Association (ISSA) 1989.

The Council would also wish to review the matter of Greenpeace International, as decided by the Council at its eighty-ninth session. Since then, a report had been received from the Australian Maritime Safety Administration of two incidents in Australia, which impacted on the

safe operation of ships, as reported in document C 90/29(b)/Add.1. The official reply of Greenpeace International on those two incidents was reproduced in the annex to document C 90/29(b)/Add.2.

Annex 1 of document C 90/29(b) provided a list of non-governmental organizations which had been granted consultative status. Annex 2 provided information on the contributions of those non-governmental organizations to the work of IMO during the period from 1 March 2001 to 28 February 2003. Section (a) of annex 2 provided details of the contributions of individual organizations to the meetings or conferences of IMO by reference to the factors, which in accordance with paragraph VI, subparagraphs (a) and (b) of the Guidelines on the Grant of Consultative Status, should be taken into account in the context of the periodic review, namely: attendance of the organizations at meetings or conferences; and submission of papers, documents, etc. to meetings or conferences.

The Council would note that during the period under review, two organizations had not attended any of the meetings: the International Bar Association (IBA) and the Iberoamerican Institute of Maritime Law (IIDM). In pursuance of paragraph VI, subparagraph (c) of the Guidelines, section (b) of annex 2 showed the meetings convened by or under the auspices of non-governmental organizations to which IMO sent representation.

Mr. CHRYSOSTOMOU (Cyprus) suggested that although it was impossible for AWES or ISSA to be fully international the Council should grant full consultative status to those two organizations, as their original applications had been agreed before the Guidelines had been introduced.

The CHAIRMAN invited the Council to decide to withdraw the consultative status of the International Bar Association (IBA) and the Iberoamerican Institute of Law (IIDM); and to grant full status to the Association of European Shipbuilders and Shiprepairers (AWES) and the International Ship Suppliers Association (ISSA).

It was so decided.

Mr. DAVIDSON (Australia) said that, in accordance with the Council's decision at its eighty-ninth session to monitor the activities of Greenpeace International, Australia had reported, in document C 90/29(b)/Add.1, two incidents related to those activities that had occurred in Australian waters and had impacted on the safe operation of ships. He found it disturbing that, in its response to the Secretary-General's letter expressing concern over the incidents (document C 90/29(b)/Add.2), Greenpeace had addressed only one aspect of its activities, namely compliance with the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG). He would draw the attention of Greenpeace, and of all other non-governmental organizations having a consultative relationship with IMO, to the Guidelines on the Grant of Consultative Status. That status was granted to such organizations only if they could be expected to make a significant contribution to IMO's work and if their purposes were directly related to those of IMO and were fully in harmony with its spirit and functions.

Australia had no quarrel with legitimate forms of protest in furtherance of a particular cause, but it could not accept actions in which the safety of ship operations was jeopardized. The incidents in question had affected the safe operation of the vessel concerned and had put at risk both the vessels' crews and the individuals involved in the protest action. It was of great concern to Australia that a Greenpeace vessel, approaching at speed a civilian vessel engaged in its normal business, had placed the crew involved in an extremely invidious position. Action should be taken to impress upon Greenpeace the seriousness with which IMO regarded its actions.

Mr. CHRYSOSTOMOU (Cyprus) thanked the representative of Australia for clarifying the nature of the incidents. Rule 3(b) of the Rules Governing Relationship with Non-Governmental International Organizations also stated that the objectives and functions of the non-governmental organization should be fully in harmony with the spirit, functions and principles of IMO. The Council should consider whether Greenpeace was currently obeying that rule and whether in accordance with the provisions of rule 10 the continuance of its status was necessary and desirable. If not, that status could be withdrawn and Greenpeace could be asked to reapply in two years' time.

He recalled that the Government of Iceland had protested when Greenpeace International had applied for consultative status with IMO on the grounds that its actions violated COLREG, and that the Council had granted it consultative status only on condition that it would comply with that instrument. Since then, numerous incidents involving Greenpeace had prompted allegations by IMO's Member States that it had violated COLREG, which it had always denied. The right of interpretation of COLREG, however, resided with the parties to the instrument, and he was sure that Greenpeace was not a party.

Three more Governments, those of Turkey, Greece and Australia, had now complained about Greenpeace's activities. Its actions were clearly not only a breach of COLREG, but also posed a threat to maritime security. The Council therefore had two choices: to allow Greenpeace to continue in consultative status, which would undoubtedly occasion further complaints by Governments, or to act in accordance with the provisions of rule 10.

Mr. PACHA VICENTE (Spain) said that a regrettable incident had occurred in Spanish waters as recently as the previous week, when Greenpeace's ship **Insignia** had intercepted a ship carrying wood bound for a Spanish port. The ship's crew had reacted by locking themselves in the engine room while the ship continued to navigate, despite being warned by the police of the danger of such action. As a result, police forces were compelled to board the ship, secure the crew and arrest the captain. The action was a clear infringement of COLREG because the ship had continued to navigate without supervision, thus posing a serious threat to maritime safety. It had also created a serious precedent, since orders issued by a competent authority had been disobeyed by the ship's crew.

The Spanish authorities would formally draw the matter to the attention of Greenpeace International and would be submitting a written report on the incident to IMO.

Mr. ASUQUE (Philippines) said that his country had experienced similar protest actions by Greenpeace International, but had chosen not to report them to IMO since it considered that discussion of the matter at the current session would be sufficient to focus the Council's attention on the problem. In the case of the Philippines, Greenpeace protesters had scaled the side of a ship unloading grain and wood in port and had hung a banner from it. They had been brought down from the ship upon the intervention of the maritime police and port authorities.

In view of the incidents reported, the Council should respond in a positive and firm manner, particularly in the light of the response by Greenpeace contained in the annex to document C 90/29(b)/Add.2, which maintained that in both instances no hazard had been posed to the safety of navigation although the pictures reproduced did not appear to support that statement. Greenpeace should be made aware of the security measures that would be enforced with the entry into force of the ISPS Code, notably that any unauthorized boarding of a ship or unauthorized entry into a port would be in violation of ship and port security plans. He had no objection to peaceful protest, but protest action should be viewed in the context of measures that IMO was taking to ensure ship and port security.

The CHAIRMAN invited the Council to decide to withdraw the consultative status of Greenpeace International in line with rule 10 of the Rules Governing Relationship with Non-Governmental International Organizations; to note that final decisions on all its actions in the current biennium would have to be made by the Assembly at its twenty-third session in November 2003; and, with regard to the remaining organizations listed in document C 90/29(b), to decide to postpone its decision on their consultative status pending the provision of lists to the twenty-second extraordinary session of the Council.

It was so decided.

Mr. CHRYSOSTOMOU (Cyprus), referring to annex 2(a) of document C 90/29(b), noted that some non-governmental organizations in consultative status had not attended any IMO meetings or sessions during the period from March 2001 to February 2003. He proposed that the list contained in that annex be updated and submitted to the Council at its twenty-second extraordinary session, and that the consultative status of any organization that had not attended a single meeting since the twenty-second session of the Assembly should be automatically withdrawn.

The CHAIRMAN said that an updated list would be provided to the Council at its twenty-second extraordinary session, when a decision would be taken.

AGENDA ITEM 31 - ASSEMBLY MATTERS:

(a) PROVISIONAL AGENDA OF THE TWENTY-THIRD REGULAR SESSION OF THE ASSEMBLY (C 90/31(a))

The SECRETARY-GENERAL said that the provisional agenda for the twenty-third regular session of the Assembly contained in document C 90/31(a) was submitted to the Council for consideration and approval in accordance with rule 13 of the Assembly's Rules of Procedure. The Assembly would meet from 24 November to 5 December 2003: there would be a meeting of heads of delegations before the official opening on the first day and a meeting of the Council on the last day. To facilitate the planning of the Assembly's work, a draft timetable would be prepared and submitted to the Assembly for its consideration.

Mr. DAVIDSON (Australia) suggested that, on the basis of experience gained at the current session, it would be prudent if agenda items 20 to 26, which were the most substantive items on the Assembly's provisional agenda, were moved forward so that they were dealt with sooner rather than later. The more procedural and less contentious matters could then be dealt with towards the end of the session.

Mr. CHARALAMBOUS (Cyprus) asked why the item on privileges and immunities, which the Council had dealt with and concluded at its previous session, had been included in the provisional agenda of the Assembly.

The SECRETARY-GENERAL, replying to the point raised by the representative of Cyprus, said that the reason for the inclusion of the item was to report to the Assembly that the Council had decided that the situation relating to the item had been resolved, and that the item should therefore be removed from its agenda.

The CHAIRMAN invited the Council to approve the provisional agenda contained in document C 90/31(a) subject to the rearrangement of the agenda items suggested by the Council to discuss more important items first.

He noted that the decision would be referred to the twenty-second extraordinary session of the Council in November 2002 for formal adoption.

(b) PREPARATIONS FOR THE TWENTY-THIRD REGULAR SESSION OF THE ASSEMBLY (C 90/31(b) and Add.1)

The SECRETARY-GENERAL noted that the same arrangements as in the past would be made regarding the rooms for the meetings of the Plenary, the two main Committees and the Credentials Committee during the forthcoming session of the Assembly. Other related arrangements would also be similar to those made in the past, including the issuance of an information leaflet for delegates and the use of electronic equipment for the counting of ballot papers for the election of Council Members.

Document C 90/31(b)/Add.1 contained his proposal for an additional two-day session of the MEPC during the Assembly, with a view to considering the adoption of proposed amendments to Annex I of MARPOL 73/78. Those amendments had been submitted by 15 Member countries of the European Union, all Parties to the MARPOL Convention, in response to his invitation for the submission of proposals to accelerate further the single-hull tanker phase-out scheme and other relevant measures in the aftermath of the sinking of the tanker **Prestige** off the west coast of Spain in November 2002. It was his firm view that IMO should always and without exception be regarded as the only forum where safety and pollution prevention standards affecting international shipping should be considered and adopted.

The proposed amendments, which he had circulated to all Members of IMO and all Parties to the MARPOL Convention, would be considered by the MEPC at its forty-ninth session, to be held from 14 to 18 July 2003. To enable the MEPC to take action on the basis of relevant information, he had reconvened the Informal Group of Experts on the Impact Assessment of the Proposed Amendments to the MARPOL Convention, which had been set up in 2000 in the wake of the **Erika** accident. The outcome of its impact study, contained in document MEPC/49/INF.4, had been made available to MEPC 49 for consideration.

In view of the request of the 15 submitting countries that the proposed amendments should be adopted at the earliest opportunity, but at least six months after circulation of the amendments, he proposed that the Council should approve, under rule 2 of the Rules of Procedure of the MEPC, the holding of an extra two-day session of the Committee in December 2003, subject to the decision of MEPC 49 on the need for holding such a session. He further proposed that the Council should approve the holding of the two-day extra session during the twenty-third regular session of the Assembly, so that no additional costs would be incurred by the Organization.

The CHAIRMAN invited the Council to note the information provided by the Secretary-General in document C 90/31(b).

He noted that the decision would be referred to the twenty-second extraordinary session of the Council in November 2003 for formal adoption.

Mr. CHARALAMBOUS (Cyprus) said that since it was for the Parties to the MARPOL Convention to decide whether an extra meeting of MEPC should be held before the end of the year, any decision taken by the Council would be speculative. Moreover, the Secretary-General's proposal had certain connotations. First, it implied that the Assembly did not require two meeting-weeks for its forthcoming session and that the Assembly's budget in the current

biennium had been overestimated. The Assembly's twenty-fourth session in 2005 should therefore be curtailed by two days. Secondly, since the budget appropriations and expenditure for the Assembly session in the current financial period had been approved by the Assembly, it was for the Assembly to decide whether two extra meeting-days could be allotted to MEPC. If that decision was in the affirmative, additional appropriations would need to be made to pay for the meeting.

Mr. FINLEY (Panama), supported by Mr. GRÉGOIRE (Canada), said that in his view the Secretary-General was acting wisely in giving the Council the opportunity to recommend to the Parties to the MARPOL Convention that a provisional arrangement should be made for the MEPC to be given two extra meeting-days during the Assembly, in view of the important issues on the agenda of the Committee's forty-ninth session, not least of which was the submission by States Members of the European Union on the action that they wished to see being taken by the Organization following the loss of the **Prestige**.

Mr. ALMEIDA (Brazil), supported by Mr. GENNÉ (Argentina), said that any alteration in the work programme would be disadvantageous for countries with insufficient budgetary resources to enable them to be properly represented at an extra two-day session of the MEPC. The Organization's Members, like IMO itself, planned their work programme and budget two years in advance, and it would be difficult for some of them to fund the attendance of the experts required. Account should be taken of the fact that members of a delegation attending an Assembly session were not necessarily the same as those attending a session of the MEPC. While he acknowledged the importance of the issue, he urged the Council not to approve the proposed extra session.

Mr. SIVERTSEN (Norway) endorsed the views expressed by the representative of Panama and fully supported the Secretary-General's proposal. If IMO were to be regarded as the only forum where safety and pollution prevention standards affecting international shipping should be discussed, flexibility was needed in the arrangement of those discussions.

Mr. KOBASHI (Japan) also supported the proposal to hold an extra meeting since the prevention of oil pollution was an important issue. In imposing any new regulations, the Organization should take into consideration shipbuilding and ship-scraping capacities and also the impact on the world economy of additional regulations governing ships' transportation capacities. Japan had submitted a proposal advocating an effective and pragmatic alternative to the amendments proposed by the Member States of the European Union, and he looked forward to constructive discussions on the issues involved without political prejudice.

Mr. GASC (France), supported by Mr. ROWE (United Kingdom), said that exceptional circumstances required exceptional responses, and the Secretary-General's suggestion was an exceptional response to the situation that the Organization was facing. The Assembly could easily sacrifice two days to enable the MEPC to hold an extra meeting. While he acknowledged that some delegations might find it difficult to send experts to attend the meeting, he pointed out that a technical committee met during the Assembly's sessions in which the views of experts, including experts on the marine environment, were necessary, and no major disruption would therefore be caused if those experts also attended the MEPC session. He therefore supported the Secretary-General's proposal.

Mr. RASMUSSEN (Denmark), Mr. FOKAS (Greece), Mr. NASTRUCCI (Italy), Mr. MANGION (Malta), Mr. CZERWINSKI (Poland), Mr. OZUGERGIN (Turkey) and Mr. KORAN (United States) joined in supporting the Secretary-General's proposal.

Mr. PACHA VICENTE (Spain) also supported the Secretary-General's proposal for the reasons explained by Panama and endorsed by other delegations. He did not see the validity of the arguments put forward by Cyprus to prevent the extra session from being held, nor could he understand the lack of flexibility on the part of Argentina and Brazil, considering the magnitude and worldwide significance of the problems to be tackled. It was essential that the Council should address the political and safety aspects of the proposed amendments to MARPOL, as requested by the international community.

Mr. CHARALAMBOUS (Cyprus) said that he wished it to be placed on record that he had not stated that he did not support the holding of the extra meeting, but rather that, if there was to be a meeting, supplementary appropriations would need to be made to pay for it.

The CHAIRMAN invited the Council to take 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 to approve the holding of a two-day extra session of the 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 to approve the holding of a two-day extra session of the MEPC during the twenty-third regular session of the Assembly, in order that no additional costs should be entailed by the Organization.

It was so decided.

(c) DRAFT REPORT OF THE COUNCIL TO THE ASSEMBLY ON THE WORK OF THE ORGANIZATION SINCE THE TWENTY-SECOND REGULAR SESSION OF THE ASSEMBLY (C 90/31(c))

The SECRETARY-GENERAL said that the draft report annexed to document C 90/31(c) had been prepared by the Secretariat in accordance with the usual practice and was submitted to the Council for consideration and approval. It contained information available at 31 March 2003, and would be updated to take account of developments between the issue of the document and the twenty-third regular session of the Assembly, as well as of decisions the Council might take at its current session. The final report would be presented to the Assembly after the Council had reviewed the updated draft and made such modifications as it deemed appropriate at its twenty-second extraordinary session, immediately prior to the twenty-third regular session of the Assembly.

The CHAIRMAN invited the Council to approve the report, subject to such changes as might 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 would be reported to the Council for consideration and approval at its twenty-second extraordinary session, immediately before the Assembly's session.

He noted that the decision would be referred to the twenty-second extraordinary session of the Council in November 2003 for formal adoption.

AGENDA ITEM 32 - MEMORIAL TO SEAFARERS (C 90/32)

The SECRETARY-GENERAL said that document C 90/32 reported on the most recent developments concerning the Seafarers Memorial Trust Fund following the successful completion of the Memorial project in 2001. Progress was being made towards achieving the scheme's second objective, namely the establishment of a Chair on maritime safety and marine

pollution prevention at the World Maritime University, at an estimated annual cost of US \$100,000. His intention was to build up a substantial capital fund from voluntary donations, with a view to funding the Chair on a sustained basis.

After deducting further expenses relating to the International Memorial to Seafarers, the Fund's balance stood at approximately US \$405,000. He reiterated his appreciation of the generosity of contributors, including Governments, shipowners, companies, seafarer organizations, classification societies, international organizations and individuals. To advance the project further, he appealed to all potential donors to contribute as generously as possible. Meanwhile, progress had been made towards completing the setting up of the Board of Trustees, and a report on further developments would be provided to the Council session in November 2003.

The CHAIRMAN invited the Council to take 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, the establishment of a Chair on maritime safety and marine pollution prevention at the World Maritime University, to encourage 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 was achieved as early as possible.

He further invited the Council to congratulate the Secretary-General for his continuing efforts to promote the objectives of the Seafarers Memorial Trust Fund scheme and to invite him to report on developments to the next session of the Council.

He noted that the decision would be referred to the twenty-second extraordinary session of the Council in November 2003 for formal adoption.

AGENDA ITEM 35 - APPRECIATION OF THE SERVICES TO THE ORGANIZATION OF MR. W.A. O'NEIL (C 90/35)

The CHAIRMAN said that he proposed for the Council's consideration a draft Assembly resolution, contained in document C 90/35, which sought to capture the distinguished and outstanding contribution of the Secretary-General over the previous 13½ years.

Mr. ADAMS (Canada) said that long before Mr. O'Neil had made his mark on the international scene, Canada had benefited from his talents as the first Commissioner of the Canadian Coast Guard and subsequently as President of the St. Lawrence Seaway Authority. It had been a great honour for his country when in 1990 Mr. O'Neil had been named Secretary-General of IMO. For 14 years he had worked tirelessly to improve the safety of the world's seas, and to enhance the Organization's relevance as the pre-eminent international organization for the promotion and regulation of maritime safety and the protection of the marine environment. Those years had been marked by many successes, and both IMO and the world maritime community had made great progress thanks to his time at the helm.

Two of Mr. O'Neil's more recent initiatives had demonstrated IMO's relevance and its ability to respond quickly to urgent needs. The first had been the response to the tragic events of 11 September 2001, which had culminated in the amendments to the SOLAS Convention and the adoption of the ISPS Code, all accomplished within little more than a year. The second had been the prompt interventions in the wake of the unfortunate sinking of the **Prestige** off the coast of Spain. Mr. O'Neil had been quick to note that international problems required international solutions and that IMO was the sole organization where those solutions could be appropriately debated and developed.

Mr. O'Neil had worked consistently for the good of the Organization. He congratulated him on having done his Government and his country extremely proud, and was honoured to call him one of Canada's own.

Mr. FROLOV (Russian Federation) fully endorsed those views.

While the draft Assembly resolution fully reflected the tireless efforts of the Secretary-General, it should also reflect the his efforts in the area of privileges and immunities. He therefore proposed that a paragraph should be added which would read: Recalling Assembly resolution A.908(22), adopted by the Assembly at its twenty-second session in November 2001, concerning the agreement between the Organization and the host State, which extended to Permanent Representatives and divisional directors the full privileges and immunities provided in the Convention on the Privileges and Immunities of the Specialized Agencies, as modified by the Annex 12 applicable to IMO, wishes to express its deep appreciation to the Secretary-General for his tireless efforts in bringing this long-standing matter to a successful conclusion to the full satisfaction of the Council and the Assembly.

The CHAIRMAN invited the Council warmly to support the draft Assembly resolution seeking to capture the distinguished and outstanding contribution of the Secretary-General over the past 13½ years.

He noted that the decision would be referred to the twenty-second extraordinary session of the Council for formal adoption.

He further invited the Council to approve the inclusion of an additional paragraph relating to the Secretary-General's achievements in regard to privileges and immunities, and to agree to forward the text to the twenty-third session of the Assembly for consideration and adoption.

It was so decided.

AGENDA ITEM 36 – DATE AND PLACE OF THE NEXT SESSION OF THE COUNCIL (C 90/36)

The SECRETARY-GENERAL said that, as in the past, it was proposed to hold the ninety-first regular session of the Council at the conclusion of the twenty-third session of the Assembly, on Friday, 5 December 2003, at IMO Headquarters. The Council would elect its officers during the session and conduct any other business. It was also proposed to hold the twenty-second extraordinary session of the Council prior to the session of the Assembly on Friday, 21 November 2003, with the possibility of extension to Saturday, 22 November 2003 if necessary.

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

It was so decided.

The meeting rose at 12.40 p.m.