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COUNCIL – 102nd session

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SUMMARY RECORD OF THE TENTH MEETING

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR
on Friday, 3 July 2009 at 2.30 p.m.**

Chairman: Mr. J. FRANSON (Sweden)
Vice-Chairman: Mr. D. NTULI (South Africa)
Secretary-General: Mr. E. E. MITROPOULOS

A list of participants is given in document C 102/INF.1.

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AGENDA ITEM 18 – EXTERNAL RELATIONS (continued):

(e) WORLD MARITIME DAY (continued)

Ms VENKATACHALAM (India) found the proposed theme most appropriate and reported that India had celebrated its 2009 national maritime day on the theme of piracy and criminalization. IMO was rightly highlighting the role of the seafarer and trying to improve their social and economic situation, while also considering ways to remove the element of risk from the profession. She thanked IMO for its help in mobilizing support among the global maritime fraternity to tackle crimes against seafarers in general and against the two Indian seafarers who had been involved in the **Seaborne Spirit** incident in particular. She also thanked maritime associations all over the world for their unstinting support.

Mr. LACHANCE (Canada) said that Canada had hosted a maritime symposium in Halifax, Nova Scotia, in November 2008 to mark World Maritime Day 2008, which had brought together colleagues from all over the world to celebrate the successes of IMO over the past 60 years and to discuss future challenges for the international shipping industry. The outcomes had been that Canada expressed its support for IMO's campaign to attract people to meaningful marine-related careers and would continue to work towards finding short- and long-term solutions to promote and build a valuable human resource; and support was also given to the ISPS Code as a minimum standard to be adopted by governments worldwide; Canada also supported the ongoing work of IMO to protect the marine environment and would continue to be engaged in initiatives such as ship recycling; Canada would be involved in further discussions on the design standards and specific training requirements for ice-covered waters, particularly in the Arctic; and Canada intended to continue its long-standing work in the IMO Legal Committee on the development and ratification of conventions containing legal regimes on liability and compensation for damage arising from maritime activities.

Mr. YEE (Singapore) joined previous speakers in supporting the proposed theme for 2010 and said that the human element in international shipping was critical but sometimes overlooked. Technology and regulations were only as good and effective as the people operating and implementing them. Hence, ensuring the safety of seafarers, promoting their well-being and nurturing their potential were essential to promoting IMO's overall goal of achieving safe, secure and efficient shipping in clean oceans.

Mr. BILLIAR (Ukraine, observer) agreed that the human element was critical. He said that the work of seafarers, despite technical improvements, left them open to the perils of the sea, deprived them of many social needs, such as a normal family life, and – more dangerously – was increasingly subject to new threats like criminalization, piracy and armed robbery. He fully supported the proposal to dedicate World Maritime Day 2010 to the seafarer and hoped that the year would bring significant changes to relieve the problems faced by seafarers, such as the revision of the STCW Convention and the entry into force of the Maritime Labour Convention.

Mr. AZUH (Nigeria) supported the proposed theme and agreed it could not have been more timely and appropriate.

Mr. FERRER (Philippines) welcomed the proposed theme.

Mr. BAINBRIDGE (International Transport Workers' Federation (ITF), observer) said that everyone was aware that without seafarers there would be no shipping industry. The theme was very relevant and provided an opportunity to highlight the increasing challenges faced by seafarers and to show them that IMO and its Members cared. He said that the ITF, on behalf of seafarers,

was supporting IMO's timely "Go to Sea!" campaign and called for seafarers to be recognized as professionals rather than expendable resources.

Mr. NTULI (South Africa) added his support for the proposed theme and said that it would be a celebration of the enormous contribution to international shipping made by seafarers.

Mr. LIM (Republic of Korea) associated himself with other delegations in supporting the proposed theme. Like the Republic of Korea, many Member States had incentive policies to attract youngsters to work in the maritime industry, and he suggested that Member States could collate and exchange relevant information to help make the "Go to Sea!" campaign a success.

Ms ROWLEY (International Chamber of Shipping (ICS) and International Shipping Federation (ISF), observer) agreed that the choice of theme for 2010 was excellent, especially in the run-up to the STCW Conference in the Philippines and given the challenges of piracy and ensuring the fair treatment of seafarers after maritime accidents. The recruitment and training of seafarers was one of the more important issues affecting the industry and the ICS/ISF therefore welcomed the "Go to Sea!" campaign.

Mr. VASSALLO (Malta) asked if there would be a programme of events throughout the year to accompany the theme to celebrate seafarers.

The SECRETARY-GENERAL replied that an action plan of events spread over the year was being finalized and would be reported to the Council at a future session and the MSC.

Mr. VILLALBA (Argentina) welcomed the theme and reaffirmed Argentina's offer to act as host country for the 2010 World Maritime Day parallel event.

Mr. CUTMORE (International Maritime Pilots' Association (IMPA), observer) added his voice in support of the theme and recalled that IMPA, in conjunction with the Honourable Company of Master Mariners (HCMM), had hosted the United Kingdom's World Maritime Day celebrations in 2006 and 2007 on board the HQS **Wellington**. The successful celebrations had been augmented by having the website, www.worldmaritimeday.com, a domain that they still owned. They offered the domain to IMO in order to promote World Maritime Day 2010 and looked forward to assisting in any way appropriate in the preparations for the 2010 celebrations.

The CHAIRMAN invited the Council to note the information provided orally by the Secretary-General on the arrangements for World Maritime Day 2010 and to endorse his proposal that the theme for the Day should be: "2010: Year of the Seafarer". He then invited the Council to authorize the Secretary-General to make the necessary arrangements for the celebration of World Maritime Day 2010, in accordance with the established practice.

It was so decided.

Mr. LANTZ (United States) invited IMO Member States, NGO and IGO representatives to attend as VIPs the 2009 World Maritime Day parallel event in New York City. The event was expected to attract public, private and government attention to the many environmental initiatives within the maritime community to reduce the effects of climate change. The conference part of the event would be held on Friday, 16 October 2009 at Pier 60 overlooking the Hudson River, with three panel discussions on the issues and challenges presented to the maritime community by climate change that would focus on greenhouse gas regulatory schemes, best practices to reduce greenhouse gas emissions, and emerging technology to reduce greenhouse gas emissions. In addition, the conference would include a green technologies exhibition, tours of ships with green initiatives, a student design competition and science fair, a luncheon with an awards presentation

recognizing innovation and a keynote speech by a leading United States government official, followed by a reception and dinner. The day before and after the conference, there would be a variety of activities, including VIP tours of New York City and an excursion to the New England area. All VIPs were welcome to attend with a guest, who would also be invited to the hospitality part of the event. During the conference, participants' guests could attend a behind-the-scenes tour of a studio production and guided tour of the Metropolitan Museum of Art. Further information could also be found on the website www.uscg.mil/worldmaritimeday or interested parties could contact members of the United States delegation.

Mr. COCKBURN (United Kingdom) congratulated the Secretary-General on an inspirational theme, which he said was both timely and appropriate. He thanked the United States for organizing and inviting Members to such an exciting parallel event in 2009.

(g) IMO AWARD FOR EXCEPTIONAL BRAVERY AT SEA (C 102/18(g) and Add.1)

The SECRETARY-GENERAL said that document C 102/18(g) reported on the nominations received for the 2009 IMO Award for Exceptional Bravery at Sea, in response to Circular letter No.2934 issued on 19 January 2009. Thirty nominations by 12 Member Governments and four international organizations, as listed in the annex to document C 102/18(g), had been received and the assessment panel had met in accordance with the guidelines for the award, under his chairmanship, on 22 May 2009 to scrutinize the nominations and to formulate its recommendations to a panel of judges.

The panel of judges had met under the chairmanship of the Council chairman on 26 June 2009 and, while only the chairmen of the Legal and Facilitation Committees had attended, the other three members of the panel of judges, namely the chairmen of the Maritime Safety Committee, the Marine Environment Protection Committee and the Technical Co-operation Committee, had forwarded their views and recommendations to the Secretariat in advance of the meeting. After considering the recommendations of the assessment panel, the judges had decided to bestow two IMO Awards for Exceptional Bravery at Sea on Mr. Maurice Conti and Mrs. Sophie Conti, nominated by the Government of New Zealand, and on AST2 Abram A. Heller, nominated by the United States Coast Guard. It had also decided on the candidates who should receive certificates in recognition of their meritorious services and others who should receive letters commending their actions. The recommendations and decisions of the panel of judges were contained in document C 102/18(g)/Add.1.

Mr. HAFSI (Algeria, observer) said that the award scheme bore witness to the solidarity among the seafaring fraternity and thanked the assessment panel for considering all the nominations. Referring to the request in paragraph 4 of the annex to document C 102/18(g)/Add.1 for Algeria to supply further details on its nomination, he replied that the Algerian authorities had already responded fully to the questions. Nevertheless, he added that the Algerian candidate had lost his life in very difficult circumstances, demonstrating incredible bravery and exposing himself to great danger in trying to save a sinking vessel and, at tremendous personal sacrifice, had saved the lives of 17 people of different nationalities.

The CHAIRMAN said that, in the light of the decision taken by the panel of judges, he declared Mr. Maurice Conti and Mrs. Sophie Conti, nominated by New Zealand, and AST2 Abram A. Heller, nominated by the United States, as the joint winners of the 2009 IMO Award for Exceptional Bravery at Sea.

It was so decided.

The CHAIRMAN congratulated the winners on behalf of the Council and himself.

Additionally, on behalf of the Council, he congratulated the master and crew of the vessel **Xin Ou Zhou**, nominated by China; Lt. César Osvaldo Lara Basto, Officer in the Propulsion Division of the coastal patrol vessel **ARM Rayon (PC-206)**, nominated by Mexico; Captain Cha Sang Geun of the M/T **STX ACE 7**, nominated by the Republic of Korea and Viet Nam; and Captain Bobby Noble and Mr. Tejay England, crew members of the sunken vessel **Lynette Marie**, Canadian Coast Guard Auxiliary, nominated by the International Maritime Rescue Federation (IMRF), for having been selected to receive certificates in recognition of their meritorious services. He also congratulated the 11 nominees whose names were given in paragraph 8 of document C 102/18(g)/Add.1 and who had been selected to receive letters commending their actions.

Finally, he expressed appreciation to all the remaining candidates and to the governments and organizations which had nominated worthy candidates for the award.

He then recalled that he had mentioned when discussing piracy issues under agenda item 14 that he would return to the subject to request the Council to endorse the presentation of a special, one-off, “certificate for exceptional services rendered to shipping and mankind” to the commanding officers, officers, petty officers and crews of the naval ships that had participated in the international efforts to repress piracy off the coast of Somalia and in the Gulf of Aden. As the proposal had been initiated by the Secretary-General, he asked him to explain his reasons for it.

The SECRETARY-GENERAL thanked the panel of judges for unanimously endorsing the assessment panel’s recommendation of his proposal to award, on a one-off basis, “certificates for exceptional services rendered to shipping and mankind” to the commanding officers, officers, petty officers and crews of the naval ships that had participated in the international efforts to repress piracy off the coast of Somalia and in the Gulf of Aden.

The fact that navies from countries all over the world, probably for the first time in history, had converged in the Western Indian Ocean to join forces in an unparalleled demonstration of solidarity to rid the world of criminal elements taking advantage of the political instability of a country, spoke volumes of the degree of rejection by the international community of the scourge of piracy and armed robbery against ships off the Horn of Africa and of its determination to eradicate it once and for all.

While those courageous men and women did not, strictly speaking, fall within the ambit of the Award for Exceptional Bravery at Sea, their actions and those of their governments in sending them to the area had nonetheless contributed to making international shipping transiting those troubled waters safer while also greatly contributing to the safe delivery of vital humanitarian relief supplies to the people of Somalia. The actions of those individuals deserved to be publicly recognized and honoured by the Organization and would signify its profound appreciation for their efforts and hopefully encourage even more governments to participate in the international efforts, spearheaded by IMO, to reduce the terrible scourge of piracy off the Horn of Africa.

The CHAIRMAN thanked the SECRETARY-GENERAL for his initiative and invited the Council to endorse his proposal.

It was so decided.

The CHAIRMAN then invited the Secretary-General to advise the Council of arrangements for the 2009 Award ceremony and the 2010 Award.

The SECRETARY-GENERAL congratulated the winners of the 2009 IMO Award for Exceptional Bravery at Sea and said he would communicate the Council's decision to them and to those who would receive certificates and letters of commendation. He would also communicate the appreciation of the Council to the relevant governments and organizations for submitting nominations for the award. He added that he would also inform the governments that had deployed naval vessels off the coast of Somalia of the Council's decision to honour the officers and crews of such ships and invite them to arrange for their representatives to attend the Awards ceremony to receive their "certificates for exceptional services rendered to shipping and mankind".

The Award ceremony would take place at IMO headquarters on Monday, 23 November 2009, at the end of the first day of the twenty-sixth session of the Assembly and would be followed by the traditional reception to mark the event. Detailed information on the ceremony would be disseminated in due course.

In accordance with established practice a circular letter would be issued in due course to invite nominations for the 2010 IMO Award for Exceptional Bravery at Sea for actions performed during the period 1 March 2009 to 28 February 2010.

The CHAIRMAN invited the Council to note and endorse the arrangements proposed by the Secretary-General for the 2009 Award ceremony and the 2010 Award.

It was so decided.

**(f) INTERNATIONAL MARITIME PRIZE (C 102/18(f)) (French/Spanish),
(C 102/18(f)/Rev.1) (English only)**

The SECRETARY-GENERAL introduced documents C 102/18(f) and Rev.1, which reported on the nominations received for the award of the 2008 International Maritime Prize. The names of the two candidates whose nominations had been received by the stipulated closing date of 15 January 2009 were provided in paragraph 3, and their particulars were set out in annexes 1 and 2.

The CHAIRMAN noted that the two candidates for the 2008 prize were Engineer Alberto Alemán Zubieta, nominated by the Government of Panama, and Mr. Jerzy W. Vonau, nominated by the Government of Poland. He recalled that Mr. Vonau had been nominated for the 2007 prize – a nomination that had later been withdrawn in favour of Mr. Jørgen Rasmussen (Denmark), who had won the prize. At the time, the Government of Poland had announced its intention to re-submit Mr. Vonau's nomination for the 2008 Prize.

Ms FERNÁNDEZ (Panama) said that her government was pleased to nominate Mr. Alberto Alemán Zubieta, Panama Canal administrator, for the prestigious 2008 IMO International Maritime Prize. Mr. Alemán Zubieta was a graduate in civil and industrial engineering from Texas A & M University in the United States. He had started his professional career in the construction industry, where he had achieved a high-ranking position in one of the most important construction companies in Panama. In 1996, he had been appointed as administrator of the Panama Canal Commission, a federal agency of the United States. Since 1998, he had served as administrator of the Panama Canal Authority, and under his leadership the seamless transfer of the canal to Panamanian stewardship had taken place on 31 December 1999. He had guaranteed canal users the same level of safety as under the previous administration.

Further, he had launched a modernization programme to improve navigation through the narrowest part of canal, the Gaillard Cut, which had been completed well ahead of schedule, and a programme to prevent accidents and marine pollution from vessels. His achievements had also included replacement of tugs and equipment and the procurement of state-of-the-art information technology. Those changes had considerably reduced transit times through the canal. The protection of the marine environment was one of the pillars of the strategy developed by Mr. Alemán Zubieta. The canal required a suitable level to ensure safe transit, and reforestation and protection of habitat were important factors in that regard and in maintaining Panama's position in the vanguard of international efforts to reduce greenhouse gas emissions. Mr. Alemán Zubieta had given priority to the training of canal staff. In 2002, the Panama Canal Authority had inaugurated the Maritime Centre for Simulation, Research and Development (SIMDAR), which had sophisticated simulation equipment and ISO certification, and now offered training courses for operators of small ships from Panama and other Latin American countries. Under the leadership of Mr. Alemán Zubieta, the Panama Canal Authority had also played an important role in the establishment and development of the International Maritime University of Panama, which aimed to promote the maritime sciences in the region. After a period of study, it had been decided that the waters of the Panama Canal required further enlargement, a proposal supported by a national referendum in October 2006. The plan was considered to be one of the most significant infrastructure developments of the twenty-first century, and would be as important for the future of shipping as the original construction of the Canal over 100 years earlier. Mr. Alemán Zubieta's work as administrator had been characterized by his openness in maintaining contacts with the maritime industry and keeping it informed of the aims and impact of the measures adopted by the Panama Canal Authority. Mr. Alemán Zubieta had a high regard for the work of IMO and its instruments, in particular those relating to maritime safety and the protection of the marine environment, and had participated in the development of the ISPS Code and its adoption and introduction in Panama. He had also played an active role in preparatory work in relation to topics covered by the MSC, the MEPC and various subcommittees, and by other international organizations in the area of transport of hazardous goods. Panama urged members of the Council to support Mr. Alemán Zubieta's candidature for the IMO Maritime Prize.

Mr. KOSSOWSKI (Poland, observer) said that, as indicated by the chairman, Poland had nominated Mr. Vonau for the 2007 International Maritime Prize, but had withdrawn his candidacy in favour of Mr. Rasmussen (Denmark), who had been awarded the prize, and had announced that it would nominate Mr. Vonau for the 2008 prize. The paths of the two candidates had been very similar. They had worked together several times and had been involved in important IMO projects such as GMDSS. Mr. Vonau was well known throughout the IMO community and was personally known to several present at the current Council session. All his professional activities had been in line with the goals of IMO and his achievements met the criteria for the International Maritime Prize, which was to have made a significant contribution to the Organization's work and objectives. As indicated in his curriculum vitae, which had been circulated to the Council, Mr. Vonau had worked in the maritime sector throughout his career from the 1950s until his retirement in April 2007. His involvement with IMO had begun with his appointment to London in 1975 as head of the Polish Shipping Mission, with responsibility for liaison between the Organization and Poland's maritime administration. As a lawyer specializing in shipping and international maritime law, he had brought his great knowledge and experience to bear in the development of a number of important IMO instruments of importance to the maritime community, such as UNCLOS, STCW 78, IOPC and GMDSS. He had also chaired several international conferences and meetings of various IMO bodies. From 1999 until his retirement, he had served as the first director of IMSO. His tenure had seen the development of the LRIT system and the establishment of IMSO as its coordinator, including the amendment of the IPSO Convention. Given his record, the Government of Poland had no hesitation in nominating him for the prize. There were various awards and honours available for services rendered to various aspects of the maritime world but there was only

one International Maritime Prize that recognized significant contributions to IMO, and he was sure that Council members would agree that Mr. Vonau met all the criteria for that prestigious award. He looked forward to the Council's decision which, he was sure, would be taken in the spirit, tradition and purpose of the prize.

The CHAIRMAN suggested that the Council should proceed to select the winner by secret ballot, in accordance with Rule 35 of the Council's Rules of Procedure, as on previous occasions when there had been more than one candidate.

It was so decided.

The SECRETARY-GENERAL explained the procedure for voting by secret ballot, which was set out in Rules 30, 31 and 35-37 of the Council's Rules of Procedure.

On the proposal of the CHAIRMAN, representatives of Australia and Nigeria were appointed scrutineers.

A vote was taken by secret ballot.

The CHAIRMAN announced the result of the ballot as follows:

Number of valid ballot papers cast:	37
Number of votes obtained:	
Mr. Alemán Zubieta	21
Mr. Vonau	16

Having obtained the higher number of votes, Mr. Alemán Zubieta was declared the winner of the International Maritime Prize for 2008.

The CHAIRMAN extended the congratulations of the Council and his own to Mr. Alemán Zubieta. On behalf of the Council, he expressed appreciation to Mr. Vonau, who also had impressive credentials, and to the Governments of Panama and Poland for nominating such eminent candidates for the International Maritime Prize.

The SECRETARY-GENERAL extended his own congratulations to the winner of the 2008 prize. He would communicate the decision of the Council to Mr. Alemán Zubieta. He would also communicate the appreciation of the Council to the two nominating governments for submitting such worthy candidates. Arrangements for the presentation of the prize would be made with the winner and information about the prize-giving ceremony would be disseminated in due course.

Circular letter No.2954 inviting nominations for the 2009 award had already been issued, as indicated in paragraph 5 of document C 102/18(f)/Rev.1. Nominations must be received not later than 15 January 2010 for timely submission to the Council at its 104th session in June 2010.

Mr. KOSSOWSKI (Poland, observer) acknowledged the decision taken by the Council and offered congratulations to the Government of Panama. He extended his thanks to all those who had voted for Mr. Vonau, indicating their understanding of the purpose and character of the prize. He noted that the Council appeared to have voted, after three decades of the history of the award, for a significant modification in its profile and purpose.

Ms FERNÁNDEZ (Panama) thanked all those who had supported Mr. Alemán Zubieta and also thanked the representative of Poland for his kind words.

The CHAIRMAN invited the Council to note the information set out in the documentation, as well as that provided orally by the Secretary-General.

He then invited the Council to extend its congratulations to the winner of the International Maritime Prize for 2008, Engineer Alberto Alemán Zubieta, and express its appreciation to the Government of Panama for nominating such an eminent candidate for the prize.

He invited the Council also to express its appreciation to Mr. Jerzy W. Vonau, who also had impressive credentials, and to the Government of Poland for nominating such an eminent candidate for the Prize.

Finally, he invited the Council to note and endorse the measures taken and those proposed by the Secretary-General in respect of the 2009 prize.

It was so decided.

AGENDA ITEM 21 – DATE AND PLACE OF THE NEXT SESSION OF THE COUNCIL (C 102/21)

The SECRETARY-GENERAL proposed that, following the established practice, an extraordinary session of the Council be held prior to the twenty-sixth session of the Assembly to deal with any matter that needed to be considered, or reconsidered, before submission to the Assembly. It was therefore suggested that the twenty-fifth extraordinary session of the Council be held on Thursday, 19 and Friday, 20 November 2009. It was also proposed to hold the 103rd regular session of the Council at the conclusion of the twenty-sixth session of the Assembly, on Friday, 4 December 2009. At that session, the Council would elect its officers, as provided by Rule 19 of its Rules of Procedure, and conduct any other business that may be necessary.

The CHAIRMAN invited the Council to note the information set out in document C 102/21 and that provided orally by the Secretary-General; and to agree that its twenty-fifth extraordinary session be held on Thursday, 19 and Friday, 20 November 2009, and that its 103rd session be held on Friday, 4 December 2009, at the conclusion of the twenty-sixth session of the Assembly.

It was so decided.

AGENDA ITEM 22 – SUPPLEMENTARY AGENDA ITEMS:

(a) RULES OF PROCEDURE OF THE ASSEMBLY AND THE COUNCIL (C 102/22(a))

The SECRETARY-GENERAL drew attention to document C 102/22(a), which concerned proposals for amendments to the Rules of Procedure of the Assembly and the Council necessitated by the entry into force, on 7 December 2008, of the 1991 amendments to the IMO Convention – which introduced a new Part XI, on the Facilitation Committee, consisting of Articles 47 to 51 – and by the change of name of the Organization of African Unity. The document also provided information on the reprint of Volume One of IMO's Basic Documents.

The CHAIRMAN invited the Council to note the information contained in document C 102/22(a) and that provided orally by the Secretary-General; to approve the amendments to Rule 5, paragraphs (c) and (d), as well as to Rules 13 (c) and 31 of its Rules of Procedure, as proposed in paragraphs 4 and 5 of the document under consideration; and to note that the amendments contained in paragraphs 6 and 7 of the document would be inserted in the reprint of Basic Documents, Volume One. He further invited the Council to note the draft amendments to the Rules of Procedure of the Assembly contained in paragraphs 1 and 2 of the document; and to transmit them to the twenty-sixth regular session of the Assembly for adoption.

It was so decided.

(b) SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDAS FOR THE NEXT TWO SESSIONS OF THE COUNCIL (C 102/WP.3)

The SECRETARY-GENERAL introduced document C 102/WP.3, which set out proposed substantive items for inclusion in the provisional agendas for the twenty-fifth extraordinary and the 103rd regular sessions of the Council, in accordance with Rule 13 of the Rules of Procedure of the Council, for consideration by the Council. He drew particular attention to Rule 13(b), which provided that the provisional agenda of each regular session should include all items the inclusion of which had been requested by the Council at a previous session. Although there was no requirement for that to be done for extraordinary sessions, the Council might find it useful to introduce the practice at the present session to cover the forthcoming two sessions, thereby aligning the practice of the Council with that of the technical committees.

The CHAIRMAN invited the Council to note the information set out in document C 102/WP.3 and that provided orally by the Secretary-General; to agree to the introduction of the practice outlined by the Secretary-General and take note of the substantive items proposed for inclusion in the provisional agendas for its twenty-fifth extraordinary and 103rd regular sessions, as set out in document C 102/WP.3.

It was so decided.

(c) MEPC CHAIRMAN'S STATEMENT ON GHG EMISSIONS

Mr. CHRYSOSTOMOU (Cyprus), speaking as chairman of the MEPC, said that, in an effort to find a way to ensure a reduction in greenhouse gas (GHG) emissions from international shipping and in order to assist the firm global response to climate change, IMO's work in those areas should move forward as expeditiously as possible. As the chairman of the MEPC, he had therefore examined all relevant submissions to MEPC 58 and had consulted with a number of Member States, mainly those that had shown particular interest in the subject, either by submitting documents or by active involvement in the discussions, and had prepared and submitted a document (MEPC 59/4/9) to the fifty-ninth session of the committee, which would take place the following week. It would be desirable if the committee could reach a number of agreements at its next session so that IMO was in a position to make progress in its work on reduction of GHG emissions from international shipping. His document aimed at establishing a road map between MEPC 59 and MEPC 60 to promote substantive progress and to facilitate a focused and well-structured discussion at the committee's forthcoming session. Support from the Council for that initiative would be greatly appreciated.

The SECRETARY-GENERAL thanked the chairman of the MEPC for his statement, agreeing that the reduction of GHG emissions was a matter of utmost importance for the next session of the MEPC. One year earlier, the Council had chosen “Climate change: a challenge for IMO too!” as the theme for the 2009 World Maritime Day to give the Organization the opportunity to focus on an urgent issue of global dimensions. He hoped that the theme would continue to galvanize intense action within IMO and the international maritime community throughout the rest of the year so that IMO could make an appropriate contribution, commensurate with its degree of care, concern and sensitivity about the environment, both marine and atmospheric, to the conference to be held in Copenhagen in December 2009 aimed at producing a treaty instrument to succeed the 1997 Kyoto Protocol to the 1992 United Nations Framework Convention on Climate Change. In acknowledging that climate change was also a challenge for IMO, the Organization must seek an outcome as successful as the one achieved in 2008, namely the unanimous agreement to a set of radical measures as amendments to MARPOL Annex VI to further reduce the emission of air pollutants from ships. At the Copenhagen conference, IMO should aim to add IMO’s contribution to the world efforts to address climate change and global warming and thus demonstrate, once again, the Organization’s undiminished determination to respond to its environmental responsibilities decisively, effectively and expeditiously. It was against that background that any support the Council could provide towards the aims of the MEPC would be greatly appreciated, in particular in the committee’s efforts to finalize the technical work on the energy efficiency design index for new ships and the energy efficiency operational indicator for all ships.

He was confident that MEPC 59, under the able chairmanship of Mr. Chrysostomou and with the support of all, would rise to the challenge, respond to the expectations and thus serve well the worthy causes of protecting and preserving the environment and saving the planet from manmade ills for the current and future generations.

The CHAIRMAN invited the Council to note the statement by the MEPC chairman and endorse the desirability of the MEPC, at its fifty-ninth and sixtieth sessions, finalizing its technical work on GHG emissions and taking forward the debate on market-based mechanisms, as provided in the MEPC’s action plan.

It was so decided.

AGENDA ITEM 19 – REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (C 102/19 and Corr.1)

The SECRETARY-GENERAL said that document C 102/19, which provided information on the status of the membership of the Organization, showed that on 8 April 2009 IMO had 168 Member States and three Associate Members.

At its previous session, the Council had requested him to consider possible action to induce states that were not yet Members of the Organization to consider joining. Two states, the Federated States of Micronesia and the Republic of Uganda, had been identified as being in a position to derive particular benefits from becoming IMO Members. He had written to the two, explaining the Organization’s pivotal role in regulating international shipping – from the points of view of maritime safety and security, protection of the marine environment and efficiency of navigation – as a means of assisting them in their consideration. He had emphasized that membership would afford them the opportunity to participate directly in the Organization’s work and thereby keep up to date with and possibly influence regulatory developments. Finally, he had explained the advantages to be derived from the Organization’s extensive technical cooperation programme, from which Uganda had, in fact, already benefited, and which could not be

underestimated for either state. He was therefore pleased to report that Uganda had deposited an instrument of acceptance of the IMO Convention with the Secretary General of the United Nations on 30 June 2009, thereby, in accordance with Article 71 of the IMO Convention, becoming the Organization's 169th Member State from that date. In accordance with the usual practice, he would be writing a letter of welcome to the Government of the Republic of Uganda, expressing the Secretariat's willingness to provide appropriate advice and assistance, as necessary, within the fields of competence of the Organization. He hoped that, in due course, the Federated States of Micronesia would also recognize the potential of IMO membership, and that he would soon be in a position to report a similar positive reaction.

He assured the Council that he and his colleagues stood ready and willing at all times to provide additional information and assistance in relation to the agenda item under consideration to all governments which needed it.

He recommended Member States that were not yet members of the International Hydrographic Organization (IHO) to consider joining that organization given the closeness of its objectives to IMO's and the complementary role the two organizations played in promoting enhanced safety and environmental protection. At present, IHO had 80 members compared with IMO's 169.

The CHAIRMAN invited the Council to note the information contained in the documentation provided and that supplied by the Secretary-General. He invited the Council to note, with great satisfaction, the further growth in the membership of the Organization, following the action taken by the Secretary-General in response to the request made at its last session; to encourage States that were not yet Members of the Organization to consider joining the membership; to extend a warm welcome to the Republic of Uganda as the 169th Member of IMO; and to look forward to welcoming, in due course, the Federated States of Micronesia to the Organization. He also invited the Council to recommend IMO Member States that were not members of IHO to consider joining that organization for the reasons explained by the Secretary-General.

It was so decided.

AGENDA ITEM 20 – REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (C 102/20 and Add.1)

The SECRETARY-GENERAL said that document C 102/20 reported on the status, as of 14 April 2009, of the various conventions and other instruments in respect of which the Organization performs depositary or other functions. Document C 102/20/Add.1 updated that information to 19 June 2009. Since the issue of addendum 1, four further instruments of accession to IMO treaties had been received from the following states:

- The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, from Niue;
- The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988, from Niue;

- The Protocol of 1988 relating to the International Convention on Load Lines, 1966, from Peru; and
- The Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL Annex VI), from Ireland.

Section I of document C 102/20 provided information on instruments and amendments to conventions and protocols for which the entry-into-force requirements had been met since the matter had last been reported to the Council at its 101st session in November 2008.

Section II of the same document outlined the current situation with regard to instruments, and amendments to them, for which the entry into force requirements had not yet been fulfilled. The total number of such instruments was currently ten, including the recently adopted Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 and the Torremolinos Protocol of 1993 relating to the 1977 Torremolinos International Convention for the Safety of Fishing Vessels. Although there had been two more ratifications of the latter since he had last reported, bringing the total number to 17, which was more than enough to fulfil the first entry-into-force condition, the second condition, relating to the aggregate number of fishing vessels owned by those 17 States, was far from being fulfilled. That total currently stood at approximately 3,254 units of 24 metres and over, against the requirement of 14,000. A stalemate had been reached with regard to that protocol, which would not be resolved until states with appreciable numbers of fishing vessels of the required length ratified it. He firmly believed that the measures he had taken would contribute to the eventual entry into force and implementation of the Torremolinos Protocol, and thus towards achieving an appropriate safety framework for reducing the unacceptable loss of life of thousands of fishermen each year. He urged Member States, particularly those with large numbers of fishing vessels under their flag, to ratify the Torremolinos Protocol on a priority basis.

On a more optimistic note, he was happy to report encouraging news with regard to another instrument associated with the Torremolinos Protocol which needed to enter into force without further delay, namely the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995. Since his report to the previous session of the Council there had been a further three ratifications, bringing the total number to 13 out of the required 15 needed to bring the STCW Convention into force. With only two more ratifications needed, he urged governments to consider ratifying that treaty at the earliest possible date.

Turning to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, he noted that persistent efforts had led to two further ratifications since his report to the previous Council session. As a result, there were now 18 Contracting States, representing 15.36 per cent of the gross tonnage of the world's merchant shipping, but that was only just over halfway towards achieving the minimum 30 ratifications, constituting not less than 35 per cent of the gross tonnage of the world's merchant shipping, required to bring the convention into force.

He still hoped to be able soon to report that the BWM Convention had met its entry-into-force requirements and that yet another cornerstone in IMO's regime of environment-related legislation had been put in place.

While on the subject of environmental pollution, he encouraged Member States which had not yet accepted MARPOL Annex VI (relating to the prevention of air pollution from ships) do so at the earliest possible opportunity. Although that treaty had already entered into force and now

had 56 Contracting States (one more since his report to the November Council) representing approximately 83 per cent of the world's merchant shipping by gross tonnage, there was no reason not to seek even wider participation. Given the growing worldwide concern with regard to atmospheric pollution, the widest possible acceptance and implementation of that treaty should be encouraged.

Turning to the vitally important matter of maritime security, he regretted to inform the Council that, since his last report, there had been no further ratifications of the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its associated Protocol relating to Fixed Platforms on the Continental Shelf, the so-called SUA Protocols. The number of ratifications required for entry into force of the former to take effect was 12, against a total of eight to date, while for the latter it was six, against a requirement of three; both would enter into force 90 days after both the respective totals had been reached, with the proviso that the second treaty could not enter into force before the first. Thus, although the Protocol to the 1988 SUA Fixed Platforms Protocol had now attained the required number of ratifications, it could not yet enter into force. Out of the 18 States that had signed the Protocol to the 1988 SUA Convention "subject to ratification", or its equivalent, during the time it had been open for signature, only two had subsequently ratified it. He therefore urged all States, but particularly those remaining 16 signatories, to give urgent attention to ratifying that treaty so that it and its companion instrument could enter into force as soon as possible.

Turning to the Nairobi International Convention on the Removal of Wrecks, 2007, he recalled that, once it had entered into force and been implemented, the treaty would provide the first set of uniform international rules aimed at ensuring prompt and effective removal of wrecks located off the coasts of States Parties. On 18 November 2008, six States had signed the convention "subject to ratification", but none had yet ratified it. He urged the signatory States to ratify the Wreck Removal Convention at the earliest opportunity, and urged non-signatory States to take appropriate action in that regard as soon as practically possible.

The recent adoption of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, had brought the total number of treaty instruments adopted under IMO auspices to 51, of which 41 were already in force. The contribution of Member Governments to that indispensable international legal framework for shipping could not be overestimated. However, that was only one element in the overall picture: it had to be complemented by rapid ratification, early entry into force, and then wide and effective implementation and rigorous enforcement. If not, there would be the danger of national or regional legislation being introduced as a stopgap measure, leading to uneven implementation and possibly also to a situation whereby the treaties in question became outdated before they had even entered into force – something to be avoided at any cost.

The Hong Kong Convention therefore had to be included in the list of treaties which required swift action by governments, and strenuous efforts should now be made to initiate the ratification process, to provide technical assistance for requesting countries without waiting for the entry into force of the convention, and to initiate action to ensure effective implementation and proper enforcement of the convention when it came into force.

In conclusion, he re-emphasized the need for early entry into force of the Consolidated Maritime Labour Convention of 2006, which established minimum standards for working and accommodation conditions on board ship, as well as social security protection and welfare for seafarers – in effect introducing an international maritime labour code. As such, once it had entered into force and been implemented, it would eliminate shipping practices that did not respect

minimum standards and, most importantly given the emphasis currently placed on encouraging young people to join the profession, would make careers at sea more attractive.

That treaty would enter into force 12 months after it had attained 30 ratifications representing 33 per cent of the gross tonnage of the world's merchant fleet. The second element had already been fulfilled, inasmuch as 40 per cent of the world's gross merchant shipping tonnage had already signed up. Unfortunately, since there were currently only five Contracting States, the second element – ratification by 30 states – was unlikely to be achieved in the immediate future.

He therefore urged Member Governments to take early action to ratify that treaty at the earliest opportunity.

The Secretariat would continue to encourage governments to accept the various IMO conventions and protocols and, whenever necessary, offer assistance to ensure their widest, most uniform and effective implementation in accordance with the decisions of the Assembly, the Council and other bodies of the Organization.

Mr. LACHANCE (Canada) said his country was working rapidly towards meeting all the requirements of MARPOL Annex VI and becoming a full partner of the United States in their proposed emission control area. On 14 September a number of related conventions would be submitted to parliament, and the Canadian Government expected to announce further progress in the autumn. Canada already had in place the legislation and regulations needed to implement Annex VI, and had begun implementing the remaining MARPOL annexes and the AFS Convention.

Mr. AZUH (Nigeria) said he was pleased to report that Nigeria had ratified the 2007 Nairobi Wreck Removal Convention and that he would shortly deposit the instrument with the Secretary-General. Nigeria strongly believed that only the convention's early ratification and domestic enforcement could assure the seamless flow of maritime trade in a safe, secure and environmentally friendly manner.

Mr. MARZBAN (Islamic Republic of Iran, observer) said that in the past month his country had acceded to Annexes III, IV and VI of MARPOL and deposited the instruments with the Secretary-General. In addition, the SUA Convention had successfully passed through parliament and the relevant document would be lodged with the Secretariat in due course. His country was also considering accession to the BWM Convention and the ILO Consolidated Maritime Labour Convention.

The CHAIRMAN invited the Council to note the information contained in document C 102/20 and its addendum and that provided orally by the Secretary-General.

He further invited the Council to endorse the Secretary-General's continuing efforts to encourage governments to consider accepting those instruments to which they were not yet parties. In particular, he invited the Council to reiterate its plea to Member Governments to pay particular attention to ratifying, with respect to safety-related conventions, the 1993 Torremolinos Protocol and the 1995 STCW-F Convention and, with respect to environment-related conventions, the 2004 Ballast Water Management Convention, in order to enable them to enter into force as soon as possible. He also invited the Council to urge Member Governments to ratify Annex VI to the MARPOL Convention (on prevention of air pollution from ships).

With respect to security-related conventions, he invited the Council to endorse the need for early entry into force of the 2005 SUA Protocols, and consequently to urge Member Governments to take the necessary action to bring that about as a matter of priority.

He further invited the Council to urge both signatory and non-signatory states to consider ratifying the 2007 Nairobi International Convention on the Removal of Wrecks; to further urge governments to take prompt action with regard to the recently adopted Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, which would be open for signature at IMO headquarters from 1 September 2009 to 31 August 2010; and to encourage governments to consider ratifying the ILO Consolidated Maritime Labour Convention, 2006.

Finally, he invited the Council to request the Secretary-General to continue communicating with governments that had not yet ratified IMO treaties, encouraging and assisting them to accept and implement those treaties at their earliest convenience.

It was so decided.

CONSIDERATION OF THE DRAFT SUMMARY OF DECISIONS (C 102/WP.2, Add.1-2)

Invitation to non-Members of the Council to attend the session

The paragraph was approved.

The decisions relating to agenda items 1, 2, 3, 4 and 5 were approved.

Agenda item 6

Mr. BELL (Bahamas), supported by Mr. de GRACIA (Panama), said he felt the decision should reflect what he had taken to be the strong understanding during the Council's discussion that the Secretariat would reassess the potential costs of the capacity-building and technical cooperation needed to introduce an eventual mandatory IMO audit scheme.

The SECRETARY-GENERAL said he felt that the information provided in document C 102/6/1 was sufficient, especially as the expected time frame for institutionalization of such a scheme would allow ample time for consideration.

Mr. NTULI (South Africa) recalled that the Council's discussion had moved ahead with the understanding that a process of assessing the cost implications would take place. However, it would not be the Secretariat but the MSC which carried out that process, having at its most recent session adopted a procedure for assessing capacity-building implications in relation to the adoption of new or existing mandatory instruments.

The CHAIRMAN reminded the Council that it was not the time to reopen the discussion that had taken place. He was satisfied that the decision before the Council reflected that discussion.

Subparagraph 6.5(iii)

Mr. CHRYSOSTOMOU (Cyprus) observed that the phrase "as amended by the Council" should be added at the end, to reflect his comment that, in the time frame and schedule contained in table 3 of document C 102/6/1, the reference to the MSC and the MEPC instructing the FSI to consider ways of making the Code and auditing mandatory was inappropriate.

Subject to that amendment, the decision relating to agenda item 6 was approved.

The decisions relating to agenda items 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were approved.

Subparagraph 18(d).5(iv)

The CHAIRMAN proposed the replacement of “recommend” by “request” in the second part of the sentence.

Subject to that amendment, agenda item 18 was approved.

The decisions relating to agenda items 19, 20 and 21 were approved.

Subparagraph 22(c).1

Mr. CHRYSOSTOMOU (Cyprus) suggested replacing “endorsed and supported” by “noted”, and “with regard to” by “and endorsed”.

Subject to those amendments, the decision relating to agenda item 22 was approved.

Mr. FINLEY (Cook Islands, observer) announced that, following the decision by New Zealand not to seek re-election to the Council, the Cook Islands intended to stand for election to category C of the Council membership at the twenty-sixth session of the Assembly, in order to ensure continued representation of its region and of South Pacific island nations within the Council, as well as that of small island developing states (SIDs) within the Organization. Formal submission of the Cook Islands’ candidature would take place in due course.

CLOSURE OF THE SESSION

The SECRETARY-GENERAL paid particular tribute to departing or retiring colleagues, all of whom had contributed significantly to the Organization’s work, namely Ambassador Espiritu (Philippines), Mr. Owusu-Mensah (Ghana), Mr. Chatterjee (India), Mr. Legroux (France), Mr. Jones (United Kingdom), Mr. Leslie (IACS), Mr. Ki-Tack Lim (Republic of Korea) and Ambassador Fernández (Panama).

The CHAIRMAN declared the 102nd session of the Council closed.

The meeting rose at 5.45 p.m.