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SUMMARY RECORD OF THE NINTH MEETING

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR
on Friday, 3 July 2009 at 9.30 a.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 14 – PROTECTION OF VITAL SHIPPING LANES (continued)

Mr. SUPRIYONO (Indonesia) expressed appreciation for the initiatives taken by the Secretariat and other Member States to address piracy and armed robbery against ships, particularly off the coast of Somalia and in the Gulf of Aden. He also thanked the Governments of Djibouti and the Republic of Korea for having hosted high-level meetings on the same issue. He commended the efforts of the international community on its actions taken in accordance with the provisions of relevant United Nations resolutions and the United Nations Convention on the Law of the Sea (UNCLOS) 1982. He believed that the concerns of Member States regarding security in the waters off the coast of Somalia, which had been hampering trading and the delivery of international aid to the region, had provided an impetus to more decisive action by countries and IMO to combat piracy and armed robbery against ships while maintaining respect for the integrity and sovereignty of Somalia and affected coastal States. He also thanked States that had deployed their navies in patrolling the areas concerned. The Government of Indonesia would continue to participate in international efforts to control piracy both within IMO and other forums, such as the United Nations Contact Group on Piracy off the Coast of Somalia and its working group. While acknowledging the effectiveness of the military operation, he pointed out that the underlying causes still needed to be tackled. The specific nature of the problem created a challenge which could only be addressed through specific measures. Nevertheless, such measures should be carried out in compliance with United Nations Security Council resolutions and international law, and with respect for the sovereignty of the affected coastal States. He stressed the importance of capacity-building in resolving the problem of piracy and armed robbery against ships. In that regard, his government would welcome the speedy implementation of the Djibouti Code of Conduct, as well as other initiatives to improve the capacity and capability of Somalia and the coastal States in the Gulf of Aden region.

Mr. BILLIAR (Ukraine, observer) said that his delegation had consistently supported IMO and other Member States in their efforts to eradicate piracy and would welcome Council decisions to approve the proposed actions to implement the Djibouti Code of Conduct. Hence, the generous donation from the Government of Japan for capacity-building would make a significant contribution towards ensuring the cohesive and coordinated actions of States in the region.

He pointed out that, as a labour supplying country, Ukraine would like to see wide implementation of the documents that had been approved by the MSC at its eighty-sixth session for submission to the twenty-sixth session of the Assembly for adoption. The documents contained proposals for measures to prepare companies, crews and ships to deal with acts of piracy. They were linked to the ISPS and ISM Codes and would provide flag States with tools for shipowners and companies to reduce the risk to their crews in a responsible manner. He also advocated the widest possible implementation of the best management practices developed by the shipping industry. However, he hoped that, in future, the Organization would focus its attention more on the plight of the captured seafarers and their families and the provision of services, such as post-hostage rehabilitation, reimbursement and remuneration and medical assistance, both during and after their period of captivity. The Organization attached great importance to the recruitment of young women and men. It was right to do so because they were the mainstay of the industry.

Mr. FINLEY (Cook Islands, observer) expressed concern over the potential for duplication of effort and fragmentation of resources and hoped that the Contact Group, at its forthcoming meeting, would acknowledge IMO as the focal point for all efforts aimed at tackling piracy. He paid tribute to merchant fleets whose crews constantly faced the threat of piracy in their efforts to ensure that global maritime trade was not disrupted. That being so, there was concern that shipowners and operators and other relevant parties were not implementing the measures the Organization had put in place, including the recently developed guidelines on piracy and armed

robbery against ships in waters off the coast of Somalia, despite their having been invited to do so. It would appear that some of the private and unarmed security personnel legitimately employed by shipping companies to provide additional security during transit through the Gulf of Aden and Western Indian Ocean area were being unduly delayed in, if not prevented from, bringing their non-lethal equipment on board the merchant ships they were seeking to protect. It was to be hoped that the Council would bring the matter to the attention of all those involved in tackling the problem.

Mr. VASSALLO (Malta) wished to associate himself with the comments made by the delegates of the Cook Islands and Ukraine. He felt it would be fitting for the Council to pay tribute to all the seafarers who had either succeeded in escaping from their captors or were still being held hostage, including the Ukrainian seafarers on board a Maltese ship who had been held for more than two months and who were facing great hardship. Although of little practical benefit, it might bring comfort to their families to know that IMO as well as other concerned organizations were striving to eliminate the scourge of piracy and armed robbery against ships.

Mr. LIM (Republic of Korea) said that the Technical Co-operation Committee, at its fifty-ninth session, had discussed the relationship between the Contact Group and IMO with regard to piracy issues. In order to clarify the situation, he suggested that the Secretariat should consider establishing formal contact with the lead country in the Contact Group with a view to discussing the matter further. As a first step, the Council might wish to devise a framework for such discussions. Both bodies were dealing with similar issues where cooperation between them could be strengthened, for example capacity-building in the Gulf of Aden area.

Mr. BAINBRIDGE (International Transport Workers' Federation, observer) endorsed the comments made by the representative of Ukraine and, like him, expressed concern that too much importance was still being given to deterring pirates from attacking vessels and too little to the welfare of seafarers and their families. The industry as a whole received precious little information regarding the identity and condition of hostages. Furthermore, the nature of the industry made it difficult to ensure the welfare of the large number of seafarers who had been attacked, but not taken hostage. Unfortunately, the guidance contained in resolution A.683(17) was not readily available either on board ships or within ship operating systems. Resolution A.922(22) called for an investigation and inspection of crews to be carried out at the next available port, but that was being ignored. As a result, a crew which may have been held hostage for more than six months and subjected to privations, such as lack of food and water, was then obliged to sail the vessel without having had access to medical checks or support of any kind. The seafarers might then be discharged without their details being recorded. It was pointless to have guidance that was not being applied or acted upon.

The SECRETARY-GENERAL expressed his appreciation for the favourable comments that had been made regarding the Secretariat's response to the scourge of piracy and armed robbery, in particular in waters off the coast of Somalia and in the Gulf of Aden. At present, 10 ships and 168 crew members were being held hostage off the coast of Somalia. Since IMO had begun compiling statistics on piracy and armed robbery against ships in 1984, the figure had risen to 5,056, although many attempts were not reported. Upon receipt of the promised generous donation from the Government of Japan, a multi-donor fund to improve security would be established. He had also received a letter from the Assistant Director-General of the Royal Ministry of Trade and Industry in Norway confirming the pledge made to him by the Deputy Minister during their meeting in Oslo, in June 2009, of NOK 500,000 for environmental security and piracy matters. Once the fund was established, he would discuss with the Government of Norway how the money should be allocated. He commended the Government of Kenya on its agreement with the European Union and the United States to receive, arrest, prosecute and sentence

alleged pirates, and for making the new regional MRCC in Mombasa available to deal with matters concerning the prevention and suppression of piracy. He reiterated the intention to help, through the ITCP, countries in the region to introduce legislation to prevent criminal elements from escaping with impunity.

He had taken note of the comments made by the representative of Greece on the need for a coordinated and cohesive approach to combating piracy, a view echoed by the representatives of the Cook Islands and the Republic of Korea. The latter had also asked for clarification regarding the relationship between the Contact Group and IMO. As Council members who had attended Contact Group meetings would be aware, the establishment of the group had been an initiative of the United States, within the context of United Nations Security Council Resolution 1851. As a result, the Contact Group was one of four working groups, of which two came within the competence of IMO. The latter also hosted the meetings of the working groups which dealt with the coordination of efforts to address piracy and armed robbery and related legal issues. IMO also had a presence in the other two working groups, one of which was coordinated by Denmark. It was important to ensure that the pivotal role that IMO had played since the international community had begun addressing the issue of piracy should continue. Therefore, delegates should inform IMO of other initiatives that they might come across, bearing in mind that political aspects fell within the competence of the United Nations. By allocating responsibility for the political aspects to the United Nations and for related matters to IMO, the fragmentation alluded to by the representative of the Cook Islands would be avoided. He recalled his opening address to the eighty-sixth session of the MSC in which he had said that while many entities had stepped in to improve the chances of achieving substantive results in the campaign to eradicate piracy in waters off Somalia, it should not be forgotten that the initiative to address the issue had stemmed from IMO. It had identified the magnitude of the problem and assessed the seriousness of its nature; generated actions to eliminate or reduce it; brought it to the attention of the United Nations; sensitized entities in a position to tackle it; worked together with others to coordinate a common approach to its solution; triggered action at various forums and levels; and succeeded in prompting a positive response from various sources. And while it could be said that much had already been achieved, much remained to be done in order to succeed in the common objective; and much of it needed to be done by IMO to ensure that the international community continued to entrust it with the pivotal role. With regard to the issues raised by the representatives of the Republic of Korea, Malta and Ukraine, and by the observer from the International Transport Worker's Federation, they would be dealt with under agenda items 18(e) on World Maritime Day and 18(g) on IMO Award for Exceptional Bravery at Sea.

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 note recent developments in the United Nations on the issue of piracy and armed robbery against ships off the coast of Somalia and, in particular, the adoption of several United Nations Security Council resolutions, especially resolutions 1844 (2008), 1846 (2008) and 1851 (2008), and to express its appreciation to the Secretary-General and staff for their efforts to contribute to activities undertaken by the United Nations and others to stem the incidence of piracy and armed robbery off the coast of Somalia and in the Gulf of Aden. With regard to documents C 102/14, C 102/14/1, C 102/14/3 and Corr.1 and C 102/INF.3, he invited the Council to note with appreciation the continuing efforts of the United Nations, IMO and the maritime community at large to repress the incidence of piracy off the coast of Somalia and in the Gulf of Aden, as well as the outcome of the Djibouti Meeting and, in particular, the adoption of the Djibouti Code of Conduct and associated resolutions; to authorize the Secretary-General to perform the functions of depositary of the record of the Djibouti Meeting; to express its appreciation to the governments of those States and international organizations that had supported and assisted the meeting; to express deep appreciation to those governments, and their navies, that had deployed warships and military aircraft to ensure that ships

carrying humanitarian aid on behalf of the World Food Programme were escorted to Somali ports, and that were patrolling the waters off the coast of Somalia in order to protect seafarers, fishermen and passengers on board ships sailing through those waters and to ensure the uninterrupted flow of traffic through the Gulf of Aden; and to encourage them, as well as other governments and navies, to assist in the attainment of those objectives.

He further invited the Council to note the proposed technical assistance activities pursuant to the Djibouti Code of Conduct, and to note, with appreciation, the generous contribution by Japan of \$15 million towards implementing the Djibouti Code of Conduct, as well as those of the Netherlands and Norway in support of the Organization's anti-piracy effort. In addition, he invited the Council to note the outcome of the Seoul High-Level Meeting, in particular the adoption of the Seoul Statement; to encourage Member States to implement fully the recommendations made; and to request the Secretary-General to report developments to the twenty-fifth extraordinary session of the Council.

It was so decided.

The SECRETARY-GENERAL recalled that, at its previous session, the Council had expressed its appreciation to the Malacca Strait littoral States of Indonesia, Malaysia and Singapore for the progress they had made in implementing the various components of the Cooperative Mechanism, established following the 2007 Singapore Meeting on the Straits of Malacca and Singapore; as well as to Member States and intergovernmental and non-governmental organizations which had offered to make contributions and had since supported the different projects then identified.

Since then, the third meeting of the Aids to Navigation Fund Committee had taken place in Malacca, Malaysia, in April 2008, and document C 102/14/2 reported on the outcome of that meeting and on the contributions and pledges made to the Fund. He encouraged the delegation of Malaysia to provide more detailed information on that event.

The document outlined the progress made following the launch of the IMO Malacca and Singapore Straits Trust Fund and the receipt of \$1 million contribution from the Government of Greece, in establishing an informal Joint Technical Arrangement between the littoral States and IMO. That arrangement would facilitate the utilization of the resources made available to the Organization to support the Cooperative Mechanism.

The reported developments, and the fact that the three littoral States had continued to display a strong determination to make real progress within the established mechanism, were positive and encouraging. The Aids to Navigation Fund was fully engaged in what had become routine work, while additional contributions had been committed by, and partly received from, India, the United Arab Emirates, the Nippon Foundation, Middle East Navigational Aids Service (MENAS), and the Malacca Straits Council. He thanked all those entities for their inputs and said the progress made by the three littoral States, and all concerned, was commendable.

He reiterated his invitation to governments and the industry to contribute to the efforts being made. Pursuant to the Council's agreement that the IMO should, as appropriate, contribute to the various projects and components under the Cooperative Mechanism, the Organization intended, following signature of the informal arrangement he had just mentioned, to contribute funds to implement a project for trials with class "B" AIS transponders for small ships; and to make a further contribution to the Aids to Navigation Fund to enhance the status of such aids in the Straits.

Mr. MALIK (Malaysia) outlined recent voluntary contributions to the Aids to Navigation Fund. The United Arab Emirates had paid a second voluntary contribution of \$100,000, and first contributions had been made by MENAS of \$1 million, the Malacca Straits Council of Japan of \$500,000 and the Nippon Foundation of \$2.5 million. Those contributions had brought the balance of the Fund to \$3,372,322.94, by 15 June 2009. He thanked Members for their generosity, in particular India's sponsorship of the implementation of projects 1 and 4 under the Cooperative Mechanism.

Mr. SUPRIYONO (Indonesia) thanked the Secretary-General, user states and other stakeholders for their contributions to enhancing safety and security in the world's shipping lanes in general, and in the Straits of Malacca and Singapore in particular, for which the Aids to Navigation Fund was of particular importance. He fully supported the extensive implementation of the Cooperative Mechanism, in particular activities relating to navigation safety and marine environmental protection.

Mr. YEE (Singapore) thanked Malaysia for successfully hosting the inaugural meetings of the Cooperation Forum, the Project Coordination Committee and the Aids to Navigation Fund Committee in 2008, so soon after the launch of the Cooperative Mechanism in 2007. Singapore would host the second meetings of the Cooperation Forum on 14-15 October 2009, and the second Project Coordination Committee on 16 October 2009.

India had committed to contributing to two projects on wreck removal and on wind, tide and current measurement systems. Together with China, it would also be conducting a site assessment survey in the Straits of Malacca and Singapore in July 2009. The United States had also expressed an interest in following up on the HNS response and preparedness training it had conducted for the three littoral states in October 2008. During the Cooperation Forum there would also be two panel discussions on collaboration to enhance the safety of navigation and marine environment protection in the Straits. Recent progress made indicated the value and usefulness of the Cooperative Mechanism. He encouraged Council Members to attend the forum and committee meetings to be held in his country in October.

Mr. ANASTASAKOS (Greece) welcomed the activities that had been undertaken since the establishment of the IMO Malacca and Singapore Straits Trust Fund as reported by the littoral States, in particular the establishment of the informal Joint Technical Arrangement between the littoral States and IMO. Greece had participated as an observer at the eighth meeting of the Aids to Navigation Fund Committee, and intended to participate in future meetings.

Mr. ISHIZUKA (Japan) continued to support efforts to ensure safety of navigation and marine environmental protection under the Cooperative Mechanism, which affected not only the littoral States but also the world's economy. He encouraged more States to contribute to the Aids to Navigation Fund.

Mr. NTULI (South Africa) welcomed the progress made under the Cooperative Mechanism, in particular the Aids to Navigation Fund, which served as a good example of ensuring safe navigation. The contribution made by the Government of Japan had been very encouraging, and he asked the Secretariat to consider using those resources in the long-term fight against piracy, with particular reference to Somalia, the Djibouti Code of Conduct and the use of aids to navigation in that region.

The CHAIRMAN invited the Council to note the information provided in document C 102/14/2 and the additional information provided orally by the delegations of Malaysia, Indonesia and Singapore; to express appreciation to Malaysia for hosting the recent Aids to

Navigation Fund committee meeting, and the littoral States of Indonesia, Malaysia and Singapore for their timely implementation of the various components of the Cooperative Mechanism on the Straits of Malacca and Singapore; to express appreciation to Member States, intergovernmental and non-governmental organizations, in particular India, the United Arab Emirates, the Nippon Foundation, MENAS and the Malacca Straits Council, for contributions made and support pledged to the various projects under the Cooperative Mechanism and the Aids to Navigation Fund; to note the progress made in the completion of an informal Joint Technical Arrangement between IMO and the littoral States on cooperation between them and the Organization on safety and environmental protection in the Straits of Malacca and Singapore; and to invite Member States and industry to contribute to the Aids to Navigation Fund and the *ad hoc* IMO Malacca Straits Fund. Furthermore, he invited the Council to reaffirm its mandate to the Secretary-General to continue his work relating to the protection of shipping lanes of strategic importance and significance; and to report to the Council, as and when appropriate.

It was so decided.

AGENDA ITEM 3 – STRATEGY AND PLANNING (continued):

(a) MONITORING OF PERFORMANCE (C 102/3(a))

The CHAIRMAN invited comments on document C 102/WP.5, in particular paragraphs 2.1.4 and 2.1.7 of the terms of reference contained in the annex, as additional items had been added following the Council's discussion of the budget under agenda item 8.

Mr. BELL (Bahamas) suggested that document C 102/WP.4, which contained additional information in respect of documents C 102/8 and Add.1, concerning the budget, should be included in the list of discussion documents contained in paragraph 2.1.7 of the annex.

Mr. NTULI (South Africa), speaking as Chairman of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan, encouraged as many Council Members and other Member States as possible to actively participate in the next session of that group in order to successfully complete the work assigned to it.

The CHAIRMAN proposed that the terms of reference contained in the annex to document C 102/WP.5 should be adopted, as amended.

It was so decided.

[cf. decision on agenda item 3 in SR.1.]

AGENDA ITEM 17 – ASSEMBLY MATTERS:

(a) PROVISIONAL AGENDA FOR THE TWENTY-SIXTH REGULAR SESSION OF THE ASSEMBLY (C 102/17(a))

The SECRETARY-GENERAL said the Assembly was scheduled to meet, at its twenty-sixth regular session, from 23 November to 4 December 2009 and that its provisional agenda, as contained in document C 102/17(a), had been submitted to the Council for consideration and approval in accordance with Rule 13 of the Assembly's Rules of Procedure. The official opening of the Assembly would be preceded by a meeting of heads of delegations to agree on administrative arrangements, and a meeting of the Council would be held on the Assembly's last day, mainly to elect Council officers for the next biennium. To facilitate the planning of the work

of the Assembly, a draft timetable would be prepared in due course and submitted to the Assembly for approval.

The CHAIRMAN invited the Council to note the information contained in document C 102/17(a) and that provided orally by the Secretary-General, and to approve the provisional agenda for the twenty-sixth regular session of the Assembly, as contained in that document.

It was so decided.

Mr. CHRYSOSTOMOU (Cyprus), returning to the discussion on Working Paper 5 just concluded, recalled the intervention made by his delegation during the first meeting of the current session on agenda item 3 of the Council, in connection with the guidelines governing the procedures and the roles of committees. That issue had been referred to the *Ad Hoc* Council Working Group on the Organization's Strategic Plan, and as such should appear in the terms of reference contained in the annex to document C 102/WP.5. Though he accepted the Chairman's explanation that it was understood by all that the MEPC and MSC were parent committees, he said that while current delegates took that status as fact, without clarifying the nature of such committees in the written document, the Organization could be vulnerable to confusion in the future.

The SECRETARY-GENERAL said he felt that reference to the discussion of document C 102/9/Add.1 in paragraph 2.1.5 of the terms of reference was sufficient, but if necessary a more specific reference could be included in that paragraph by amending the end of the paragraph to read "... raised by MSC 86".

[cf. decision on agenda item 3 in SR.1.]

(b) PREPARATIONS FOR THE TWENTY-SIXTH REGULAR SESSION OF THE ASSEMBLY (C 102/17(b))

The SECRETARY-GENERAL said that the twenty-sixth regular session of the Assembly was scheduled to be held from 23 November to 4 December 2009 at the Organization's headquarters. Arrangements to hold the forthcoming session of the Assembly were progressing according to plan, including the administrative arrangements for the preparation and counting of the ballot for the election of Council Members.

A general information leaflet providing practical guidance to Member States and other representatives invited to the meeting would be issued in due course in all the official languages of the Organization. At the appropriate time, any other necessary arrangements for the holding of the session would be duly promulgated for the information of delegates and observers.

The CHAIRMAN invited the Council to note the information set out in document C 102/17(b) as well as that provided orally by the Secretary-General.

It was so decided.

(c) DRAFT REPORT OF THE COUNCIL TO THE ASSEMBLY ON THE WORK OF THE ORGANIZATION SINCE THE TWENTY-FIFTH REGULAR SESSION OF THE ASSEMBLY (C 102/17(c))

The SECRETARY-GENERAL said the draft report annexed to document C 102/17(c) contained the information available on 31 March 2009 concerning issues of importance to the

Organization that had been addressed during the biennium under review and had not been dealt with in reports submitted by committees under separate agenda items.

Contained in the annex were cross-references to the items on the provisional agenda of the twenty-sixth regular session of the Assembly, as presented in document C 102/17(a). The text of the report would be updated to take into account developments which might occur between the issue of that document and the forthcoming Assembly and any decisions which 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-fifth extraordinary session scheduled to be held just prior to the Assembly.

The CHAIRMAN invited the Council to note the information contained in document C 102/17(c) and that provided orally by the Secretary-General; to approve the report subject to such changes as might be deemed necessary and any developments contained in that document which might occur between the issue of the document and the twenty-sixth regular session of the Assembly, which would be reported to the Council for consideration and approval at its twenty-fifth extraordinary session, immediately before the Assembly session.

It was so decided.

AGENDA ITEM 18 – EXTERNAL RELATIONS:

(a) RELATIONS WITH THE UNITED NATIONS AND THE SPECIALIZED AGENCIES (C 102/18(a), C 102/18(a)/1 and C 102/18(a)/2)

The SECRETARY-GENERAL introduced document C 102/18(a), containing the report on the first 2009 session of the United Nations Chief Executives Board for Coordination (CEB), which had taken place in Paris in April under the chairmanship of the UN Secretary General. He had attended that session along with the executive heads of various specialized agencies, funds and programmes of the United Nations system. From a general perspective, the global financial and economic crisis had been at the top of the agenda.

During the first part of the formal session, the reports of the High-level Committee on Programmes (HLCP), the United Nations Development Group (UNDG) and the High-level Committee on Management (HLCM) had been presented by their respective chairs. The Board had noted the progress reported since its last session and had endorsed the decisions taken by those bodies; paragraphs 5 to 7 dealt with those reports.

The Board had then devoted the remaining part of its formal meeting to the issue of staff safety and security. In considering the report of the Steering Committee on Staff Safety and Security, tasked by the HLCM with developing a comprehensive plan for a system-wide security management system, a number of points had been raised by the agencies most concerned with security issues, including the need to adopt a “how to stay”, rather than a “when to leave”, approach and the importance of engaging with Member States on funding aspects. Speaking for IMO, the Secretary-General had stressed the importance IMO attached to the safety and security of delegates coming to IMO meetings and those of the staff, both at headquarters and while on mission abroad. The CEB had endorsed the policy recommendations produced by the HLCM Steering Committee and had adopted a statement, attached as annex 1 to document C 102/18(a), expressing its strong commitment to implementing a comprehensive plan for a strengthened and enhanced system-wide security management system as well as the need to increase financial resources to that end.

Paragraph 11 of the document dealt with the retreat and the debate on the financial and economic crisis. The discussions had revolved around the G-20 Summit, which had taken place in London on 2 April 2009. Mr. R. Zoellick (World Bank), Mr. D. Strauss-Kahn (IMF) and Mr. P. Lamy (WTO), as well as Mr. J. Somavia (ILO) in his role as chair of the HLCP, had led a roundtable discussion, which had resulted in the adoption of a CEB communiqué. That document, attached as annex 2 to document C 102/18(a), reflected the UN system's undertaking to take decisive and urgent action through nine joint initiatives. IMO had indicated its willingness to participate in some of those initiatives and the Council would be kept informed of any relevant developments.

The Secretary-General then turned to document C 102/18(a)/1, which reported on the outcome of the tenth meeting of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP), held at the UN Headquarters in New York, in June 2009. The main item for discussion had been the implementation of the outcomes of the consultative process, with a review of its achievements and shortcomings in its first nine meetings.

On behalf of IMO, the Senior Deputy Director for Legal Affairs had attended the meeting and had provided an overview of the contributions of the Organization at previous sessions. In particular, he had highlighted the Organization's work on the safety of navigation and the prevention of marine pollution and its relationship to the implementation of UNCLOS. He had also reported on recent developments at IMO, including the adoption of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, work to reduce greenhouse gases from ships, and measures taken by the Organization to prevent piracy off the coast of Somalia. In a departure from previous practice, the ICP had not adopted any recommendations or "consensual elements".

Turning to document C 102/18(a)/2, which reported on resolutions adopted by the sixty-third General Assembly of the United Nations of relevance to IMO, the Secretary-General said the Council should take note of the information contained in that document.

Paragraph 4 referred to United Nations General Assembly resolution 63/111, on *Oceans and the law of the sea* which, among other things, formally recognized the importance of the International Maritime Law Institute (IMLI) as a centre of education and training and the effective role of IMLI and IMO in capacity-building. Paragraph 7 referred to resolution 63/129, on *Measures to eliminate international terrorism*. Paragraph 8 referred to resolution 63/232, on *Operational activities for development*, which encouraged the organizations of the UN system to mobilize and allocate resources for the achievement of the Millennium Development Goals.

He recalled that he had briefed the 101st session of the Council on the outcome of the formal review meeting of the United Nations Global Counter-Terrorism Strategy, which had been held in September 2008. Since then, a Counter-Terrorism Implementation Task Force (CTITF) briefing of the UN General Assembly had been organized, on 3 March 2009, as a follow-up to that meeting. That briefing had focused on the contributions that the CTITF and its component bodies were making, either in their own right or in assisting Member States in the implementation of the Global Counter-Terrorism Strategy.

The General Assembly had also been informed of the UN Secretary General's decision to transfer responsibility for the CTITF to the Department for Political Affairs, as part of the process of its institutionalization, as agreed at the 2008 formal review meeting, and to ensure support for the CTITF's increasingly operational role. A small CTITF Office was being established in the Department of Political Affairs, with the participation of the United Nations Office on Drugs and Crime. Participants had strongly welcomed the institutionalization of the CTITF and the

appointment of a permanent chairman. They had also expressed support for having the CTITF funded through the regular budget rather than through voluntary contributions. The meeting had been considered very successful and the view had been expressed that that kind of briefing should become a regular feature at the General Assembly.

He recalled that the Council had, at its 97th and 98th sessions, requested him to keep it informed about discussions in the Group of 77 on any matters of relevance to IMO. Having established the necessary contacts, the Organization had been advised by the office of the chairman of the Group of 77 that there were no recent developments of note within the Group of 77 that could be of interest to IMO. He would continue to monitor that situation.

Mr. COCKBURN (United Kingdom) said that the CEB report had rightly highlighted the important work being carried out throughout the UN system on safety and security since the tragic events in Algeria in 2007. The United Kingdom recognized that the United Nations specialized agencies had a duty of care towards their staff and delegates and were responsible for protecting their premises and assets. He assured IMO that his government would continue to meet its obligations as a host government in providing safety and security in line with the Headquarters Agreement. He recognized the importance of the work done by the Secretary-General and his staff to ensure security, and expressed the hope that, at a future meeting, the Council would consider the UN Secretary General's forthcoming report on safety and security issues in the light of IMO's needs.

The SECRETARY-GENERAL thanked the host government for supporting him in discharging his important responsibility of ensuring the safety and security of IMO delegates and staff members, both at headquarters and when on mission abroad, as well as in his role as responsible officer for the safety and security of the London offices of ILO and UNHCR.

The CHAIRMAN invited the Council to take note of the information provided in documents C 102/18(a), C 102/18(a)/1 and C 102/18(a)/2 and that provided orally by the Secretary-General.

In particular, he invited the Council to note the outcome of the first session for 2009 of the United Nations Chief Executives Board for Coordination; the outcome of the tenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP); the resolutions adopted by the General Assembly of the United Nations that contained information of relevance to IMO received since the 101st session of the Council; the outcome of the Counter-Terrorism Implementation Task Force's briefing of the UN General Assembly on the implementation of the United Nations Global Counter-Terrorism Strategy; and the information provided in the Group of 77. Finally, he invited the Council to request the Secretary-General to keep it informed of any developments relating to the above-mentioned issues.

It was so decided.

(b) JOINT INSPECTION UNIT (C 102/18(b) and Add.1)

The SECRETARY-GENERAL said that document C 102/18(b) contained information on the four reports that had been received from the Joint Inspection Unit since the 100th session of the Council. In welcoming the recommendations contained in the reports, he emphasized that his comments were intended to facilitate a thorough awareness of the accomplishments and state of play with respect to the recommendations and should not be seen as rigid with respect to those recommendations addressed to the legislative bodies; rather they should serve to inform any possible discussion by the Council.

The report entitled “Voluntary contributions in United Nations System Organizations – Impact on programme delivery and resource mobilization strategies” (JIU/REP/2007/1), contained in annex 1 to document C 102/18(b), reviewed resource mobilization strategies for voluntary contributions and the relationship of such contributions to programme delivery by the UN system organizations. In its review, the JIU had highlighted two areas that were subject to voluntary contributions, namely core resources (regular budget), and extrabudgetary resources such as technical assistance, peacekeeping, relief and development assistance. From IMO’s perspective, voluntary contribution was applicable only in the case of technical cooperation activities, which were funded through a combination of core funds from the TC Fund and voluntary contributions from Member States and development partners. Consequently, the report and its seven recommendations should be viewed in terms of technical cooperation activities only, as the regular budget was funded from assessed contributions on Member States. With regard to recommendations 1, 4, 5 and 6, recommendation 1 only should be noted, as it was addressed to the legislative bodies of UN funds and programmes. Recommendation 4 sought to expedite work on the harmonization of support-cost recovery policies; that work was being carried out by the Chief Executives Board for Coordination. Recommendation 5 suggested that negotiations with donor countries providing associate expert/junior professional officers to UN system organizations should include a funding component for candidates from under- and unrepresented countries in such a programme. While the intent of the recommendation was a noble one in terms of capacity-building, it was unlikely that national governments would be keen to divert resources for such a programme. That was a matter best left to individual Member States, which they should be encouraged to consider positively. Concerning recommendation 6, which sought the development of a corporate resource mobilization strategy, a new strategy for the long-term financing of the ITCP had been adopted by TC 57 in June 2007.

Recommendations 2, 3 and 7 covered flexible funding modalities, systematic and open interactions with donor countries, and the implementation of a resource mobilization strategy. He and the IMO senior management had agreed with their intent, which was already reflected in the Organization’s approach to resource mobilization.

He and the senior management had welcomed the report entitled “United Nations System Staff Medical Coverage” (JIU/REP/2007/2), which dealt with a complex subject from a system-wide perspective. One of the primary considerations in the provision of medical coverage for staff members was retaining value for money while ensuring that staff members, retirees and their eligible dependents had adequate medical coverage. Providing adequate medical coverage by means of a one-size-fits-all approach across the UN system organizations would be a difficult task, and any move in that direction should not create a new administrative and support structure that would have additional cost implications.

With regard to recommendations 1 and 3, which called for the recognition of staff health insurance as an integral part of the common system and for the ICSC to undertake periodic reviews, as well as for harmonization of existing health insurance schemes at the level of duty station and, in the longer term, across the common system, he and the senior management considered that such recognition would not necessarily strengthen the argument for a universal health insurance scheme for all UN system organizations operating at multiple locations around the world. There were already a number of system-wide networks dealing with staff health and insurance issues, and involving the ICSC would not bring any additional benefit to the ongoing work. Until progress was made towards the harmonization of medical coverage at duty stations in which more than one organization operated, it would be premature to proceed as recommended by the JIU.

Recommendations 4 and 5 dealt with after-service-health-insurance (ASHI) issues, to which the representative of France had referred and an answer to which was provided in document C 102/WP.4. The recommendations included periodic actuarial studies to determine accrued ASHI liabilities, their disclosure in the financial statements, and proposals for their funding. The Council should bear in mind that the move to IPSAS would address the points raised in recommendation 4. As for proposals for funding ASHI liabilities and the provision of adequate financial resources to meet them, it would be prudent to consider those only once the full extent of the liabilities had been determined.

On the issue of cost containment measures in recommendation 7, a yearly review was undertaken with the Organization's health insurance provider, with a view to cost containment and reduction where feasible, and staff members were encouraged to be judicious in their use of the medical insurance provided, which had a direct bearing on the level of premium to be paid.

The report on "Age Structure of Human Resources in the Organizations of the United Nations System" (JIU/REP/2007/4), attached as annex 3 to the document, examined the age profile of the United Nations system organizations as it related to recruitment, staff retention and development, retirement and succession planning. The report made eight recommendations, of which Nos. 1 and 5 invited the legislative body to request detailed and analytical information regarding age structure and other related information, set targets and benchmarks for use in monitoring the potential impact of ageing, show retirement forecasts and replacement needs, and ensure proper knowledge transfer. The Council was aware that reports were regularly provided to the Council on those issues.

Turning to recommendation 2, on the need to establish a balanced staff grade structure and junior-level Professional posts to attract young professionals, he said that the staffing structure was already being rejuvenated as more and more staff members retired. However, there was a limit to the extent to which most Professional posts, especially in the technical divisions, could be reclassified without compromising on the technical background and experience required – and eventually on the quality of services rendered – for those posts.

He accepted, in principle, the thrust of recommendation 3, as the recruitment of staff at P-3 and below had always been weighted in favour of educational qualifications, skills and potential for development. He would consider recommendation 4, which dealt with ways to attract, sustain, train and support young professionals, in relation to current resources and opportunities, particularly IMO's staff training and development programme. That provided a partial answer to the question raised by the United Kingdom representative on the subject. With regard to the development of policies and a framework for succession planning as a system-wide activity, which was the thrust of recommendation 6, the Human Resources Network was already considering appropriate policies. He accepted the intent of recommendation 8, which dealt with existing regulations and financial limits on the employment of retirees, and would review IMO's policies, in coordination with the CEB and ICSC.

The report on "Knowledge Management in the United Nations System" (JIU/REP/2007/6), which was attached as annex 4 to the document under review, highlighted the broad perception of knowledge management within the UN system and brought to the fore the need to establish a process for collecting relevant information and knowledge, their classification and storage, and their timely dissemination and updating. He welcomed the report and its five recommendations and had established a group to study the issue of knowledge management within the Secretariat. Recommendation 3 called for the establishment of a dedicated knowledge management unit within the Organization and for the necessary financial and human resources to be provided for the unit. While that might be a long-term objective, establishing such a unit at the current stage might be

premature as the knowledge management group had still to reach some conclusions on knowledge management issues. His comments on the other four recommendations were given in paragraphs 25, 27 and 28 of the document. In short, progress was being made in addressing the issue of knowledge management within the UN system organizations.

Document C 102/18(b)/Add.1 contained in its annex the 2008 Annual Report of the Joint Inspection Unit and Programme of Work for 2009 (A/63/34).

Mr. FARIS (United States) observed that the Organization's proposed establishment of the Trading Fund was consistent with the recommendations relating to resource mobilization in JIU's report on voluntary contributions in United Nations system organizations. He suggested that IMO should share its experiences in organizing the new Fund with a sister organization, the International Civil Aviation Organization in Montreal, which had created the "Ancillary Revenue Generation Fund" in order to match the costs of its publications activities to the income earned. He welcomed the Secretariat's efforts to ensure that the assessed portion of regular budget did not bear a disproportionate share of the costs of the activities supported by extrabudgetary income and looked forward to further reports on those efforts.

Mr. COCKBURN (United Kingdom) said that he hoped the Secretariat and Member States would have the opportunity to study, when they were published, the JIU reports on risk management and evaluation, which were two important aspects of the Unit's current work on governance and oversight, and to consider whether any best practices or lessons learnt could be usefully incorporated into IMO's work.

The CHAIRMAN invited the Council to note the information set out in document C 102/18(b) and its addendum and that provided orally by the Secretary-General. In particular, he invited the Council to concur with the Secretary-General's views and his explanation on the status of the recommendations addressed to legislative bodies, contained in the report on "Voluntary contributions in the United Nations System Organizations" (JIU/REP/2007/1); with recommendations 1, 2 and 5 in the report entitled "Age Structure of Human Resources in the Organizations of the United Nations System (JIU/REP/2007/4), recognizing that the Secretary-General's regular reports to the Council on human resource issues adequately addressed the thrust of those recommendations; and to endorse, in principle, the Secretary-General's comments on the reports and welcome the action already undertaken or under way regarding the recommendations addressed to him; and to note the report of the Joint Inspection Unit for 2008 and Programme of Work for 2009 – Supplement No.34 (A/63/34), annexed to document C 102/18(b)/Add.1.

It was so decided.

**(c) RELATIONS WITH INTERGOVERNMENTAL ORGANIZATIONS
(C 102/18(c))**

The SECRETARY-GENERAL said that document C 102/18(c) reported on a proposed revision to the Agreement of Cooperation between IMO and the Organization of American States (OAS), in accordance with that Organization's request, in September 2008, that the existing agreement of cooperation between the two organizations, which had been signed in October 1974, be strengthened. The proposed agreement was attached as an annex to the document; it followed the pattern of similar agreements concluded in the past.

The CHAIRMAN invited the Council to note the information set out in document C 102/18(c) and its addendum, as well as that provided orally by the Secretary-General.

He then invited the Council to approve the proposed revised Agreement of Cooperation between IMO and the Organization of American States (OAS), and submit it to the twenty-sixth regular session of the Assembly for final approval.

It was so decided.

**(d) RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS
(C 102/18(d) and Add.1, C 102/18(d)/1, C 102/18(d)/2 and C 102/WP.1)**

The SECRETARY-GENERAL said that paragraphs 1 and 2 of document C 102/18(d) and its annexes and document C 102/18(d)/Add.1 and its annexes referred to new applications for consultative status. The Council would recall that, at the opening of the session, it had asked a group of Council Members, under the chairmanship of Mr. Malik (Malaysia), to scrutinize the information provided in support of the eight applications and to advise the Council on whether they fulfilled the conditions required for consultative status to be granted. The group's recommendations could be found in document C 102/WP.1.

Mr. MALIK (Malaysia) introduced the group's recommendations for the eight organizations. The group of Council members, composed of the representatives of Brazil, Canada, Germany, Malaysia, the Republic of Korea, Saudi Arabia and South Africa, with representatives of China, Ghana and the United States having also taken part in the discussions, had met from 29 June to 2 July 2009 to review and advise the Council on new applications for consultative status submitted by the Bureau International des Containers et du Transport Intermodal (BIC); the Green Ship Recycling Association (GSRA); the Inflatable Safety and Survival Equipment Technical Association Limited (ISSETA); the Regional Clean Sea Organisation (RECSO); the International Dangerous Goods and Containers Association (IDGCA); the Nautical Institute (NI); the Certification Association "Russian Register"; and the Superyacht Builders Association (SYBAss). The group had reviewed the information and applications in accordance with the *Rules Governing Relationship with Non-Governmental International Organizations* and the *Guidelines on the Grant of Consultative Status*.

With regard to the application by the Bureau International des Containers du Transport Intermodal (BIC), the group had recognized that it had the potential to make a significant contribution to IMO's work and had therefore agreed to recommend to the Council that BIC's application for consultative status should proceed for further screening by the MSC and the FAL Committee.

As to the Green Ship Recycling Association (GSRA), the group had been of the opinion that it could not be considered to be truly international given that, with regard to its core activity of ship recycling, its members all came from two countries only, located in the same geographical region. Hence, it had agreed to recommend to the Council not to grant consultative status to GSRA. The group had expressed the view that GSRA could submit a new application should its membership expand.

Turning to the Inflatable Safety and Survival Equipment Technical Association Limited (ISSETA), he said the group had been of the view that the interests it represented could be adequately represented in IMO through the International Life-saving Appliance Manufacturers' Association (ILAMA) and it had therefore decided to recommend to the Council not to grant consultative status to ISSETA.

In considering the application by the Regional Clean Sea Organization (RECSO), the group had been of the opinion that it could not be considered to be truly international as its members were all based in the same region, and it had therefore agreed to recommend to the Council not to grant consultative status.

As to the International Dangerous Goods and Containers Association (IDGCA), the group had been of the view that IDGCA could not be considered to be truly international, as most of its members were based in the same region. Moreover, its interests seemed to be already represented in IMO by the Dangerous Goods Advisory Council (DGAC), and the group had therefore agreed to recommend to the Council not to grant consultative status to IDGCA.

In considering the application by the Nautical Institute (NI), the group had been of the opinion that it would be able to assist IMO in achieving its objectives and fulfilled all the required criteria, and it had therefore agreed to recommend to the Council to grant the NI consultative status.

With regard to the Certification Association “Russian Register”, the group had been of the opinion that it could not be considered to be truly international as most of its members were based in the same region. Moreover, it had considered that the interests represented by that organization could be adequately represented in IMO by the International Association of Classification Societies (IACS), and it had agreed to recommend to the Council not to grant consultative status to the Certification Association “Russian Register”.

Turning to the Superyacht Builders Association (SYBAss), the group had agreed that it might have the potential to contribute to the work of IMO and had decided to recommend to the Council that its application be submitted for further screening by the MSC. In so doing, the MSC would need to ascertain whether or not the interests represented by SYBAss were represented by another organization already in consultative status.

Mr. SADLER (International Association of Classification Societies (IACS), observer), speaking at the invitation of the Chairman, referring to the Certification Association “Russian Register” and the group’s recommendation concerning its application in paragraph 16 of document C 102/WP.1, informed the Council that, while an IACS member had had a link with that organization when it had first been established, so far as IACS was aware, the Certification Association was currently a completely autonomous association and had no link with his organization.

The CHAIRMAN invited the Council to note the information set out in the documentation, as well as that provided orally by the Secretary-General and the chairman of the Group of Council Members. With regard to new applications for consultative status, he invited the Council to refer the application of the Bureau International des Containers et du Transport Intermodal (BIC) for further screening by the MSC and the FAL Committee; not to grant consultative status to the Green Ship Recycling Association (GSRA); not to grant consultative status to the Inflatable Safety and Survival Equipment Technical Association Limited (ISSETA); not to grant consultative status to the Regional Clean Sea Organization (RECSO); not to grant consultative status to the International Dangerous Goods and Containers Association (IDGCA); to grant consultative status to the Nautical Institute (NI); not to grant consultative status to the Certification Association “Russian Register”; and to refer the application of the Superyacht Builders Association (SYBAss) for further screening by the MSC.

He said that the views and recommendations of the committees on the new applications submitted would be reported to the Council in due course for appropriate action.

It was so decided.

The SECRETARY-GENERAL said that paragraphs 3 to 11 of document C 102/18(d) referred to applications previously considered by the Council and which it had, at its 100th session, decided to refer to the MSC, the MEPC and the FAL Committee for further screening.

Having considered the application by the Hot Briquetted Iron Association (HBIA), MSC 85 had recommended that consultative status should be granted for an interim period only, since the HBIA had been found to meet the requisite criteria but would probably be able to contribute only to a limited degree to the work of the DSC Sub-Committee, as it was a single-commodity-based organization.

With regard to the application by MYBA, MSC 85 had recommended that consultative status should not be granted, as in its view MYBA did not meet all the requisite criteria and would be able to have access to IMO through other organizations.

As to the application of the World Shipping Council (WSC), he recalled the recommendation made by MEPC 58, submitted to the Council at its 101st session, that consultative status should be granted. Having since considered that application, both MSC 85 and FAL 35 had also recommended that consultative status should be granted to the WSC, since it was found to meet the requisite criteria, in particular because it had been assessed as able to contribute directly to the committees' work and did not have access to IMO through other organizations.

The Council would recall the recommendation by MEPC 58, submitted to the Council at its 101st session, that consultative status should not be granted to NACE International, as there had been concern that it was not sufficiently represented internationally as an organization. Having since considered the application, MSC 85 had, however, recommended that consultative status should be granted to NACE International, since it had been found to meet the requisite criteria, in particular because it had been assessed as able to contribute directly to the Committee's work and did not have access to IMO through other organizations.

Having considered the application of the International Association of Airport and Seaport Police (IAASP), MSC 85 and FAL 35 had recommended that consultative status should be granted, since the IAASP had been found to meet the requisite criteria, in particular because it had been assessed to be able to contribute directly to the committees' work and did not have access to IMO through other organizations.

Paragraph 11 of the document referred to a letter from the Director General of the World Conservation Union (IUCN), advising IMO that IUCN had reverted to its original name, namely the International Union for Conservation of Nature, retaining, however, the abbreviation IUCN.

With regard to applications previously considered by the Council, the CHAIRMAN invited the Council to decide to grant consultative status to the Hot Briquetted Iron Association (HBIA) on a provisional basis, for no more than two years, after which a review should be conducted; not to grant consultative status to MYBA; to grant consultative status to the World Shipping Council (WSC); to grant consultative status to NACE International; to grant consultative status to the International Association of Airport and Seaport Police (IAASP); and to note that the IUCN had reverted to its original name, i.e. the International Union for Conservation of Nature, while retaining the acronym IUCN.

It was so decided.

The CHAIRMAN drew attention to documents C 102/18(d)/1, C 102/18(d)/2 and C 102/WP.1, which provided information to enable the Council to conduct its biennial review of organizations in consultative status and to report to the Assembly at its twenty-sixth session. In that regard, he recalled that the Group of Council Members had now also been requested to review non-governmental organizations already in consultative status with IMO, and to advise the Council accordingly to enable it to report to the Assembly at its forthcoming session.

The SECRETARY-GENERAL said that document C 102/18(d)/1 comprised annex 1, which provided the current list of non-governmental organizations enjoying consultative status with IMO, annex 2, which contained information on the participation of non-governmental organizations at IMO meetings, from 1 March 2007 to 28 February 2009, and annex 3, which contained information on the participation of the IMO Secretariat in meetings organized by non-governmental organizations in consultative status during the same period (1 March 2007 to 28 February 2009).

Paragraphs 3 to 7 of the document dealt with organizations in consultative status on a provisional basis. As noted in paragraphs 5 and 6, the Council, at its twenty-fourth extraordinary session, had decided to grant consultative status on a provisional basis to two organizations, namely the International Fund for Animal Welfare (IFAW) and the International Spill Control Organization (ISCO). The action requested of the Council with regard to IFAW and ISCO was set out in paragraphs 9.1 and 9.2 of the document. The Council was invited to note that, during the period under review, both organizations had attended IMO meetings and IFAW had submitted documentation to two meetings.

Annex 1 to document C 102/18(d)/1 provided an updated list of non-governmental organizations enjoying consultative status with IMO. The Council was invited to review that list and to make appropriate recommendations to the Assembly regarding the continuance, or otherwise, of consultative status. To assist in the review, annexes 2 and 3 provided information on the contributions of those organizations to the work of IMO during the period from 1 March 2007 to 28 February 2009.

Annex 2 provided details of the contributions of individual organizations to meetings or conferences organized by IMO, by reference to the following 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 at IMO meetings or conferences; and submission of documentation or other information to such meetings or conferences. He invited the Council to note that, during the period under review, two organizations had not attended any IMO meetings nor had they submitted any documentation or other information to such meetings. Those were the International Council of Marine Industry Associations (ICOMIA) and the International Navigation Association (PIANC).

In accordance with paragraph VI, subparagraph (c) of the Guidelines, annex 3 showed the meetings convened by or under the auspices of non-governmental organizations to which IMO had sent representatives.

Ms FRANK (International Fund for Animal Welfare, observer) informed the Council that, having worked with a team of scientists, legal and environmental policy experts over the past three decades, the International Fund for Animal Welfare (IFAW) had emerged as a leading organization in several areas directly related to the work of IMO, particularly those covered by the MEPC, including pollution preparedness and response, underwater noise pollution and ship collisions with whales. In November 2007, on the basis of a recommendation from the Council, the MEPC and the MSC, the IMO Assembly had granted IFAW consultative status on a provisional basis for no more

than two years, after which a review was to be conducted. At the present session, the Council had been requested to review IFAW's consultative status on the basis of its participation in the work of the Organization from 2007 to 2009.

As shown in the review of non-governmental organizations in consultative status with IMO, compiled by the Secretariat (C 102/18(d)/1) and in the IFAW submission to the Council (C 102/18(d)/2), in the past two years the non-governmental organization had shown great interest and active participation in several IMO work programmes, especially those of the MEPC, and in particular those on ship collisions with whales, underwater noise pollution, oil spill prevention and Antarctic shipping. During the biennium, IFAW had demonstrated its ability to work constructively with IMO Members and the industry and to assist IMO in developing practical, science-based and cost-effective solutions that benefited both animals and people. It always took a pragmatic approach and, by supporting world-class scientists, it was always able to provide sound science and robust factual information.

IFAW had invested significantly in some of the ongoing work programme items, looked forward to their completion and was also very keen to be involved in new areas of work, such as the new work programme item of the Sub-Committee on Ship Design and Equipment on a mandatory Polar Code and the promotion of international best practice protocols for the rescue, treatment and rehabilitation of oiled wildlife to support the implementation of the OPRC Convention.

IFAW would therefore appreciate the positive consideration by the Council of its request for permanent consultative status with IMO, to allow it to continue supporting joint efforts to reduce the impact of shipping on wildlife.

Mr. MALIK (Malaysia) introduced the group's recommendations relating to organizations in consultative status on a provisional basis. The group had conducted a preliminary review in accordance with the *Rules Governing Relationship with Non-Governmental International Organizations* and the *Guidelines on the Grant of Consultative Status*.

With respect to the International Fund for Animal Welfare (IFAW), the group was of the view that IFAW's participation in the work of IMO had been active and that IFAW would, in all likelihood, make further contributions particularly in relation to the work programme of the MEPC. The group therefore recommended to the Council to convert the provisional consultative status granted to IFAW to full consultative status.

Regarding the International Spill Control Organization (ISCO), the group had noted that ISCO had attended some IMO meetings; on that basis, it recommended to the Council to retain the provisional consultative status of ISCO for an additional two years and to encourage further participation in future meetings of the Organization.

In connection with organizations in consultative status on a provisional basis, the CHAIRMAN invited the Council to convert the consultative status granted to IFAW on a provisional basis to full consultative status; and to retain the provisional consultative status of ISCO for an additional two years.

It was so decided.

Mr. MALIK (Malaysia) introduced the group's recommendations relating to all other organizations in consultative status. With respect to the International Council of Marine Industry Associations (ICOMIA) and the International Navigation Association (PIANC), it had been noted

that neither organization had attended any IMO meetings during the period under review. The group therefore recommended that ICOMIA and PIANC should be reminded of their obligations under the *Rules Governing Relationship with Non-Governmental International Organizations* and the *Guidelines on the Grant of Consultative Status* and that, should there be no improvement in their performance within the next biennium, the status granted to them might be withdrawn.

The group had also reviewed the status of Friends of the Earth International (FOEI) and Greenpeace International (Greenpeace). In light of the activities and statements made by the NGO Platform on Shipbreaking – which comprised, among others, FOEI and Greenpeace – during the International Conference on the Safe and Environmentally Sound Recycling of Ships and after its conclusion, the group had discussed the appropriateness of the involvement of organizations in consultative status with the Organization in such actions, considering their obligations under the *Rules Governing Relationship with Non-Governmental International Organizations*, in particular Rules 3(b) and 4. The group had been informed that correspondence had been exchanged between the Secretariat and the two organizations and that the latter had both confirmed their full commitment to constructive participation in, and contribution to, IMO's work, while at the same time expressing their view that the activities in question were peaceful and good natured and did not indicate a lack of respect for IMO or its work.

At the Council chairman's request, a representative of Greenpeace had attended the meeting to address the concerns that had been raised. The representative had indicated that Greenpeace accepted responsibility for the actions carried out under the umbrella of the NGO platform, while also recognizing that the language that had been used was undiplomatic and, possibly, unfortunate. He had underlined, however, that in his view the rules governing relationship with NGOs had not been breached. He had explained that Greenpeace enjoyed consultative status with numerous other international organizations and bodies (including UNEP, FAO, UNFCCC, IAEA and others) and that, although similar activities were not uncommon in international conferences, neither those activities nor the consultative status of Greenpeace had ever been challenged or questioned by those organizations. He further added that Greenpeace wished to continue to engage constructively with IMO and was very keen to maintain its consultative status.

After listening to the intervention of Greenpeace, the group had concluded that, while it was not happy with the style of the activities undertaken during the conference, it did not seem that the *Rules* had been violated. However, the group recommended that the Council should consider expressing concern over any activities carried out by NGOs in consultative status that could unfairly tarnish the image of the Organization and request them to refrain from engaging in such activities.

Concerning the list of remaining non-governmental organizations in consultative status, the CHAIRMAN invited the Council to advise ICOMIA and PIANC of the necessity to fulfil their obligations in accordance with the *Rules Governing Relationship with Non-Governmental Organizations* and the *Guidelines on the Grant of Consultative Status* and that, should there be no improvement in their performance, their status might be withdrawn.

Mr. COCKBURN (United Kingdom) referred to an incident that had occurred a few weeks earlier, in which Greenpeace activists had boarded a coal carrier ship approaching the Kingsnorth power station in Kent. An article on the incident had been published in Lloyds List, in which the spokesperson for Greenpeace had declared that the non-governmental organization's priorities were, first, the safety of its activists and, second, the safety of the crew aboard the ship. Clearly, no such assurance could be provided, in view of the considerable risks for all the parties involved, and since seafarers might even put themselves in danger of injury or death in order to rescue activists.

The United Kingdom considered such activities intolerable. While he was not suggesting that IMO should take extreme disciplinary action against Greenpeace, including suspension, he wondered whether any form of censure could be applied to send an unequivocal message to the organization that IMO considered such conduct unacceptable.

Mr. CHRYSOSTOMOU (Cyprus) welcomed the recommendations of the group of Council Members. He recalled that in 2002 the Secretariat had already sent a letter to Greenpeace International, warning it against violation of the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs). When consultative status had been granted to Greenpeace in 1991, Iceland had insisted that the organization sign an undertaking not to violate COLREGs, in the light of the protests that it had staged on fishing vessels. He suggested it would be possible to write again to Greenpeace but added that, more significantly, the Sub-Committee on Safety of Navigation (NAV) was currently examining a draft resolution concerning peaceful demonstrations in high seas. His delegation had previously proposed such a resolution to the Conference of SOLAS Contracting Governments on Maritime Security but it had been rejected. Fortunately, the Cyprus and Malta delegations had now secured its consideration by NAV and it was going to be submitted to the Assembly for adoption. Taking into consideration the remarks made by the United Kingdom, he suggested extending the scope of the resolution so that it applied to demonstrations not only on the high seas but also within territorial waters or ports. That would send a strong message to all non-governmental organizations that safety of life and property at sea must be respected.

Mr. CATAPANG (Philippines) also emphasized the fact that it was not the first time that Greenpeace was conducting activities inconsistent with IMO's objective of promoting the safety of life at sea. Significant breaches of COLREGs and related IMO guidelines and instruments had already been reported. While his delegation had no objection to the suggestion by Cyprus, he raised the possibility of taking further action. On the basis of the information provided by the United Kingdom, he suggested writing once again to Greenpeace, recalling its obligations with regard to IMO and past decisions taken by the Council. If the organization did not respect its commitments, it was the prerogative of the Council, in the context of its next biennial review of organizations in consultative status, to withdraw consultative status from Greenpeace – notwithstanding its contribution to other areas of IMO's work, particularly marine environmental protection.

The SECRETARY-GENERAL said that the representative of Cyprus had rightly recalled previous action taken by the Council and Assembly in response to activities conducted by Greenpeace which had endangered the safety of navigation and maritime security. Such activities had included non-compliance with COLREGs. Reports had also been received by the Organization that small craft with Greenpeace activists on board approached ships that entered ports, and that the crew or the persons in charge of security in ports did not know whether they were dealing with real Greenpeace members or terrorists disguised as activists – a potentially very dangerous situation. Against that background, the Council, at its twenty-third extraordinary session, had decided to maintain the consultative status of Greenpeace International, subject to the undertaking that it would not endanger the safety of navigation or maritime security. That recommendation had given rise to Assembly resolution A.966(24), adopted on 23 November 2005.

He joined the representative of the Philippines in paying tribute to Greenpeace and FOEI for their contribution to the Organization, particularly in the promotion of environmental protection. However, the chairman of the Group of Council Members had been asked to address the fact that the two organizations had been associated with demonstrations in the context of the International Conference on the Safe and Environmentally Sound Recycling of Ships. While those had not threatened the safety of navigation or the security of the shipping industry, the report said

that they had not shown IMO in a good light. That had been acknowledged by the organizations themselves, in recognizing that the language used at those representations had been undiplomatic and possibly unfortunate. He therefore recommended to the Council that the recommendations of the chairman of the group of Council Members be endorsed.

The CHAIRMAN invited the Council to express strong concern over any activities which were incompatible with the conditions under which non-governmental organizations had been granted consultative status, and to request Friends of the Earth International (FOEI) and Greenpeace International to refrain, in the future, from acting in a manner that might shed a negative light on the Organization.

With regard to the remaining organizations listed in document C 102/18(d)/1, he invited the Council to recommend to the Assembly, at its twenty-sixth regular session, that their consultative status be maintained.

It was so decided.

(e) WORLD MARITIME DAY

The SECRETARY-GENERAL said that no document was available for the sub-item under consideration, as the purpose of including it in the agenda was only for the Council to decide on a theme for World Maritime Day 2010. To that effect, he proposed the theme “2010: Year of the Seafarer”.

The proposed theme had been chosen in tribute to seafarers for their unique contribution to society and in recognition of the risks they shouldered in the execution of their duties in an often hostile environment. The selection of the theme would be in line with the ongoing “Go to Sea!” campaign, which had been launched by IMO on 17 November 2008, in association with the International Labour Organization and the “Round Table” of shipping industry organizations. More significantly, it would complement the comprehensive review, initiated in 2006, of the STCW Convention and Code, the texts of which were due to be considered by the diplomatic conference scheduled to be held in Manila in mid-2010. Once the proposed amendments to the STCW Convention and Code had been adopted, the necessary global standards would be in place to train and certify seafarers to operate technologically advanced ships, for some time to come.

The unique hazards confronting seafarers – pirate attacks, unwarranted detention and abandonment, to name but a few – coupled with the predicted looming shortage of ships’ officers, made it ever more incumbent upon IMO to take immediate and effective action to forestall a situation from developing in which ships were not operated by sufficient skilled personnel.

Equally important, naming 2010 the “Year of the Seafarer” would provide the opportunity to convey to the 1.5 million seafarers of the world a clear message of the shipping community’s care for them – as shown also by the efforts to ensure that they were fairly treated when their ships were involved in accidents, looked after when abandoned in ports, and not refused shore leave for security purposes, and by the multi-faceted efforts to protect them while sailing in piracy-infested areas, and the care taken to ensure that they were not left alone when in distress at sea – as evidenced by the search and rescue centres continuously being established in areas of the world that lacked the relevant infrastructure.

Mr. BRADY (Jamaica) thanked the Secretary-General for his proposed theme for World Maritime Day. It was a most timely and appropriate initiative and a tribute to the human resources responsible for guaranteeing that global trade was transported safely and securely. The theme strengthened the “Go to Sea!” campaign launched in 2008.

The STW Sub-Committee was actively reviewing the Convention and the Code in preparation for the Diplomatic Conference to be held in 2010 in the Philippines – the country that supplied most of the world’s seafarers. Seafarers would thus be able to benefit sustainably from the revised global standards, in order to prepare better, through relevant and updated training and certification, to operate more technologically advanced ships.

The work of the STW Sub-Committee was thorough and comprehensive and had received much support from governments, training institutions and the shipping industry. Providing such recognition for seafarers would contribute to reassuring them that the IMO lawmakers were concerned at the extreme pressures they faced. Furthermore, the proposed theme, which would be supported by the shipping industry as a whole, could also serve as rallying point for a public relations strategy that would help in attracting suitable people to the industry.

The meeting rose at 12.30 p.m.