



COUNCIL
89th session
Agenda item 12

C 89/12/3
19 November 2002
Original: ENGLISH

**CONSIDERATION OF THE POLICY AND STRATEGY OF THE ORGANIZATION,
INCLUDING THE REPORT OF THE WORKING GROUP**

Note by Cyprus, the Philippines and ICFTU

SUMMARY

Executive summary: This documents relates to the co-operation and co-ordination between international organizations, to the work of the Organisation on the development of international law instruments and to the need to ensure that these do not conflict with (or cannot be used in conflict to) established international law. In addition it addresses the need to ensure that the human rights of seafarers are upheld by the work presently being done in the area of enhancement of security in the maritime sector

Action to be taken: Paragraph 4

Related documents: C 89/12/Add.1 and C 89/23(b)/1

1 The international community attaches considerable importance to co-operation and co-ordination between international organizations and consistency between international law instruments. The contribution of the IMO is partly reflected in document C 89/23(b)/1.

2 Paragraph 5 of document C 89/23(b)/1 advises that information on the outcome of the Diplomatic Conference on Maritime Security will be included in an update of the Study on the Implications of the United Nations Convention on the Law of the Sea, 1982 for the International Maritime Organisation. Consideration of the C 89/23(b)/1 (and of LEG/MISC/3 annexed thereto) clearly indicates the importance of ensuring that IMO instruments complement and supplement instruments of international law developed elsewhere and that do not conflict with the provisions of established international law.

3 Concerns have been expressed that some of the draft amendments to Chapter XI to SOLAS 74, as amended, and the proposed draft of the International Ship and Port Facility Security (ISPS) Code could be interpreted as being (or used) in conflict with other aspects of instruments of international law, especially the ones dealing with human rights. This should, for the IMO, be an unacceptable development and care needs to be taken by the IMO to ensure that this potential is eliminated and that this does not become the case.

Action requested of the Council

- 4 The Council is invited to consider the matter and to:
- .1 instruct the Committees of the Organization and through them their subsidiary bodies, when developing new instruments or amendments to existing ones, to ensure that these are compatible and not in conflict with other instruments of international law and that they cannot be interpreted or used in a way that conflicts with such instruments and in particular the ones addressing human rights;
 - .2 instruct the Secretariat to remind the Committees of the Organization and their subsidiary bodies of this decision of the Council as and when necessary;
 - .3 instruct the Maritime Safety Committee and to invite the convened Conference of Contracting Governments to SOLAS 74, as amended, on Maritime Security to take all necessary measures to ensure that nothing is included in either the proposed amendments to Chapter XI of SOLAS 74, as amended, or the proposed ISPS Code which could in any way be interpreted as being, or used, in conflict with other international law instruments, especially the ones relating to human rights; and
 - .4 instruct the *Ad hoc* Council's working group on the Organization's Strategic Plan to consider these issues and in particular the issue of the human rights of seafarers and to include appropriate provisions in the plan.
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