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COUNCIL  
89th session  
25-29 November 2002

C 89/D  
5 December 2002  
Original: ENGLISH

## SUMMARY OF DECISIONS

### Table of Contents

Agenda item	Page No.
OPENING OF THE SESSION	4
INVITATION TO NON-MEMBERS OF THE COUNCIL TO ATTEND THE SESSION	4
THE "PRESTIGE" AND OTHER INCIDENTS	4
1 ADOPTION OF THE AGENDA	4
2 REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS	4
3 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION	5
4 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS	5
5 CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE	5
6 CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE	6
7 CONSIDERATION OF:	7
(a) Reports of the Technical Co-operation Committee	7
(b) Technical Co-operation Fund: final report of the 2000-2001 programme	7
8 REPORT ON THE TWENTY-FOURTH CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE LONDON CONVENTION 1972, INCLUDING THE REPORT OF THE IMO/LC WORKING GROUP	8

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<b>Agenda item</b>	<b>Page No.</b>
9 REPORT ON THE INTERNATIONAL CONFERENCE ON THE REVISION OF THE ATHENS CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA, 1974	8
10 CONSIDERATION OF THE REINSTATEMENT OF SUMMARY RECORDS FOR DIPLOMATIC CONFERENCES	9
11 ORGANIZATIONAL REVIEW	9
12 CONSIDERATION OF THE STRATEGY AND POLICY OF THE ORGANIZATION, INCLUDING THE REPORT OF THE WORKING GROUP	9
13 PROPOSED IMO MODEL AUDIT SCHEME	10
14 ORGANIZATION AND METHOD OF WORK OF THE COUNCIL	11
15 PROPOSED COUNCIL RECOMMENDATIONS ON AMENDMENTS TO THE GUIDELINES ON ORGANIZATION AND METHOD OF WORK OF COMMITTEES	11
16 CONSIDERATION OF THE ELECTRONIC ACCESS TO CERTAIN IMO PUBLICATIONS	11
17 IMO INTERNATIONAL MARITIME LAW INSTITUTE:	12
(a) Report of the Governing Board	12
(b) Budget	12
18 PRIVILEGES AND IMMUNITIES	12
19 RESOURCE MANAGEMENT:	13
(a) Personnel matters including amendments to the Staff Regulations and Staff Rules	13
(b) Review of the final accounts and audit for the twenty-first financial period, including the report of the Working Group	13
(c) Reports on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 56 of the IMO Convention	13
(d) Work programme and budget prospects for 2002	14
20 REVIEW OF THE WORK PROGRAMME AND BUDGET FOR 2003	15

<b>Agenda item</b>	<b>Page No.</b>
21 REVIEW OF THE ORGANIZATION'S FINANCIAL FRAMEWORK IN ACCORDANCE WITH ASSEMBLY RESOLUTION A.906(22)	16
22 PROPOSED AMENDMENTS TO THE FINNCIAL RULES AND REGULATIONS	16
23 RELATIONS WITH THE UNITED NATIONS AND THE SPECIALIZED AGENCIES:	17
(a) Report on the decisions of the General Assembly of the United Nations on matters of relevance to IMO	17
(b) Co-ordination within the United Nations system	17
(c) Report on the outcome of the World Summit on Sustainable Development	17
24 JOINT INSPECTION UNIT	17
25 RELATIONS WITH INTERGOVERNMENTAL ORGANIZATIONS	18
26 RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS	18
27 REPORT ON WORLD MARITIME DAY	19
28 MEMORIAL TO SEAFARERS	19
29 APPOINTMENT OF FUTURE SECRETARIES-GENERAL:	20
(a) Review of the contract document	20
(b) Interpretation of the Rules of Procedure of the Council relating to the participation of observers	20
30 APPOINTMENT OF THE SECRETARY-GENERAL	20
31 DATE AND PLACE OF THE NEXT SESSION OF THE COUNCIL	20

## **OPENING OF THE SESSION**

The Council welcomed the additional Members who had taken up their seats on 7 November 2002, the date on which the 1993 Amendments to the IMO Convention had come into force; and received, with appreciation, a report by the Secretary-General on activities relating to maritime security, in particular those in preparation of the forthcoming SOLAS Conference.

## **INVITATION TO NON-MEMBERS OF THE COUNCIL TO ATTEND THE SESSION**

At their request, the delegations of Algeria, Belize, Benin, Bolivia, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Gabon, Gambia, Grenada, Guatemala, Iceland, Ireland, Jamaica, Liberia, Marshall Islands, Mauritius, Morocco, New Zealand, Pakistan, Peru, Portugal, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Trinidad and Tobago, Uruguay, Vanuatu, Yugoslavia and the Associate Member, Hong Kong, China, were invited to attend the session as observers.

## **THE "PRESTIGE" AND OTHER INCIDENTS**

The Council noted the statements made by several delegations regarding the **Prestige** incident, which would be reflected in the Summary Records of this session of the Council, as well as statements concerning the **Joola** and **Limburg** incidents.

**Reference document:** C 89/SR.1

### **1 ADOPTION OF THE AGENDA (agenda item 1)**

1.1 The Council approved that the first sentence of rule 39 of the Rules of Procedure should be amended to read: "Twenty-six Members of the Council shall constitute a quorum".

1.2 The Council decided to take up the items for consideration in the order in which they were listed on the agenda, except for agenda item 24, "Joint Inspection Unit", which would be dealt with at 2.30 p.m. on Tuesday 26 November 2002, when the Chairman of the JIU was expected to be present; agenda item 13, "Proposed Model Audit Scheme", which would be dealt with during the afternoon of Monday, 25 November 2002; and agenda item 11, "Organizational Review" which would be dealt with as soon as possible.

1.3 The Council decided that any urgent matters arising from the fifty-second session of the Technical Co-operation Committee which that Committee might wish to bring to the Council's urgent attention would be considered on Friday, 29 November 2002.

1.4 The Council adopted the agenda contained in document C 89/1/Rev.1.

**Reference documents:** C 89/1/Rev.1; C 89/SR.1

### **2 REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS (agenda item 2)**

2.1 The Council noted the Secretary-General's report that the credentials of delegations attending the session were in order.

**Reference documents:** C 89/2; C 89/SR.1 and SR.5

**3 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 3)**

3.1 The Council noted the information provided by the Secretary-General in document C 89/3 and in his introduction.

3.2 The Council also noted the status of replies received with regard to the application of the Cook Islands for membership of the Organization.

3.3 The Council further noted the information provided by the Secretary-General concerning the number of Member States which had accepted the 1991 amendments to the IMO Convention and the steps he had taken to encourage further acceptances in this regard. The Council commended the Secretary-General on the initiatives he had taken and urged those Member States which had not already done so, to consider accepting the 1991 amendments at the earliest possible opportunity.

**Reference documents:** C 89/3; C 89/SR.1

**4 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 4)**

4.1 The Council took note of the developments which had occurred since the eighty-eighth session of the Council in June 2002.

4.2 The Council noted with satisfaction that the conditions for the entry into force of Annex IV of MARPOL 73/78 had been met, and that Annex IV would consequently enter into force on 27 September 2003.

4.3 The Council was also pleased to note the adoption, on 1 November 2002, of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, (see also item 9).

4.4 The Council endorsed and supported the Secretary-General's continuing efforts to encourage Governments to take early action on the consideration and acceptance of the instruments to which they are not yet parties, extended its appreciation to the Secretary-General for his efforts, which have contributed immensely to these favourable developments, and urged him to maintain these efforts in the future.

**Reference documents:** C 89/4 and Add. 1; C 89/SR.1

**5 CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE (agenda item 5)**

5.1 The Council took note of the report of the Legal Committee on its eighty-fifth session, which, in accordance with article 21(b) of the IMO Convention will be transmitted, together with the comments of the Council, to Member Governments for information, and to the Assembly for consideration and action, as appropriate.

5.2 In particular, the Council noted:

- (i) the progress of the Committee's work on a draft convention on wreck removal and the request for the Secretariat to prepare a document on the mandate of the IMO to regulate the coastal State's intervention powers in the EEZ within the framework of international law, including UNCLOS;
- (ii) the Committee's decision to continue with the work on the review of the SUA Convention and the SUA Protocol and, consequently, its decision to instruct the Correspondence Group to continue its deliberations;
- (iii) the work done by the International Oil Pollution Compensation Funds (IOPC Funds) on the development of an electronic database to report contributing cargo under the HNS Convention and the further work envisaged by the HNS Correspondence Group;
- (iv) the outcome of the fourth session of the Joint IMO/ILO *ad hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, in particular the preparation of questionnaires on the implementation of Assembly resolutions A.930(22) and A.931(22); the Council also urged Members of the Organization and relevant organizations to respond to the questionnaires in order to facilitate the monitoring process;
- (v) the Committee's acceptance of the offer by the CMI to develop a questionnaire, in consultation with the IMO Secretariat, on information regarding measures to protect crews and passengers against crimes on vessels;
- (vi) the Committee's decision to examine the legal aspects of the draft Assembly resolutions on the liability aspects of places of refuge, in the event that the Maritime Safety Committee requested the Committee to do so, and the request made to the Secretariat to review, in co-operation with the CMI, the provisions of existing international instruments and national law dealing with liability and compensation and their application to places of refuge; and
- (vii) the agreement of the Committee to examine, if requested by other IMO bodies, legal issues regarding the treatment of persons rescued at sea.

**Reference documents:** C 89/5 and Add. 1; LEG 85/11; C 89/SR.1

## **6 CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE (agenda item 6)**

6.1 The Council decided to transmit the report of the Marine Environment Protection Committee on the work of its forty-eighth session, together with its comments and recommendations, to the Assembly, in accordance with Article 21(b) of the IMO Convention.

6.2 In particular, the Council:

- (i) noted that the Committee had adopted amendments to the Condition Assessment Scheme by resolution MEPC.99(48) and amendments to the 1973 Intervention Protocol by resolution MEPC.100(48);

- (ii) noted the significant progress made by the Committee in the development of the draft international convention for the control and management of ships' ballast water and sediments; approved the holding of a second intersessional meeting of the Ballast Water Working Group in the Spring of 2003; and further approved the convening of the Diplomatic Conference on Ballast Water Management in early 2004 instead of in October 2003;
- (iii) noted the progress made by the Committee in dealing with matters relating to ship recycling, prevention of air pollution from ships, OPRC-related matters, protection of Special Areas and Particularly Sensitive Sea Areas and harmful anti-fouling systems on ships;
- (iv) noted the outcome of the Committee's initial discussion on the proposed IMO Model Audit Scheme, which was considered under item 13 of the Council's agenda;
- (v) approved the holding of an intersessional meeting of the ESPH Working Group of the BLG Sub-Committee in 2003, subject to a concurrent decision by MSC 76;
- (vi) noted the Committee's approval, subject to a concurrent decision by MSC 76, of the proposed plan of 25.5 meeting weeks of the MSC and MEPC and their subsidiary bodies for the biennium 2004-2005 for inclusion in the Secretary-General's work programme and budget proposals;
- (vii) noted the recommendation of the Committee to grant consultative status to the International Marine Transit Association/Interferry (IMTA-Interferry) on a provisional basis, which was considered further under item 26 of the Council's agenda; and
- (viii) expressed its deep appreciation to the outgoing Chairman of the Committee, Mr. M. Julian of Australia, for his outstanding contribution to the work of the Organization over many years and noted the election of Mr. A. Chrysostomou of Cyprus and the re-election of Mr. G. Fernandez of Panama as Chairman and Vice-Chairman of the Committee respectively for 2003.

**Reference documents:** C 89/6, Add.1 and Add.2; MEPC 48/21; C 89/SR.2

## **7 CONSIDERATION OF: (agenda item 7)**

### **(a) Reports of the Technical Co-operation Committee (agenda item 7(a))**

7(a).1 The Council agreed with the action requested of it as indicated in paragraph 45 of document C 89/7(a) and decided that the report of the fifty-first session of the Technical Co-operation Committee would be submitted to the Assembly at its twenty-third regular session, in accordance with article 21(b) of the IMO Convention.

**Reference documents:** C 89/7(a); TC 51/11; C 89/SR.2

### **(b) Technical Co-operation Fund: final report on activities of the 2000-2001 programme (agenda item 7(b))**

7(b).1 The Council took note of the information provided in the final report on the activities of the TC Fund programme for 2000-2001, and expressed its appreciation to the Organization's

development partners and to the Secretary-General for the assistance that is being provided to the developing countries.

**Reference documents:** C 89/7(b); C 88/19; C 89/SR.2

**8 REPORT ON THE TWENTY-FOURTH CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE LONDON CONVENTION 1972, INCLUDING THE REPORT OF THE IMO/LC WORKING GROUP (agenda item 8)**

8.1 The Council noted the information set out in documents C 89/8, C 89/8/Add.1, C 89/8/1 and C 89/8/2 and in particular, decided to:

- (i) endorse the three main recommendations of the IMO/LC Working Group;
- (ii) invite the Twenty-fifth Consultative Meeting to take the necessary action to implement Recommendations Nos. 2 and 3 on technical co-operation and methods of work, respectively;
- (iii) invite the Secretary-General to report to the Council in November 2003 on the progress achieved on these recommendations;
- (iv) note the list of core services expected from the Office for the London Convention, 1972, for the activities as reflected in document C 89/8/Add.1, paragraph 4.7;
- (v) note that the Consultative Meeting considered that, in order to fulfil the responsibilities of the Secretariat, the support of at least one-and-a-half years at professional level would be required;
- (vi) note that the Consultative Meeting considered that one meeting week for the Consultative Meeting, with translation and interpretation services, and one meeting week for the Scientific Group, without translation and interpretation services, would be required annually for the biennium 2004-2005; and
- (vii) request the Secretary-General to make appropriate provision in the proposals for the Organization's budget for the period 2004-2005.

**Reference documents:** C 89/8 and Add.1; C 89/8/1; C 89/8/2; LC 24/17; IMO/LC-WG 1/6 (English only) IMO/LC-WG 2/7 (English only); C 89/SR.3

**9 REPORT ON THE INTERNATIONAL CONFERENCE ON THE REVISION OF THE ATHENS CONVENTION RELATING TO THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA, 1974 (agenda item 9)**

9.1 The Council took note of the information contained in document C 89/9/Add.1.

9.2 The Council further:

- (i) authorized the Secretary-General to perform the depositary and other functions required under the Final Act of the International Conference and under the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers



and their Luggage by Sea, 1974, as set forth in documents LEG/CONF.13/21 and LEG/CONF.13/20 respectively; and

- (ii) took note of the action requested of the Organization in each of the three Conference resolutions as set forth in document LEG/CONF.13/22 and agreed that the resolutions be referred to the Legal Committee for appropriate action.

**Reference documents:** C 89/9 and Add.1; LEG/CONF.13/20, 13/21 and 13/22; C 89/SR.3

## **10 CONSIDERATION OF THE REINSTATEMENT OF SUMMARY RECORDS FOR DIPLOMATIC CONFERENCES (agenda item 10)**

10.1 The Council was not in favour of the reinstatement of summary records for diplomatic conferences convened and funded by the Organization, in view of the budgetary implications.

**Reference documents:** C 89/10; C 89/SR.3

## **11 ORGANIZATIONAL REVIEW (agenda item 11)**

11.1 The Council:

- (i) took note of, and welcomed, the Secretary-General's very positive progress report on the Change Management Programme;
- (ii) decided to defer its decision on the merits of the offer by Brazil and the ERP system until its ninetieth session in June 2003; and
- (iii) requested the Secretariat to provide a full and detailed analysis of both systems, taking into account the comments made by delegations at this session, for consideration by the Council at its ninetieth session in June 2003.

**Reference documents:** C 89/11, Add.1 and Add.2; C 89/11/1; C 89/SR.3

## **12 CONSIDERATION OF THE STRATEGY AND POLICY OF THE ORGANIZATION, INCLUDING THE REPORT OF THE WORKING GROUP (agenda item 12)**

12.1 The Council:

- (i) took note, with appreciation, of the progress report of the Working Group and the summary of decisions provided at page 10 of the Annex to document C 89/12/Add.1;
- (ii) broadly noted the summary of decisions taken by the Group at its first meeting and agreed that the framework of the Plan should be further developed at a five-day meeting of the Group, to be convened from 31 March to 4 April 2003, and that the Group should submit a further progress report to the Council's ninetieth session;
- (iii) took note of document C 89/12/2, submitted by Brazil and asked the Working Group to consider it in depth and take appropriate action;

- (iv) agreed that document C 89/12/1, submitted by the Bahamas and Greece, be referred to MSC 77 scheduled to meet in May/June 2003, for in-depth discussion and requested that MSC 77 report to the Council at its ninetieth session on the outcome of its considerations; it further requested the Bahamas, Greece and IACS to submit documents to MSC 77 to assist in its consideration of the matter;
- (v) took note of the document submitted by Cyprus, the Philippines and ICFTU (C 89/12/3) and approved paragraph 4 of the document;
- (vi) appreciated the Secretary-General's reminder of the linkages between the Strategic Plan and the Work Programme and Budget for 2004-2005 and looked forward to the Secretary-General's proposals, for consideration at the ninetieth session of the Council in June 2003, and suggested that he prepare these proposals in accordance with past practice; and
- (vii) noted, with satisfaction, the Secretary-General's report that the linguistic considerations relating to the new theme for the Organization, namely "Safe, secure and efficient shipping on clean oceans" had been resolved and, accordingly, re-affirmed its approval of the theme to reflect the Organization's direction as evolved in the light of recent developments.

**Reference documents:** C 89/12, Add.1 and Add.2; C 89/12/1; C 89/12/2; C 89/12/3; C 89/SR.4; SR.5 and SR.6

### **13 PROPOSED IMO MODEL AUDIT SCHEME (agenda item 13)**

13.1 The Council reiterated the decisions it made at its last session, with necessary adjustments to reflect developments since then and the decisions made during this session.

13.2 The Council therefore requested:

- (i) that the MSC, at its seventy-sixth session in December 2002, give the issue preliminary consideration, including consideration of the Secretary-General's proposals in document C 89/13/Add.1, if this is possible without seriously disrupting its work schedule;
- (ii) that the MSC, at its seventy-sixth session, also consider the desirability of establishing a joint MSC/MEPC/TCC Working Group to meet during MSC 77 in May/June 2003, to consider the matter further, with terms of reference as approved by the Council in document C 89/WP.1/Rev.1;
- (iii) that the MSC, at its seventy-seventh session, consider how the details of an IMO Model Audit Scheme could be developed and advise the Council, at its ninetieth session, on those safety and security-related areas that the Committee may consider should be covered by the Scheme;
- (iv) furthermore, that the MSC, at its seventy-seventh session, submit a progress report (based on the outcome of the work of the Joint MSC/MEPC/TCC Working Group, which should be instructed to take into account the proposals in all the documents thus far submitted, including the Secretary-General's proposals in document C 89/13/Add.1 and any other submissions received by the deadline for the submission of documents to MSC 77) to the ninetieth session of the Council in

June 2003, for its consideration, and to convey any instructions and/or requests on the issue to MEPC 49; and

- (v) that TC 53, in June 2003, and MEPC 49, in July 2003, consider the matter further, each from its own perspective, and prepare a report elaborating on the instructions and/or requests of the Council, at its ninetieth session, for submission to the twenty-second extraordinary session of the Council in November 2003, for its decision on appropriate action to move the issue forward.

**Reference documents:** C 89/13 and Add.1; C 89/13/1; C 89/13/2; C 89/13/3; C 89/WP.1/Rev.1; C 88/13/2; C 88/13/3; C 88/13/4; C 89/12/2, annex 1, paragraph 4.1; C 89/SR.2. and SR.3

#### **14 ORGANIZATION AND METHOD OF WORK OF THE COUNCIL (agenda item 14)**

14.1 The Council agreed that the question of the organization and method of work should remain on its agenda and decided to set up a Working Group on this matter to meet after the Council's ninetieth session in June 2003 to prepare a preliminary set of guidelines on the method of work of the Council.

**Reference documents:** C 89/14; C 89/SR.6

#### **15 PROPOSED COUNCIL RECOMMENDATIONS ON AMENDMENTS TO THE GUIDELINES ON ORGANIZATION AND METHOD OF WORK OF COMMITTEES (agenda item 15)**

15.1 The Council considered proposals submitted by Brazil in documents C 88/29(a), C 88/29(b) and C 88/29(c) calling for amendments to the Guidelines on the organization and method of work of Committees.

15.2 The Council noted that the matters raised by Brazil in the aforementioned documents had been considered by the meeting of the Chairmen of MSC, MEPC, TCC and FAL and sub-committee Chairmen which had taken place on 15 June 2002 to review the structure of sub-committees. It further noted that the same documents would be considered in the context of MSC 76's consideration of the outcome of the June meeting and, therefore, agreed that the outcome of these considerations should be reported to the Council at its ninetieth session in June 2003.

15.3 The Council reiterated its view that the number of intersessional working groups should be restricted to the minimum necessary, and requested all Committees involved to observe strictly the implementation of the Guidelines.

**Reference documents:** C 89/15; C 88/29(a); C 88/29(b); C 88/29(c); C 89/SR.6

#### **16 CONSIDERATION OF THE ELECTRONIC ACCESS TO CERTAIN IMO PUBLICATIONS (agenda item 16)**

16.1 In the light of the Secretary-General's background report and the prospective consideration of the matter by the Technical Co-operation Committee, the Council decided to defer substantive consideration of this matter to Friday, 29 November 2002.

16.2 The Council took note of the report of the Chairman of the Technical Co-operation Committee with respect to electronic access to IMO publications.

**Reference documents:** C 89/16; C 89/SR.6

## **17 IMO INTERNATIONAL MARITIME LAW INSTITUTE (agenda item 17)**

### **(a) Report of the Governing Board (agenda item 17(a))**

17(a).1. The Council:

- (i) took note of the information contained in documents C 89/17(a) and C 88/16(a)/Add.1;
- (ii) expressed its appreciation to the Secretary-General for his continuing efforts to ensure the long-term viability of the Institute;
- (iii) expressed its appreciation to the faculty and staff for their determined and dedicated efforts to strengthen the Institute's academic and financial base;
- (iv) pledged its support to the Institute, which has commenced its fourteenth academic year, and acknowledged that it has maintained high academic standards of tuition in the field of international maritime law; and
- (v) noted that the Institute is still playing an essential role in strengthening the capacity of developing countries to implement the IMO regulations.

**Reference documents:** C 89/17(a); C 88/16(a) and Add.1; C 89/SR.6

### **(b) Budget (agenda item 17(b))**

17(b).1 The Council noted:

- (i) the information contained in document C 89/17(b) and C 88/16(b)/Add.1, as amplified by the Secretary-General in his introduction, and expressed its deep gratitude to the Government of Malta for its continuing support for the Institute and to those donors who have contributed so generously over the years and to new donors;
- (ii) that, notwithstanding the generous donations received and the considerable improvements made by the Institute and the Board of Governors to build up reserves, the long-term financial situation of the Institute is still uncertain, and urged Member States to provide the Institute with sustained financial assistance.

**Reference documents:** C 89/17(b); C 88/16(b) and Add.1; C 89/SR.6

## **18 PRIVILEGES AND IMMUNITIES (agenda item 18)**

18.1 The Council took note of the information provided in document C 89/18 and the additional information provided by the Secretary-General and expressed its appreciation to the Secretary-General, and to the former Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, for bringing this matter to a successful conclusion.

18.2 The Council agreed to inform the Assembly of the successful outcome of the matter and, as a consequence, to delete this item from its agenda.

**Reference documents:** C 89/18; C 89/SR.6

## **19 RESOURCE MANAGEMENT (agenda item 19)**

### **(a) Personnel matters including amendments to the Staff Regulations and Staff Rules (agenda item 19(a))**

19(a).1 The Council noted the information contained in document C 89/19(a) and its addendum, and that provided orally by the Secretary-General relating to Personnel matters, and approved the implementation in IMO of the decisions of the United Nations General Assembly with respect to the recommendations in the 2002 report of the International Civil Service Commission, with effect from the dates determined by the General Assembly.

**Reference documents:** C 89/19(a) and Add.1; C 89/SR.6

### **(b) Review of the final accounts and audit for the twenty-first financial period, including the report of the Working Group (agenda item 19(b))**

19(b).1 The Council expressed its gratitude to the Working Group and its Chairman for the extremely thorough job which they had performed in reviewing the Organization's accounts for the twenty-first financial period and the report of the External Auditor.

19(b).2 The Council also expressed its gratitude to the External Auditors, particularly to the Deputy Comptroller and Auditor General, Mr. P.K. Brahma, who attended the Working Group's session, together with Mr. A.K. Thakur, Minister (Audit) and Mr. S. Raman (First Secretary). The Council was highly appreciative of the Secretary-General's continued careful attention to the External Auditor's reports and for the positive way in which he helped the Working Group, which had again facilitated a satisfactory outcome.

19(b).3 The Council accordingly recommended to the twenty-third session of the Assembly, approval of the accounts of the Organization for the twenty-first financial period 2000-2001 and the accounts of IMO's transactions for 2001 as a participating and executing agency for the UNDP, together with the External Auditor's reports thereon.

**Reference documents:** C 89/19(b) and Add.1; C 88/18(b), Add.1 and Add.2; C 89/SR.6

### **(c) Reports on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 56 of the IMO Convention (agenda item 19(c))**

19(c).1 The Council:

- (i) took note of the information contained in document C 89/19(c) and its addenda and;
- (ii) took further note of the continuing arrears of some Member States, and urged all Member States and Council Members, in particular, to remit all outstanding contributions.

**Reference documents:** C 89/19(c), Add.1 and Add.2; C 89/SR.6

**(d) Work programme and budget prospects for 2002 (agenda item 19(d))**

## 19(d).1 The Council:

- (i) took note of the information contained in document C 89/19(d) and its addendum;
- (ii) noted the forecast out-turn level of expenditure for 2002 and the estimated transfers between the Major Programmes; further to the approval given by the Council at its eighty-eighth session, authorized the Secretary-General to make transfers between Major Programmes to the extent that balances are available to cover or reduce deficits in programme appropriation balances;
- (iii) noted the measures taken by the Secretary-General to finance, in 2002, the cost of the salary scale increase for General Service staff following the salary survey, and approved by the Council, as recommended by the International Civil Service Commission, including the costs of retrospection;
- (iv) approved the recommendations made by the International Civil Service Commission, with regard to the proposed salary scale increase for Professional staff, subject to approval by the UN General Assembly;
- (v) noted the measures taken by the Secretary-General to finance the cost of the new demands on safety and security arising from Assembly resolution A.924(22);
- (vi) endorsed the Secretary-General's proposal in document C 89/19(d) for a supplementary estimate for the Printing Fund to finance additional demands arising from the printing and publishing programme;
- (vii) endorsed the Secretary-General's actions in sustaining the Change Management Programme by drawing from the balances of the accumulated surpluses to meet the shortfall under the Training and Development Fund;
- (viii) noted the forecast cash position of the Organization's reserves at 31 December 2002, and agree to transfers of up to £2.9 million to the Headquarters Capital Fund and £0.2 million to the Training and Development Fund;
- (ix) noted the prospective demands on the Headquarters Capital Fund;
- (x) approved the planned capital programme for 2003, taking account of the additional expenditure required to maintain the current financial systems;
- (xi) noted that completion of the Change Management Programme would be deferred until 2006, in the light of its decision under agenda item 11;
- (xii) noted, with concern, the depletion of the Headquarters Capital Fund reserves and looked forward to the Secretary-General's proposals for future demands in the 2004-2005 biennium;
- (xiii) noted the authority given to the Secretary-General by the Assembly at its twenty-second session, in Assembly resolution A.906(22) to draw, if necessary, on the Printing Fund, the Headquarters Capital Fund, the Technical Co-

operation Fund and the Termination Benefit Fund, monies to finance the approved regular budget programme appropriations;

- (xiv) noted the comments made by several delegations with regard to the imposition of the congestion charge from 2003 by the London authorities; as reflected in the Summary Records of this session of the Council;
- (xv) urged Member States to remit their assessed contributions promptly in accordance with the Organization's Financial Regulations and Rules; and
- (xvi) noted, in the context of the Organization's obligations under the Headquarters Capital Fund, the statement by the United Kingdom representative concerning the prospective options study of the Organization's Headquarters building.

**Reference documents:** C 89/19(d), Add.1, Add.2 and Add.3; C 89/SR.6 and SR.7

## **20 REVIEW OF THE WORK PROGRAMME AND BUDGET FOR 2003 (agenda item 20)**

### 20.1 The Council:

- (i) took note of the information contained in document C 89/20 and its addendum and the conclusion of the Secretary-General's review of external pay and price factors;
- (ii) noted the Secretary-General's continuing commitment to achieve economies where possible;
- (iii) noted that the recommendation of the MEPC at its forty-eighth session to defer the Diplomatic Conference on Ballast Water Management from October 2003 to early 2004 will result in budgetary savings in 2003;
- (iv) decided on a revised distribution of the medical insurance premiums to take effect from 1 January 2003;
- (v) noted the approved staff complement and the staff turnover level required to contain expenditure within the approved appropriation;
- (vi) approved the prospective requirement for a supplementary estimate in appropriation of £514,800;
- (vii) decided that the financing of a supplementary estimate of £389,000 (after taking account of additional forecast technical co-operation support cost income of £125,800), should be made from accumulated reserves;
- (viii) noted that the Secretary-General will report to the ninetieth session of the Council on the final level of supplementary estimates required in the light of the decisions of the General Assembly;
- (ix) approved the Secretary-General's proposal in document C 89/20 for a supplementary estimate under the Printing Fund of £177,600 to finance the printing and publishing programme in 2003;

- (x) noted the authority given to the Secretary-General by the Assembly at its twenty-second session in resolution A.906(22) to draw, if necessary, on the Printing Fund, the Headquarters Capital Fund, the Technical Co-operation Fund and the Termination Benefit Fund, monies to finance the approved regular budget programme appropriations;
- (xi) decided to refer the matter of setting possible deadlines for submission of Council documents to the Working Group on the Organization and Methods of work of the Council, and requested the Secretary-General to prepare a proposal in this regard, for consideration by the Working Group; and
- (xii) urged Member States to remit their financial contributions promptly in accordance with the Organization's Financial Regulations and Rules.

**Reference documents:** C 89/20 and Add.1; C 89/SR.7

## **21 REVIEW OF THE ORGANIZATION'S FINANCIAL FRAMEWORK IN ACCORDANCE WITH ASSEMBLY RESOLUTION A.906(22) (agenda item 21)**

21.1 The Council noted the Secretary-General's advice to the Council on this matter and further noted the updated statistical analysis which he had provided.

21.2 The Council also appreciated the additional information which the Secretary-General had provided concerning the experiences of other UN Organizations regarding the effectiveness of financial incentive schemes.

21.3 The Council decided, in view of the requirements of resolution A.906(22), for the Council to report to the twenty-third session of the Assembly on this matter, to retain this item on the agenda of its ninetieth session, and invited Member States to put their proposals and suggestions forward for the consideration of the Council at its ninetieth session, as a means of concluding this issue.

**Reference documents:** C 89/21 and Add.1; C 89/SR.7

## **22 PROPOSED AMENDMENTS TO THE FINANCIAL RULES AND REGULATIONS (agenda item 22)**

22.1 The Council:

- (i) took note of the information provided by the Secretary-General in document C 89/22 and its addendum;
- (ii) approved the proposed amendment to Financial Rule 111.1.3; and
- (iii) approved the proposed terms of reference for the Internal Oversight Section to be incorporated in the Organization's Financial Regulations and Rules.

**Reference documents:** C 89/22 and Add.1; C 89/SR.7



**23 RELATIONS WITH THE UNITED NATIONS AND THE SPECIALIZED AGENCIES (agenda item 23)**

**(a) Report on the decisions of the General Assembly of the United Nations on matters of relevance to IMO (agenda item 23(a))**

23(a).1 The Council noted the information contained in the two reports and expressed its appreciation to the Secretary-General for bringing information on recent IMO activities relating to maritime security to the attention of the United Nations General Assembly and the Security Council Committee as part of the United Nations system-wide effort to combat international terrorism.

**Reference documents:** C 89/23(a); C 88/21(a); C 89/SR.7

**(b) Co-ordination within the United Nations system (agenda item 23(b))**

23(b).1 The Council noted the information provided by the Secretary-General in document C 89/23(b)/Add.1, as well as that provided in the previous document C 88/21(b)/Add.1, that was deferred for consideration by the Council at its eighty-eighth session, as amplified in his presentation.

23(b).2 Regarding the up-dating of the study submitted in document C 89/23(b)/1. the Council recommended to the various organs and bodies of the Organization to keep it in mind as a reference document in the context of their work.

**Reference documents:** C 89/23(b) and Add.1; C 89/23(b)/1; C 88/21(b) and Add.1; C 89/SR.7

**(c) Report on the outcome of the World Summit on Sustainable Development (agenda item 23(c))**

23(c).1 The Council took note of the information provided in the report of the World Summit on Sustainable Development and requested the Secretariat, MSC, MEPC and TCC to take into account the relevant paragraphs of the Plan of Implementation in their respective activities.

**Reference documents:** C 89/23(c) and Add.1; C 89/SR.7

**24 JOINT INSPECTION UNIT (agenda item 24)**

24.1 The Council:

- (i) took note of the information provided by the Chairman of the Joint Inspection Unit, Inspector S. Kuyama, in his presentation and by the Secretary-General in documents C 88/22 and C 89/24; and
- (ii) endorsed the comments made by the Secretary-General on the four reports of the Joint Inspection Unit, namely, "Strengthening the Investigations Function in United Nations System Organizations", "United Nations System Support for Science and Technology in Latin America and the Caribbean", "Enhancing Governance Oversight Role: Structure, Working Methods and Practices on Handling Oversight Reports" and "Involvement of Civil Society Organizations other than NGOs and the Private Sector in Technical Co-operation Activities: Experience and Prospects of the United Nations System".

**Reference documents:** C 89/24; C 88/22; C 89/SR.4

## **25 RELATIONS WITH INTERGOVERNMENTAL ORGANIZATIONS (agenda item 25)**

25.1 The Council decided:

- (i) to express its appreciation to the Secretary-General for his clarification on the existing arrangement for co-operation with the World Customs Organization (WCO), which had been in force since 1963;
- (ii) to endorse his approach to the Secretary-General of WCO regarding co-operation on maritime security matters; and
- (iii) to note with satisfaction the conclusion of the Memorandum of Understanding between IMO and WCO.

25.2 The Council approved the proposed Agreements of Co-operation with the Secretariat of the Pacific Community (SPC) and the Port Management Association of West and Central Africa (PMAWCA), which will be submitted to the Assembly for consideration and approval at its twenty-third session in 2003. In accordance with the practice in respect of previous agreements, the SPC and PMAWCA will be extended the privileges and facilities envisaged in the Agreements on a provisional basis pending the decisions of the Assembly. These privileges will be withdrawn if the Agreements are not approved by the Assembly.

25.3 The Council took note of the information provided by the Secretary-General in document C 89/25/Add.1, as amplified in his presentation, regarding the Agreements of Co-operation with the International Oil Pollution Compensation Fund (1971 Fund) and the Organization of African Unity (OAU).

**Reference documents:** C 89/25 and Add.1; C 88/23 and Add.1; C 89/SR.7

## **26 RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS (agenda item 26)**

26.1 Regarding the application for consultative status from the International Marine Transit Association/Interferry (IMTA-Interferry), the Council noted the information provided by the Secretary-General that the Council would be able to take a decision only at its ninetieth session in June 2003, when the views of the MSC would be available for its consideration.

26.2 The Council:

- (i) noted the receipt of communications from Turkey and Greece regarding the boarding and occupation by Greenpeace International activists of the Greek Oil Tanker **Crude Dio** outside the Turkish territorial sea off the northern entrance to the Strait of Istanbul on 4 July 2002;
- (ii) noted the views of Greenpeace International on this matter, as well as on the incident involving BNFL ships in the Tasman Sea;
- (iii) noted the views expressed by Members of the Council, reiterating the necessity for Greenpeace International to comply with the international regulations concerning the safety of navigation and, in particular, collisions at sea and requested the Secretariat to monitor the activities of Greenpeace; and

- (iv) decided to review this matter at the next periodic review of non-governmental organizations to be held at its ninetieth session in June 2003.

**Reference documents:** C 89/26 and Add.1; C 89/SR.7

## **27 REPORT ON WORLD MARITIME DAY 2002 (agenda item 27)**

27.1 The Council took note of the fact that World Maritime Day celebrated its twenty-fifth anniversary in 2002 and that it was a tremendous success and extended its appreciation to the Secretary-General for the excellent arrangements made by him to mark the Day.

27.2 The Council also noted, in particular, the very worthwhile contributions which various Member Governments and organizations made to the success of the Day, by the attendance of their representatives at the function held at IMO Headquarters on 26 September 2002, the special events organized by them, and through the kind messages sent to the Secretary-General on the occasion. The Council joined the Secretary-General in expressing gratitude to these Governments and organizations.

27.3 With regard to World Maritime Day 2003, the Council noted the Secretary-General's proposal that the theme for the Day should be:

“IMO: Committed people working for safe, secure and clean seas”.

and approved that the theme for World Maritime Day 2003 will be as proposed.

27.4 The Council authorized the Secretary-General to make the necessary arrangements for the celebration of the Day, in accordance with the practice approved by the Council and the Assembly.

**Reference documents:** C 89/27 and Add.1; C 89/SR.7

## **28 MEMORIAL TO SEAFARERS (agenda item 28)**

28.1 The Council noted the information provided in document C 89/28, as amplified by the Secretary-General, on the successful completion of the Memorial project, which marked the accomplishment of the first objective set by the Seafarers' Memorial Trust Fund, and decided that it should now move to the implementation of the second objective, namely the establishment of a chair on maritime safety and marine pollution prevention at the World Maritime University. A good start had been made, but more funds needed to be secured. The Council therefore encouraged all those entities already approached, or to be approached by the Secretary-General, to contribute generously, so that the accomplishment of the new objective could be achieved as early as possible.

28.2 The Council congratulated the Secretary-General for his ceaseless efforts to bring the entire project to fruition and invited him to continue promoting the Seafarers Memorial Trust Fund scheme and report on developments to the next session of the Council.

**Reference documents:** C 89/28; C 89/SR.7

**29 APPOINTMENT OF FUTURE SECRETARIES-GENERAL (agenda item 29)**

**(a) Review of the contract document (agenda item 29(a))**

29(a).1 The Council decided to defer this matter until its ninetieth session in June 2003.

**Reference documents:** C 89/29(a); C 88/27(a); C 89/SR.8

**(b) Interpretation of the Rules of Procedure of the Council relating to the participation of observers (agenda item 29(b))**

29(b).1 In the light of comments, the Council decided that observer Member States invited to participate in the Council under Rule 4 of the Council's Rules of Procedure would be allowed to participate as observers also at meetings considering matters in connection with the appointment of the Secretary-General.

**Reference documents:** C 89/29(b); C 88/27(b); C 89/SR.8

**30 APPOINTMENT OF THE SECRETARY-GENERAL (agenda item 30)**

30.1 The Council decided that the procedures which were followed in 1988 should continue to be followed, as set out in paragraph 4 of document C 89/30, with the final date for submission of candidacies being 31 March 2003.

30.2 The Council further decided that candidates should be nominated by Member States.

30.3 The Council instructed the Secretary-General to issue the relevant communications to Member States.

**Reference documents:** C 89/30; C 89/SR.8

**31 DATE AND PLACE OF THE NEXT SESSION OF THE COUNCIL (agenda item 31)**

31.1 The Council decided, in the light of the suggestions made by the Secretary-General, that its ninetieth session would be held from 16 to 20 June 2003.

**Reference documents:** C 89/31; C 89/SR.8

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