SUMMARY RECORD OF THE SEVENTH PLENARY MEETING

held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR on Thursday, 24 November 2005 at 2.30 p.m.

President: Mr. ZHA PEIXIN (China)
Secretary-General: Mr. E.E. MITROPOULOS

A list of participants is given in document A 24/INF.1

N.B. Corrections to the summary record should be submitted in writing, preferably on a copy of the summary record, to the Conference Division, IMO Secretariat, 4 Albert Embankment, London SE1 7SR not later than 7 April 2006.

Corrections to all summary records of the session will be issued in a consolidated corrigendum.
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AGENDA ITEM 14 – CONSIDERATION OF PROPOSED AMENDMENTS TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966
(A 24/14; A 24/14/1)

The SECRETARY-GENERAL introduced document A 24/14, which referred to the adoption by the MSC, at its seventy-ninth session, of amendments to the certificates contained in Annex III to the 1966 Load Lines Convention to include the date of completion of the survey on which the certificates were based. The amendments, together with an associated draft Assembly resolution, were set out in the annex to the document. In accordance with article 29 of the Convention, the text of the amendments had been communicated to all Members of the Organization and Contracting Governments to the Convention for consideration, with a view to adoption at the current session of the Assembly. In accordance with the same article of the Convention, the amendments, if adopted by the Assembly, would come into force 12 months after the date on which they had been accepted by two thirds of the Contracting Governments. The Assembly was therefore invited to consider, with a view to adoption, the proposed amendments to the 1966 Load Lines Convention.

Document A 24/14/1 contained information on the application of the unanimous acceptance procedure specified in the 1966 LL Convention. The MSC, at its eightieth session, had considered a submission by its Chairman outlining the application of the unanimous acceptance procedure for amendments to the Convention and proposing action the Assembly might take in that respect. Since it was for the Assembly to adopt the proposed amendments to the Convention, MSC 80 had instructed the Secretariat to forward the information provided in paragraphs 5 to 9 of the Chairman’s document to the Assembly for consideration, in conjunction with the amendments proposed for adoption at the current session; a summary of those paragraphs was provided in paragraph 2 of document A 24/14/1. The Assembly was invited to consider the substance of the proposals of the MSC chairman and take action as it deemed appropriate.

Mr. ALLAN (United Kingdom), speaking as Chairman of the MSC, said that all five sets of amendments to the 1966 LL Convention adopted so far (the first going back to 1971) had been adopted by applying the procedure specified in article 29(3) of the Convention, i.e. amendment after consideration in the Organization. None of them had yet entered into force, however, and their substance had eventually been included in the 1988 LL Protocol. When submitting his proposals to MSC 80, he had wished the Committee and the Assembly to be aware of the alternative procedure specified in the LL Convention, namely the unanimous acceptance procedure – so far never used – so that a well-informed decision could be taken by the two IMO bodies concerned in bringing the amendments into force.

Whatever procedure was decided upon, pending entry into force of the amendments to the LL Convention, the Contracting Governments to the Convention could, in accordance with resolution A.883(21) on Global and Uniform Implementation of the Harmonized System of Survey and Certification (HSSC), issue the Load Line certificates as contained in the 1988 LL Protocol, which included requirements identical to the earlier amendments, once the amendments to that Protocol had entered into force.

The PRESIDENT proposed that documents A 24/14 and A 24/14/1 should be referred to Committee 2 for detailed consideration.

It was so decided.
AGENDA ITEM 16 – CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972: REPORT ON THE PERFORMANCE OF SECRETARIAT FUNCTIONS AND OTHER DUTIES (A 24/16 and Add.1)

The SECRETARY-GENERAL introduced the reports on the work carried out by the Consultative Meeting of Contracting Parties to the 1972 London Convention and by its subsidiary bodies, as set out in document A 24/16 and its addendum, which reflected activities and achievements since the previous session of the Assembly. The reporting period covered two sessions of the Consultative Meeting and the Scientific Group, which had focused on six subjects: preparation for the entry into force of the London Protocol; compliance issues; CO$_2$ sequestration in geological structures; co-operation with the MEPC; technical co-operation and assistance; and outreach activities.

Entry into force of the London Protocol was expected in 2006 or 2007. The Consultative Meeting had continued with the development of compliance procedures and mechanisms under the Protocol, and had completed emergency procedures and criteria following incorporation of advice from the MSC on the safety risks to vessels.

With regard to compliance issues, the Consultative Meeting had reviewed the implementation of the short- and long-term strategy to improve reporting under the London Convention, and had adopted the Electronic Form for Annual Reporting on Dumping Operations at Sea, for use on a trial basis. It had also agreed that the Chairman of the Consultative Meeting should continue communicating with the competent ministers of Contracting Parties that had not reported in the last five years, asking them to do so and offering assistance should they have encountered difficulties in meeting the reporting requirements under the Convention.

The Consultative Meeting had reviewed an interim technical report which showed that capture and storage of CO$_2$ in geological structures was technically feasible but that there were gaps in knowledge related to possible impacts on the marine environment, and in technology, such as monitoring techniques. Further work was needed to bridge those gaps. The Meeting had also reviewed an analysis of the views of Contracting Parties concerning the compatibility of CO$_2$ sequestration with the London Convention and Protocol, which was aimed at helping to structure discussions so as to focus on the most pertinent legal issues and to identify the various views and scope for common agreement. The Meeting had, inter alia, agreed that the London Convention and Protocol were the appropriate global instruments for examining the implications of CO$_2$ sequestration in sub-seabed geological structures for the marine environment. Further, it had decided that it was desirable to consider options for facilitating and/or regulating CO$_2$ sequestration, including clarification (and, if appropriate, amendment) of the Protocol and the Convention.

With regard to co-operation with the MEPC, the Consultative Meeting had reviewed the MEPC’s response to its request for collaboration and help in clarifying two boundary issues between MARPOL and the London Convention and Protocol concerning ‘dumping’ versus ‘discharges’ during normal operations of ships, and in the promotion of good waste management when dealing with spilt cargoes. The Meeting had approved the establishment of a Joint London Convention/MEPC Correspondence Group, with terms of reference and organizational arrangements as proposed by MEPC 53, and had agreed to apply a pragmatic approach to the collaboration.

In the area of technical co-operation and assistance, the Consultative Meeting had reviewed, inter alia, the outcome of and follow-up activities for the IMO/UNEP/NEPAD Workshop on Marine Pollution Prevention and Environmental Management in Ports in Eastern Africa held in Mombasa, Kenya, in April 2004. A similar workshop was being prepared for
Marine Pollution Prevention and Environmental Management in East Asia, to be held in Dalian, China, from 29 May to 2 June 2006.

Finally, the Consultative Meeting had concluded that, in view of the slow pace of ratification, concerted outreach activities were required to raise the profile of the London Protocol. It had instructed the Secretariat to prepare a compilation of the guidelines developed under the London Convention since 1997 as an IMO publication in 2006, and had stressed the importance of promoting membership to the Protocol through the many related regional conventions and agreements.

The PRESIDENT proposed that document A 24/16 and its addendum should be referred to Committee 2 for detailed consideration.

It was so decided.

AGENDA ITEM 18 – STRATEGY AND PLANNING:

(a) REVIEW OF THE STRATEGIC PLAN OF THE ORGANIZATION (A 24/18(a) and Add.1)

The SECRETARY-GENERAL introduced document A 24/18(a) and its addendum, which reported on the Council’s work on the review of the Organization’s strategic plan. At its twenty-third regular session, the Assembly had adopted the Organization’s first strategic plan, as resolution A.944(23), covering the six-year period 2004-2010. The resolution directed the Council and the Secretary-General, as appropriate, to establish the necessary monitoring mechanism to review progress made under the plan and to report to the current session of the Assembly.

The Council, at its ninety-second session in June 2004, had considered the first set of data collected and collated by the Secretariat against the performance indicators in the strategic plan and decided to reconvene its ad hoc working group for a fourth session, instructing it to review the data and consider their usefulness in monitoring the Organization’s performance, and to consider how the Organization’s performance should best be monitored. It had also instructed the working group to consider the recommendations of the TCC on the performance indicators relating to the Organization’s technical co-operation activities, review the Organization’s long-term work plan in the context of the development of high-level action plans and the prioritization of areas of work and consider the relationship between programme budgets and the Organization’s strategic objectives. In addition, the Council had instructed the Secretariat to prepare draft proposals on the link between the work programmes and agendas, high-level action plans and priorities and the Organization’s strategic objectives, and to prepare preliminary proposals on the relationship between programme budgets and the strategic objectives on the basis of the existing programme structure and a revised structure, for consideration by the ad hoc working group.

At its ninety-third session in November 2004, the Council had received the report of the fourth session of its ad hoc working group. It had endorsed the working group’s decisions on amendments to the performance indicators, and had requested him to study how the Secretariat’s statistical analysis skills might be augmented and to report to the ninety-fourth session of the Council. The Council had adopted a draft high-level action plan for the period 2006-2009 and had instructed the Secretariat to forward it to the committees for consideration. It had endorsed the working group’s view that the high-level action plan should not unduly constrain the work of the committees and the group’s decision that, should future planning work show that the high-level action plan did not add value to the planning process, the Council should consider its discontinuation.
At its ninety-fourth session, the Council had reviewed the second set of data collected and collated against the performance indicators, and had instructed the Secretariat to prepare an analysis of the data to aid the working group in its review of the strategic plan, the high-level action plan and biennium priorities.

At its twenty-third extraordinary session, the Council had considered the report of the fifth session of its ad hoc working group. It had instructed the Secretariat to make proposals on a number of performance indicators and had concurred with the group’s recommendations for other indicators. It had also instructed the Secretariat to consider further the availability of statistics for monitoring the strategic direction related to the impact of shipping on the environment. It had agreed to bring certain issues identified by the working group to the attention of the committees in the context of setting priorities for their work during the next biennium. The Council had also approved a revised strategic plan for the period 2006-2011 and the related draft Assembly resolution, which was contained in the annex to document A 24/18(a)/Add.1.

Mr. LEE (Singapore), commending the achievements of the ad hoc working group, welcomed the progress made in aligning the work plans of the committees with the strategic plan, thereby ensuring a more co-ordinated planning process. Shaping the work of the Organization was a collective responsibility and it was therefore encouraging to see the increase in the number of participants at recent working group meetings. Singapore welcomed the comprehensive and holistic approach shown in the strategic plan. It had participated actively in the planning process and looked forward to the increasing involvement of Member States in future planning work.

Mr. JINGLU HU (China) expressed appreciation to the ad hoc working group. Referring to table 1 of the annex to document A 24/18(a)/Add.1, he requested clarification concerning the inclusion of CO₂ under indicator 9(b), since there was currently no IMO instrument on CO₂. China supported the draft resolution in principle and reserved detailed comments for the Committee discussions.

The SECRETARY-GENERAL explained that CO₂ had been included in indicator 9(b) in square brackets pending the availability of an appropriate IMO instrument.

Ms. MOLINA (Venezuela), endorsing the documents in principle, commended the strategic plan, which should enable IMO to define its medium- and long-term priorities and the actions needed to meet changing realities. However, the links between the strategic plan and the IMO programme budget should be clarified. The indicators should be refined further in order to increase their reliability. In addition, the Secretariat should prepare a list of indicators describing their character and identifying sources, methods of calculation, purpose, etc., which would make it easier to understand the pertinence of the data collected. She asked whether it would be possible to provide interpretation services for the meetings of the ad hoc working group, which would encourage greater participation by Member States.

In reply, the SECRETARY-GENERAL said that the new structure of the budget was designed to establish strong links with the strategic plan. He agreed that a list of indicators would be useful and would look into the possibility of preparing such a document. Regarding the provision of interpretation services for meetings of the ad hoc working group, he said that the cost for interpretation in six languages for a full week of meetings was around £20,000. No provision for such expenditure had been made in the budget for any of the working groups. Should the Assembly decide that interpretation should be provided, the Secretariat would have to see how the cost could be accommodated.
Mr. TSANTZALOS (Greece) said that Greece had supported the development of the strategic plan since the outset as a necessary vehicle for outlining the Organization’s strategic directions and objectives. Thanks to the efforts of the ad hoc working group, considerable progress had been achieved during the biennium, with the formulation of new concrete proposals for the strategic plan and the high-level action plan. IMO faced many complex and interrelated challenges, so that the accomplishment of its mission was becoming more difficult and required constant efforts by Member States and the Secretariat. Greece endorsed the proposed broad categories of strategic directions and the performance indicators, and supported the draft resolution.

Mr. CHRYSTOSMOUTH (Cyprus) expressed appreciation to all those who had participated in the ad hoc working group, in particular its chairman. Cyprus was satisfied with the outcome and endorsed the views of the working group that the high-level action plan should not constrain the work of the committees. Similarly, the work of the committees should not constrain the implementation of the strategic plan. The committees should therefore be instructed to take the strategic plan as their basic document and to align their programmes and work plans with the plan. He hoped that the Assembly would agree with the suggestion made by Cyprus at the recent extraordinary session of the Council that the Council should consider the matter at its next regular session and instruct the committees accordingly.

Mr. PONNUSSAMY (Mauritius) commended the ad hoc working group on its achievements. He requested further information on the action to be undertaken to achieve the strengthening of the role of women in the maritime sector, which was a stated objective of the high-level action plan and should be given due attention.

Mr. GASC (France) stressed the importance of the work undertaken by the Council and its ad hoc working group in relation to the strategic plan, a reflection of the attention being given by the Council to its responsibilities in defining the policies and strategies of the Organization. Such actions would help to support the Secretary-General in his mission. He agreed that the strategic plan should serve as a guide for the activities of the committees. However, it was important to maintain flexibility so that the Organization could cope with unexpected challenges and situations. The strategic plan should serve as a framework and tool to support the Organization’s actions but it should never be a brake on activities.

The SECRETARY-GENERAL said he saw no problem with the proposal by Cyprus that any constraints between the high-level action plan and the work of the committees, or vice versa, should be avoided.

On the issue of gender equality raised by Mauritius in the context of paragraph 3.4.2 of the high-level action plan (strengthening the role of women in the maritime sector), he pointed out that IMO acted under the instructions of the United Nations as far as the percentage of women in the Secretariat was concerned. The issue had been raised at the recent 2005 World Summit, at which the Organization had been called on to ensure as high a proportion of women as possible in the maritime sector.

He fully agreed with the point made by France on the need for flexibility in order to be able to respond to contingencies as they arose.

Mr. POLDERMAN (Netherlands) fully supported all the statements made on the strategic plan, the high-level action plan, and the role of the ad hoc working group in the process. He also endorsed the proposal by Cyprus that the Council be asked to instruct the committees to use the strategic plan and high-level action plan as a basis for their work, provided that the Council retained the authority to decide on any amendments to the plans.
The PRESIDENT said that taking into account comments made and the explanation by the Secretary-General, he took it that the Assembly wished to adopt the draft resolution annexed to document A 24/18(a)/Add.1.

It was so decided.

The SECRETARY-GENERAL said he took it that, in order to save time, the Assembly would have no objection to requesting the Council which was to meet the following week to endorse the Cyprus proposal, namely that it should ask those committees which would meet between now and its June session (the Legal Committee, the MSC and MEPC) to begin implementing the provisions of the resolution in their work.

It was so decided.

(b) HIGH-LEVEL ACTION PLAN AND BIENNium PRIORITIES (A 24/18(b) and Add.1)

The SECRETARY-GENERAL noted that, as had been the case in previous long-term work plans adopted by the Assembly, the long-term work plan adopted at the twenty-third regular session as resolution A.943(23), was comprised of an indicative list of subjects which were to be considered by the committees. The list of subjects was not exhaustive, and was divided into those which were general in scope and those which were more specific to the committees concerned. It had been the practice for the Secretary-General to report to the Assembly on progress made by the committees against the indicative list of subjects. The work done by the Council and by each of the Organization’s committees over the preceding biennium was also reported separately to the Assembly.

The Council had tasked its ad hoc working group with reviewing the Organization’s long-term work plan in the context of the development of high-level action plans and the prioritization of areas of work, reviewing the data measured against the agreed performance indicators, and making proposals on the relationship between the strategic plan and other relevant plans and programmes. On the basis of the conclusions and recommendations of its ad hoc working group, the Council had adopted a draft high-level action plan and instructed the Secretariat to forward it to the committees for consideration, endorsed the ad hoc working group’s decision that priorities should be outcome-based and be agreed by the Council on the basis of proposals made by the committees, and had also agreed, in the light of those developments, that the existing long-term work plan should be discontinued.

As the Assembly was invited to adopt an updated strategic plan at the current session, as well as the related high-level action plan and the associated outcome-based priorities for the committees for the next biennium, the list of indicative subjects in the long-term work plan was no longer applicable. That had called into question the need to report progress to the Assembly on the indicative subjects listed in the long-term work plan adopted by the Assembly at its previous session, particularly since there was duplication and overlap between the report on progress against the indicative list of subjects in the long-term work plan (which comprised the work done by the committees), and the separate reports on the work of the Organization made by the Council (under agenda item 8) and by the individual committees (under agenda items 9, 10, 11, 12 and 13).

In the light of the Organization’s aim to address the issue of the increasing number and size of documents at its meetings, and in the light of the prospective adoption by the Assembly of a revised strategic plan, a high-level action plan and biennial priorities against which future, more pertinent reports would be made, no report on progress against the list of indicative subjects in the long-term work plan had been prepared for the current session of the Assembly.
At its twenty-third extraordinary session the Council had considered the report of the fifth intersessional meeting of the Ad Hoc Working Group on the Organization’s Strategic Plan. In relation to its consideration of the high-level action plan and prioritized committee output for the 2006-2007 biennium, it had concurred with the working group’s recommendations on high-level actions, agreed to bring additional outputs to the attention of the committees, urging them to set aside sufficient time at their future sessions for considering the high-level actions and their associated priorities for the next biennium in order to ensure that they both accurately and concisely described their planned activities, and approved revised reporting arrangements in the light of adoption of the strategic plan.

The twenty-third extraordinary session had also approved a draft high-level action plan and priorities for the 2006-2007 biennium and a related Assembly resolution, which was attached at annex to document A 24/18(b)/Add.1 for consideration and adoption by the Assembly.

The PRESIDENT, noting that there were no comments, proposed that document A 24/18(b)/Add.1 should be referred to Committees 1 and 2 for detailed consideration.

It was so decided.

AGENDA ITEM 19 – VOLUNTARY IMO MEMBER STATE AUDIT SCHEME (A 24/19 and Add.1)

The SECRETARY-GENERAL said that document A 24/19 and its addendum reported on the Council’s work on the development of the Voluntary IMO Member State Audit Scheme and on consideration of the matter by the MSC, MEPC and TCC at the request of the Council.

Following the adoption by the twenty-third regular session of the Assembly of resolution A.946(23) on Voluntary IMO Member State Audit Scheme, which amongst other things endorsed the Council’s decision on the development of the scheme, the Council’s correspondence group had continued its work on the development of the documentation of the scheme and had reported to the second and third sessions of the Ad Hoc Joint MSC/MEPC/TCC Working Group.

At its ninety-second session held in June 2004 the Council had considered the report of the second session of the joint working group which had met in March of that year. In addition to noting the progress made on the development of the documentation for the scheme, the Council had approved a proposal by the joint working group for pilot audits to be carried out by interested Member States to test the adequacy of the documentation developed so far, and for the outcome of such pilot audits to be considered by the correspondence group and the joint working group in the further development of the documentation for the scheme.

In that regard, Cyprus, the Marshall Islands and the United Kingdom on the one hand, and France, the Islamic Republic of Iran and Singapore on the other, had collaborated in forming two pilot audit groups. The outcome of both pilot audits had been positive and the recommendations emanating from them had been taken into account in the further development of the documentation for the scheme.

The third session of the Joint Working Group had been held in March that year. The report of that meeting had been considered by the Council at its ninety-fourth session, which had taken into account comments and recommendations on the report by MSC 80 and TCC 55. MEPC 53 had considered the report of the group, and its comments and recommendations had been considered at the twenty-third extraordinary session of the Council the previous week, as reported in document A 24/19/Add.1.
The successful completion of the work by the joint working group, under the auspices of the Council, with input from the MSC, MEPC and TCC, was the culmination of three years of work since the Council at its eighty-eighth session in June 2002 had considered a proposal jointly submitted by 19 Members calling for an IMO audit scheme. The outcome of that concerted effort was a remarkable achievement, and due credit should be given to all those who participated for the spirit of co-operation they had shown. The completed documentation for the audit scheme, which included the Framework and its appendices, the Procedures and its appendices, and the associated draft Assembly resolution, was annexed to document A 24/19.

On policy issues, the Council at its ninety-third session had taken a number of decisions, amongst which was the issue of the languages to be used for the scheme. It had decided that audits should be conducted in one of the six official languages of the Organization and that, where possible, one member of the audit team should have knowledge of the official language of the Member State being audited. In cases where the latter was not possible, the Member State concerned would provide interpretation. Furthermore, audit summary reports (though not the audit reports themselves) would be produced in all six official languages of the Organization for circulation to all Member States.

At its ninety-fourth session, the Council, based on the recommendation of MSC 80, had deleted the words “security” and “recognized security organizations” from the framework document, and had noted the decision of MSC 80 to develop, at an appropriate time, suitable provisions for the eventual inclusion of other safety and security-related issues in the scheme. A number of other policy decisions made by the Council had been reflected in the documentation for the scheme.

Concurrent with its work on the development of documentation for the scheme, the Council, at its ninety-third and ninety-fourth sessions, had considered submissions on the operational cost estimates associated with the responsibilities assigned to the Secretary-General under the framework of the scheme, both for Secretariat resources and for the conduct of audit visits. In its consideration of the matter, the Council had endorsed the assumptions he had made in arriving at the various cost estimates. In so doing, the Council had requested that he include in his budget proposals for the biennium 2006-2007 the anticipated cost of Secretariat resources associated with the scheme, which he had done under agenda item 20(d).

To enable the scheme to be successfully implemented, the Council had noted that a reasonable pool of trained auditors should be developed by mid-2006, based on Member States nominating qualified auditors for training under the scheme. The Council had also noted that a proposed technical co-operation programme for the scheme, which included the training of auditors, had been included in the ITCP for the 2006-2007 biennium. It had also been recognized that for audits to commence, Member States would have to volunteer for them, and thus for planning purposes 31 March 2006 had been established as the cut-off date from which the initial IMO audit plan would be developed based on the number of Member States that had volunteered for audits by that date. Member States volunteering for audits after that date would be added to subsequently updated audit plans.

On the basis of those assumptions, it had been estimated that about 25 audits could be undertaken during the next biennium at an estimated operational cost of £337,500 for the audit visits. The Council, in endorsing that estimate, had agreed that the operational cost of an audit visit, which included air tickets and DSA for the audit team, should be financed by the Member State volunteering to be audited.
To ensure successful progression towards full implementation of the scheme, the Assembly should note that the training course material for auditors had been developed, and would be finalized taking into account any changes to draft documentation for the scheme to be adopted by the Assembly. In that connection, the Minister for Development of Spain had presented him with the Spanish version of the training course material, for which he was most grateful. The Assembly should also note that the first auditors’ training course had been held in September of that year in Ljubljana, Slovenia, for the CIS and the European region, and he expressed his appreciation to the Slovenian Government for hosting that course. Lastly, the Council, at its twenty-third extraordinary session the previous week, had considered and approved a draft Assembly resolution on “Future development of the Voluntary IMO Member State Audit Scheme”, which was annexed to document A 24/19/Add.1.

The success of the work so far on the development of the scheme had to be managed and conscientiously progressed. He expressed his appreciation and thanks to the Council in general, and in particular to Mr. Kilvington (New Zealand), Chairman of the joint working group, Mr. Rasmussen (Denmark), Co-ordinator of the Correspondence Group, and Mr. Barchue and other members of the Secretariat involved for their work on, and commitment to, the development of the documentation for the audit scheme.

Mr. OLIMBO (Italy) said he supported adoption of the draft resolution.

Mr. MARTÍNEZ (Chile) said the voluntary audit scheme was in line with the objectives of the Organization, and he supported its implementation. Countries needed an effective instrument for the control of vessels flying their flag, since unsafe vessels were the source of many accidents. Chile had indicated its willingness to be subject to voluntary audit, which would help it improve the effectiveness of its procedures.

Ms. PUI HOON ONG (Singapore) joined in endorsing the draft resolution. She reiterated Singapore’s continued support for the scheme, which would help to ensure compliance with IMO instruments, thus contributing to maritime safety and marine environmental protection at global level. She was glad to see that the framework included provision for technical assistance for those Member States in need of it. Singapore would continue to work towards the success of the scheme.

Mr. NAGAMATSU (Japan) recalled that the idea of the audit scheme had first been put forward at the Ministerial Conference on Transport held in Tokyo in 2002, and Japan had actively participated in its establishment. Technical co-operation was an important element of the scheme, since capacity building should lead to improved implementation of IMO instruments.

Japan was currently preparing to be audited the following year, and fully supported the draft resolution.

Mr. YEANG-JUN JANG (Republic of Korea) agreed that the scheme would contribute to the promotion of maritime safety and marine environmental protection, and fully supported adoption of the draft resolution.

Mr. SADLER (United Kingdom) also supported the draft resolution as worded. The United Kingdom had already volunteered to be audited in the first round, and would be contributing to funding the training of auditors. It would also be nominating two trained auditors for the IMO pool, and would urge other Member States in a position to do so to follow suit as soon as possible.

Ms. MPOFU (South Africa) confirmed her government’s readiness to submit to the audit process, which it believed would help it to achieve better compliance with IMO conventions. It was also ready to assist by sending candidates for audit training.
Mr. CASTRO RIVAS (Argentina) also supported implementation of the scheme, which should be kept within the context of the United Nations Convention on the Law of the Sea, 1982.

Mr. SHIREEN (Egypt) supported the draft resolution in principle. Egypt had volunteered to be listed for audit as soon as possible, and he informed the Assembly that regional training courses were to begin in July 2006 in Alexandria.

He suggested that instead of leaving it to individual Member States to decide the syllabus for those training courses, there should be a single agreed syllabus, to ensure that all participants achieved the same standard. Secondly, it might be useful to include in the draft resolution other formats used in the audit process.

He asked why the Facilitation Convention had not been included in the list of mandatory instruments in paragraph 7.2.1 of annex 1 to document A 24/19. It was important to ensure that that convention was being implemented correctly, since facilitation of trade was one of the objectives of IMO.

Mr. GHOLIZADEH (Islamic Republic of Iran) said the audit scheme would undoubtedly help Member States better to implement IMO mandatory instruments. He endorsed the draft resolution, and considered that a trust fund for implementation of the scheme should be established as soon as possible.

Mr. FRANSON (Sweden) fully supported adoption of the draft resolution and annexes set out in document A 24/19. Sweden would certainly be among those Member States requesting an audit, since although it had a mature maritime safety administration, all such administrations had operated to some extent in isolation, and the audit would help them improve their performance.

Mr. BELL (Bahamas) also supported the draft resolution. He welcomed the comprehensive nature of the audit scheme, which covered not only flag State, but also port State and coastal State responsibilities. The Bahamas intended to apply for audit early in the New Year.

The SECRETARY-GENERAL, replying to the questions raised by Egypt, said the auditors training course was standard for all auditor training under the scheme. The committees and the Council had agreed that for the time being paragraph 7.2.1 should be limited to the nine conventions listed, but others, such as FAL, might be added at a later stage.

Mr. TSANTZALOS (Greece) said Greece was satisfied with the work done so far and the course of action proposed. The proposed strategy for the audit scheme, including capacity building, was well balanced and gave a clear picture of the target to be pursued. The procedures to be followed provided a workable framework for the conduct of audits.

Given the delicate nature of the audit process, he stressed the need for the audit team to achieve the highest standards of objectivity, impartiality and confidentiality.

He fully supported the draft resolution contained in document A 24/19.

Ms. PIRC (Germany) supported the draft resolution.

Mr. SUAZO (Philippines) also fully supported the draft resolution and said that the Philippines was ready to volunteer for audit in accordance with the framework and procedures under the draft resolution.
Mrs. SOTOMAYOR (Peru) joined previous speakers in supporting the draft resolution, which she said would contribute to the proper implementation of IMO conventions. She applauded the plan to train a pool of auditors to oversee the implementation of the scheme.

Mr. SHAFAQULLAH (Bangladesh) supported the draft resolution in principle but had three reservations. First, he failed to see how a ‘reasonable’ number of auditors could be determined without knowing the precise number of Member States participating in the scheme. Second, he said that IMO could not justify using the TC Fund to pay for auditor training until it knew how many developing countries would be volunteering for audit, since the purpose of that Fund was to help developing countries to build capacity in order to implement the IMO conventions. Third, referring to the draft framework, he pointed out certain inconsistencies of wording with regard to mandatory IMO instruments and IMO instruments, which should not be confused. For example, in paragraph 4 the “Vision Statement” referred to “implementation of IMO instruments”, which he viewed as inappropriate since the scheme involved implementation of mandatory IMO instruments. Again, paragraph 5 stated that the objective was to enforce “applicable IMO instruments”, while paragraph 5.1.1 referred to “the implementation of mandatory IMO instruments”. He suggested that such inconsistencies should be corrected before adopting the draft resolution.

Mr. GRÉGOIRE (Canada) said that Canada fully supported the draft resolution, although it would have preferred a mandatory scheme, which it would continue to try to convince IMO to adopt. He agreed with Bangladesh’s first comment and hoped that many Member States would volunteer, so that many auditors would be needed. He joined previous speakers in saying that much could be learned and improved from audits and said that Canada would volunteer and provide auditors as soon as the programme began.

Mr. PACHA VíCENrE (Spain) fully supported the draft resolution and shared the hope of previous speakers that a pool of auditors would soon be trained and qualified to begin the scheme, as many Member States were keen to be audited as soon as possible. He reiterated the comment of Spain’s and other Member States’ heads of delegations that the new audit scheme would be an effective tool to serve Member States and benefit the entire international maritime community.

Mr. CHRYSOSTOMOU (Cyprus) said that Cyprus’ head of delegation had made it clear that Cyprus would volunteer for audit. Cyprus supported the draft resolution and looked forward to its adoption by the Assembly; it would provide at least one auditor.

Mr. AL-RUZEGHI (Oman) supported the draft resolution and shared the views of Egypt.

Mr. PRATOMO (Indonesia) supported the draft resolution and urged the Secretary-General and developed countries, when implementing the audit scheme, to consider timing and further action carefully so as to avoid potential difficulties for developing countries.

Mr. AOUALI (Algeria) supported the draft resolution and said that Algeria hoped to be one of the first Member States to volunteer for audit.

Mr. FINLEY (Panama), associating himself with the comments of South Africa and Sweden, fully endorsed the scheme and looked forward to its adoption by the Assembly. Responding to Bangladesh’s concern that Member States would be under an obligation to legislation to which they were not party, he said that paragraph 5.1.2 under “Objective” made it clear that a Member State could only be held accountable and audited in relation to instruments to which it was party. Finally, he said that Panama was also conscious of the difficulties some governments might face in wishing to comply with all the requirements of instruments.
Mr. SHAH (Pakistan) joined previous speakers in fully supporting the draft resolution, which would help to maintain high standards in the maritime industry. He sought clarification, however, on whether the Assembly was considering and adopting document A 24/19 only and not A 24/19/Add.1.

Mr. BRUCE (Marshall Islands) supported the draft resolution and advised that it was the intention of the Marshall Islands to volunteer for audit in the first round of audits.

Mr. ENRIQUEZ ROSAS (Mexico) shared the view that the Voluntary IMO Member State Audit Scheme was one of IMO’s greatest successes. Mexico supported the draft resolution and would be volunteering for audit and providing an auditor for the regional audit team. He suggested that Committee 1 might consider a financial plan to help developing countries facing difficulties in implementing the scheme.

Mr. ABEYSINGHE (Sri Lanka) wholeheartedly supported the draft resolution and said that Sri Lanka would host a regional IMO auditors training course for the scheme in Colombo in February 2006.

Mr. BRADY (Jamaica) said that Jamaica supported the draft resolution and would submit a request for audit in early 2006. He agreed with the Secretary-General that the scheme represented a “carrot” to encourage Member States to improve standards.

Mr. AMEYAW-AKUMFI (Ghana) associated himself with the comments of previous speakers and supported the scheme. He shared Mexico’s view that some implementation difficulties might be encountered in developing countries but was confident that solutions could be found.

Mr. AZUH (Nigeria) said his country supported the draft resolution and its speedy adoption and would provide auditors at an early date. He praised the scheme for being neither draconian nor punitive but user friendly, with a ‘human face’, aimed at assisting Member States and serving the best interests of the industry.

Mr. KILVINGTON (New Zealand) strongly supported the draft resolution; his country intended to volunteer for audit and to provide auditors for the scheme. Turning to an area of ambiguity relating to the training of auditors, he said that the United Kingdom’s plea for trained as well as untrained auditors should not be taken to mean that the auditors must be qualified under ISO or another specific discipline; rather, IMO was looking for people with a knowledge of its conventions as much as pure auditing skills. However, qualified auditors would still need training in the specifics of the scheme and everyone nominated would have to complete an IMO course. In that respect, he requested the dates and locations of the training courses planned for early 2006.

Finally, and very importantly, he wished to have recorded the Assembly’s formal acknowledgement of the outstanding contribution made by Mr. Rasmussen (Denmark), who was unable to attend the current session due to ill health. The scheme would not have come to fruition without Mr. Rasmussen’s input.

It was so agreed by acclamation.

Mr. IKIARA (Kenya) joined previous speakers in fully supporting the draft resolution. Kenya believed in a safe, secure and clean maritime environment and was ready to volunteer for audit and provide auditors for the training programme.
Mr. CELY NUÑEZ (Colombia) also supported the draft resolution, which was very important for the whole maritime community. As a coastal, flag and port State, Colombia agreed with the ethos of the scheme and had no doubt that it would lead to capacity building in Colombia and provision of excellent technical assistance.

The SECRETARY-GENERAL, responding to comments, emphasized that he had not, as had been reported in the press, used the word “carrot” nor stated that it was supposed to be a flag State audit scheme. Turning to matters raised, he recalled two operative paragraphs of the previous resolution adopted by the Assembly at its twenty-third session, the first of which clarified the issue of the mandatory status of the scheme by stating: (the Assembly) “endorses the decisions of the Council relating to the development of a voluntary IMO model Member State Audit Scheme in such a manner as not to exclude the possibility in the future of it becoming mandatory”, while the second addressed the issue of Member States volunteering to be audited by requesting governments to “volunteer to be audited in accordance with the scheme and principles, when developed, to assist the Organization in its effort to achieve consistent and effective implementation of the IMO instruments”; that request was now repeated in operative paragraph 2(a) of the draft resolution.

Replying to the representative of Bangladesh, he referred to his own introductory statement in which he had said that the Council had recognized that for audits to commence, Member States would have to volunteer for them, and thus for planning purposes, 31 March 2006 would be the cut-off date from which the initial IMO audit plan would be developed on the basis of the number of Member States that had volunteered for audits by that date. Equally important was the funding available to carry out the audits, in particular to implement the audit scheme in developing countries. The TCC had estimated that $1,077,000 would be needed for training of auditors to cover the whole world, technical assistance in the form of advisory needs assessment missions to facilitate the audits, attendance by at least ten observers from developing countries and audits in some developing countries. The TCC had agreed that a transfer of $500,000 would be made from the TC Fund. Consequently, there were currently not sufficient funds to carry out the programme as requested. The United Kingdom had pledged £55,000, the Netherlands, 30,000 Euro and Egypt, $30,000. Additional contributions would, therefore, be most appreciated.

Two circulars had been issued in connection with the proposed Assembly resolution, one inviting States to volunteer for audits and the second inviting Member States to nominate auditors for a list from which IMO would appoint auditors for the audit scheme. He agreed with New Zealand on the regional training course, saying that action would be taken as soon as possible.

Mr. de DIEU (observer, European Commission) congratulated the IMO bodies on finalizing the audit scheme and the “Code for the implementation of mandatory IMO instruments”. He said that the previous day the European Commission had tabled a motion that the audit scheme and the code should become mandatory in all 25 European States under European Law.

Mr. SADLER (United Kingdom) acknowledged that the word “trained”, as proposed by the representative of New Zealand, was more appropriate than his own use of “qualified”.

The PRESIDENT invited the Assembly to approve, in principle, the draft resolution on “Framework and Procedures for the Voluntary IMO Member State Audit Scheme” and to request Committee 2 to finalize the document in light of the final text of the draft “Code for the implementation of mandatory IMO instruments” to be agreed by that committee, and prepare a final draft for submission to the plenary for adoption.

It was so decided.
The PRESIDENT thanked the Council and the committees involved for their work on the development of the documentation for the Voluntary IMO Member State Audit Scheme, including Mr. Kilvington (New Zealand), Chairman of the Working Group, Mr. Rasmussen (Denmark), Co-ordinator of the Correspondence Group and the members of the Secretariat, in particular Mr. Barchue. He also thanked the six countries which had volunteered to participate in the pilot scheme, and Egypt, the Netherlands and the United Kingdom, for the donation.

Mr. KILVINGTON (New Zealand) suggested that, as there appeared to be a general consensus, the proposed Assembly resolution on the audit scheme might be agreed by the Assembly at the current meeting.

The SECRETARY-GENERAL replied that it would be wise for Committee 2 to first examine the text together with the draft “Code for the implementation of mandatory IMO instruments”.

**AGENDA ITEM 20 – RESOURCE MANAGEMENT**

(A 24/20(a), A 24/20(b), Adds.1-3, A 24/20(c), A 24/20(d), Add.1 and A 24/20(e))

The CHAIRMAN invited the Assembly to refer documents A 24/20(a), A 24/20(b) and addenda, A 24/20(c), A 24/20(d) and addendum and A 24/20(e) to Committee 1 for detailed consideration.

*It was so decided.*

**AGENDA ITEM 3 – APPLICATION OF ARTICLE 56 OF THE IMO CONVENTION – REPORT OF THE COUNCIL TO THE ASSEMBLY ON ANY REQUESTS BY MEMBERS FOR WAIVER (A 24/3) (continued)**

The SECRETARY-GENERAL said that, since the earlier consideration of the agenda item by the Assembly, a communication dated 22 November 2005 had been received from the Government of Uruguay, requesting a waiver of the provisions of Article 56 of the IMO Convention on the understanding that it had already given instructions to pay the balance due. However, the funds had not yet been credited to the Organization’s bank account, and the current outstanding balance was £36,456.52 in respect of the period from 2002 to 2005. Moldova and the Seychelles had cleared their arrears for 2004 and consequently no longer fell under the provisions of Article 56. Moldova had also cleared its arrears for 2005.

Mr. ORMAECHEA (Uruguay), referring to document A 24/3, and emphasizing that his remarks referred only to his country and the document it had submitted, said that Uruguay had always taken an active part in the work of IMO and the IOPC Fund and had a good reputation for honouring its international commitments, but that for economic reasons it had found it impossible to honour its commitments to IMO in 2003. Relations between his country and the Organization had always been characterized by co-operation, commitment, and active involvement on Uruguay’s part. Uruguay had not asked for a waiver under Article 56, as its intention was to honour its commitment. The new Government of Uruguay had already given instructions for the payment of its IMO assessment. Therefore, Article 56 should not apply, as his country could not be held responsible for banking delays.

Mr. ENRIQUEZ ROSAS (Mexico), Mr. VIELMANN (Guatemala), Mr. CASTRO RIVAS (Argentina), Mr. RANGEL JALLEY (Venezuela), Mr. SERGHIIOU (Cyprus),
Mr. PACHA VICENTE (Spain), and Mr. IKIARA (Kenya) said that they fully supported the statement made by the representative of Uruguay.

Mr. ALLAN (United Kingdom) said that the United Kingdom was firm about the application of Article 56. However, since the representative of Uruguay was not applying for a waiver, stating that instructions for payment had already been given, he suggested that the Assembly should take the representative of Uruguay at his word.

The CHAIRMAN invited the Assembly to agree to the request made by Uruguay.

It was so agreed by acclamation.

The CHAIRMAN invited the Assembly to reinstate the right to vote of Moldova and the Seychelles.

It was so decided.

Mr. ORMAECEHA (Uruguay) thanked the Secretariat, specifically Ms. Richards and Mr. Jones, for its support.

AGENDA ITEM 5 – CONSIDERATION OF THE REPORTS OF THE COMMITTEES OF THE ASSEMBLY:

(a) REPORT OF THE CREDENTIALS COMMITTEE (A 24/5(a) and A 24/5(a)/1)

Mr. ABOUDIHAI (Morocco), speaking as Chairman of the Credentials Committee, said that the Committee had been established in accordance with rule 10 of the Rules Procedure of the Assembly. It was composed of representatives of Mauritius, Morocco, Qatar, Thailand and Vanuatu.

Referring to document A 24/5(a)/1, he said that the credentials of delegations of 130 Member States to IMO, listed in paragraph 4 of the report, had been found to be in due and proper form. The credentials of delegations of 13 Member States listed in paragraph 5 of the report had been accepted provisionally. The delegation of one Member State listed in paragraph 6 had yet to submit its credentials. The credentials of one Member State listed in paragraph 7 had been found to be in due and proper order, but the representative of that Member State had not yet registered. The credentials of 6 Member States listed in paragraph 8 had been provisionally accepted, but the representatives of those Member States had not registered yet.

The delegations of Moldova, Saint Lucia and San Marino were participating in the Assembly. The credentials of Moldova had been provisionally accepted. The credentials of San Marino and Saint Lucia had been found to be in due and proper form. Therefore, document A 24/5(a)/1 would be amended accordingly. He thanked the members of the committee and the Secretariat for their valuable assistance.

The PRESIDENT invited the Assembly to approve the report of the Credentials Committee.

It was so decided.

The meeting rose at 6.00 p.m.