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23-24 November 2017

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GENERAL

The twenty-ninth extraordinary session of the Council was held on 23 and 24 November 2017 and was chaired by Mr. J. Lantz (United States). The Vice-Chair, Mr. X. Zhang (China), was also present. The full list of participants is contained in document C/ES.29/INF.1.

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

The session was also attended by non-members and observers.

Audio file: Thursday, 23 November 2017: a.m.

EXPRESSIONS OF SOLIDARITY

The Council expressed its solidarity and support to the delegation of Argentina with regard to the Argentine submarine, **ARA San Juan**, which went missing on 15 November 2017 with 44 crew members. The delegation of Argentina expressed its gratitude to all countries joining the effort in the search and rescue operations and all those expressing their solidarity at this difficult time.

1 ADOPTION OF THE AGENDA (agenda item 1)

The Council adopted the agenda and proposed timetable, as contained in documents C/ES.29/1/Rev.1 and C/ES.29/1/1.

Reference documents: C/ES.29/1/Rev.1 and C/ES.29/1/1

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

With reference to rule 9 of its Rules of Procedure, the Council noted the Secretary-General's report that the credentials of all delegations attending the session were found to be in order.

Reference document: C/ES.29/2

Audio file: Thursday, 23 November 2017: a.m.
Friday, 24 November 2017: p.m.

3 STRATEGY, PLANNING AND REFORM (agenda item 3)

3.1 The Council noted the information set out in documents C/ES.29/3, C/ES.29/3/1, C/ES.29/3/2 and C/ES.29/3/3, and that provided orally by the Secretary-General, on Strategy, Planning and Reform.

3.2 The Council considered and noted the information on the status of the Organization's outputs for the 2016-2017 biennium as contained in document C/ES.29/3.

3.3 The Council also noted the information provided on the status of the Secretariat's Business Plan for the 2016-2017 biennium as contained in document C/ES.29/3/1.

3.4 With regard to document C/ES.29/3/2, the Council noted the Secretariat's Business Plan for the 2018-2019 biennium, as well as comments made, and in particular on the inclusion of references to the Office of the Secretary General (OSG) and the Marine Environment Division (MED) in relation to the output on the "Report on the implementation of the 2030 Agenda for Sustainable Development".

- 3.5 With regard to document C/ES.29/3/3, the Council:
- (i) noted the information on the Delivering Strategy and Reform – Voyage Together Trust Fund, as well as the comments made by the Secretary-General, notably that core activities of the Organization were solely addressed through the regular budget;
 - (ii) further noted that the Secretary-General would continue to keep it informed on the delivery programme of all activities related to the extrabudgetary funds of the Organization in accordance with the Financial Rules and Regulations; and
 - (iii) requested the Secretary-General to report, at C 120, on the overview of the 69 extrabudgetary funds, together with planned measures and actions, as well as on the implementation of the functional review of the Secretariat, including any comments and/or recommendations.

Reference documents: C/ES.29/3, C/ES.29/3/1, C/ES.29/3/2 and C/ES.29/3/3

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4 RESOURCE MANAGEMENT (agenda item 4)

(a) Human resources matters, including amendments to the Staff Regulations and Staff Rules (agenda item 4(a))

4(a).1 The Council noted the information set out in documents C/ES.29/4(a), C/ES.29/4(a)/Add.1 and C/ES.29/4(a)/1, and that provided orally by the Secretary-General, on human resources matters.

4(a).2 The Council encouraged the Secretary-General to continue his efforts towards the achievement of greater geographical and gender representation in the Professional and higher grade categories and requested him to report, at C 120, on his efforts and policy review towards this goal.

Reference documents: C/ES.29/4(a), C/ES.29/4(a)/Add.1 and C/ES.29/4(a)/1

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(b) Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 61 of the IMO Convention (agenda item 4(b))

4(b).1 The Council noted the information provided in documents C/ES.29/4(b), C/ES.29/4(b)/Corr.1 and C/ES.29/4(b)/Add.1, as well as that provided orally by the Secretary-General, reporting on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 61 of the IMO Convention.

4(b).2 In particular, the Council:

- (i) urged all Member States to fulfil their financial obligations;
- (ii) reiterated its firm stance on the strict enforcement of Article 61 of the IMO Convention; and

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- (iii) recommended that the Assembly, at its forthcoming session, adopts the draft resolution annexed to document C/ES.29/4(b) as an expression of the importance of timely contributions and the risks from the late payment of contributions.

4(b).3 The Council commended the Secretary-General for his continuing strenuous efforts to improve the Organization's financial position. The Council also noted that, although all Council Members had paid their contributions for the current year, it was important, as emphasized by the Secretary-General, that an example be set in this matter by early settlement of dues, in accordance with the Organization's Financial Regulations and Financial Rules.

Reference documents: C/ES.29/4(b), C/ES.29/4(b)/Corr.1 and C/ES.29/4(b)/Add.1

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(c) Consideration of requests by Members, if any, for waiver of the application of Article 61 of the IMO Convention (agenda item 4(c))

4(c).1 The Council noted the information set out in documents C/ES.29/4(c) and C/ES.29/4(c)/Add.1, and that provided orally by the Secretary-General, on the consideration of requests by Members for waiver of the application of Article 61 of the IMO Convention.

4(c).2 The Council recommended to the Assembly that the application of Article 61 be waived for the Union of the Comoros, the Commonwealth of Dominica, and the Federal Republic of Somalia.

Reference documents: C/ES.29/4(c) and C/ES.29/4(c)/Add.1

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(d) Budget considerations for 2017 (agenda item 4(d))

4(d).1 The Council noted the information set out in document C/ES.29/4(d), and that provided orally by the Secretary-General, on budget considerations for 2017.

4(d).2 In particular, the Council:

- (i) noted the review on external pay and price factors and their budgetary impacts;
- (ii) noted the impact of exchange rates movements;
- (iii) authorized the Secretary-General to replenish the Working Capital Fund up to £2 million through transfer of the differential amount (currently assessed to be £0.675 million), as of 1 January 2018, from the resources available in the regular budget;
- (iv) noted the forecast outturn of the regular budget expenditure for 2017, assessed to be kept within the approved appropriation for 2017;
- (v) noted the income and expenditure outturn and forecast in the Trading Fund;
- (vi) noted the expenditure status of the Headquarters Capital Fund; the Training and Development Fund; the Technical Cooperation Fund; and extrabudgetary programmes;

- (vii) noted the Termination Benefit Fund; and approved the Secretary-General's proposal of the revised budget of the Termination Benefit Fund for the 2016-2017 biennium and its financing source of the supplementary funds from the resources available in the regular budget for the current biennium; and
- (viii) authorized the Secretary-General to make, as and when necessary, timely transfers between Strategic Results in the regular budget to the extent that balances were available to cover or reduce deficits in Strategic Results appropriation balances, provided that such transfers were in accordance with the Organization's Financial Regulations and Financial Rules, in particular regulation 4.5 which provides that any transfers should not represent more than 10% of the lower of the two approved appropriations.

Reference document: C/ES.29/4(d)

Audio file: Thursday, 23 November 2017: p.m.

5 RESULTS-BASED BUDGET FOR 2018-2019 (agenda item 5)

5.1 The Council noted the information set out in document C/ES.29/5, as well as that provided orally by the Secretary-General, on his proposals for the results-based budget for the 2018-2019 biennium.

5.2 The Council appreciated the Secretary-General's updates to the budget proposal endorsed by C 118 and:

- (i) approved the updated results-based regular budget proposal by Strategic Direction and "Other work" for the 2018-2019 biennium of £69,570,000, comprising an appropriation of £34,141,000 for 2018 and an appropriation of £35,429,000 for 2019, as summarized in appendix 1 of annex 1 to the document (draft Assembly resolution), while noting the updated tables associated with the results-based budget as shown in appendix 1 and 2 of annex 1 to the document, and the funding of the regular budget by means of an assessment on Member States of £31,864,000 for 2018 and £33,242,000 for 2019;
- (ii) endorsed the amended staff complement proposal for the 2018-2019 biennium, reflecting changes in the indicative posts expected under various Funds, as listed in table 3 of the document;
- (iii) agreed to the adjusted total number of meeting-weeks of 32.4, comprising 16.6 weeks for 2018 and 15.8 weeks for 2019, as shown in table 4 of the document;
- (iv) approved the draft Assembly resolution on the Results-Based Budget for the 2018-2019 biennium contained in annex 1 to the document noting the editorial amendment to the assessment figure for consistency, and, in accordance with Article 54 of the IMO Convention, decided to submit it to the Assembly, at its thirtieth regular session, with its comments and a recommendation for its adoption; and

- (v) further approved the draft Assembly resolution on amendments to the Organization's Financial Regulations contained in annex 2 to the document and decided to submit it to the Assembly, at its thirtieth regular session, with a recommendation for its adoption.

Reference document: C/ES.29/5

Audio file: Thursday, 23 November 2017: p.m.

6 CONSIDERATION OF THE REPORT OF THE SEVENTY-FIRST SESSION OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE (agenda item 6)

6.1 The Council noted the information set out in document C/ES.29/6, and that provided orally by the Vice-Chair of the Marine Environment Protection Committee and the Secretary-General on the report of the Committee's seventy-first session.

6.2 The Council endorsed the holding of three intersessional meetings: of the ESPH Working Group, in 2018; of ISWG-GHG 3, from 3 to 6 April 2018; and on consistent implementation of regulation 14.1.3 of MARPOL Annex VI, in the second half of 2018.

6.3 The Council approved the report of the seventy-first session of the Committee in general and transmitted it, with its comments and recommendations, to the Assembly at its thirtieth regular session, in accordance with Article 21(b) of the IMO Convention.

Reference document: C/ES.29/6

Audio file: Thursday, 23 November 2017: p.m.

7 CONSIDERATION OF THE REPORT ON THE THIRTY-NINTH CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE LONDON CONVENTION 1972 AND THE TWELFTH MEETING OF CONTRACTING PARTIES TO THE 1996 PROTOCOL TO THE LONDON CONVENTION (agenda item 7)

The Council noted the information set out in document C/ES.29/7, and that provided orally by the Chair of the LC/LP governing bodies and the Secretary-General, on the report of the thirty-ninth Consultative Meeting of Contracting Parties to the London Convention 1972 and the twelfth Meeting of Contracting Parties to the 1996 Protocol to the London Convention and transmitted the report to the Assembly at its thirtieth regular session.

Reference document: C/ES.29/7

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8 REPORT OF THE COUNCIL TO THE ASSEMBLY ON THE WORK OF THE ORGANIZATION SINCE THE TWENTY-NINTH REGULAR SESSION OF THE ASSEMBLY (agenda item 8)

8.1 The Council noted the information set out in document C/ES.29/8, as well as that provided orally by the Secretary-General.

8.2 The Council approved the report for consideration by the Assembly at its thirtieth regular session.

Reference document: C/ES.29/8

Audio file: Thursday, 23 November 2017: p.m.

9 PROTECTION OF VITAL SHIPPING LANES (agenda item 9)

9.1 The Council noted the information set out in documents C/ES.29/9, C/ES.29/9/1 (Kenya), C/ES.29/9/2, C/ES.29/INF.2 (Indonesia, Malaysia and Singapore) and C/ES.29/INF.3 (Japan) and that provided orally by the Secretary-General, and the delegations of Malaysia and Kenya, on the protection of vital shipping lanes.

9.2 With regard to documents C/ES.29/9 and C/ES.29/INF.2, the Council:

- (i) expressed its appreciation to the littoral States of Indonesia, Malaysia and Singapore for the timely implementation of the various components of the Cooperative Mechanism in the Straits of Malacca and Singapore;
- (ii) also expressed its appreciation to those Member States and organizations which had made contributions to the Cooperative Mechanism and to the IMO Malacca and Singapore Straits Fund; and
- (iii) invited Member States and organizations to further contribute to the Mechanism; and also to the IMO Malacca and Singapore Straits Trust Fund.

9.3 With regard to documents C/ES.29/9/1 and C/ES.29/9/2, the Council:

- (i) noted the information provided in relation to the depositary functions for the Jeddah Amendment to the Djibouti Code of Conduct 2017;
- (ii) authorized the Secretary-General to perform the functions of Depositary for the Record of the Jeddah Meeting, with the understanding that such authorization confers no additional competence to the Organization with respect to the illicit activities identified in the instrument; and
- (iii) requested IMO Member States, international organizations concerned, including UNODC, FAO, UNDP, EU, INTERPOL and others, to consider providing both financial and in-kind support for technical assistance activities to implement the Jeddah Amendment to the Djibouti Code of Conduct 2017.

9.4 The Council noted, with appreciation, the report on the Coast Guard Global Summit held in Tokyo on 14 September 2017 (document C/ES.29/INF.3).

Reference documents: C/ES.29/9, C/ES.29/9/1, C/ES.29/9/2, C/ES.29/INF.2 and C/ES.29/INF.3

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10 PERIODIC REVIEW OF ADMINISTRATIVE REQUIREMENTS IN MANDATORY IMO INSTRUMENTS (agenda item 10)

10.1 The Council noted the information set out in document C/ES.29/10 and that provided orally by the Secretary-General on the periodic review of administrative requirements in mandatory IMO instruments.

10.2 The Council endorsed the conclusion that all IMO organs had completed their work on the analysis and consideration of recommendations to reduce administrative burdens in IMO instruments, including those identified by SG-RAR, and the committees would continue any ongoing work related to this topic as part of their regular work programme and any development would be contained in their report.

10.3 The Council approved the report on the periodic review of administrative requirements on mandatory IMO instruments, with the deletion of paragraph 17, and requested the Secretary-General to present it to the thirtieth regular session of the Assembly for consideration, with the recommendation that the item be retained on the Assembly's agenda.

Reference document: C/ES.29/10

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11 EXTERNAL RELATIONS (agenda item 11)

(a) Relations with the United Nations and the specialized agencies (agenda item 11(a))

11(a).1 The Council noted the information set out in document C/ES.29/11(a), and that provided orally by the Secretary-General, on relations with the United Nations and the specialized agencies.

11(a).2 The Council noted, in particular, the information provided with respect to:

- (i) the seventeenth and eighteenth meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea;
- (ii) the international legally binding instrument being developed under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction; and
- (iii) the twenty-seventh Meeting of States Parties to the United Nations Convention on the Law of the Sea.

11(a).3 The Council requested the Secretary-General to keep it informed of any relevant developments on the issues addressed.

Reference document: C/ES.29/11(a)

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(b) Joint Inspection Unit (agenda item 11(b))

11(b).1 The Council noted the information set out in document C/ES.29/11(b), and that provided orally by the Secretary-General, on the Joint Inspection Unit (JIU).

11(b).2 The Council noted the report received from JIU, entitled "Review of Air Travel Policies in the United Nations System: Achieving efficiency gains and cost savings and enhancing harmonization" as well as the recommendations contained in the document, and the Secretary-General's comments and action plans thereon.

Reference document: C/ES.29/11(b)

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(c) Relations with intergovernmental organizations (agenda item 11(c))

There was no document or new information reported under this agenda item.

(d) Relations with non-governmental organizations (agenda item 11(d))

11(d).1 The Council noted the change of name of one of the organizations in consultative status with IMO, i.e. from "International Petroleum Industry Environmental Conservation Association (IPIECA)" to "IPIECA Limited (IPIECA)".

Reference document: No document submitted

Audio file: Friday, 24 November 2017: a.m.

(e) Report on World Maritime Day 2017 (agenda item 11(e))

11(e).1 The Council noted the information set out in documents C/ES.29/11(e), C/ES.29/11(e)/1, C/ES.29/11(e)/2 and C/ES.29/11(e)/3, as well as that provided orally by the Secretary-General and the delegations of Panama, Argentina and Malaysia reporting on World Maritime Day 2017.

11(e).2 The Council noted, with appreciation, that the thirteenth World Maritime Day parallel event, held from 1 to 3 October 2017, was successfully organized by the Government of the Republic of Panama. The Council expressed its appreciation to the Government of Panama for hosting this successful event, and also to the Member Governments and international organizations which sent representatives to attend it, and the media for covering it.

11(e).3 The Council also expressed its appreciation to Argentina and Malaysia and all other Member States that had carried out activities as part of the celebrations for World Maritime Day 2017 in their respective countries.

11(e).4 The Council, recalling that, at its 117th session, had decided that the theme for the Day should be "IMO 70: Our Heritage – Better Shipping for a Better Future", instructed the Secretary-General to make all necessary arrangements for the celebration of the Day, in accordance with past practice and decisions made by the Council and the Assembly.

11(e).5 The Council further recalled that it had accepted the generous offer of the Government of Poland to be the next host for the World Maritime Day parallel event in 2018.

Reference documents: C/ES.29/11(e), C/ES.29/11(e)/1, C/ES.29/11(e)/2 and C/ES.29/11(e)/3

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(f) IMO Maritime Ambassador Scheme (agenda item 11(f))

11(f).1 The Council noted the information set out in documents C/ES.29/11(f) and C/ES.29/11(f)/1, as well as that provided orally by the Secretary-General and the delegation of Malaysia reporting on the IMO Maritime Ambassador Scheme.

11(f).2 The Council understood the Scheme was resource-neutral to the Organization, and in consideration of the future of the Scheme, requested the Secretary-General to conduct a programme evaluation and comparison analysis with similar schemes within the United Nations system and submit a report to the Council at C 120.

11(f).3 The Council expressed its appreciation to all those involved in the Scheme to make it a success, and encouraged Member States and organizations in consultative status who had not done so, to consider appointing an IMO Maritime Ambassador.

Reference documents: C/ES.29/11(f) and C/ES.29/11(f)/1

Audio file: Friday, 24 November 2017: a.m.

(g) Report on Day of the Seafarer 2017 (agenda item 11(g))

11(g).1 The Council noted the information set out in document C/ES.29/11(g), as well as that provided orally by the Secretary-General, reporting on the Day of the Seafarer 2017.

11(g).2 The Council expressed its appreciation to all those who worked to organize the celebration and made it a success.

Reference document: C/ES.29/11(g)

Audio file: Friday, 24 November 2017: a.m.

12 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 12)

12.1 The Council noted the information set out in documents C/ES.29/12 and A 30/19, as well as that provided orally by the Secretary-General, on the status of the Convention and membership of the Organization.

12.2 The Council endorsed and supported the Secretary-General in his efforts to make IMO more widely known and to ensure that it maintained its deserved position in the global maritime community.

Reference documents: C/ES.29/12 and A 30/19

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13 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 13)

13.1 The Council noted the information set out in documents C/ES.29/13, A 30/20 and A 30/20/Add.1, as well as that provided orally by the Secretary-General, on the status of conventions and other multilateral instruments in respect of which the Organization performs depositary functions.

13.2 The Council welcomed the news that the 2004 Ballast Water Management Convention entered into force during the biennium under review. The Council endorsed and supported the Secretary-General's continuing efforts to encourage Governments to consider acceding to those IMO treaty instruments to which they are not yet parties, and, in particular, the 2009 Hong Kong Ship Recycling Convention, the 2010 HNS Protocol, and the 2012 Cape Town Agreement, to enable their entry into force as soon as possible.

Reference documents: C/ES.29/13; A 30/20 and A 30/20/Add.1

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14 ITEMS FOR INCLUSION IN THE AGENDA FOR THE NEXT SESSION OF THE COUNCIL (C 119) (agenda item 14)

14.1 The Council noted the information set out in document C/ES.29/14, as well as that provided orally by the Secretary-General, on items for inclusion in the agenda for the next session of the Council (C 119).

14.2 The Council noted the substantive items proposed for inclusion in the provisional agenda for its 119th regular session, as set out in document C/ES.29/14, and also noted that the adoption of the agenda would take place at the beginning of the session, as per the usual practice.

14.3 With respect to the dates proposed for the session, the Council recalled the decision made at its last session that, unless the Assembly decided otherwise, the 119th regular session would take place on 7 December 2017.

Reference document: C/ES.29/14

Audio file: Friday, 24 November 2017: p.m.

15 SUPPLEMENTARY AGENDA ITEMS (agenda item 15)

(a) The principles and development of a framework regarding "better regulation"

15(a).1 The Council noted the information set out in document C/ES.29/15 (Jamaica, Marshall Islands, Sweden and the United Kingdom), on how the implementation of the principles of "better regulation" could be taken forward, noting the recent work in developing the Strategic Plan for the Organization for the six-year period 2018 to 2023.

15(a).2 The Council invited the co-sponsors to submit a further document on the principles and development of a framework regarding "better regulation", under the agenda item "supplementary agenda items" at C 120.

Reference document: C/ES.29/15

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(b) Measures to prevent acts of endangering the safety of navigation

15(b).1 The Council considered document C/ES.29/15/1 (submitted by Australia, Belgium, Canada, France, Germany, Greece, Italy, Japan, Malaysia, Netherlands, Philippines, Republic of Korea, Spain, United Kingdom and the United States), proposing actions for the Council to take following the repeated firings of ballistic missiles by the Democratic People's Republic of Korea, and took actions as indicated hereunder.

15(b).2 The Council strongly condemned the recent missile launches by the Democratic People's Republic of Korea which posed clear and serious danger to the safety of shipping in international trade.

15(b).3 The Council reiterated the imperative of the action to be taken by the Democratic People's Republic of Korea to cease unlawful ballistic missile launches over international shipping lanes, in accordance with circular MSC.1/Circ.1551 on *Navigational warnings concerning operations endangering the safety of navigation*.

15(b).4 The Council requested the Secretary-General to circulate the above decisions to all Member States.

15(b).5 The Council further decided to refer the above decisions to the Assembly, at its thirtieth regular session, for further consideration and endorsement, under agenda item 6, Report of the Council to the Assembly.

15(b).6 China and the Russian Federation reserved their position with regard to the decisions in paragraphs 15(b).2 to 15(b).5 above.

Reference documents: C/ES.29/15/1

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