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SUMMARY RECORD OF THE THIRD MEETING

**held at The Royal Lancaster Hotel, London W2 2TY
on Friday, 16 November 2007 at 9.30 a.m.**

Chairman: Mr. J. FRANSON (Sweden)
Vice-Chairman: Mr. D. NTULI (South Africa)
Secretary-General: Mr. E. E. MITROPOULOS

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

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AGENDA ITEM 8 – CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE (C/ES.24/8)

Mr. CHRYSOSTOMOU (Cyprus), speaking as chairman of the Marine Environment Protection Committee (MEPC), said that the committee had held its fifty-sixth session from 9 to 13 July 2007 at the Royal Horticultural Halls and Conference Centre, London, attended by 87 Member States, one Associate Member, one State not a Member of IMO, four UN agencies, six intergovernmental and 34 non-governmental organizations. At the invitation of the Secretary-General, the Secretary-General of the World Meteorological Organization (WMO), Mr. Michel Jarraud, had addressed the committee on matters of common interest to the two organizations including issues relevant to climate change and global warming. The report of the session was summarized in document C/ES.24/8; the full report was contained in documents MEPC 56/23 and Add.1.

The committee had made progress on all the substantive items on its agenda. In particular, it had adopted amendments to MARPOL Annexes I and IV concerning reception facilities outside Special Areas and discharge of sewage; amendments to the 1973 Intervention Protocol concerning its list of substances; and amendments to chapters 11, 17, 18 and 19 of the IBC Code. Those amendments would enter into force in accordance with the amendment procedures of those instruments, as reported in paragraphs 5 to 7 of document C/ES.24/8.

The committee, following the progress made by the BLG Sub-Committee on air pollution from ships, had approved a revised timetable on the revision of MARPOL Annex VI and the NO_x Technical Code, under which BLG 12 would finalize all technical revisions in February 2008, MEPC 57 would approve the amendments in April 2008, and MEPC 58 would adopt them in October 2008. The committee had endorsed a proposal by the Secretary-General that the Informal Cross-Government/Industry Scientific Group of Experts should be set up to undertake a comprehensive study to evaluate the effects of the different fuel options proposed under the revision of MARPOL Annex VI. Its objective was to gather and present facts and data that would facilitate the committee's decision-making process in line with the revised timetable agreed by the committee. The committee had made good progress in the development of the washwater criteria for exhaust gas-SO_x cleaning systems and had instructed the intersessional meeting of the BLG Working Group on Air Pollution to finalize the washwater criteria for approval by MEPC 57.

The committee had considered follow-up actions to resolution A.963(23) on *IMO policies and practices related to the reduction of greenhouse gas emissions from ships*, including progress made under its work plan. The committee, recognizing that the figures on ships' contribution to climate change as presented in the documents differed significantly, had agreed that it needed factual information when taking decisions affecting a large industry for decades. It had decided to update the 2000 IMO Greenhouse Gas (GHG) Study and had approved its time frame, scope, and terms of reference. The aim was to submit the updated study to MEPC 59 in July 2009. On the issue of technical, operational and market-based methods for the control of GHG emissions from ships, the committee, noting that there was a need to gather all the different ideas during the intersessional period, established a correspondence group with clear terms of reference, the report of which would be presented to MEPC 57 for consideration and action as appropriate. The committee, in line with resolution A.963(23), had agreed to continue co-operation with the secretariats of the UNFCCC, ICAO and other relevant UN bodies in its work to develop GHG strategies and mechanisms for international shipping.

The committee had made further progress in developing the guidelines required under the BWM Convention on harmful aquatic organisms in ballast water, by adopting two more sets: the “Guidelines for additional measures regarding ballast water management including emergency situations” (G13); and the “Guidelines for risk assessment under regulation A-4 of the BWM Convention” (G7). The committee had also adopted the “Guidelines for ballast water exchange in the Antarctic Treaty area”.

Concerning approval of ballast water management systems that made use of Active Substances, the committee, having considered the report of the third meeting of the GESAMP Ballast Water Working Group, had decided to give both basic and final approval to the PureBallast System proposed by Sweden and Norway, and to give basic approval to the NK Ballast Water Treatment System proposed by the Republic of Korea.

The availability of ballast water treatment technologies was a matter of great concern to the committee. At MEPC 56, the committee had re-established the Ballast Water Review Group to conduct, *inter alia*, a further review of the availability of ballast water treatment technologies to achieve the performance standard required under regulation D-2 of the BWM Convention by 1 January 2009, when new ships would be required to comply with the standard.

Having considered the report of the Review Group, the committee had noted its conclusion that a limited number of ballast water treatment technologies would be available to meet the first implementation date of the BWM Convention. However, the Review Group remained concerned that the capability of all ships subject to regulation B-3.3 of the Convention to meet the D-2 standard in 2009 could be affected by a number of procedural and logistical problems. The committee, after considerable debate, had invited Members and observers to submit documents to MEPC 57 aimed at providing guidance on how to address the concerns of the Review Group and, in particular, how to ensure that shipowners facing problems relating to the unavailability of ballast water treatment technologies were not legally penalized, with a view to taking a final decision at that session.

Through the Ship Recycling Working Group, good progress had been made in the development of a draft convention on ship recycling, although a large number of regulations remained in square brackets. In view of that progress, the committee had revised its work plan with a view to finalizing the draft convention for adoption at a diplomatic conference planned for early 2009, the budget for which had already been approved by the ninety-seventh session of the Council. Consequently, the committee had agreed to hold another intersessional meeting of the Ship Recycling Working Group in January 2008 to further develop the draft convention for consideration by MEPC 57, and in particular to reduce the number of square brackets in the draft, either by consensus or clear majority.

The committee, having considered the proposal submitted by the United States to designate the Papahānaumokuākea Marine National Monument (north-west Hawaiian Islands) as a new PSSA in accordance with the Revised PSSA Guidelines, had approved it in principle. The committee had noted that the United States had submitted detailed proposals on the Associated Protective Measures to the NAV Sub-Committee, which would provide recommendations to the committee with a view to final designation at MEPC 57.

With regard to the protection of Special Areas under the MARPOL Convention, the committee, noting that adequate reception facilities for the “Gulfs Area” and the “Southern South African Waters” had been provided by the bordering States, had endorsed resolutions establishing 1 August 2008 as the date when the discharge requirements for them would take

effect. The committee had also disseminated a circular letter inviting governments and the shipping industry to implement the stringent discharge requirements for the two Special Areas immediately on a voluntary basis.

In connection with implementation of the OPRC Convention and the OPRC-HNS Protocol, the committee had approved the revised text of the Manual on Oil Pollution, Section V, “Administrative aspects of oil spill response”, and instructed the Secretariat to carry out final editing for publishing as an IMO publication. The committee, having considered a number of submissions for new work concerning pollution preparedness and response, had referred them, with clear instructions, to the next session of the OPRC-HNS Technical Group for consideration.

The committee had considered and approved the reports of all subcommittees that had dealt with environmental issues, including DE 50, BLG 11 and FSI 15, and taken action as appropriate. With regard to the report of BLG 11, he invited the Council to note that the committee had agreed to a long-term funding scheme for the GESAMP/EHS Working Group under which the cost would be shared between the Organization and the industry, based on a fixed cost per application. In respect of the report of FSI 15, he invited the Council to note that the committee had approved, subject to concurrent decision by MSC 83, two draft Assembly resolutions for adoption by the twenty-fifth session of the Assembly, entitled “Revised Code for the Implementation of Mandatory IMO Instruments” and “Revised Survey Guidelines under the Harmonized System of Survey and Certification”. The committee had also endorsed the decision of FSI 15 to establish a correspondence group to develop the work items in the Action Plan concerned with tackling the long-standing problem of inadequacy of port reception facilities.

The committee had noted an update on activities for the protection of the marine environment carried out from June 2006 to March 2007 under the Integrated Technical Co-operation Programme (ITCP), and on activities carried out during the same period under the GEF-funded major projects under the direct supervision of the Organization’s Marine Environment Division. The major projects were listed in paragraph 60 of document C/ES.24/8.

The committee, in view of its heavy workload and the urgent need to make progress on several important agenda items, had agreed to convene intersessional meetings of the BLG Working Group on Air Pollution in the latter part of 2007, the Working Group on Ship Recycling in January 2008, the ESPH Working Group in the latter part of 2008, and the OPRC-HNS Technical Group in the week prior to MEPC 57 in March 2008.

The SECRETARY-GENERAL said that World Maritime Day 2007 had been celebrated in Salvador, Brazil, on 14 September and in London on 27 September, with the theme “IMO’s response to current environmental challenges”. At a time when society considered it imperative to find sustainable and lasting solutions to protect and preserve its beautiful planet, including efforts to mitigate the negative impact of human activity on the environment, that theme had been universally applauded as timely and appropriate, while the various activities undertaken within its ambit had provided an excellent opportunity to increase awareness of the threat to the environment stemming from shipping operations and to show that the maritime sector cared about the environment and was at the forefront of that challenge.

He commended the MEPC on the progress it had made on the revision of MARPOL Annex VI and the NO_x Technical Code with a view to further reducing air pollution from ships.

MEPC 56 had endorsed his proposal that the Informal Cross-Government/Industry Scientific Group of Experts should be set up to undertake a comprehensive study of the effects of

the different fuel options proposed under the revision of MARPOL Annex VI. Its objective would be to gather and present facts and data that would facilitate the committee's decision-making process and produce an effective amended Annex VI which, while demonstrating the genuine concern of the shipping community about the atmospheric environment, would contribute substantively to the overall efforts of mankind to minimize air pollution from all sources. However, it was important not only to remain focused on the desired goal, but also to ensure that improvements in one area were not compromised by negative impacts in others. He trusted that Member Governments, international organizations and the industry would work together to ensure that the committee's commendable efforts would lead to a successful conclusion. In the meantime, he expressed his deep appreciation to the Group's members, who, under the chairmanship of Mr. Hunter (United Kingdom), had worked hard to complete their task within a tight timetable, and thanked the entities which had made them available and/or had supported the work of the Group financially.

Turning to the important matter of controlling greenhouse gas (GHG) emissions from ships and the contribution that the maritime sector could make to the overall efforts of the international community to address climate change and arrest global warming, he noted that the committee was working in accordance with an approved work plan, pursuant to the parameters the Assembly had adopted through resolution A.963(23). In addition to the development of a CO₂ Emission Indexing Scheme, a CO₂ emission baseline, and technical, operational and market-based methods for achieving reduction of GHG emissions, the committee had undertaken to update the 2000 IMO Study on GHG Emissions from Ships, the work to be finalized by July 2009. He had recently communicated with a number of Member Governments and observers, seeking their participation in funding and he trusted that his request would receive a good response.

Since the beginning of 2007 the international community, led by the Secretary-General of the United Nations, had been reasserting the great importance and urgency it attached to the control of GHG emissions worldwide. There appeared to be a unanimous wish to act now. Convinced that IMO should be a part of such a worldwide mobilized campaign, he had consulted with the MEPC chairman with a view to accelerating the agreed work plan in order to expedite the completion of IMO measures to tackle GHG emissions from ships in concert with the wider international efforts. The MEPC chairman had fully concurred and he intended to suggest to MEPC 57 a possible way forward to bring IMO in tune with the worldwide requests for action.

He stressed the importance of bringing the BWM Convention into force as soon as possible. In his meetings with Member Governments, he had explained the benefits that would accrue to the marine environment once the convention was in force and being implemented. The prompt ratifications by the Governments of Barbados, Egypt, Kiribati, the Maldives, Nigeria, Norway, Saint Kitts and Nevis, Spain, the Syrian Arab Republic and Tuvalu were appreciated, but for the Convention to enter into force, at least 35 States were needed whose combined merchant fleets constituted not less than 35 per cent of the world tonnage of merchant shipping. To date, the total was only ten States representing 3.42 per cent of the tonnage required.

The compelling need for Member Governments to ratify the BWM Convention as soon as possible was clear: adopted in 2004, it required, *inter alia*, that certain ships constructed in or after 2009 conduct ballast water management that met the specific standards prescribed in the convention. However, the unavailability of relevant ballast water treatment technologies had caused serious concern, both to governments and the industry. In response, the MEPC had invited interested parties to recommend solutions at its next session to ensure that shipowners facing problems due to the unavailability of relevant technologies would not be penalized.

To avoid an undesirable situation arising if the matter was left until MEPC 57, which would be too close to the 1 January 2009 deadline and too late to provide the required clarity, certainty and confidence urgently needed by administrations and industry, he had decided, following consultations with the chairman of the MEPC, to submit to the forthcoming Assembly a draft resolution recommending that, for a limited period of time, States should not require compliance with the standard contained in the regulation (D-2) of the BWM Convention. He hoped Council Members would support that initiative at the Assembly.

Concerning the draft International Convention for the Safe and Environmentally Sound Recycling of Ships, scheduled for adoption by a diplomatic conference in early 2009, the appropriation for which had already been approved in the budget proposal for 2008-2009, he said that, in order to ensure the success of the conference, the draft convention must be fully discussed and developed and circulated in good time. That could only be achieved if all parties worked together strenuously to overcome difficulties. As the content of the draft convention was also related to occupational safety for workers engaged in ship recycling activities and the management of hazardous materials, the continuing collaboration of ship recycling States, the International Labour Organization and the appropriate bodies of the Basel Convention would be both crucial and most welcome.

The achievements of, and the progress made by, the MEPC during the session under review clearly indicated that the committee continued to perform well as the principal global regulatory forum where environmental issues concerning international shipping were satisfactorily resolved. He hoped that the Council would continue to give the committee its full support to enable it to discharge its heavy responsibilities in a manner commensurate with the expectations of Member Governments and all other entities which were sensitive to the need to protect and preserve the marine environment from all sources of ship-generated pollution. It was imperative for IMO to remain on the right track so as to continue enhancing its environmental criteria while keeping at bay any initiative that might damage the universal regulatory regime that governed international shipping.

Mrs. de OLIVEIRA (Portugal) thanked the Secretary-General for his comments and congratulated the chairman of the MEPC on his excellent report. The Organization had raised its profile in the environmental sphere in the past few years and the committee had made progress in a number of important areas, in particular air pollution, implementation of the BWM Convention and ship recycling. The Secretary-General's initiative to show MEPC 57 a way forward for accelerating action to be taken by IMO regarding greenhouse gas emissions and any other proposals in that direction were welcome. She understood the Secretary-General's concerns about the need for clarity, certainty and confidence in connection with the BWM Convention. Portugal was ready to work together with other Member States and observer delegations to find a solution at the Assembly which would be acceptable by consensus.

Mr. HUNTER (United Kingdom) thanked the Secretary-General and the chairman of the MEPC for the report and the excellent work done during the biennium. In particular, he noted the strenuous efforts put into the development of guidelines essential to the BWM Convention, the work carried out in preparation for a diplomatic conference on ship recycling in 2009, and the tremendous amount of work put into the revision of Annex VI. He supported the Secretary-General's proposal to submit an Assembly resolution with the purpose of achieving clarity and certainty for all parties and to encourage the ratification and entry into force of the BWM Convention. He also welcomed the initiative taken by the Secretary-General to accelerate action in order to ensure that the Organization remained at the forefront of the drive to tackle greenhouse gas emissions from ships. GHG emissions were a priority around the world, not least

in the United Kingdom. The eyes of the world were upon IMO, and it was essential to develop urgent measures to tackle GHG emissions through a truly international solution. He therefore fully supported the Secretary-General's proposal.

Mr. ALOHALY (Saudi Arabia) said that his country had taken part in the activities of the MEPC and had co-sponsored the BWM Convention with India. He expressed appreciation to the chairman of the MEPC, congratulated him on the progress of the committee under his and others' wise guidance, and welcomed the progress achieved by the Organization in reducing marine pollution by shipping.

Mr. OLIMBO (Italy) thanked the Secretary-General and the chairman of the MEPC for their passionate statements regarding the outcome of MEPC 56 and the general activities of the committee. He commended the committee, under the chairmanship of Mr. Chrysostomou, and the Marine Environment Division, led by Mr. Palomares, on their actions. The report showed tangible progress achieved through the amendments to MARPOL Annexes I and IV, the IBC Code and the 1973 Intervention Protocol, the revision of MARPOL Annex VI and the NOx Technical Code, the development of further guidelines for the BWM Convention, and the GESAMP Ballast Water Working Group's decision on Active Substances. He welcomed the committee's decision on the development of a new legally binding instrument on ship recycling, with a view to convening a diplomatic conference in 2009. Continued efforts to reduce GHG emissions from ships were important. The new PSSA in Papahānaumokuākea Marine National Park, in the United States, highlighted the committee's proactive approach to protecting the marine environment while giving due consideration to the commercial interests of maritime shipping. He supported the report in general and fully endorsed the comment by the Secretary-General on the urgent need for Member States to expedite measures for ratification of those instruments still not in force.

Mr. HAMMER HANSEN (Denmark) commended the committee on its achievements and the Secretary-General on his actions. It was of the utmost importance that IMO find a viable international answer to the challenge of greenhouse gases. The issue should not be left open to unilateral regional or national arrangements. He heartily welcomed the Secretary-General's proposed initiative to accelerate the work of the committee in that area. Finally, he endorsed the concerns expressed by the Secretary-General on ballast water management, and urged Member States to do their best to seek solutions to that problem at the forthcoming Assembly.

Mrs. TIEMENS-IDZINGA (Netherlands) commended the chairman of the MEPC on his excellent leadership and the substantial progress made by the committee as described in the report just presented. Specifically, the Netherlands strongly supported the proposal to update the 2000 IMO Greenhouse Gas Study, and wished to announce that it would provide €35,000 towards its funding. The necessary procedures were already in hand.

Mr. KÜHNER (Germany), endorsing the previous speaker's first comment, added that his delegation had a particular interest in taking forward IMO's work on GHG emissions. To that end, it fully supported the Secretary-General's proposals to expedite items on the committee's work plan and intended to play a full part in the closer co-operation with other UN bodies, such as UNPCC, that would be required.

Mr. NOGUEIRA (Spain) said that his country supported all initiatives aimed at alleviating climate change resulting from global warming. With regard to ship recycling, Spain looked forward to a diplomatic conference in 2009 as the culmination of the work done over so

many years. As a signatory to the BWM Convention, Spain welcomed the Secretary-General's statement urging Member States to bring the convention into force as early as possible.

Mr. DOMÍNGUEZ (Panama) welcomed in particular the progress made on the revision of MARPOL Annex VI and the leadership the Secretary-General had shown in seeking to accelerate the committee's work plan and update the 2000 Greenhouse Gas Study. Panama also welcomed the progress made on a draft ship recycling convention and would continue to work towards a balanced draft that was acceptable to all parties. Panama was grateful to the Secretary-General for his initiative in submitting a draft Assembly resolution intended to resolve problems of compliance affecting the BWM Convention. The work of the MEPC, together with the Organization's Strategic Plan, clearly showed Member States and the world at large that IMO was an important and deeply committed contributor to environmental protection.

Mr. SHAFIQULLAH (Bangladesh) said that the technical pre-requisites to ratification of the BWM Convention meant that in some developing countries a sustained capacity-building effort would be needed. Given also the importance of ensuring effective implementation of the convention, Bangladesh would like funds to be allocated in the ITCP specifically towards achieving those aims. Observing that the International Ship Recycling Trust Fund, which might be expected to play an important role in implementing a ship recycling convention, had attracted very few contributions, he suggested that greater efforts should be made to persuade shipowners to contribute.

Ms BERGLUND (Sweden) expressed support for the MEPC report in general, for the additional comments made by the Secretary-General, and for the additional measures he had taken in connection with GHG emissions and the BWM Convention.

Mr. NTULI (South Africa) noted with particular appreciation the outcome regarding the Southern South African Waters Special Area, and commended the Secretary-General on his efforts to encourage ratification of the BWM Convention and other related conventions, which were now bearing fruit. South Africa expected to submit its instrument of ratification for the BWM Convention and the OPRC Convention by early 2008. South Africa looked forward to consideration of its proposals on ballast water treatment technologies at the next meeting of the GESAMP-BWWG. Finally, he welcomed the Secretary-General's initiatives on GHG emissions and acceleration of the MEPC's work plan.

Mr. ANASTASAKOS (Greece) expressed appreciation to the Secretary-General for his proposal to accelerate the MEPC's work programme in respect of GHG emissions. It was of cardinal importance that IMO proceed with its environmental agenda, in particular matters relating to a ship recycling convention, air emissions and ratification of the BWM Convention. A global solution offered the best way forward on the GHG issue, and the world maritime community had invested much confidence in the MEPC work programme. Finally, he observed that it was important to avoid the potential for unilateral legislation in developing the measures on ship recycling and GHGs.

Mr. LEGROUX (France) expressed particular appreciation to Mr. Chrysostomou for his tireless promotion of the MEPC's activities, and to the Secretary-General and his staff for attaching due importance to environmental matters. France took an especially keen interest in ship recycling and was looking forward to attending the forthcoming intersessional group meeting with a view to making rapid progress on a ship recycling convention.

Turning to GHG emissions, he welcomed the proposed update on the 2000 Greenhouse Gas Study and the Secretary-General's initiatives to accelerate the relevant MEPC work programme.

Mr. IKIARA (Kenya) said his country greatly appreciated the efforts of IMO and the MEPC in the sphere of environmental protection. Kenya hoped to submit its instrument ratifying the BWM Convention within a month. Finally, he thanked the Secretary-General for the initiatives mentioned in his statement on the current agenda item, all of which Kenya supported fully.

Mr. LANTZ (United States) said his country welcomed the MEPC report and noted with particular appreciation the progress made and initiatives proposed in connection with the BWM Convention, MARPOL Annex VI, ship recycling and GHG emissions. He thanked all concerned on their work to designate the Papahānaumokuākea Marine National Monument as a PSSA, and the Secretary-General for his draft Assembly resolution intended to clarify important matters relating to the BWM Convention.

Mr. BELL (Bahamas) expressed particular appreciation for the Secretary-General's practical and pragmatic approach to compliance with the BWM Convention and for the draft resolution he had submitted for the Assembly's consideration.

Mr. SASTRAWAN (Indonesia), referring to the importance of further reductions in GHG emissions, suggested that it would be beneficial to incorporate the outcome of the COP 13 United Nations Climate Change Conference, due to be held in Bali, Indonesia, the coming December, into the discussions of the next MEPC session.

Mr. ZHANG (China) supported the proposal to update the 2000 Greenhouse Gas Study, which would help IMO to define the extent of ships' contribution to climate change while also demonstrating that the shipping industry was comparatively clean. Turning to the Secretary-General's proposals to accelerate the MEPC's work on GHG emissions, he observed that the existing work plan had been formulated only after exhaustive discussion by the committee, involving some compromise, and that China did not consider there was any need to change it.

Mr. VASSALLO (Malta) welcomed in particular the committee's activities in the sphere of ship recycling, which should be considered a fundamental part of IMO's mandate. He endorsed the comments of Denmark and Greece on the importance of adopting a global approach to GHG emissions, and in that regard also expressed support for the decisions of the MEPC and the action proposed by the Secretary-General. Finally, he endorsed the comments of China on the importance of making the world aware of shipping's clean record, and suggested that activities such as the 2000 Greenhouse Gas Study were of sufficient importance to be included in the Organization's regular budget.

Mr. MORENO (Chile) said that the MEPC's environmental activities, in particular those relating to GHG emissions and ballast water management, went to the heart of Chile's involvement with the Organization. Chile was particularly concerned about the effect of GHG emissions on the Antarctic. Finally, Chile was about to begin the process of ratifying the BWM Convention, which was expected to be completed in the near future.

The SECRETARY-GENERAL thanked the Netherlands for its contribution towards updating the 2000 Greenhouse Gas Study, which in all was expected to cost some

US\$ 400-500,000. He had appealed to governments for further contributions. The 2000 Study had calculated shipping's contribution to overall GHG emissions to be 1.8 per cent, and a reputable 2006 study had found that transport as a whole contributed 14 per cent, of which shipping contributed one tenth, but it was important for the Council to keep track of the situation, so that the MEPC in turn could take action to improve what was already a comparatively good performance by shipping. The director of the MED and he would attend the forthcoming COP 13 Conference mentioned by Indonesia, and he urged those Member Governments that would be attending to put forward the IMO case wherever possible. In reply to Bangladesh, he recalled that in his budget proposals submitted to the June Council session he had included detailed targets regarding promotion of compliance with the BWM Convention, both through the ITCP and in terms of MEPC activities. Finally, in response to China, he said that he had neither the intention nor the authority to change the agreed timetable of MEPC activities, and was fully aware of the amount of time it had taken to reach agreement on it. Rather, in consultation with the chairman of the MEPC, he had suggested that changes should be made to components of the committee's work programme designed to attune the shipping sector further to the worldwide concerns being expressed over climate change. Those suggestions would be submitted for the committee's consideration at its next session in the spring of 2008.

The CHAIRMAN invited the Council to note the information set out in document C/ES.24/8, as well as that provided orally by the chairman of the Marine Environment Protection Committee and the Secretary-General.

In particular, he invited the Council to note the adoption by the committee of amendments to MARPOL Annexes I and IV, the 1973 Intervention Protocol and the IBC Code; the progress and decisions made by the committee in the revision of MARPOL Annex VI and the NOx Technical Code, including the establishment of an Informal Cross-Government/Industry Scientific Group of Experts, and in the work to reduce greenhouse gas emissions from ships; the progress and decisions made by the committee relevant to implementation of the BWM Convention, including the adoption of two new sets of guidelines and the approval of two new ballast water management systems that make use of Active Substances; the progress and decisions made by the committee in developing a draft international convention for the safe and environmentally sound recycling of ships; the action taken by the committee concerning the designation and protection of Special Areas and PSSAs, including designation in principle of the Papahānaumokuākea Marine National Monument of the United States as a new PSSA; the approval by the committee of unified interpretations and other measures to promote implementation of the MARPOL Convention and related instruments; the action taken by the committee concerning implementation of the OPRC Convention, the OPRC-HNS Protocol and associated conference resolutions; the action taken by the committee concerning technical co-operation matters for protection of the marine environment; the action taken by the committee on issues relating to the human element and Formal Safety Assessment; and the action taken by the committee on new work programme items for sub-committees.

He further invited the Council to endorse the action taken by the committee in approving intersessional meetings for working/technical groups scheduled for 2007 and 2008, and to approve the report of the committee's fifty-sixth session in general and to transmit it, with comments and recommendations, to the twenty-fifth session of the Assembly, in accordance with article 21(b) of the IMO Convention.

Finally, he invited the Council to express its appreciation to the Government of the Netherlands for its donation of €35,000 towards the financing of the update of the 2000 IMO Greenhouse Gas (GHG) Study.

It was so decided.

AGENDA ITEM 9 – CONSIDERATION OF THE REPORT OF THE MARITIME SAFETY COMMITTEE (C/ES.24/9)

Mr. FERRER (Philippines), speaking in his capacity as chairman of the Maritime Safety Committee, said that the committee had held its eighty-third session in Copenhagen (Denmark) from 3 to 12 October 2007, and that its report, summarized in document C/ES.24/9, had been issued as documents MSC 83/28 and addenda 1, 2 and 3.

Paragraphs 4 and 5 covered the committee's amendments to chapters IV and VI of, and the appendix to the Annex to, the 1974 SOLAS Convention, as well as to the 1988 SOLAS Protocol and the INF Code.

Paragraphs 6 to 8 presented the special measures taken to enhance maritime security, including the approval of guidelines on security-related training and familiarization training for shipboard personnel, and the continuing work on the security aspects of the operation of ships not falling within the scope of SOLAS chapter XI-2 and the ISPS Code.

Paragraphs 9 to 13 reported on the continuing work on goal-based standards (GBS) for new ship construction based both on the prescriptive approach for bulk carriers and oil tankers and on the safety-level approach. Progress had been made on the development of draft SOLAS amendments for making GBS mandatory for bulk carriers and oil tankers, and the committee had agreed on a work plan for the development of GBS.

Paragraphs 14 to 23 summarized the MSC's work on the long-range identification and tracking of ships (LRIT). It had accepted the contingency offer of the United States to host, build and operate an interim LRIT International Data Exchange (IDE), had adopted amendments to the LRIT performance standards and functional requirements, had set up an *ad hoc* group to deal with technical matters in the period through to MSC 84, in order to ensure the timely establishment of the LRIT system, and had adopted a resolution on the use of LRIT information for safety and environmental protection purposes.

Paragraphs 24 to 49 covered the relevant decisions by the committee on the recommendations of the subcommittees that had met before MSC 83. The committee had, *inter alia*, noted the establishment of a mechanism for resolving difficulties in the shipment of IMDG Code class 7 radioactive materials, and amendments to the IMO FAL Compendium (DSC 11), had approved draft amendments to SOLAS chapter II-2 and called for measures to be considered to prevent explosions on oil and chemical tankers carrying low flashpoint cargoes (FP 51), had adopted the "Performance standard for protective coatings for void spaces on bulk carriers and oil tankers" and had approved draft amendments to the ESP Guidelines and to SOLAS regulations concerning means of embarkation on and disembarkation from ships and emergency towing arrangements on tankers (DE 50). It had noted decisions on provisions for gas-fuelled ships, on devices to prevent the passage of flame into cargo tanks, on information about the properties of MARPOL Annex II and IBC Code cargoes, and on matters concerning the application of MARPOL Annex II and BCH and IBC Code requirements (BLG 11). It had approved the draft International Code on Intact Stability (IS Code), together with the associated draft SOLAS and 1988 Load Line Protocol amendments needed to make the Code mandatory, and had noted the progress made on the development of the draft "Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels" (SLF 50).

It had approved the scope of the comprehensive review of the STCW Convention and the PSC guidelines on seafarers' working hours (STW 38), had approved the draft Assembly resolution on "Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)", adopted the "Performance standards for survival craft AIS search and rescue transmitters (AIS-SART)", and endorsed proposals to hold a workshop for a group of experts actively involved in SAR matters as part of the WMU Project on Search and Rescue Research Related to Passenger Ships (COMSAR 11). The committee had also approved the draft Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, together with the draft SOLAS amendments needed to make it mandatory, as well as the draft Assembly resolution on the Revised Code for the Implementation of Mandatory IMO Instruments and the Revised Survey Guidelines under the Harmonized System of Survey and Certification (FSI 15).

In regard to illegal, unreported and unregulated (IUU) fishing, paragraphs 50 and 51 reported that the MSC had considered the outcome of the second session of the joint IMO/FAO *ad hoc* Working Group on IUU Fishing and Related Matters, and had agreed that IMO, in consultation with FAO, should explore legal options to facilitate the entry into force of the 1993 Torremolinos Protocol.

Paragraphs 52 to 56 reported that the MSC, in considering the outcome of NAV 53, had adopted new and amended traffic separation schemes, routing measures and mandatory ship reporting systems, including the new ship reporting system in the Papahānaumokuākea PSSA, and had endorsed the extension of safety zones around FPSOs and dynamic positioned platforms. It had also adopted revised performance standards for electronic chart display and information systems, integrated navigation systems, navigation lights, navigation light controllers and associated equipment.

As to the role of the human element, as described in paragraphs 57 and 58, the MSC had considered the report of the Joint MSC/MEPC Working Group on the Human Element, approved the "Guidelines for operational implementation of the ISM Code by Companies", and endorsed the "Guidance on the qualifications, training and experience necessary for undertaking the role of designated person under the provisions of the ISM Code".

Paragraphs 59 to 62 reported on activities in the "Technical assistance sub-programme in maritime safety and security" executed in 2007 under the Integrated Technical Co-operation Programme (ITCP) for the 2006-2007 biennium, including search and rescue activities in Africa and the joint IMO/INTERFERRY domestic ferry safety pilot project.

In regard to capacity-building for the implementation of new measures, as presented in paragraph 63, the MSC had agreed to incorporate assessing criteria relating to capacity-building for the development of new instruments into its guidelines, and had approved a draft Assembly resolution on "Need for capacity-building for the development and implementation of new, and Amendments to Existing, Instruments".

Paragraphs 64 to 69 covered the discussion on piracy and armed robbery against ships. The MSC had noted those unlawful acts as being cause for serious concern, and had urged all governments and the industry to intensify and coordinate their efforts to eradicate them.

Paragraph 70 reported on the issue of general cargo ship safety. The MSC had agreed that it was in urgent need of further consideration, but that more detailed information would be

needed in order to identify the problems affecting general cargo ships and the appropriate measures to be taken.

As reflected in paragraph 71, the MSC had discussed how to deal with the formal safety assessment (FSA) study reports submitted to IMO to date, and had agreed, in general, on the need to establish a group of experts.

As reflected in paragraphs 77 to 79, the MSC had discussed and approved the work programmes of the subcommittees and the provisional agendas for their forthcoming sessions, as well as proposals concerning both the High-Level Action Plan for the 2008-2009 biennium and intersessional meetings.

Paragraphs 80 and 81 listed four draft Assembly resolutions that the MSC had approved for adoption by the twenty-fifth session of the Assembly, together with 35 sets of guidelines and other recommendations approved for dissemination.

Paragraphs 85 to 89 focused on the MSC's extensive discussion of the issue of persons rescued at sea, following a suggestion by Spain to make the "Guidelines on the treatment of persons rescued at sea" mandatory under the SOLAS and/or SAR Conventions. Most delegations had expressed sympathy for the suggestion, but there had been views expressed that it was outside the remit of IMO or that it would need to be considered as a multidisciplinary matter in an inter-agency approach. The committee had agreed that it was an important matter requiring further discussion and work by IMO.

The SECRETARY-GENERAL, after congratulating the chairman of the MSC on a job well done and on his re-election to the post for the following year, singled out a number of points specific to standard-setting. Passenger ship safety had been enhanced in response to the findings of the investigation into the **Al Salam Boccaccio 98** incident of February 2006, thus building on the previous year's success in strengthening fire-protection arrangements for cabin balconies on cruise ships. Efforts to have the LRIT system up and running, as agreed, by the end of 2008 would hinge on effective co-ordination between the work of adopting and implementing SOLAS amendments. In the meantime, everyone should appreciate the MSC's decisions concerning the establishment of the interim IDE and the contingency offer of the United States to host, build and operate it. On the maritime security front, the need to make progress was as pressing as ever. He thanked the United States Coast Guard for sending an officer to London to help finalize the all-important manual on the implementation of the ISPS Code that IMO had been preparing, with the financial support of the Government of Canada, and he welcomed the combined efforts of the MSC and the Facilitation Committee to enhance security in the shipment of closed CTUs and freight containers. As for the draft Casualty Investigation Code, he hoped that the draft Code and the respective draft new SOLAS regulation would be adopted, as planned, at MSC 84 so as to enable the Organization to institutionalize a mandatory scheme of casualty investigation that could best serve its efforts to enhance safety at sea and environmental protection. On the 1993 Torremolinos Protocol and the need to bring it into force as soon as possible, as emphasized at the second session of the joint IMO/FAO *ad hoc* Working Group on IUU Fishing and Related Matters, he had submitted a draft Assembly resolution on the matter and hoped that the Council would support it when it was presented for adoption the following week.

With regard to the issue raised by Spain of persons rescued at sea, there were indeed good grounds for concern, especially in view of the many innocent lives at risk if the problem of the increasing numbers of migrants trying to cross the Mediterranean from Africa remained unattended. He was in contact with the Spanish Government and had brought the matter up at

the Conference of African Ministers of Transport responsible for Maritime Affairs in Nigeria the previous February. Given that a share of the problem lay outside the remit of IMO, the Organization was planning a further inter-agency meeting to consider co-ordinated action at the United Nations level, following up on the 2003 initiative that had fostered closer inter-agency co-operation not only with the Office of the United Nations High Commissioner for Refugees (UNHCR) but also with the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC), and the United Nations Division for Ocean Affairs and the Law of the Sea (UN/DOALOS).

Mrs. TIEMENS-IDZINGA (Netherlands) said that her delegation endorsed the MSC report, but drew attention to a small yet significant editorial change to be made to the sixth line of paragraph 28, where the word “first” must be inserted after the word “considered” to read: “submitted and considered first, and agreed that, depending ...”.

Mr. ZHANG (China) said that the report of the MSC reflected its success in resolving the complex, pivotal issues on its agenda, and that its content therefore met with his delegation’s approval.

Mr. HAMMER HANSEN (Denmark) congratulated Mr. Ferrer and the MSC on their excellent work and expressed his appreciation of the impressive spirit of co-operation that both they and the Secretariat had shown in making such a success of the session in totally unfamiliar surroundings.

Mr. AMMAR (Egypt) stressed the importance of the MSC’s decisions as reflected in its commendable report, especially those relating to the provision of mobile satellite communication systems in the event of maritime distress, and to capacity-building for the implementation of new, and amendment of existing, IMO instruments.

Mr. LANTZ (United States) noted the progress being made on the LRIT system, saying that everyone was working to resolve all outstanding issues, and that his country was fully committed to making the system work at the minimum possible cost. He also noted the continuing consideration of security for ships not falling within the scope of SOLAS chapter XI-2 and the ISPS Code, which was a crucial issue representing a threat to all. Last, but not least, he thanked the Secretary-General for his leadership in building worldwide ISPS compliance, and said that his country was privileged to be playing a part in developing what was bound to be a most valuable manual on the implementation of the Code.

Mr. DOMÍNGUEZ (Panama) said that his delegation endorsed the MSC report, especially in regard to the progress made towards the timely implementation of the LRIT system. There was still some work to be done and a number of changes to be taken into account in order to reduce the cost and the potential burden on certain States. As for the editorial point highlighted by the representative of the Netherlands, it must be addressed as it could have a substantial bearing on how that paragraph was interpreted.

Mr. MORENO (Chile) said, first of all, that his country agreed with what had been said at MSC 83 concerning the LRIT system, and intended to implement a data centre in order to make the system operational and available to any other countries that needed it. IMSO would carry out a preliminary audit after the coming session of the Assembly so as to enable the centre to come into service by 31 December 2008 at the latest. Secondly, given the importance of fishing in Chile, he pledged his country’s support for the Secretary-General’s draft Assembly resolution aimed at the expeditious entry into force of the Torremolinos Protocol.

Mr. SHAFIQULLAH (Bangladesh) pointed out that his was the country selected for the domestic ferry safety pilot project described in paragraph 62, and suggested that the report should be updated to include the fact that all of the stakeholders concerned had helped finalize the project components at a national workshop held in December 2006, and that a needs assessment mission was due to take place in December 2007 before the project entered the implementation phase.

Turning to paragraph 64, he said that the figure of a 7.5 per cent increase in reported acts of piracy and armed robbery against ships gave a false impression of the situation, as it had been based on the number of incidents regardless of their seriousness, with no distinction drawn between attempted robbery and actual loss of life, for instance. Incidents should be assessed individually in order to present the true picture of the security situation and to allow appropriate action to be taken to address it.

Mr. OLIMBO (Italy) commended the MSC for a comprehensive, telling and highly positive report that marked yet another step forward in the improvement of international standards for the safety of shipping, and which drew attention to such highly sensitive matters as the ongoing enhancement of security for non-SOLAS vessels, implementation of the LRIT system and development of goal-based standards for new ship construction. His delegation saw the report as evidence of the ever-increasing harmonization of the current biennium's maritime safety activities with the Organization's strategic and high-level action plans. The professionalism, commitment and outstanding results of the MSC stood it in good stead to tackle the challenges ahead.

Mr. HUNTER (United Kingdom) noted the progress made on the implementation of the LRIT system, on security matters through the establishment of the Sub-Division for Maritime Security and Facilitation, on the development of e-navigation and GBS, the revision of the IS and FTP Codes, and on standards for passenger ship safety. In regard to the latter, he acknowledged the work done at IMO and thanked all involved in the rapid and effective implementation of the changes to SOLAS deemed necessary after the fire aboard the cruise ship **Star Princess**.

Mr. NTULI (South Africa) thanked the United States for helping prepare the entire maritime community for the eventual implementation of the LRIT system through the establishment of the IDE. Despite the current lack of clarity over the way ahead for the IDC initiative, the fact that such centres could help the many developing countries struggling to set up national data centres meant that the IDC concept per se should not be ruled out in the future. In the meantime, he looked forward to the implementation of MSC decisions on, *inter alia*, the safety of small fishing vessels and capacity-building for the development of new instruments, and he thanked the MSC for deciding to lend assistance to the Abuja MoU and hence boost its status, which had been seriously lagging behind that of other MoUs.

Mr. KÜHNER (Germany) joined in thanking the chairman for his leadership, the Secretary-General for his report and the Government of Denmark for hosting MSC 83. He welcomed the strategic decision to continue to develop the safety-level approach for goal-based new ship construction standards as well as the approval of emergency towing concepts for all ship types and the integrated bridge systems. Those achievements had sprung from the commitment of all parties involved and from IMO's spirit of compromise, which would also be needed to achieve ambitious objectives set for the forthcoming biennium.

Mr. NOGUEIRA (Spain) commended the chairman on his leadership and expressed appreciation to the Government of Denmark for its hospitality in hosting MSC 83. He thanked the Secretary-General for his efforts to resolve the difficult issues relating to persons rescued at sea, which greatly affected his and many other countries around the Mediterranean.

Mr. VASSALLO (Malta) joined in congratulating the chairman on his leadership and thanked Denmark for hosting MSC 83. The meetings held outside London had helped to familiarize many around the world with IMO's work, and he hoped that the practice would continue. He seconded what the Secretary-General and the representative of Spain had said about the problems relating to illegal immigration, the safety of life and sea, and the frequent and appalling loss of life in the Mediterranean. The situation there was an issue for other international agencies, as well as IMO, for it went beyond the transportation of persons, and it required urgent action; it also posed a serious security threat. Malta would support IMO's actions to combat piracy, which was another problem his country faced. He agreed with the representative of Bangladesh that the incidence of piracy and armed robbery should be assessed on the basis of the weighting given to each incident rather than on the number of incidents.

The most important project for the coming year was bringing into operation the system of long-range identification and tracking of ships. As chairman of the Mediterranean Memorandum of Understanding, he expressed his appreciation for IMO's support of all MoUs worldwide.

Mr. CHRYSOSTOMOU (Cyprus) joined in paying tribute to the chairman for his excellent leadership of the MSC's meetings and was grateful to the Government of Denmark for hosting the latest one. He suggested that operative paragraph 2 of the draft Assembly resolution on the Revised Code for the implementation of mandatory instruments should be amended to make it clear that governments in their capacity as flag States, port States and coastal States were being urged to implement the Revised Code; the wording of that paragraph would thus be brought into line with that of the seventh preambular paragraph, which referred to States in their capacity as port and coastal States.

The SECRETARY-GENERAL was grateful to the representative of Denmark for his words of appreciation of the Secretariat's efforts to ensure the successful outcome of MSC 83. The Organization's most valuable asset was its staff, and he was very proud of them. Replying to the representatives of the Netherlands and Bangladesh, he pointed out that, while he regretted the omission of the word "first" in paragraph 28 of document C/ES.24/9 and the absence in paragraph 62 of that document of a reference to the key role played by Bangladesh in the pilot project on domestic ferry safety, it was not his summary of the MSC report that would be submitted to the Assembly, but the report itself, which in fact contained the elements missing from his summary.

The draft resolution on the Revised Code for the Implementation of Mandatory IMO Instruments, annexed to document C/ES.24/9, was linked to the Voluntary IMO Member State Audit Scheme and was being submitted to the Assembly through the Council since the latter had initiated work on the issue.

Mr. FERRER (Philippines), speaking as chairman of the Maritime Safety Committee, assured the representative of South Africa and the Council that the committee had no intention of ruling out the establishment of the International LRIT Data Centre; on the contrary, as noted in the report under discussion, it had referred the draft technical specification to the *ad hoc* Working Group on Engineering Aspects of LRIT for its final decision, and work on its establishment would continue.

The CHAIRMAN said that paragraph 2 of the draft resolution on the Revised Code would be amended along the lines suggested by the representative of Cyprus.

He invited the Council to note the information set out in document C/ES.24/9 and that provided orally by the chairman of the Maritime Safety Committee and the Secretary-General.

In particular, he invited the Council to note the adoption by the MSC of amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol and the INF Code; to note the action taken by the committee on issues related to maritime security; to note the progress made on the issue of goal-based new ship construction standards (GBS), in particular the approval of a work plan on development of GBS; to note the outcome of the committee's work on the long-range identification and tracking of ships (LRIT) concept and other matters, in particular concerning the establishment and operation of the International LRIT Data Centre (IDC) and the International LRIT Data Exchange (IDE); to note the Committee's decisions on issues brought to it by DSC 11, STW 38, FP 51, COMSAR 11, DE 50, BLG 11, SLF 50, FSI 15 and NAV 53 and, in accordance with operative paragraph 3 of resolution A.973(24), to forward the proposed Revised Code for the Implementation of Mandatory IMO Instruments to the Assembly for adoption, having agreed to editorial modifications to operative paragraph 2 of the associated draft Assembly resolution; to note the action taken by the committee on issues relating to the human element; to note the action taken by the Committee regarding capacity-building for the implementation of new measures, the issue of piracy and armed robbery against ships, general cargo ship safety, and FSA-related issues; to note the committee's action on issues relating to application of the committee's guidelines on the organization and method of work, in particular regarding the assessment of proposed new work programme items; to note the four draft resolutions approved by the committee for submission to the twenty-fifth session of the Assembly for adoption and the 35 guidelines and other recommendations approved by the committee for dissemination; to note the committee's discussion on the issue of persons rescued at sea; and to endorse the Committee's action in approving the intersessional meetings referred to in paragraph 79.

He further invited the Council to approve the report of the MSC's eighty-third session in general, and transmit it, with the comments and recommendations, to the twenty-fifth session of the Assembly, in accordance with article 21(b) of the IMO Convention.

He further proposed that the Council express deep appreciation to the Government of Denmark for hosting the meeting and supporting it financially; and to the committee's chairman and officers as well as the IMO staff involved, for their contribution to the successful outcome of MSC 83.

It was so decided.

AGENDA ITEM 10 – CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE (C/ES.24/10 and C/ES.24/10/1; LEG 93/13)

Mr. CHAI LEE-SIK (Republic of Korea), speaking as chairman of the Legal Committee, said that the Legal Committee had held its ninety-third session in Panama City, Panama, from 22 to 26 October 2007. The report of the session was summarized in document C/ES.24/10; the full report was contained in document LEG 93/13. He would highlight some areas of particular importance.

The committee had reiterated its view that the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers should be reconvened to monitor the problem of abandonment of seafarers and to develop long-term sustainable solutions to address the issue of liability and compensation for such claims. The ILO and IMO Secretariats had already arranged to hold the meeting in Geneva from 4 to 7 February 2008.

The committee had agreed that it would be appropriate to gain experience with the current “Guidelines on fair treatment of seafarers in the event of a maritime accident” before considering any revisions. To that end, the committee had agreed that the Joint IMO/ILO *Ad Hoc* Expert Working Group on Fair Treatment of Seafarers in the Event of a Maritime Accident should be reconvened to monitor the implementation of the guidelines and to collect information on the mistreatment of seafarers.

The committee had noted the decision of the 1992 Assembly of the IOPC Funds to establish an HNS Focus Group to develop a draft protocol to the HNS Convention, with a view to providing legally binding solutions to three issues which had been identified as inhibiting the entry into force of the HNS Convention, namely, contributions to the LNG account; the concept of “receiver”; and the non-submission of reports on contributing cargo. The committee had expressed its readiness to consider any proposals that might be put forward by the Focus Group.

The committee had noted the report on the successful outcome of the International Conference on the Removal of Wrecks and the adoption of the Nairobi International Convention on the Removal of Wrecks, 2007. The committee had expressed, once again, its appreciation to the Government of Kenya for hosting the conference. One of the resolutions adopted at the conference invited the Organization to develop a model for a single insurance certificate that may be issued by States Parties in respect of each and every ship under all the relevant IMO liability and compensation conventions. The committee had agreed to develop such a certificate.

In considering its work programme, the committee had made a number of adjustments to its planned outputs for the 2008-2009 biennium, which had been reflected in documentation concerning the Organization’s Strategic Plan under agenda item 3. In reviewing the guidelines on its methods of work, the committee had taken note of the decision of the Council, at its ninety-seventh session, that it would be beneficial for the Legal Committee, taking into consideration its differing needs, to harmonize its work methods with those of the MSC and the MEPC. It had also taken note of the outcome of a subsequent meeting, in June 2007, of the chairmen and secretaries of the five IMO committees, which had considered how best that harmonization might be achieved. The committee had established a working group to look into the question of harmonization and had agreed to consider at its next session the amendments recommended by the working group.

For budgetary reasons, the committee had agreed to the Council’s suggestion to reduce the number of its sessions in the 2008-2009 biennium from four to three. Accordingly, only one session would be held in 2008, in the autumn. The committee had stressed that the agreement should not detract from the importance of its work, particularly in relation to the protection of seafarers.

The committee had approved, in principle, a draft resolution on “Capacity-building when developing new instruments”, which had been prepared by MSC 83, with one suggested amendment. Lastly, in considering measures to protect crews and passengers from crimes committed on vessels, the committee had considered a proposal for an international instrument to

facilitate investigation of shipboard criminal offences, but had decided not to reinstate that subject as a separate item in its work programme.

The action requested of the Council was summarized in paragraph 47. He expressed his gratitude to the Government of Panama for hosting the Committee's ninety-third session.

The SECRETARY-GENERAL reiterated his deep appreciation to the Government of Panama for hosting and supporting financially the committee's ninety-third session. He also thanked the International Labour Organization for offering to host at its headquarters the next meeting of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers.

The committee had been sensible in deciding that experience with the 2006 "Guidelines on fair treatment of seafarers in the event of a maritime accident" should first be gained before considering any revision. The committee had agreed to reconvene the Joint IMO/ILO *Ad Hoc* Expert Working Group on Fair Treatment of Seafarers in the Event of a Maritime Accident, to allow that group to collect information and monitor developments.

The aim of the Nairobi Conference resolution which called on the committee to develop a model for a single insurance certificate to be issued by States Parties in respect of each ship under all the relevant IMO liability and compensation conventions had been to simplify the formalities governing the issue and examination of insurance documentation required to be carried on board ships pursuant to the various IMO liability and compensation regimes. If successful, the outcome of the exercise would help to implement more efficiently the conventions concerned, and he looked forward to its successful conclusion.

The committee had considered and approved, in principle, the draft Assembly resolution prepared by the MSC on the need for capacity-building when developing new instruments and/or when amending existing ones.

He noted with satisfaction the outcome of the June 2007 meeting of the chairmen of all five committees, together with their secretaries. That meeting's recommendations had been both positive and constructive, and he noted that the Legal Committee had already agreed that its "Guidelines" should be amended so as to harmonize, as far as possible, its methods of work with those of the MSC and the MEPC, taking into consideration its special needs. He asked the Council to bear in mind the meeting's successful outcome when discussing the report of JIU.

Finally, the committee's decision to reduce the number of sessions it would need in the 2008-2009 biennium from four to three supported the efforts to identify possible budgetary savings in the next biennium, and he commended the committee on its responsible attitude and positive response to the Council's suggestion. That decision should not detract from the importance of the Legal Committee's work.

**AGENDA ITEM 2 – REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS
(C/ES.24/2) (resumed)**

The SECRETARY-GENERAL reported that all credentials had been examined and found to be in order in accordance with rule 9 of the Council's Rules of Procedure.

The CHAIRMAN invited the Council to take note of the Secretary-General's report.

It was so decided.

Mr. OLIMBO (Italy) thanked the chairman, the Secretary-General and the Secretariat for their excellent work. He welcomed the progress made on liability and compensation regarding claims for death, personal injury and abandonment of seafarers, on the fair treatment of seafarers in the event of maritime accident, and on the draft protocol to the HNS Convention, which he hoped would enter into force as soon as possible.

The meeting rose at 12.30 p.m.