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SUMMARY OF DECISIONS

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GENERAL

The twenty-third extraordinary session of the Council was held on 17 and 18 November 2005 under the Chairmanship of Mr. L. Díaz-Monclus (Venezuela). The Vice-Chairman, Mr. J. Franson (Sweden), was also present.

Reference document: C/ES.23/SR.1

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

At their request, the delegations of Angola, Antigua and Barbuda, Barbados, Belize, Benin, Bolivia, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Gabon, Iran (Islamic Republic of), Jamaica, Kenya, Liberia, Malaysia, Marshall Islands, Mauritius, Morocco, New Zealand, Pakistan, Peru, Saint Vincent and the Grenadines, Senegal, Sudan, Thailand, Tuvalu, United Republic of Tanzania, Uruguay and Vanuatu were invited to attend the session as observers. An Associate Member, Hong Kong, China, sent an observer to the meeting.

Reference document: C/ES.23/SR.1

1 ADOPTION OF THE AGENDA (agenda item 1)

1.1 The Council adopted the agenda and proposed timetable contained in document C/ES.23/1/Rev.1; and noted the annotations to the agenda contained in document C/ES.23/1/1.

Reference documents: C/ES.23/1/Rev.1; C/ES.23/1/1; C/ES.23/SR.1

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

2.1 The Council noted the Secretary-General's report that the credentials of delegations attending the session were in order in accordance with rule 9 of the Rules of Procedure of the Council.

Reference documents: C/ES.23/2; C/ES.23/SR.1 and SR.3

3 RESOURCE MANAGEMENT (agenda item 3)

(a) Personnel matters, including amendments, if any, to the Staff Regulations and Staff Rules (agenda item 3(a))

3(a).1 The Council noted the information set out in document C/ES.23/3(a) and its addendum, as well as that provided orally by the Secretary-General, on personnel matters.

3(a).2 The Council approved, with effect from the dates determined by the United Nations General Assembly, the implementation of the decisions of the General Assembly with respect to the recommendations in the 2005 report of the International Civil Service Commission (ICSC), which relate to the core terms of employment within the UN common system.

Reference documents: C/ES.23/3(a) and Add.1; C/ES.23/SR.1

(b) Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 56 of the IMO Convention (agenda item 3(b))

3(b).1 The Council noted the information set out in document C/ES.23/3(b) and its addenda, as well as that provided orally by the Secretary-General, on arrears of contributions and advances to the Working Capital Fund and on the implementation of Article 56 of the IMO Convention; and urged all Member States to fulfil their financial obligations.

3(b).2 The Council commended the Secretary-General for his continuing strenuous efforts to improve the Organization's financial position and supported the emphasis he had placed on Council Members' setting an example by settling their dues in accordance with the Organization's Financial Regulations and Financial Rules.

3(b).3 In particular, the Council:

- (i) recommended that the Assembly, at its twenty-fourth regular session, adopt the draft resolution annexed to document C/ES.23/3(b)/Add.4, with the amendments proposed by the Secretary-General with regard to operative paragraph 3 and the inclusion of a preambular paragraph explaining the Organization's contribution incentive scheme, re-affirming the importance of timely contributions and of the risks to the Organization's financial well-being arising from the late payment of contributions;
- (ii) noted, with regard to the provisions of regulation 5.4 of the Financial Regulations concerning the timing of the payment of their contributions, that proposals for amendments to the regulation would be submitted to the Council's ninety-sixth session in June 2006;
- (iii) noted the contribution position of those Member States which had been granted a waiver of the application of Article 56*bis* at the twenty-third regular session of the Assembly; and welcomed the efforts made by those Member States which had discharged their obligations in the interim;
- (iv) welcomed the payments made by those Member States which had not been granted a waiver; and
- (v) noted that two Member States, which had been granted a waiver at the twenty-third regular session of the Assembly, had not yet fulfilled their undertakings.

Reference documents: C/ES.23/3(b) and Add.1-4; C/ES.23/3(b)/Corr.1 (English only); C 93/9(c)/Add.1; C 94/3(d) and Add.1-2; C/ES.23/SR.1

(c) Consideration of requests by Members, if any, for waiver of the application of Article 56 of the IMO Convention (agenda item 3(c))

3(c).1 The Council noted the information set out in document C/ES.23/3(c) and its addenda, as well as that provided orally by the Secretary-General, on the consideration of requests by Members for waiver of the application of Article 56 of the IMO Convention.

3(c).2 The Council considered that Bolivia, and Peru, which had requested waiver of the provision of Article 56 of the IMO Convention and had provided payment pledges, had satisfactorily met the provisions of Rule 56*bis* and further decided that Haiti, which had also requested a waiver, would, subject to consultation with the Secretariat on a payment schedule, be considered as having satisfactorily met the provisions of Rule 56*bis*.

3(c).3 The Council also strongly encouraged Seychelles and the former Yugoslav Republic of Macedonia to pay the small amounts outstanding for 2004 during the early part of the Assembly, so that there would be no question of the application of Article 56 and Rule 56*bis* and their right to vote would thus be regained.

3(c).4 The Council decided to recommend to the Assembly that the application of Article 56 not be waived for Paraguay, but be waived for Bolivia, Peru and, subject to a satisfactory payment schedule being agreed, also in the case of Haiti; and requested the Secretary-General to report the Council's decisions on the matter to the Assembly.

Reference documents: C/ES.23/3(c) and Add.1-2; C/ES.23/3(c)/Rev.1 (Spanish only); C/ES.23/SR.1

(d) Work programme and budget prospects for 2005 (agenda item 3(d))

3(d).1 The Council noted the information set out in document C/ES.23/3(d) and its addendum, and that provided orally by the Secretary-General, on the work programme and budget prospects for 2005.

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

- (i) noted and welcomed the forecast outturn level of the regular budget expenditure for 2005 and, further to the approval given by the Council at its twenty-second extraordinary session and the Assembly at its twenty-third regular session, authorized the Secretary-General to make transfers between Major Programmes to the extent that balances are available to cover or reduce deficits in programme appropriation balances;
- (ii) noted the Secretary-General's plan, subject to any unforeseen expenditure demands arising before the end of the year, to transfer the appropriation for capital investment of £100,000 to the Headquarters Capital Fund;
- (iii) noted the forecast level of the year-end cash surplus of the General Fund and the dependency of this forecast on a sustained improvement in the level of contribution receipts; and, accordingly, urged Member Governments to remit their financial contributions promptly, in accordance with the Organization's Financial Regulations and Financial Rules;
- (iv) welcomed the anticipated increase in Publications' sales for 2005 and the prospective improvement of the Printing Fund year-end balance which would become available for transfer in 2006 and 2007;
- (v) noted the reduced expenditure forecast in the Headquarters Capital Fund and the consequential year-end Fund balance and reserves;

- (vi) approved the supplementary provision of £258,700 to the 2005 appropriation of the Termination Benefit Fund from the reserves of the Fund and noted the year-end Fund balance and reserves;
- (vii) noted the downsized level of programmes in the Training and Development Fund and the consequential forecast year-end Fund balance and reserves;
- (viii) noted the forecast expenditure level for 2005 in the Technical Co-operation Fund and the year-end Fund balance and reserves;
- (ix) endorsed the interim adjustments to the salary scale for the staff in the General Service category with effect from 1 October 2005, in accordance with the ICSC methodology; and
- (x) welcomed the Secretary-General's commitment to securing the Organization's programme needs within the approved appropriation.

Reference documents: C/ES.23/3(d) and Add.1; C 93/9(e); C 94/3(e) and Add.1; C/ES.23/SR.2

4 PROGRAMME FOR CHANGE (agenda item 4)

(a) ERP and Organizational reforms (agenda item 4(a))

4(a).1 The Council noted the information set out in document C/ES.23/4(a), and that provided orally by the Secretary-General, on the ERP and Organizational reforms.

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

- (i) noted and welcomed the progress made in the implementation of the ERP system, and on the other reform initiatives forming part of the Change Management Programme;
- (ii) welcomed the ongoing efforts to derive maximum benefit from the Organization's ERP system; and
- (iii) appreciated the Secretary-General's continuing focus on Organizational reforms and efficiency gains.

4(a).3 The Council also noted the information set out in document C/ES.23/4(a)/1 on the proposed establishment of a Finance and Risk Management Working Group, submitted by Australia, Canada, Japan, the Netherlands and the United Kingdom, and that provided orally by the Secretary-General.

4(a).4 The Council decided, given the significant importance of the proposal and the limited time available at the session, that, based on the general support, in principle, expressed for the proposal, a thorough discussion on the issue be deferred to its ninety-sixth session on the basis of a substantive document to be submitted by the Secretary-General. The Council also agreed that, at its ninety-fifth session, the Council should, in its new composition, be invited to note the outcome of its discussions on this issue.

4(a).5 The Council requested the Secretary-General to take into account the comments and proposals made by Members during the discussion in the preparation of the said document.

Reference documents: C/ES.23/4(a); C/ES.23/4(a)/1; C 94/4(a) and Add.1; C 94/WP.3; C/ES.23/SR.1 and 2

(b) HQ building refurbishment (agenda item 4(b))

4(b).1 The Council noted the information set out in document C/ES.23/4(b), and that provided orally by the Secretary-General, on the Headquarters building refurbishment.

4(b).2 The Council welcomed the information presented by the Secretary-General and the Host Government on the scope of Phase 1 of the programme of works, its duration and timing, the arrangements made for the temporary relocation of the Secretariat and the revised Meetings programme.

4(b).3 In particular, the Council:

- (i) endorsed the contents of the programme of works in Phase 1;
- (ii) noted the proposed timing and duration of the Phase 1 works;
- (iii) noted the consequential effects on the Meetings programme and the work of the Secretariat; and the proposals for the temporary relocation of the Secretariat;
- (iv) endorsed the proposals for the Meetings programme in the latter part of 2006;
- (v) authorized the Secretary-General to make the necessary financial commitments to ensure a cost-effective and efficient schedule of Meetings for 2007; and
- (vi) invited the Secretary-General to continue his negotiations with the Host Government in order to ensure an efficient and cost-effective refurbishment of the Headquarters building, while maintaining the core work of the Organization.

4(b).4 The Council expressed appreciation to the Host Government, the Secretary-General and the Secretariat for their efforts in accommodating the refurbishment programme and wished the Secretariat success in facing the challenges ahead.

Reference documents: C/ES.23/4(b); C/ES.23/5; C 94/D; C 94/4(b) and Add.1; C 94/WP.1; C 92/17(e)/3; C/ES.23/SR.2 and 3

5 WORK PROGRAMME AND BUDGET FOR THE TWENTY-FOURTH FINANCIAL PERIOD 2006-2007: DEVELOPMENTS SINCE THE NINETY-FOURTH SESSION OF THE COUNCIL (agenda item 5)

5.1 The Council noted the information set out in document C/ES.23/5 and its addendum, as well as that provided orally by the Secretary-General, on the work programme and budget for the twenty-fourth financial period 2006-2007: Developments since the ninety-fourth session of the Council.

5.2 The Council appreciated the Secretary-General's determination to balance the budgetary concerns of the membership with the demands of the work programme, and its expectations that IMO remain at the forefront of regulation within the maritime sector in respect of safety, security and environmental protection; supported the Secretary-General's revised budgetary proposals as set out in document C/ES.23/5 and its addendum; and recommended their adoption by the forthcoming twenty-fourth regular session of the Assembly, subject to further scrutiny in Committee 1.

5.3 In particular, the Council:

- (i) approved an appropriation for 2006-2007 of £49,730,300, comprising an appropriation of £24,298,300 for 2006 and an appropriation of £25,432,000 for 2007;
- (ii) agreed to the financing of the appropriations by assessments upon Member States of £22,419,100 for 2006 and £23,568,200 for 2007, after deducting:
 - direct and indirect costs for publishing activities to be recovered from the Printing Fund of £1,016,800 in 2006 and £1,040,200 in 2007;
 - transitional support from the Printing Fund of £175,000 for each year of the next biennium;
 - reimbursement of support costs for administrative and technical backstopping of technical co-operation activities of £300,000 for each year of the next biennium; and
 - miscellaneous income, including catering and refurbishment related receipts, of £387,400 for 2006 and £348,600 for 2007;
- (iii) agreed to the number of meeting-weeks of 41.2, comprising 21.6 meeting-weeks for 2006 and 19.6 meeting-weeks for 2007; welcomed the offer of the Government of Kenya to host the prospective diplomatic conference on wreck removal, possibly in 2007, at no cost to IMO; and thanked the Government of Turkey for its offer to host MSC 82 in December 2006, at no cost to IMO, and the Governments of Egypt and Panama for their offers to host other meetings; and
- (iv) endorsed the list of proposed posts for 2006-2007, as shown in annex 2 to document C/ES.23/5/Add.1.

5.4 With regard to the other Funds of the Organization, the Council:

- (i) approved the proposed budget for the Headquarters Capital Fund of £1,245,700 for 2006 and £1,262,400 for 2007;
- (ii) approved the proposed budget for the Termination Benefit Fund of £488,300 for 2006 and £142,100 for 2007;
- (iii) approved the proposed budget for the Training and Development Fund of £66,000 for 2006 and £66,000 for 2007; and

- (iv) approved the proposed budget for the Printing Fund of £3,904,800 for 2006 and £4,011,800 for 2007.

5.5 With regard to transfers, the Council approved the transfer from the surplus of the Printing Fund:

- (i) to the Headquarters Capital Fund of £700,000 in each year of the next biennium;
- (ii) to the Termination Benefit Fund of £300,000 in each year of the next biennium;
- (iii) to the Training and Development Fund of £65,000 in each year of the next biennium; and
- (iv) to the Technical Co-operation Fund of £2,400,000 in each year of the next biennium.

5.6 The Council approved, in principle, the draft resolution annexed to document C/ES.23/5/Add.1 for submission to the twenty-fourth regular session of the Assembly for adoption.

5.7 The Council noted the information set out in document C/ES.23/5/1, submitted by Mexico, Argentina, Chile, Nigeria, Portugal, Spain and Venezuela, and that provided orally by the Secretary-General, on proposals for the future level of transfers to the Technical Co-operation Fund from the surplus of the Printing Fund.

5.8 The Council generally supported, in principle, the draft resolution annexed to document C/ES.23/5/1, and agreed to forward it to the twenty-fourth regular session of the Assembly, with the Council's recommendation for adoption, subject to further scrutiny in Committee 1.

Reference documents: C/ES.23/5 and Add.1; C/ES.23/5/1; C 94/6 and Add/1; C 94/6/1; C/ES.23/3(d); C/ES.23/4(b); C 94/D; TC 55/13; resolution A.873(20); C/ES.23/SR.3 and 4

6 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME (agenda item 6)

6.1 The Council noted the information set out in document C/ES.23/6/1, and that provided orally by the Secretary-General, on the outcome of MEPC 53 with regard to the Voluntary IMO Member State Audit Scheme.

6.2 In particular, the Council:

- (i) noted that MEPC 53 had approved the draft Code for the implementation of mandatory IMO instruments and the associated draft Assembly resolution; and that it had also endorsed the draft Framework and Procedures for the Voluntary IMO Member State Audit Scheme, together with the associated draft Assembly resolution; and
- (ii) concurred with the recommendation that the Pre-audit questionnaire should not be modified, and decided that a relevant proposal by India should be taken fully into account when preparing the auditors' training course material.

6.3 The Council noted the information set out in document C/ES.23/6, containing a draft Assembly resolution regarding consideration of security-related matters, submitted by Australia, the United Kingdom and the United States.

6.4 The Council also noted comments made for possible improvements to the text of the draft Assembly resolution and for consolidating some of its contents into the draft resolution on the adoption of the Framework and Procedures for the Audit Scheme; and agreed to forward the draft resolution, as amended, to the Assembly for its consideration, with a view to Committee 1 or 2 being invited to finalize the draft resolution, as appropriate.

Reference documents: C/ES.23/6; C/ES.23/6/1; MEPC.53/24, paragraphs 12.1 to 12.10; MSC 80/24; C 94/D; A 24/19; C/ES.23/SR.4

7 STRATEGIC PLAN OF THE ORGANIZATION, INCLUDING THE REPORT OF THE *AD HOC* COUNCIL WORKING GROUP (agenda item 7)

7.1 The Council noted the information set out in document C/ES.23/7, and that provided orally by the Secretary-General, on the Strategic Plan of the Organization, including the report of the *Ad Hoc* Council Working Group.

7.2 The Council noted the Working Group's conclusions on the analysis of data collected and collated against the agreed performance indicators, in general, and, in particular:

- (i) instructed the Secretariat to make proposals on performance indicators for *the monitoring of trends in the Organization's output related to the work of other UN bodies* and also on *the effect on efficiency of shipping of IMO measures* and, in addition, to consider further the availability of statistics to monitor the strategic direction related to the impact of shipping on the environment;
- (ii) concurred with the Working Group's recommendation that the strategic direction on goal-based standards be monitored through a performance indicator on *progress towards development of the goal-based standards concept*; and
- (iii) noted the Working Group's advice to the Council in paragraphs 7.1 to 7.5 of its report and agreed to bring these issues to the attention of the Committees in the context of the prioritization of their work during the next biennium.

7.3 The Council also noted the Working Group's consideration of the provisional draft Strategic Plan rolled forward for the period 2006 to 2011, and, in particular:

- (i) instructed the Secretariat to make proposals for a suitable performance indicator on implementation and compliance, pending adoption by the twenty-fourth regular session of the Assembly, of the Voluntary IMO Member State Audit Scheme and the Code for Implementation of Mandatory IMO Instruments; and agreed to amend indicator 9 as proposed; and
- (ii) approved the revised Strategic Plan and its related Assembly resolution; and decided to forward it to the twenty-fourth regular session of the Assembly for adoption.

7.4 The Council further noted the Working Group's consideration of the high-level action plan and prioritized Committees' output for the 2006-2007 biennium, and, in particular:

- (i) concurred with its recommendations not to add a high-level action on co-operation, consultation and co-ordination with other international organizations and stakeholders on matters related to the facilitation of maritime traffic and not to amend the text on monitoring and improving Conventions by the addition of a reference to the development of Conventions;
- (ii) concurred with the Working Group's recommendations that three new high-level actions on facilitation matters be included in the high-level action plan related to the Strategic Direction on the efficiency of shipping; and on the inclusion of a new high-level action on the identification of the developmental needs of SIDS and LDC;
- (iii) agreed to bring the additional outputs in paragraphs 22.2 to 22.6 of the Working Group's report to the attention of the Committees, and also urged them to set aside sufficient time at their future sessions for considering the high-level actions and their associated priorities for the next biennium, in order to ensure that they both accurately and concisely describe their planned activities;
- (iv) approved the draft high-level action plan and prioritized Committees' output for the 2006-2007 biennium and its related Assembly resolution; and decided to forward it to the twenty-fourth regular session of the Assembly for adoption;
- (v) noted the Working Group's consideration of proposed revised reporting arrangements in the light of adoption of the Strategic Plan and concurred with its recommendations on reporting arrangements in paragraphs 27.1 to 27.4; and approved the summarized reporting cycle in diagrammatic form; and
- (vi) approved the report in general.

7.5 The Council thanked Mr. Franson (Sweden), the Chairman of the Working Group, the members of the Group and the Secretariat, for the excellent results of their work, which would successfully guide the Organization in the future.

Reference documents: C/ES.23/7; C 88/D; C 93/D; C 94/D; C 94/3(e)/1; C 94/3(e)/2; resolutions A.942(23), A.943(23) and A.944(23); C/ES.23/SR.4

8 PROTECTION OF VITAL SHIPPING LANES (agenda item 8)

8.1 The Council noted the information set out in document C/ES.23/8, and that provided orally by the Secretary-General, and by the delegations of Indonesia, Malaysia and Singapore, in particular, and the other Members which took the floor, regarding protection of vital shipping lanes.

8.2 In particular, the Council:

- (i) expressed appreciation to Indonesia for hosting the Jakarta Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection, held on 7 and 8 September 2005 (the Jakarta Meeting) and to Indonesia, Malaysia and Singapore for their co-operation and support;

- (ii) also expressed its appreciation to the States, intergovernmental and non-governmental organizations which sent representatives to the Jakarta Meeting, and for their contributions to the proceedings and the successful conclusion of the Meeting;
- (iii) further expressed appreciation to the Secretary-General and the MSD staff for their efforts in organizing, convening and conducting the Jakarta Meeting;
- (iv) noted, with satisfaction, the adoption of the Jakarta Statement on Enhancement of Safety, Security and Environmental Protection in the Straits of Malacca and Singapore (the Jakarta Statement);
- (v) noted, particularly, the elements of the Jakarta Statement relating to the measures the littoral States have already established in an effort to enhance the safety, security and environmental protection in the Straits of Malacca and Singapore and the further actions they contemplate to take in this respect;
- (vi) also noted, with satisfaction, the signing, during the Jakarta Meeting, of the Memorandum of Understanding and of the Memorandum of Arrangements relating to the regional Marine Electronic Highway (MEH) demonstration project in the Straits of Malacca and Singapore;
- (vii) authorized the Secretary-General to convene, in consultation with the littoral States and pursuant to requests contained in the Jakarta Statement, a series of follow-on meetings for the littoral States to identify and prioritize their needs, and for user States to identify possible assistance to respond to those needs, which may include information-exchange, capacity-building, training and technical support, with a view to promoting and co-ordinating co-operative measures; and
- (viii) thanked the Government of Malaysia for offering to host the next IMO-sponsored meeting on the Straits of Malacca and Singapore, which, as with the Jakarta meeting, should involve the littoral and user States.

8.3 The Council re-affirmed its mandate to the Secretary-General to continue his work relating to the protection of shipping lanes of strategic importance and significance; and to report to the Council as and when appropriate.

Reference documents: C/ES.23/8; C 93/D, paragraph 15; C 94/D, paragraph 8; C/ES.23/SR.4

9 CONSIDERATION OF THE REPORT OF THE FACILITATION COMMITTEE (agenda item 9)

9.1 The Council noted the information set out in document C/ES.23/9, and that provided orally by the Secretary-General and the Chairman of the Facilitation Committee, on the consideration of the report and approved the report of FAL 32 in general.

9.2 With regard to the outcome of FAL 32, the Council noted the actions taken by the FAL Committee as itemized in document C/ES.23/9, paragraphs 29.1 to 29.17 and, in particular:

- (i) approved the list of substantive items to be included in the agenda for the Committee's thirty-third session; and

- (ii) endorsed the Committee's recommendation that two meeting weeks be allocated to the Committee for the 2006-2007 biennium.

9.3 The Council decided to transmit the report of the Committee's thirty-second session, with its comments and recommendations, to the twenty-fourth regular session of the Assembly.

Reference documents: C/ES.23/9; FAL 32/22; C/ES.23/SR.4

10 CONSIDERATION OF THE REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE (agenda item 10)

10.1 The Council noted the information set out in document C/ES.23/10, and that provided orally by the Secretary-General and the Chairman of the Marine Environment Protection Committee, on the consideration of the report of the Committee.

10.2 In particular, the Council:

- (i) noted the recent establishment of a GESAMP – Ballast Water Working Group on Active Substances and authorized the Secretary-General to establish a Trust Fund for the management of the income and expenditure that will be entailed in the operation of the Group's work;
- (ii) endorsed the agreement by the Committee to develop a new legally-binding instrument on ship recycling, together with an associated draft resolution for adoption by the twenty-fourth regular session of the Assembly;
- (iii) endorsed the Committee's decision to undertake a general review of MARPOL Annex VI and the NO_x Technical Code; and
- (iv) endorsed the Committee's approval of the revised text of the PSSA Guidelines, together with an associated draft resolution for adoption by the twenty-fourth regular session of the Assembly.

10.3 The Council decided to transmit the report of the Committee's fifty-third session, with its comments and recommendations, to the twenty-fourth regular session of the Assembly.

Reference documents: C/ES.23/10; MEPC 53/24 and Add.1-2; C/ES.23/SR.4

11 REPORT ON THE 2005 INTERNATIONAL CONFERENCE ON THE REVISION OF THE SUA TREATIES (agenda item 11)

11.1 The Council noted the information set out in document C/ES.23/11, and that provided orally by the Secretary-General, concerning the report on the 2005 International Conference on the Revision of the SUA Treaties.

11.2 In particular, the Council:

- (i) noted the successful conclusion of the Conference;
- (ii) expressed appreciation to the President and Officers of the Conference; and

- (iii) authorized the Secretary-General to perform the depositary functions and other functions required under the Final Act of the Conference and under the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, as set forth in documents LEG/CONF.15/21, LEG/CONF.15/22 and LEG/CONF.15/23, respectively.

Reference documents: C/ES.23/11; LEG/CONF.15/21; LEG/CONF.15/22; LEG/CONF.15/23; C/ES.23/SR.4

12 REPORT ON THE TWENTY-SEVENTH CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE LONDON CONVENTION, 1972 (Agenda item 12)

12.1 The Council noted the information set out in document C/ES.23/12 and its addendum, and that provided orally by the Secretary-General, on the report of the twenty-seventh Consultative Meeting of Contracting Parties to the London Convention, 1972.

Reference documents: C/ES.23/12 and Add.1; LC 27/16; LC 27/WP.6 and Add.1-2; A 24/16/Add.1; C/ES.23/SR.4

13 REPORT OF THE COUNCIL TO THE ASSEMBLY ON THE WORK OF THE ORGANIZATION SINCE THE TWENTY-THIRD REGULAR SESSION OF THE ASSEMBLY (agenda item 13)

13.1 The Council noted the information set out in document C/ES.23/13, and that provided orally by the Secretary-General, concerning the report of the Council to the Assembly on the work of the Organization since the twenty-third regular session of the Assembly.

13.2 The Council approved the report and decided to transmit it to the twenty-fourth regular session of the Assembly.

Reference documents: C/ES.23/13; C 94/15(c); C 94/D; C/ES.23/SR.4

14 EXTERNAL RELATIONS (agenda item 14)

(a) Relations with the United Nations and the specialized agencies (agenda item 14(a))

14(a).1 The Council noted the information set out in document C/ES.23/14(a), and that provided orally by the Secretary-General, on relations with the United Nations and the specialized agencies.

14(a).2 The Council further noted the information set out in documents C/ES.23/14(a)/1 and C/ES.23/14(a)/2, as well as that provided orally by the Secretary-General, reporting, respectively, on the outcome of the 2005 World Summit and the second regular session for 2005 of the United Nations Chief Executives Board for Coordination (CEB).

Reference documents: C/ES.23/14(a); C/ES.23/14(a)/1; C/ES.23/14(a)/2; C/ES.23/SR.4

(b) Relations with intergovernmental organizations (agenda item 14(b))

14(b).1 The Council noted the information set out in document C/ES.23/14(b) and its addenda, and that provided orally by the Secretary-General, on relations with intergovernmental organizations.

14(b).2 The Council approved the proposed draft Agreements of Co-operation with:

- (i) the International Criminal Police Organization – Interpol;
- (ii) the South Asia Co-operative Environment Programme (SACEP);
- (iii) the Paris Memorandum of Understanding on Port State Control (Paris MoU);
- (iv) the Acuerdo de Viña del Mar;
- (v) the Tokyo Memorandum of Understanding on Port State Control (Tokyo MoU);
- (vi) the Indian Ocean Memorandum of Understanding on Port State Control (IOMoU);
- (vii) the Caribbean Memorandum of Understanding on Port State Control (CMoU); and
- (viii) the West and Central Africa Memorandum of Understanding on Port State Control (Abuja MoU).

and decided to submit them to the twenty-fourth regular session of the Assembly for final approval.

14(b).3 The Council decided to consider the proposed Agreement of Co-operation with the African Union (AU) whenever that Agreement might be submitted to it for approval.

Reference documents: C/ES.23/14(b) and Add.1-3; C 93/D; C/ES.23/SR.4

(c) Relations with non-governmental organizations (agenda item 14(c))

14(c).1 The Council noted the information set out in document C/ES.23/14(c) and document C/ES.23/14(c)/1 and its addenda, as well as that provided orally by the Secretary-General, on relations with non-governmental organizations.

14(c).2 The Council decided to grant consultative status to the International Bunker Industry Association (IBIA).

14(c).3 With regard to the periodic review of organizations in consultative status with IMO, the Council:

- (i) decided to maintain the consultative status of the Latin American Shipowners' Association (LASA) and the Advisory Committee on Protection of the Sea (ACOPS); and
- (ii) decided to maintain the consultative status of Greenpeace International, subject to that organization undertaking not to endanger the safety of navigation or maritime security.

Reference documents: C/ES.23/14(c); C/ES.23/14(c)/1 and Add.1-2; C 94/17(d)/1; C 94/D; MSC 79/23; MEPC 53/24; C/ES.23/SR.4

(d) Report on World Maritime Day 2005 (agenda item 14(d))

14(d).1 The Council noted the information set out in document C/ES.23/14(d) and its addendum, and that provided orally by the Secretary-General, reporting on World Maritime Day 2005.

14(d).2 The Council was pleased to note that World Maritime Day 2005 had, once again, been successful; and extended its appreciation to all those involved in the preparation for the event and for the excellent arrangements made for its celebration.

14(d).3 The Council particularly noted with appreciation the worthwhile contributions, which various Member Governments, organizations and individuals had made to the success of the Day, by their attendance at the reception held at IMO Headquarters, and through other events organized by them; and by sending relevant messages to the Secretary-General.

14(d).4 The Council also expressed appreciation to those Members who had responded to the Secretary-General's efforts to revitalize World Maritime Day, by organizing special events to mark the Day, and for informing the Secretariat, in advance of the Day, of those activities. However, the Council expressed the wish that more Members would do the same in the future.

14(d).5 The Council welcomed information on a trial parallel event which had been successfully organized by IMO, in conjunction with the Government of Portugal, in Lisbon, on 15 November 2005; and noted that a full report on this subject would be submitted for its consideration in due course. In the meantime, the Council expressed appreciation both to the Government of Portugal for hosting the event, and to the Member Governments, international organizations and the media, for their attendance.

14(d).6 With regard to World Maritime Day 2006, the Council approved the Secretary-General's proposal that the theme for the Day should be:

“TECHNICAL CO-OPERATION: IMO's Response to the 2005 World Summit”

to give the Organization the opportunity to enhance its technical co-operation activities in response to the World Summit, with special emphasis on its technical co-operation programme and maritime needs in Africa, and authorized the Secretary-General to make the necessary arrangements for the celebration of the Day, in accordance with the practice approved by the Council and the Assembly.

14(d).7 The Council also approved the holding of the 2006 World Maritime Day celebration in Singapore and thanked the Government of Singapore for its offer to host the event.

Reference documents: C/ES.23/14(d) and Add.1; C 93/D; C 94/17(e); C 94/D; C/ES.23/SR.4

15 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 15)

15.1 The Council noted the information set out in document C/ES.23/15, and that provided orally by the Secretary-General, on the status of the Convention and membership of the Organization.

15.2 The Council noted, with satisfaction, the further growth in the membership of the Organization since its last session, and extended its welcome to the Republic of Zimbabwe, the new Member of IMO.

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

15.4 As regards the 1991 amendments to the IMO Convention, the Council took particular note of the information provided by the Secretary-General concerning the number of Member States which had accepted these amendments, and the additional measures he had undertaken to encourage the further acceptances required to bring them into force; the Council requested the Secretary-General to continue urging those Member States which had not already done so, to consider accepting the 1991 amendments to the IMO Convention at the earliest possible opportunity; and to report to the ninety-sixth session of the Council accordingly.

Reference documents: C/ES.23/15; A 24/6; C/ES.23/SR.4

16 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 16)

16.1 The Council noted the information set out in document C/ES.23/16, 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 functions.

16.2 The Council endorsed and supported the Secretary-General's continuing efforts to encourage Governments to consider accepting those instruments to which they are not yet parties; and, in particular, reiterated its plea to Member Governments to pay particular attention to ratifying:

- (i) as far as safety-related Conventions are concerned, the 1993 Torremolinos Protocol and the 1995 STCW-F Convention;
- (ii) as far as environment-related Conventions are concerned, the 2001 AFS Convention and the 2004 Ballast Water Convention; and
- (iii) as far as security-related conventions are concerned, the 2005 SUA Protocols,

to enable them to enter into force as soon as possible.

Reference documents: C/ES.23/16; A 24/7 and Add.1; C/ES.23/SR.4

17 SUPPLEMENTARY AGENDA ITEMS (agenda item 17)

(a) Piracy and armed robbery against ships in waters off the coast of Somalia (agenda item 17(a))

17(a).1 The Council noted the information set out in document C/ES.23/17(a), and that provided orally by the Secretary-General, on the increasingly worrying situation of piracy and armed robbery against ships in waters off the coast of Somalia.

17(a).2 The Council unreservedly:

- (i) condemned and deplored all acts of piracy and armed robbery against ships, irrespective of where such acts have occurred, or may occur; and

- (ii) appealed to all parties which may be able to assist, to take action, within the provisions of international law, to ensure that:
- all acts or attempted acts of piracy and armed robbery against ships are terminated forthwith, and any plans for committing such acts are abandoned; and
 - any hijacked ships are immediately and unconditionally released, and that no harm is caused to seafarers serving on them.

17(a).3 Regarding the proposed draft Assembly resolution on “Piracy and armed robbery against ships in waters off the coast of Somalia”, the Council supported the Secretary-General’s initiative and approved the draft resolution, in principle, for submission to the twenty-fourth regular session of the Assembly, for consideration with a view to adoption.

17(a).4 The Council expressed appreciation to all those who had rendered, thus far, assistance or had responded to calls from ships under attack in the waters off the coast of Somalia, and encouraged them, within their means and mandates, to continue to do so when possible.

17(a).5 The Council also expressed appreciation to the International Maritime Bureau of the International Chamber of Commerce for the good work it had done and the help it had provided to the industry over the years, particularly in relation to incidents occurring in the waters off the coast of Somalia, and decided that these issues should be acknowledged in the draft resolution by the inclusion of an appropriate paragraph in the preamble.

17(a).6 The Council congratulated the Secretary-General for his timely and appropriate initiative with regard to the draft resolution.

Reference documents: C/ES.23/17(a); C/ES.23/SR.4
