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## EXTERNAL RELATIONS

### (a) Relations with the United Nations and the specialized agencies

#### Note by the Secretary-General

##### SUMMARY

*Executive summary:* This report draws attention to resolutions of the General Assembly of the United Nations of relevance to IMO, received since the 108th session of the Council

*Strategic direction:* 1.1 and 1.3

*High-level action:* 1.1.2 and 1.3.1

*Planned output:* Cooperation with United Nations bodies and agencies

*Action to be taken:* Paragraph 9

*Related documents:* None

#### Resolutions adopted by the General Assembly of the United Nations

1 Since the 108th session of the Council (11 to 14 June 2012), the following five resolutions, dealing with matters of relevance to IMO, were adopted by the General Assembly of the United Nations:

General Assembly resolutions	Title
Resolution 67/19 of 29 November 2012	Status of Palestine in the United Nations
Resolution 67/78 of 11 December 2012	Oceans and the law of the sea

<b>General Assembly resolutions</b>	<b>Title</b>
Resolution 67/79 of 11 December 2012	Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments
Resolution 67/99 of 14 December 2012	Measures to eliminate international terrorism
Resolution 67/257 of 12 April 2013	United Nations common system: report of the International Civil Service Commission

2 As the texts of the aforementioned resolutions have been circulated to Governments through other channels, they are not annexed to this document.

3 With respect to resolution 67/19 (on ***Status of Palestine in the United Nations***), of relevance to IMO is operative paragraph 2, whereby the United Nations General Assembly "*Decides to accord to Palestine non-member observer State status in the United Nations, without prejudice to the acquired rights, privileges and role of the Palestine Liberation Organization in the United Nations as the representative of the Palestinian people, in accordance with the relevant resolutions and practice*".

4 With respect to resolution 67/78 (on ***Oceans and the law of the sea***), sections of particular relevance to IMO are:

- (i) Section II, on Capacity-building, which recognizes the importance of the International Maritime Law Institute (IMLI) and the World Maritime University (WMU) and urges States, intergovernmental organizations, financial institutions and other bodies to make voluntary financial contributions to their budgets; and encourages States and international financial institutions to provide additional funding for capacity-building programmes, including through IMO;
- (ii) Sections IX and X, which report on progress achieved by IMO in the field of maritime safety and security, piracy, flag State implementation and protection of the marine environment and resources, in particular:
  - paragraph 84, which welcomes the ongoing cooperation between the Food and Agriculture Organization (FAO), the International Labour Organization (ILO) and IMO on the safety of fishers and fishing vessels, and underlines the need for continued work in this area;
  - paragraph 85, which encourages continued cooperation between the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and IMO;

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- paragraph 86, which encourages States to consider becoming parties to the 2010 Protocol to the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea;
  - paragraph 88, which recognizes the crucial role of international cooperation at all levels in combating threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms, and the need for sustained capacity-building to support such objectives;
  - paragraph 90, which emphasizes the importance of promptly reporting incidents relating to piracy and armed robbery, and takes note of the important role of IMO;
  - paragraph 92, which urges States, in cooperation with IMO, to actively adopt measures to combat piracy and armed robbery at sea;
  - paragraph 93, which encourages States to effectively implement international law applicable to combating piracy, calls upon them to facilitate the apprehension and prosecution of those who are alleged to have committed acts of piracy, including the financing or facilitation of such acts, and encourages them to cooperate with a view to developing their national legislation in this regard;
  - paragraph 94, which expresses grave concern at the threats posed by piracy and armed robbery at sea to the safety and welfare of seafarers and other persons;
  - paragraph 95, which invites States, IMO, ILO and others to adopt or recommend measures to protect the interest and welfare of seafarers and fishers who are victims of pirates;
  - paragraph 96, which notes the ongoing cooperation between IMO, the United Nations Office on Drugs and Crime (UNODC) and the United Nations Division for Ocean Affairs and Law of the Sea (DOALOS) with respect to the compilation of national legislation on piracy;
  - paragraph 103, which notes the approval by IMO of guidelines to assist in the investigation of the crimes of piracy and armed robbery against ships, revised interim guidance to shipowners, ship operators and shipmasters on the use of privately contracted armed security personnel on board ships in the high-risk area, revised interim recommendations for flag States regarding the use of privately contracted armed security personnel on board ships in the high-risk area and interim recommendations for port and coastal States regarding the use of privately contracted armed security personnel on board ships in the high-risk area, interim guidance to private maritime security companies providing privately contracted armed security personnel on board ships in the high-risk area and interim guidance for flag States on measures to prevent and mitigate Somalia-based piracy;

- paragraph 104, which notes the efforts made by the shipping industry to cooperate with States regarding piracy off the coast of Somalia, and notes the adoption, on 30 November 2011, of IMO resolution A.1044(27) on *piracy and armed robbery against ships in waters off the coast of Somalia*;
- paragraph 105, which recalls the adoption, on 29 January 2009, of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct) under the auspices of IMO, the establishment of the IMO Djibouti Code Trust Fund and the ongoing activities for the implementation of the Code of Conduct;
- paragraph 106, which urges States to ensure the full implementation of IMO resolution A.1044(27) on acts of piracy and armed robbery against ships in waters off the coast of Somalia;
- paragraph 107, which calls upon States that have not yet done so to become parties to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (SUA Convention and Protocol), as well as to the 2005 SUA Protocols;
- paragraph 108, which calls upon States to effectively implement the International Ship and Port Facility Security Code and the amendments to the International Convention for the Safety of Life at Sea (SOLAS Convention), and to work with IMO to promote safe and secure shipping while ensuring freedom of navigation;
- paragraph 109, which urges all States, in cooperation with IMO, to improve the protection of offshore installations;
- paragraph 110, which emphasizes the progress in regional cooperation on the enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore, and the effective functioning of the Cooperative Mechanism on safety of navigation and environmental protection, and notes with appreciation the important role of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia;
- paragraph 116, which welcomes the work of IMO relating to the protection of shipping lanes of strategic importance and significance;
- paragraph 118, which calls upon States to implement the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident;
- paragraph 121, which notes that States should maintain dialogue and consultation, in particular under the auspices of the International Atomic Energy Agency and IMO, in relation to the safe maritime transport of radioactive materials;

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- paragraph 123, which encourages States to draw up plans and to establish procedures to implement the *Guidelines on Places of Refuge for Ships in Need of Assistance*, adopted by IMO on 5 December 2003;
  - paragraph 124, which invites States that have not yet done so to consider becoming parties to the Nairobi International Convention on the Removal of Wrecks, 2007;
  - paragraph 126, which calls upon States to ensure that masters on ships flying their flag provide assistance to persons in distress at sea, and urges States to cooperate and to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue and to the SOLAS Convention relating to the delivery of persons rescued at sea to a place of safety, as well as of the associated *Guidelines on the Treatment of Persons Rescued at Sea*;
  - paragraph 127, which recognizes that all States must fulfil their search and rescue responsibilities and the ongoing need for IMO and other relevant organizations to assist developing States to increase their search and rescue capabilities;
  - paragraph 128, which welcomes the ongoing work of IMO in relation to disembarkation of persons rescued at sea;
  - paragraph 137, which recognizes that international shipping rules and standards adopted by IMO in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution, complemented by best practices of the shipping industry, have led to a significant reduction in maritime accidents and pollution incidents, and encourages all States to participate in the Voluntary IMO Member State Audit Scheme;
  - paragraph 138, which welcomes the work of IMO to develop a mandatory code for ships operating in polar waters and encourages States and competent international organizations and bodies to support continued efforts to finalize it within the agreed framework, with entry into force as soon as possible;
  - paragraph 140, which encourages flag States to take appropriate measures with a view to furthering implementation of relevant instruments under IMO;
  - paragraph 147, which encourages States that have not yet done so to become parties to international agreements addressing the protection and preservation of the marine environment and its living marine resources against the introduction of harmful aquatic organisms and pathogens and marine pollution from all sources, including the dumping of wastes and other matter, and other forms of physical degradation, as well as agreements that provide for preparedness for, response to and cooperation on pollution incidents and that include provisions on liability and compensation for damage resulting from marine pollution;

- paragraph 155, which notes the work of IMO to prevent pollution by garbage from ships, and welcomes the adoption of amendments to Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL Convention), as well as related 2012 *Guidelines for the Implementation of Annex V*;
  - paragraph 156, which notes the work of IMO to prevent pollution by sewage from ships, welcomes the adoption of amendments to Annex IV to the MARPOL Convention, on the possible establishment of special areas for the prevention of such pollution, and notes the designation of the Baltic Sea as the first Special Area under the Annex;
  - paragraph 157, which encourages States that have not yet done so to become parties to MARPOL Annex VI;
  - paragraph 158, which encourages States that have not yet done so to become parties to the 1996 Protocol to the London 1972 Convention, and to ratify or accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004;
  - paragraph 159, which notes the ongoing work of IMO in relation to the reduction of greenhouse gas emissions from ships;
  - paragraph 160, which urges States to cooperate in correcting the shortfall in port waste reception facilities in accordance with the action plan developed by IMO;
  - paragraphs 167, 168 and 169, which recall decisions taken in the context of the London 1972 Convention and 1996 Protocol meetings with regard to ocean fertilization;
  - paragraph 177 which encourages States to consider ratifying or acceding to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, to facilitate its early entry into force;
- (iii) Section XIII, on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, in particular paragraph 237, inviting IMO and other competent organizations to continue to provide technical and scientific support to the Regular Process;
- (iv) Section XIV, on Regional Cooperation, in particular paragraph 246, welcoming the memorandum of understanding for enhanced cooperation, concluded between the Commission for the Protection of the Marine Environment of the North-East Atlantic, the North East Atlantic Fisheries Commission, the International Seabed Authority and IMO; and
- (v) Section XV, on the Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP), in particular paragraph 252, welcoming the report of the ICP's thirteenth meeting, which focused on marine renewable energies.

5 With respect to resolution 67/79 (on ***Sustainable fisheries***), sections of particular relevance to IMO are:

- (i) paragraph 47 (Section III), which welcomes the adoption of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977;
- (ii) paragraph 62 (Section IV), which encourages strengthened collaboration between FAO and IMO to combat illegal, unreported and unregulated fishing, particularly in improving the implementation of flag State responsibilities and port State measures; and
- (iii) paragraph 73 (Section V), which encourages FAO, in cooperation with States, regional economic integration organizations, IMO and regional fisheries management organizations and arrangements, to expedite efforts to develop and manage a comprehensive global record, including a unique vessel identifier system.

6 With respect to resolution 67/99 (on ***Measures to eliminate international terrorism***), paragraph 12 is particularly relevant to IMO in that it urges all States to consider, as a matter of priority, becoming parties to the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol relating to Fixed Platforms Located on the Continental Shelf (2005 SUA Protocols).

7 Matters related to resolution 67/257 (on ***United Nations common system: report of the International Civil Service Commission***) are dealt with under agenda item 4.

8 The Secretary-General, at this stage, has no specific proposals for action by the Council in respect of the resolutions listed in this document, other than those suggested under agenda item 4 with respect to resolution 67/257. As usual, he will follow developments on them within the appropriate bodies of the United Nations system and any conclusions reached, or actions proposed, in connection with any of these, or any other relevant resolutions, which may be of interest to IMO, will be reported to the Council in due course.

#### **Action requested of the Council**

9 The Council is invited to consider the information provided in this document and to comment and decide, as it may deem appropriate.