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SUMMARY OF DECISIONS

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GENERAL

The twenty-seventh extraordinary session of the Council was held on 21 and 22 November 2013 under the Chairmanship of Mr. J. Lantz (United States). The Vice-Chairman, Mr. D. Ntuli (South Africa), was also present. All 40 members of the Council attended the session.

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

Algeria, Angola, Antigua and Barbuda, Belize, Colombia, Cook Islands, Côte d'Ivoire, Dominican Republic, El Salvador, Ghana, Guatemala, Honduras, Iran (Islamic Republic of), Kuwait, Libya, the Marshall Islands, Monaco, Nigeria, Peru, Poland, Saint Vincent and the Grenadines, Saudi Arabia, Ukraine, Uruguay and Venezuela (Bolivarian Republic of) attended the session as observers. Hong Kong, China (Associate Member) also attended the session as an observer.

Audio file: Thursday, 21 November 2013: a.m.

1 ADOPTION OF THE AGENDA (agenda item 1)

1.1 The Council adopted the agenda and proposed timetable, as contained in document C/ES.27/1/Rev.1, and noted the annotations to the agenda contained in document C/ES.27/1/1.

Reference documents: C/ES.27/1/Rev.1, C/ES.27/1/1

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

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

Reference document: C/ES.27/2

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3 STRATEGY, PLANNING AND REFORM (agenda item 3)

3.1 The Council noted the information set out in document C/ES.27/3, and that provided orally by the Chairman of the working group and the Secretary-General, on the thirteenth session of the Ad Hoc Working Group on the Organization's Strategic Plan (CWGSP 13), held from 21 to 24 October 2013.

3.2 In particular, the Council:

- (i) reiterated that strict discipline regarding unplanned outputs should be observed at all levels;
- (ii) requested the Secretary-General to ensure that sufficient resources are available for the purpose of conducting further statistical analysis and review of the performance indicators and key performance indicators in

accordance with the methodologies, of a medium level of complexity, proposed in document CWGSP 10/2(b), paragraph 5.4; and welcomed the comments by the Secretary-General that he would look into the matter, and update the Council in the course of 2014 on how these matters could be addressed;

- (iii) approved the updated Strategic Plan for the Organization (for the six-year period 2014 to 2019), together with the associated draft Assembly resolution, and forwarded them to the twenty-eighth regular session of the Assembly for adoption;
- (iv) noted the Working Group's suggestion that, in view of the increasing maturity of the strategic planning process, the Council should at a future session, subject to any appropriate proposals by Member States, consider a more fundamental review of all components of the Strategic Plan following the statistical analysis and review of the performance indicators (PIs) and key performance indicators (KPIs);
- (v) requested the Maritime Safety Committee to clarify the status and purpose of the long-term action plan on passenger ship safety it had developed;
- (vi) reminded the committees that, before any work is undertaken during a biennium, an appropriate output should be formulated and included in the High-level Action Plan (HLAP) of the Organization, in accordance with the relevant procedures; it being understood that minor corrections/issues could continue to be considered by the committees under the agenda item "Any other business";
- (vii) requested the relevant committees to review the outputs in annex 2, part A of the document, and examine if they can be more clearly identified;
- (viii) requested the Marine Environment Protection Committee to provide information in relation to the new planned outputs in annex 2, part B;
- (ix) approved the revised draft HLAP and priorities for the 2014-2015 biennium, together with the associated draft Assembly resolution; and forwarded them to the twenty-eighth regular session of the Assembly for adoption;
- (x) noted the Secretariat's Business Plan to inform its consideration, along with the revised draft HLAP, of the results-based budget (RBB) proposal;
- (xi) agreed to revisit, in the future, the Working Group's terms of reference to ensure their continued relevance and usefulness to support the Organization's strategic planning process; and
- (xii) approved the revised draft *Guidelines on the Application of the Strategic Plan and the High-level Action Plan of the Organization*, together with the associated draft Assembly resolution as amended; and forwarded them to the twenty-eighth regular session of the Assembly for adoption.

3.3 The Council approved the Working Group's report in general and thanked its Chairman, Mr. D. Ntuli (South Africa), the members of the Group and the Secretariat for the significant amount of work done at the thirteenth session.

Reference documents: C/ES.27/3; C/ES.27/7/Add.1, resolutions A.1011(26), A.1037(27) and A.1038(27)

Audio file: Thursday, 21 November 2013: a.m.

4 RESOURCE MANAGEMENT (agenda item 4)

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

4(a).1 The Council noted the information on human resource matters set out in the documentation, and that provided orally by the Secretary-General, including on amendments to the Staff Regulations and Staff Rules.

4(a).2 With respect to documents C/ES.27/4(a), C/ES.27/4(a)/Add.1, C/ES.27/4(a)/1 and C/ES.27/4(a)/2, the Council:

- (i) approved the implementation of the United Nations General Assembly decisions referred to therein with effect from the dates it has determined;
- (ii) noted the text of the new staff rule 104.10; and
- (iii) requested the Secretary-General to provide it, at its 112th session in spring 2014, with additional information on the recently introduced merit promotions and special awards scheme, taking into account the comments and suggestions of Member States on its further development.

4(a).3 With respect to document C/ES.27/4(a)/3, the Council noted the position, as at 1 November 2013, on senior-level appointments, the recruitment of women, the geographical and age distribution of staff, and staff development and training.

Reference documents: C/ES.27/4(a), C/ES.27/4(a)/Add.1, C/ES.27/4(a)/1, C/ES.27/4(a)/2, C/ES.27/4(a)/3; C 110/D; C/ES.27/4(d) and C/ES.27/5

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

4(b).1 The Council noted the information provided in document C/ES.27/4(b) and its addendum, as well as that provided orally by the Secretary-General, on arrears of contributions and of advances to the Working Capital Fund, and on the implementation of Article 61 of the IMO Convention.

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

- (i) urged all Member States to fulfil their financial obligations;

- (ii) reiterated its firm stance on the strict enforcement of Article 61 of the IMO Convention;
- (iii) recommended that the Assembly, at its forthcoming twenty-eighth session, adopts the draft resolution annexed to document C/ES.27/4(b)/Add.1 as an expression of the importance of timely contributions and the risks from the late payment of contributions; and
- (iv) welcomed the payments made by those Member States which were not granted a waiver at the last session of the Assembly.

Reference documents: C/ES.27/4(b) and Add.1; C 110/4(d) and its addenda and A 28/19(a) and its addenda

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

4(c).1 The Council noted the information set out in document C/ES.27/4(c) and its addendum, and that provided orally by the Secretary-General, on the consideration of requests by Members for waiver of the application of Article 61 of the IMO Convention.

4(c).2 The Council recommended to the Assembly that the application of Article 61 should not be waived for the **Republic of Cape Verde, the Union of the Comoros, the Republic of Côte d'Ivoire, the Democratic Republic of the Congo, the Republic of Djibouti, the Republic of Guinea, the Republic of Guinea-Bissau, the Republic of Malawi, the Democratic Republic of Sao Tome and Principe, the Somali Republic and the Syrian Arab Republic.**

4(c).3 The Council encouraged **the Republic of Côte d'Ivoire and the Republic of Guinea** to pay the small amounts outstanding for 2012 in the early part of the Assembly so that they can regain the right to vote.

Reference documents: C/ES.27/4(c) and Add.1; C/ES.26/5(c) and Add.1, C/ES.27/4(b) and Add.1

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(d) Budget considerations for 2013 (agenda item 4(d))

4(d).1 The Council noted the information set out in document C/ES.27/4(d), and that provided orally by the Secretary-General, on budget considerations for 2013.

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

- (i) the review on external pay and price factors and their budgetary impacts;
- (ii) the forecast outturn of regular budget expenditure for 2013, assessed to be kept within the approved appropriation for 2013;
- (iii) the income and expenditure outturn and forecast in the Trading Fund and the consequential in-year surplus distribution projection; and

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- (iv) the expenditure status of the Headquarters Capital Fund, the Termination Benefit Fund, the Training and Development Fund, the Technical Cooperation Fund, and extra-budgetary programmes.

4(d).3 The Council authorized the Secretary-General to make, as and when necessary, timely transfers between Strategic Results in the regular budget to the extent that balances are available to cover or reduce deficits in Strategic Results appropriation balances in accordance with the Organization's Financial Regulations and Financial Rules.

Reference documents: C/ES.27/4(d); resolution A.1039(27) and C 110/4(e)

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5 RESULTS-BASED BUDGET FOR THE 2014-2015 BIENNIUM (agenda item 5)

5.1 The Council noted the information set out in documents C/ES.27/5 and C/ES.27/5/Corr.1, as well as that provided orally by the Secretary-General, on his proposals for the results-based budget for the 2014-2015 biennium.

5.2 The Council:

- (i) approved the Organization's complement for 2014-2015, reflecting the abolition of 33 posts in the regular budget and 8 posts in the Trading Fund, as listed in appendix 3 of annex 1;
- (ii) agreed to a total number of meeting-weeks of 32.6, comprising 17.2 weeks for 2014 and 15.4 weeks for 2015, as shown in appendix 2 of annex 1;
- (iii) approved the proposed regular budget for the 2014-2015 biennium of £64,304,000, comprising an appropriation of £31,686,000 for 2014 and an appropriation of £32,618,000 for 2015, as summarized in tables 4 (by strategic result) and 8 (by object of expenditure) and detailed in appendix 1 of annex 1 and in annexes 2 and 3;
- (iv) agreed to the financing of the biennial appropriation by assessments upon Member States of £60,232,000 (£30,116,000 each for 2014 and 2015) while endorsing the proposal to use, for the reduction of the 2015 assessment, part of the projected surpluses of the Trading Fund (£600,000) and part of the expenditure savings in the regular budget (£318,000) in 2012, as shown in table 19 and reflected in paragraph A.2 of annex 1;
- (v) agreed to the funding and management of the Special Contingency Account described in paragraph 53 and reflected in paragraph A.3 of annex 1;
- (vi) approved the proposed reform of the Contributions Incentive Scheme to simplify both the calculation of incentive points (as presented in paragraph 43) and the administration of the incentive earnings' distribution (paragraphs 45 to 48), as contained in annex 5, with option A as the preferred method for the calculation of points and further decided that the distribution of earnings should first be applied to offset any outstanding assessment contributions;
- (vii) approved the proposed expenditure budget in the Trading Fund of £11,768,000 (£5,824,000 for 2014 and £5,944,000 for 2015) with a corresponding target revenue of £23,342,600 (£11,837,600 for 2014 and

£11,505,000 for 2015), as shown in table 1 in appendix 4 of annex 1; and the proposed changes in the formula for the distribution of the Trading Fund surplus, as shown in table 22 and reflected in section C of annex 1;

- (viii) approved the proposed budgets of the Headquarters Capital Fund, the Termination Benefit Fund, the Training and Development Fund, and the Technical Cooperation Fund, as shown in tables 2, 3, 4, and 5, respectively, in appendix 4 of annex 1; and
- (ix) approved the draft Assembly resolutions, in their totality, on the Results-based budget for the 2014-2015 biennium contained in annex 1, and on the Reform of the Contributions Incentive Scheme contained in annex 5, as amended, and recommended to the Assembly the adoption of the resolutions.

Reference documents: C/ES.27/5, C/ES.27/5/Corr.1, C/ES.27/4(d); C 110/D, C 110/3/8, C 110/6 and resolution A.1039(27)

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6 REPORT ON THE THIRTY-FIFTH CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE LONDON CONVENTION 1972 AND THE EIGHTH MEETING OF CONTRACTING PARTIES TO THE 1996 PROTOCOL TO THE LONDON CONVENTION

6.1 The Council noted the information set out in document C/ES.27/6, and that provided orally by the Secretary-General on the Report of the thirty-fifth Consultative Meeting of Contracting Parties to the London Convention 1972 and the eighth Meeting of Contracting Parties to the 1996 Protocol to the London Convention, held concurrently from 14 to 18 October 2013.

6.2 The Council further noted:

- (i) the adoption of resolution LP.4(8) on the amendment to the London Protocol to regulate the placement of matter for ocean fertilization and other marine geoengineering activities;
- (ii) the adoption of the *Guidance on the implementation of article 6.2 on the export of carbon dioxide streams for disposal in sub-seabed geological formations for the purpose of sequestration*;
- (iii) the adoption of the *Revised Specific Guidelines for Assessment of Dredged Material*;
- (iv) the convening of the seventh session of the Compliance Group to be held concurrently with the next meetings of the governing bodies scheduled tentatively for 3 to 7 November 2014, in parallel with the ninth Meeting of Contracting Parties to the London Protocol, at no additional cost to the Organization;
- (v) the finalization of outreach material in the management of spoilt cargoes;
- (vi) the progress made on addressing the issue of sub-sea disposal of tailings and associated wastes from mining operations; and

- (vii) the progress made on other items relating to the work of the governing bodies of the London Convention and Protocol since the 109th session of Council.

6.3 The Council agreed to the convening of the next joint session of the LC/LP Scientific Groups in New Orleans to be hosted by the United States, scheduled tentatively for 26 to 30 May 2014.

Reference documents: C/ES.27/6; LC 35/WP.1 and LC 35/15 (English only)

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7 REPORT OF THE COUNCIL TO THE ASSEMBLY ON THE WORK OF THE ORGANIZATION SINCE THE TWENTY-SEVENTH REGULAR SESSION OF THE ASSEMBLY (agenda item 7)

7.1 The Council noted the information set out in documents C/ES.27/7, C/ES.27/7/Corr.1 and C/ES.27/7/Add.1, and that provided orally by the Secretary-General, reporting on the work of IMO since the twenty-seventh regular session of the Assembly.

7.2 The Council approved the report for consideration by the Assembly at its forthcoming twenty-eighth regular session.

Reference documents: C/ES.27/7, C/ES.27/7/Corr.1 and C/ES.27/7/Add.1

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8 PROTECTION OF VITAL SHIPPING LANES (agenda item 8)

8.1 The Council noted the information set out in documents C/ES.27/8, C/ES.27/8/1, C/ES.27/8/2 (Indonesia, Malaysia and Singapore) and C/ES.27/WP.1 (drafting group), as well as that provided orally by the Secretary-General and the delegation of Indonesia.

8.2 With regard to document C/ES.27/8 and C/ES.27/WP.1, the Council approved the associated draft Assembly resolution on Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea, as amended, for submission to the twenty-eighth regular session of the Assembly for adoption; and expressed appreciation to the drafting group, ably chaired by the delegation of the United Kingdom, for effectively revising the draft text.

8.3 The Council expressed appreciation to all those who have, thus far, rendered assistance or 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.

8.4 With regard to documents C/ES.27/8/1 and C/ES.27/8/2 reporting on recent developments concerning the Cooperative Mechanism for the Malacca and Singapore Straits, the Council:

- (i) expressed appreciation to the littoral States of Indonesia, Malaysia and Singapore for the timely implementation of the various components of the Cooperative Mechanism in the Straits of Malacca and Singapore;

- (ii) expressed appreciation to those Member Governments, intergovernmental and non-governmental organizations which had made contributions to, and/or pledged support for, the various projects under the Cooperative Mechanism and the IMO Malacca and Singapore Straits Fund; and
- (iii) invited Member Governments and organizations to continue contributing to the projects under the Mechanism and the Fund.

Reference documents: C/ES.27/8, C/ES.27/8/1, C/ES.27/8/2 and C/ES.27/WP.1; C 110/13/2 and C 110/D, paragraph 13.4

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9 PERIODIC REVIEW OF ADMINISTRATIVE REQUIREMENTS IN MANDATORY IMO INSTRUMENTS (agenda item 9)

9.1 The Council noted the information set out in documents C/ES.27/9 and C/ES.27/9/1, and that provided orally by the Secretary-General and Chairman of the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR), containing a report of the Ad Hoc SG-RAR, and a progress report to the Assembly on the periodic review of administrative requirements in mandatory IMO instruments, respectively.

9.2 With regard to document C/ES.27/9, the Council welcomed the report of the Steering Group; was greatly encouraged by the number of replies received in the consultation, as reported orally by the Chairman; expressed its appreciation to the members of the Steering Group, and in particular its Chairman, for the work carried out; and looked forward to the outcome of the Steering Group to be presented in 2014.

9.3 The Council approved its Progress Report to the Assembly on the periodic review of administrative requirements in mandatory IMO instruments set out in the annex to document C/ES.27/9/1 for submission to the twenty-eighth regular session of the Assembly.

Reference documents: C/ES.27/9 and C/ES.27/9/1

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10 EXTERNAL RELATIONS (agenda item 10)

(a) Relations with the United Nations and the specialized agencies (agenda item 10(a))

10(a).1 The Council noted the information set out in document C/ES.27/10(a), and that provided orally by the Secretary-General, reporting on the outcome of the fourteenth session of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (ICP) held from 17 to 20 June 2013.

Reference documents: C/ES.27/10(a); United Nations Secretary-General's reports A/68/159 and A/68/71, United Nations General Assembly resolution 67/78

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(b) Joint Inspection Unit (agenda item 10(b))

10(b).1 The Council noted the information set out in document C/ES.27/10(b), and that provided orally by the Secretary-General, on matters relating to the Joint Inspection Unit.

10(b).2 In particular, the Council noted the following reports and the Secretary-General's comments thereon:

- (i) "Review of individual consultancies in the United Nations system" (JIU/REP/2012/5);
- (ii) "Review of enterprise resource planning (ERP) systems in United Nations organizations" (JIU/REP/2012/8);
- (iii) "Staff-management relations in the United Nations specialized agencies and common system" (JIU/REP/2012/10); and
- (iv) "Reference checks in United Nations system organizations" (JIU/Note/2013/1).

Reference document: C/ES.27/10(b)

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(c) Relations with non-governmental organizations (agenda item 10(c))

10(c).1 The Council noted the information set out in document C/ES.27/10(c), and that provided orally by the Secretary-General, concerning the application for consultative status submitted by the Security Association for the Maritime Industry (SAMI), as requested by the Council, at its 110th session.

10(c).2 The Council decided not to grant consultative status to SAMI.

Reference documents: C/ES.27/10(c) and C 110/D, paragraph 18(d)2

Audio file: Friday, 22 November 2013: a.m.

(d) Report on World Maritime Day 2013 (agenda item 10(d))

10(d).1 The Council noted the information set out in documents C/ES.27/10(d) and C/ES.27/10(d)/1 (Peru).

10(d).2 The Council joined the Secretary-General in expressing appreciation to all those involved in the preparation and arrangements made for the successful celebration of World Maritime Day 2013 and, in particular, noted the very worthwhile contributions which various Member Governments, organizations and individuals had made to the success of the Day; by their attendance at the symposium and the reception held at the IMO Headquarters and through events organized by them; and the kind and meaningful messages sent to the Secretary-General on the occasion.

10(d).3 With regard to the World Maritime Day parallel event, the Council, noting its successful organization jointly by the Government of Peru and IMO in Lima on 2 and 3 October 2013, expressed appreciation to the Government of Peru for hosting a

successful event; to the Member Governments and international organizations that sent representatives to attend it; and to the media for covering it.

10(d).4 With regard to World Maritime Day 2014, the Council recalled its decision at its 110th session in July 2013 that the theme for the Day should be "IMO conventions: effective implementation"; and noted that the Secretary-General would make all necessary arrangements for the celebration of the Day, in accordance with past practice and decisions made by the Council and the Assembly.

10(d).5 The Council, recalling its decisions at its 109th and 110th sessions to accept the kind offers made by the Governments of Morocco and Japan to host the 2014 and 2015 World Maritime Day parallel events, respectively, reiterated its deep appreciation to those Governments.

Reference documents: C/ES.27/10(d), C/ES.27/10(d)/1; C 110/D, paragraph 18(e).2

Audio file: Friday, 22 November 2013: a.m.

11 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 11)

11.1 The Council noted the information set out in documents C/ES.27/11 and A 28/22, as well as that provided orally by the Secretary-General, on the status of the Convention and membership of the Organization.

11.2 The Council endorsed the Secretary-General's recommendation that IMO Members, which are not yet members of the International Hydrographic Organization, should give favourable consideration to joining that Organization, given that its objectives with regard to the safety of navigation and protection of the marine environment closely mirrored those of IMO.

11.3 The Council further endorsed and supported the Secretary-General in his efforts to make IMO more widely known and to ensure that it maintained its deserved position in the global maritime community; and also encouraged him to assist all Member States, particularly developing countries, to participate fully and effectively in the work of the Organization.

Reference documents: C/ES.27/11 and A 28/22

Audio file: Friday, 22 November 2013: p.m.

12 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 12)

12.1 The Council noted the information set out in document C/ES.27/12 and A 28/23 and its addendum, as well as that provided orally by the Secretary-General, on the status of conventions and other multilateral instruments in respect of which the Organization performs depositary functions.

12.2 The Council welcomed the news that the 2006 ILO Maritime Labour Convention entered into force on 20 August 2013, given the considerable impetus it would give to improving the living and working conditions of seafarers.

12.3 The Council endorsed and supported the Secretary-General's continuing efforts to encourage Governments to consider accepting those IMO treaty instruments to which they were not yet parties. With the environmental perspective in mind, the Council, in particular, reiterated its plea to Member Governments to ratify the 2004 Ballast Water Management Convention, the 2007 Nairobi Wreck Removal Convention and the 2009 Hong Kong Ship Recycling Convention to enable them to enter into force as soon as possible.

12.4 The Council also endorsed the Secretary-General's request for similar, swift action to be taken by both Signatory and non-Signatory States with regard to the 2010 HNS Protocol which, to date, had no Contracting States.

12.5 The Council welcomed the recent signature by Norway of the 2012 Cape Town Agreement on the implementation of the 1993 Torremolinos Protocol; and noted that the Agreement would remain open for signature until 10 February 2014. Governments were encouraged to sign it during this period and thereafter to ratify or accede to it, thereby bringing into force safety regulations developed over 35 years ago when the 1977 Torremolinos Convention was adopted.

12.6 The Council, in view of the theme for World Maritime Day 2014 – "IMO conventions: effective implementation" – further endorsed the Secretary-General's remarks concerning the need for Governments to complement the international legal framework of instruments established by IMO with timely ratification, early entry into force and widespread and effective implementation thereafter; and requested him to communicate with Governments that had not yet ratified IMO treaties, encouraging and assisting them to accept and implement them at their earliest convenience.

Reference documents: C/ES.27/12; A 28/23 and A 28/23/Add.1

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