

**IMO COUNCIL, 127th Session,
11 – 15 July 2022.**

The IMO Council held its 127th Meeting remotely, from Monday 10th to Friday 15th July 2022, chaired by Mr Victor Jimenez of Spain and his Vice-Chair, Mrs Amane Fethallah of Morocco. All 40 Member States elected to the Council presented their credentials correctly.

OPENING REMARKS BY Mr KITACK-LIM, SECRETARY-GENERAL OF IMO.

In welcoming delegates to the 127th session of the Council, Mr Lim expressed profound sorrow (as also did the Council) for the tragic assassination of the former Prime Minister of Japan, His Excellency Mr Shinzo Abe and on behalf of IMO, expressed his deepest sympathy and heartfelt condolences to his government and people. On a lighter note, he congratulated the Bahamas on the occasion of their 49th Anniversary of Independence.

Continuing, Mr Lim reflected that shipping continues to make a critical contribution to world trade and is invaluable to the global supply chain, as was evident at the peak of the Covid pandemic. Just two weeks ago marked the Day of the Seafarer, whose role is so vital to ensuring the continuity of world trade. He expressed his deep appreciation in respect of efforts made by Member States and industry to support seafarers throughout the pandemic and in the wake of the armed conflict between Russia and Ukraine. In his view, Seafarers remain at the heart of shipping and they should not become collateral victims of larger political issues. Their welfare and the need for international shipping to move freely and unhindered are critical to the continuous operation of global supply chains, for the benefit of all peoples of the world.

He spoke of celebrations for the first International Day for Women in Maritime on 18 May, a milestone in the continuous voyage to further gender parity in the maritime sector, and he hoped that such celebrations will enhance the movement towards greater inclusivity and diversity within the shipping industry.

Turning to the meeting agenda, he described important decisions needing to be taken, in particular, matters arising from the 35th extraordinary session of the Council. Following the last Assembly, there is a need to progress the work programme in tackling the outstanding issues on Council reform and in addition, he encouraged all IMO Member States to ratify the amendments to the IMO Convention as soon as possible. Further, on resource management matters, there will be an update on the measures to enhance the gender and geographical representation within the Secretariat.

Budget considerations and measures to be implemented will be updated to ensure the financial sustainability of the Organisation, particularly given the current world economic situation.

Finally, the Secretary-General stated that there will be a return to meetings-in-person this September and thanked all Member States, IGOs and NGOs for their support over the past two years which enabled the Organisation to make progress in all relevant areas.

STRATEGY, PLANNING AND REFORM.

Strategy and planning. The Council noted the information emanating from the IMO-Singapore Future of Shipping Conference: Decarbonisation – Outcomes and Recommended Key Steps. In particular,

- noted the information provided and considered the gaps and opportunities for maritime decarbonisation, taking into account the ongoing review of the *Initial IMO Strategy for the reduction of GHG emissions from ships*, to be completed by the MEPC in 2023;
- invited MEPC and the Intersessional Working Group on Reduction of GHG Emissions from Ships to consider the recommendations made above during the course of their deliberations; and
- invited support for IMO initiatives to reduce GHG emissions from ships, including GreenVoyage 2050, the latest NextGEN Connect Call for Proposals and the preparatory phase of the IMO CARES Foundation Project.

Reform. Following Plenary discussion, the Council re-established the open-ended Working Group (WG) on Council Reform and instructed the WG to:

- consider proposed measures relating to access to information and transparency in relation to live streaming of IMO meetings to the public;
- consider possible amendments to the *Organisation and method of work of the Council*, taking into account that Council decided to establish a standing Intersessional WG on Relations with Non-Governmental Organisations;
- update the work plan of the WG and determine a timeline for completion of the remaining items, if any, reporting to the Council by 15 July 2022.

The Council approved the WG's report in general, and in particular:

- agreed that, in principle, some meetings, or parts of meetings, should be live streamed to the public;
- agreed that clear criteria and procedures should be developed for the selection of such meetings, or parts, to be live streamed;
- invited proposals for criteria and procedures for streaming, to be incorporated in a common policy to the next session of the Council;
- requested the Secretariat to provide further information on the criteria for live streaming to the public by other United Nations system organisations, and also from other similarly constituted, standard-setting organisations;
- approved the amendments to the *Organisation and method of work of the Council*, requesting the Secretary-General to issue a circular reflecting the updated document;
- approved the updated work plan of the WG on Council Reform; and,
- endorsed the re-establishment of the WG on Council Reform at a future session.

RESOURCE MANAGEMENT.

Human resources matters, including amendments to the Staff Regulations and Staff Rules. The Council noted: the recommendations contained in the 2021 report of the International Civil Service Commission (ICSC); amendments to staff rules concerning the IMO's internal appeals system necessary to comply with recent jurisprudence of the UN Appeals Tribunal; and, the relevant data for the Organisation and other uptakes from Human Resources Services as of 31 May 2022.

Financial report and audited financial statements for the financial period ended 31 December 2021, and the report of the External Auditor. The Council noted the Organisation's financial report, the statement on internal control, and the audited financial statements for the financial year ended 31 December 2021. Council also welcomed the unqualified opinion of the External Auditor, thanking her for the report, and approved the SG's stalwart stewardship of the Organisation's Funds together with his report. The Council then elected to forward the statements and report to the thirty-third regular Assembly session.

Budget considerations for 2022. The Council welcomed the Secretary-General's careful harbouring of the Organisation's funds in challenging times, and in this respect, noted:

- the review of the key budget assumptions and risks;
- the forecast level of expenditure for 2022, kept within the approved appropriation;
- the conclusion that a second additional MED post could be recruited during 2022;
- the income, expenditure and Trading Fund forecast with consequential in-year surplus distribution;
- the expenditure status of the HQ Capital Fund, the Termination Benefit Fund and the Technical Cooperation Fund;
- the funding and delivery of the Organisation's extra-budgetary programmes;
- the S-G's review of the Organisation's financial resilience and operational reserves;
- the update on the S-G's work streamlining the IMO's multi-donor trust funds;
- the update provided on the funding status for After Service Health Insurance; and,
- the S-G's summary and conclusion that, as a whole, expenditure for 2022 could be contained within the budgets approved for all funds, and his intention to present an updated review of budgetary prospects to the next session of the Council.

The Council authorised the S-G, in principle, to make any necessary transfers between strategic directions and expressed its gratitude to all donors who supported the Organisation's Technical Cooperation work, through which many developing countries, including small islands developing States, benefitted.

CONSOLIDATED TEXT OF THE IMO CONVENTION.

The Council noted the information set out in document C 127/6 on the consolidated text of the IMO Convention, as well as the same text in the Annex to the document, incorporating all amendments in force, for adoption by the Assembly at its thirty-third regular session.

It will be presented in all official languages as an Annex to the Council's Summary of Decisions.

ESTABLISHMENT OF A VOLUNTARY MULTI-DONOR TRUST FUND TO FACILITATE PARTICIPATION OF DEVELOPING COUNTRIES, ESPECIALLY SMALL ISLAND DEVELOPING STATES (SIDS) AND LEAST DEVELOPED COUNTRIES (IDCs) IN IMO MEETINGS.

The Council noted the information set out in document C 127/7 (United Kingdom), as well as that provided orally by the UK delegation, on the establishment of a voluntary fund as per the heading above. The Council agreed to re-establish the Correspondence Group under the coordination of the UK, and instructed it, taking into account the voluntary multi-donor trust fund's terms of reference, selection, application criteria and details, to report their recommendations back to the Council at its next session.

REPORT OF THE FACILITATION COMMITTEE (FAL).

The Council noted the information set out in document C 127/8 on the outcome of the forty-sixth session of FAL, in particular:

- decisions taken regarding measures for greater public access to information;
- the comments made, and decisions taken, on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effect on international shipping and seafarers set out in paragraphs 2.4 to 2.14 of document FAL 46/24;
- the adoption of resolution FAL.14(46) on amendments to the FAL Convention for entry into force on 1 January 2024, unless prior to that, at least one-third of the Contracting Governments have notified non-acceptance of the amendments;
- developments regarding the IMO Compendium on Facilitation and Electronic Business, including approval of a revised version of the Compendium and, the *IMO Compendium on Facilitation and Electronic Business* launched by the Secretariat to be funded by Member States and international organisations;
- the information provided by the Department for Partnerships and Projects in respect of the ongoing initiatives supporting digitisation;
- the actions taken on matters related to maritime autonomous surface ships (MASS);
- the approval of the list of instruments under the remit of FAL for which a consolidated version would be most beneficial, for submission to C 127; and,
- approval of FAL circulars as set out in paragraph 18 of document C 127/8.

Furthermore, the Council endorsed the holding of the first meeting of the Joint MSC/LEG/FAL Working Group on MASS, to be held remotely from 7 to 9 September 2022, and agreed to an intersessional meeting of the IMO Expert Group on Data Harmonisation, to be held during 2023.

REPORT OF THE LEGAL COMMITTEE (LEG).

The Council noted the outcome of LEG 109 and endorsed, from the perspective of LEG, the establishment of the Joint MSC/LEG/FAL Working Group on MASS. Furthermore, the

Council endorsed the Committee's new output on "Development of guidance for the proper implementation and application of IMO liability and compensation conventions". It also approved another new output on "Measures to address Maritime Autonomous Surface Ships (MASS) in the instruments under the purview of the Legal Committee". The Council approved the report of the 109th session of the Legal Committee and transmitted it to the Assembly at its thirty-third regular session.

REPORT OF THE MARITIME SAFETY COMMITTEE (MSC).

The Council noted the information set out in document C 127/10 on the outcome of the 105th session of MSC, in particular:

- the approval of the list of instruments under MSC's remit for which a consolidated version would be most beneficial, for submission to C 127;
- the actions taken with regard to the consolidated audit summary reports under the IMO Member State Audit Scheme;
- the adoption of amendments to the 1974 SOLAS Convention and related mandatory codes and the 1988 SOLAS Protocol, as well as the approval and adoption of a number of non-mandatory instruments;
- the decisions and actions taken on measures to improve domestic ferry safety, matters related to goal-based ship construction standards (GBS) and the GBS verification scheme, and matters concerning MASS;
- that matters related to maritime security, piracy and armed robbery against ships, unsafe mixed migration by sea and formal safety assessment were deferred to MSC 106, due to time constraints;
- actions taken related to the abandonment and fair treatment of seafarers and fishers;
- the biennial MSC status report for 2022-2023 biennium and post-biennial agenda; and,
- the holding of the first meeting of the Joint MSC/LEG/FAL Working Group on MASS, scheduled to be held remotely from 7 to 9 September 2022.

The Council noted the plans by Germany to convene the Intersessional WG on the Revision of SOLAS Chapter III and the LSA Code, in Hamburg. Organised as a high-level expert meeting, participation by IMO Member States was invited by sending experts in the areas of evacuation, accident investigation, search and rescue, medical treatment, risk analysis and in the design and use of life-saving appliances.

Also considered by the Council, were:

- the actions requested of it on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effect on international shipping and seafarers;
- the list of instruments under MSC remit for which a consolidated version would be most beneficial; and,
- the establishment of a Joint ILO/IMO Tripartite Working Group.

The Council approved the report of MSC 105 in general and forwarded it to Assembly 33.

REPORT OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE.

The Council noted the information set out in document C 127/11 on the outcome of the seventy-eighth session of MEPC. In particular, the Council noted:

- the adoption by the Committee of amendments to MARPOL Annex I and the IBC Code concerning watertight doors; and the amendments to MARPOL Annex II, concerning the revised GESAMP Hazard Evaluation Procedure;
- the action taken on issues related to ballast water management (BWM), in particular the decision to develop a BWM Convention Review Plan (CRP) and the establishment of a Correspondence Group on Review of the BWM Convention;
- the action taken on issues related to air pollution prevention, in particular the approval of MEPC.1/Circ.899 on *2022 Guidelines for risk and impact assessments of the discharge water from exhaust gas cleaning systems*; and MEPC.1/900 on *2022 Guidance regarding the delivery of EGCS residues to port reception facilities*;
- the action taken on issues related to the reduction of GHG emissions from ships, strengthening the ambition of the Initial Strategy with a view to adopting a Revised Strategy by MEPC 80; the adoption and approval of relevant guidelines supporting the implementation of the short-term GHG reduction measure; the consideration of concrete proposals for mid-term measures; the development of draft guidelines on lifecycle GHG intensity of marine fuels; the progress made on how to keep the impacts on States of the short-term measure under review and the revision of the *Procedure for assessing impacts on States of candidate measures*;
- the action taken on follow-up work emanating from the Action plan to address marine plastic litter from ships, in particular the decision to develop a goal-based requirement under MARPOL Annex V for the mandatory marking of fishing gear and approval of the draft amendments to MARPOL Annex V to make the Garbage Record Book mandatory also for ships of 100 gross tonnage and above and less than 400 gross tonnage;
- the adoption of the updated guidelines following PPR 9, concerning anti-fouling systems on ships in light of amendments to the AFS Convention introducing controls on cybutryne and the approval of draft amendments to MARPOL Annexes I, II, IV, V and VI concerning regional reception facilities in the Arctic;
- the action taken by the Committee on the outcome of HTW 8 concerning the approval of MSC-MEPC.1/Circ.5/Rev.3 on *Organisation and method of work of MSC and MEPC and their subsidiary bodies*, incorporating a revised checklist for considering and addressing human element issues;
- the endorsement by the Committee of a proposal (MEPC 78/11) for designating the ECA for sulphur oxides and particulate matter for the Mediterranean Sea and the approval of the draft amendments to MARPOL Annex VI to this effect; and,
- the action taken by the Committee regarding technical cooperation activities for the protection of the marine environment.

The Council approved the report of MEPC 78 and forwarded it to Assembly 33.

IMO MEMBER STATE AUDIT SCHEME.

As this item holds little interest for InterManager members, other than understanding it is a hoop which Member States are obliged to jump through, it will not be covered in any detail. However, the Council agreed to include the consideration of merging the two questionnaires, i.e. the pre-audit questionnaire defined in the Framework and Procedures for the IMO Member State Audit Scheme and the additional pre-audit information, in the terms of reference for the Joint Working Group on the Member State Audit Scheme which could be re-established, possibly at C 128. It was also agreed that as an interim measure, use of the remote audit mechanism should continue until the conditions in international travel become more stable, and based on the preference of the Member States.

EXTERNAL RELATIONS.

Relations with the United Nations and the specialised agencies. The Council noted the information set out in documents C 127/14(a), and C 127/14(a)/1 on relations with the United Nations and specialised agencies.

Relations with intergovernmental organisations. No documents were submitted on this item.

Relations with non-governmental organisations. This item was not considered due to time constraints.

World Maritime Day. The Council endorsed the World Maritime Theme 2023 proposed by the Secretary-General: "MARPOL at 50 – Our commitment goes on".

Day of the Seafarer. The Day of the Seafarer, held this year on 25 June, is recognised by the United Nations as an official observance day. The purpose of the Day, now in its 12th year, is to recognise the unique contribution made by seafarers from all over the world to international seaborne trade, the world economy and civil society as a whole. A full report on the 2022 Day of the Seafarer campaign will be provided to a future session of the Council.

IMO Day of Women in Maritime. The Council noted with appreciation the successful celebration of the first Day of Women in Maritime.

International Maritime Prize. Following a secret ballot, Professor David Attard, nominated by the Government of the Republic of Malta for his invaluable commitment to the work and objectives of the Organisation (i.e. his outstanding leadership at the helm of IMLI for many years, and shortly to retire), was the deserving recipient of the Award. There were two other contenders for the nomination, Captain M. Segar Abdullah, nominated by the Government of the Republic of Singapore and Professor Dr H.C Ehlers, nominated by the Government of the Federal Republic of Germany, both of whom displayed impressive credentials.

IMO Award for Exceptional Bravery at Sea. The Council noted the information set out in documents C 127/14(h) and C 127/14(h)/Add.1, as well as that provided orally by the Secretary General, on the IMO Award for Exceptional Bravery at Sea, following which it endorsed the decision of the Panel of Judges to bestow the 2022 IMO Award on Mr Bo Xu, Chief Officer of the M/T **Jian Qiao 502**. This recognised Mr Bo Xu's exceptional bravery, determination and endurance displayed whilst rescuing two survivors, found in a liferaft, of the sunken cargo vessel **Tian Feng 369**, in severe weather and heavy seas.

In addition, the Council awarded Certificates of Commendation to: the crew of a French SAR helicopter; the Captains of three Indian ships involved in the rescue operation of an accommodation barge; the crew of a fishing vessel (nominated by Japan); a total of seven air crews from US and Canadian Coast Guards, also the Royal Canadian Air Force, nominated by the United States for unspecified actions; and similarly, an Aviation Survival Technician, also nominated by the United States.

The Council also awarded Letters of Commendation in recognition of their actions to a number of recipients, namely: the crew of a helicopter and of a fishing vessel nominated by China; a firefighter of the Hazardous Environment Intervention Group nominated by France; the Master of M/T **Elan Vital** nominated by Georgia; a USCG Aviation Survival Technician nominated by the United States; and, the Leader of an Anti-Drugs and Crime Team, nominated by Viet Nam.

The Council also awarded certificates for *Special recognition for merchant vessels and their crew involved in the rescue of mixed migrants at sea*, to three merchant vessels nominated by Croatia, the Philippines and INTERTANKO.

Having agreed to a change in the title of the Award to become the "IMO Honours for Exceptional Bravery at Sea" in order to reflect the establishment of new categories of honour, the Council announced that the 2022 IMO Awards ceremony would be held at IMO HQ on the first day of MSC 106, on 2 November 2022.

IMO Goodwill Maritime Ambassador Scheme. A total of 39 IMO Goodwill Maritime Ambassadors now represent 24 nominating authorities, currently 20 Member States and four NGOs. The list can be found on the IMO website.

REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANISATION.

Since the Republic of Botswana's instrument of acceptance of the Convention on 22 October 2021, there has been no change in membership of the Organisation which stands at 175, with the number of Associate Members remaining at 3. The Council expressed its appreciation for the UN Secretary-General's efforts in promoting acceptance of amendments to the IMO Convention and noted with appreciation that Norway had accepted the amendments to the IMO Convention on 14 July 2022.

MATTERS ARISING FROM THE COVID-19 PANDEMIC.

The Council noted the information set out in documents C 127/17 and C 127/17/3 providing updates on hybrid meeting capabilities and practices of other UN agencies. Following a short discussion, the Council agreed to:

- use hybrid meeting capability to complement in-person meetings from September 2022, for a trial period of one year;
- apply the Rules of Procedure of the Council and the *Interim Guidance to facilitate remote sessions of the IMO Council during the COVID-19 pandemic*, as appropriate, and that only representatives of Members attending the meeting in person at the IMO Headquarters would be allowed to vote;
- invited other organs of the Organisation to follow these decisions and to report their experience with such meetings to a future meeting of the Council;
- requested the S-G to put in place the necessary arrangements for the conduct of hybrid meetings including the Online Meeting Registration System (OMRS) for Member States to indicate whether the participation is in-person or remote;
- requested the S-G to provide information about additional cost implications of hybrid meetings to a future session of the Council; and
- requested the S-G to provide a preliminary review of the experience gained from hybrid meetings commencing in September 2022 to C 128.

MATTERS ARISING FROM C/ES.35.

The Council recalled that it had agreed to consider, documents tabled by the Russian Federation and Ukraine, all related to the armed conflict between the two, to deal with all matters related to the conflict. Note was taken of the information set out in document C 127/18, as well as that provided orally by the S-G, on actions taken by the Secretariat and relevant IMO Committees in response to the requests by C/ES.35 related to the ongoing conflict in Ukraine and its impact on international shipping and seafarers. The Council also noted documents by Ukraine on proposed amendments to the IMO Convention and on their proposal to expand and improve IMO's strategic guidelines in the field of implementation of IMO conventions and instruments, as well as the conduct of audits, respectively. Not surprisingly, the Russian Federation tabled documents commenting on those submitted by Ukraine, plus an oral response. Having noted the general comments made by delegations under this agenda item, including interventions made with regard to procedural aspects, the Council decided that the proposal to amend the IMO Convention should be further examined and referred it to C 128 for consideration.

SUPPLEMENTARY AGENDA ITEMS.

The Council noted the information set out in document C 127/20, as well as that provided orally by the S-G, on developments regarding the Joint ILO/IMO Tripartite Working Group (JTWG) established to identify and address seafarers' issues and the human element. The Council, in particular:

- endorsed the establishment of the JTWG, including its method of work and terms of reference;
- endorsed the instruction given by MSC 105 to JTWG to "consider bullying and harassment in the maritime sector, including sexual assault and sexual harassment, taking into account information submitted by interested parties, with a view to

- providing recommendations for future steps, including the development of legislation, mechanisms and policies, and the launching of awareness campaigns by relevant stakeholders, aimed at reporting and addressing such matters;
- endorsed the Legal Committee's forwarding of the draft guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases to the first meeting of the JTWG for further consideration and refinement; and,
 - agreed to nominate Governments as IMO representatives to JTWG for each task, bearing in mind that all other Member States may attend the discussions of the Groups as observers.

Following discussion, the Council appointed the following Governments as IMO representatives to JTWG for the two respective tasks, as follows:

- for the task concerning the guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases: Argentina, France, India, Indonesia, Kenya, Marshall Islands, Philippines and United Kingdom; and,
- for the task concerning bullying and harassment in the maritime sector, including sexual assault and sexual harassment: Bahamas, France, Panama, Philippines, South Africa, Sweden, Thailand and United States.

DATE OF NEXT MEETING.

The Council confirmed that its next meeting, the 128th session, will be held from Monday 28 November to Friday 2 December 2022, with full interpretation services.

End

Captain Paddy McKnight