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SUPPLEMENTARY AGENDA ITEMS

Requests from the news media to attend meetings

Submitted by Cyprus

SUMMARY

Executive summary: During recent months the number of requests from the news media to attend meetings of the various organs of the Organization has increased. As the current Rules of Procedures do not address the issue it may be necessary to adopt amendments thereto or pending the adoption of the amendments a practice to be followed. This document discusses the issue and suggests how the Council and the Committees may deal with the matter.

Action to be taken: Paragraph 20

Related documents: None

Background

1 During recent months, the number of requests from news media (reporters, photographers and television stations) to attend meetings of various organs of the Organization or Diplomatic Conferences convened by the Organization has increased. These requests mainly related to either attendance of meetings for the purpose of following the proceedings and reporting on the outcomes or for filming or taking photographs during a specific meeting.

2 In general, the various organs of the Organization have being very receptive to such requests and have agreed to allow the news media free access to their proceedings under various conditions. These conditions have evolved as a result of experience gained.

3 Bearing in mind the public interest in various issues, with which the organs of the Organization will have to deal during the next few months and in the future, it is reasonable to foresee that the requests from the news media to attend meetings will increase. Hence, it may be in the overall interest of the Organization if the Council was to consider the issue and adopt some guidelines which the organs of the Organization can consider when allowing access to their proceedings. In addition, the adoption by the Council of an overall policy will enable the Secretariat to promptly address any requests which it may receive from news media and the suggested guidelines will enable the Secretariat to inform those concerned of what may be expected from them.

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4 In this respect the interest of the news media in the work of the Organization should be seen in its positive sense since it provides an opportunity to project the work done by the Organization and the significant contribution it makes to the welfare of the society at large, aspects which the broader public is not aware of. However, there is a need to achieve and maintain the right balance between transparency and publicity whilst, at the same time, maintaining and improving the current effective and efficient manner through which the business of the Organization is conducted. This is primarily based on the open and frank manner through which views and ideas are expressed and shared and the manner in which discussions take place.

The meetings

5 If the Council was to consider establishing guidelines regarding the access of news media to meetings held at the Organization this issue needs to be analyzed with respect to meetings of:

- (1) the Council of the Organization and its subsidiary bodies;
- (2) the Committees of the Organization and their subsidiary bodies;
- (3) the Consultative Meetings of the Contracting Parties to the London Dumping Convention and of their subsidiary bodies;
- (4) the Conference of Contracting Parties of Treaties for which the Organization performs depository functions or for which the Committees of the Organization perform functions; and
- (5) the Diplomatic Conferences convened by the Organization.

6 With respect to the meetings that fall under the scope of paragraphs 5(3), 5(4) and 5(5) above, since these bodies are independent and sovereign, the issue of allowing the news media access to their proceedings is a matter that is their exclusive prerogative and has to be dealt with by them.

7 There are two further groups of meetings which take place at the premises of the Organization, namely, meetings of the International Oil Pollution Compensation Funds (IOPC Funds) and meetings of joint IMO/[UN Specialized Agency(ies) Working Group(s)] (Joint WG).

7.1 The IOPC Funds are separate and independent organizations, although for certain aspects governing the treaties establishing the 1971 and the 1992 (and the Supplementary) IOPC Funds the Organization performs certain functions. The IOPC Funds have their own rules of procedure and already have in place a policy and a practice regarding the access of new media to their proceedings.

7.2 As far as Joint WG is concerned, since other organizations are also involved, the issue of access by news media to their proceedings is not discussed in view of the complexities involved. The matter has to be settled following discussions between the Organization and the other organizations concerned as and when the need arises.

The Rules of Procedure

8 The current Rules of Procedure¹ of the Council and of the institutionalized Committees do not expressly address the issue of attendance of their proceedings by the news media. The relevant rule covering publicity states that *“The [Council][Committee] may decide to hold meetings in public or in private. In the absence of a decision to hold meetings in public, they*

¹ The relevant Rules of Procedure are for the Council, rule 11, for the Maritime Safety Committee, rule 8, for the Legal Committee, rule 9 and for the Marine Environment Protection Committee, rule 9.
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shall be held in private. Meetings of subsidiary bodies of the [Council][Committee] shall be held in private unless the [Council][Committee] decides otherwise in respect in any particular case”.

Meetings of the Council and of its subsidiary bodies

9 When considering the issue in connection with meetings of the Council, in addition to rule 11 of the Rules of Procedure of the Council, it is also relevant to note that:

- (1) rule 4 states that *“In accordance with Article 20 of the Convention, the Council shall invite any Member to participate, without vote, in its deliberation on any matter of particular concern to that Member”*; and
- (2) rules 5(b), 5(c) and 5(d) in envisaged the attendance of the proceedings of the Council by observers from intergovernmental organizations, non-governmental organizations and liberation movements refer to *“matters of direct concern to them”*.

10 Therefore, bearing in mind the nature and the sensitivity of the issues discussed and that, on certain issues, the Rules of Procedure of the Council envisage that the Council shall meet in private, it may not be conducive for the news media to be allowed access to the proceedings of the Council or of its subsidiary bodies.

11 Although it is reasonable to expect that, in the near future, the news media may wish to have access to the proceedings of the Joint MSC/MEPC/TCC Working Group which has been established by the Council for the purpose of developing the proposed IMO Model Audit Scheme, in view of the issues to be discussed, it may be premature at this stage for the Council to consider waiving rule 4 which states that *“Meetings of subsidiary bodies of the Council shall be held in private unless the Council decides otherwise in respect of any particular case”*.

Meetings of institutionalized Committees and of their subsidiary bodies

12 The present Rules of Procedures of the institutionalized Committees (see paragraph 8 above) provide only for two scenarios, namely, either for a private or for a public meeting. Thus, it may be necessary for the Committees to amend their Rules of Procedure to enable the news media to be given access to their proceedings without turning their meetings into public ones, accessible to all members of the general public.

13 Pending the consideration of the issue by each Committee, in the interim the issue of access to the news media to the proceedings of the Committees is a matter to be dealt with by each individual Committee on the merits of each request. However, the approach taken by one Committee should not be considered as establishing a precedent that prejudices the decisions of any of the other Committees.

14 In addition, Committees may need to consider the issue as organs of the Organization and when they meet in their expanded form to perform functions assigned to them by a treaty. In the latter case, as in the past, States which are not Members of the Organization, have the right to participate in their proceedings and the views of these States have to be taken into account.

15 In this respect, the Council may wish to consider the guidelines set out in the attached Annex and recommend to the Committees to follow them and adapt them to meet their specific needs.

Access to the general public

16 A related issue which needs to be considered, in the context of access of the news media to the proceedings of the institutionalized Committees and of their subsidiary bodies, is whether by allowing access to the news media, the meetings concerned become public and thus the general public can freely attend. In this respect the aspects of conference capacity, discipline and security need also to be addressed.

17 Whilst the issues of conference capacity and discipline are not analyzed, the issue of security may present, at this stage, considerable practical and logistic difficulties and problems. Allowing at this stage access to the general public may require, if a satisfactory level of security is to be maintained, possibly structural modifications to the premises of the Organization, the installation of security barriers and equipment and the provision of additional security personnel.

18 In this respect the matter may need to be also analyzed in the context of the inviolability of the premises of the Organization as set out in the Convention on the Privileges and Immunities of the Specialized Agencies and in the Headquarters Agreement and further discussion may need to take place with the Host Government regarding arrangements the protection of the premises of the Organization against intrusion or damage and prevention of any disturbance of the peace of the Organization or impairment of its dignity.

19 Therefore, at this stage allowing access to the news media should not be interpreted as implying that meetings become and are held in public.

Action requested of the Council

20 The Council is invited to consider the issue and to:

- (1) reaffirm that access to its proceedings (and of its subsidiary bodies) shall be limited to those individuals and bodies expressly provided for in its Rules of Procedure (paragraphs 8 to 10);
- (2) invite the institutionalized Committees to consider the issue of access by the news media to their proceedings (and those of their subsidiary bodies) and to adopt appropriate amendments to their rules of procedure, as they deem necessary (paragraph 12);
- (3) decide that, in the interim, access by the news media to the proceedings of the institutionalized Committees (and of their subsidiary bodies) is an issue to be considered by each Committee on the merits of each request, bearing in mind the need to publicize the work of the Organization whilst, at the same time, maintaining an efficient and effective conduct of business (paragraphs 13 to 14);
- (4) consider the proposed guidelines regarding access by news media to the proceedings of Committees (and their subsidiary bodies) and to decide as appropriate (paragraph 15); and
- (5) consider the issue of access of the general public to meetings (paragraphs 16 to 19) and decide as appropriate.

ANNEX**GUIDELINES ON THE ACCESS OF NEWS MEDIA TO THE PROCEEDINGS OF INSTITUTIONALIZED COMMITTEES AND OF THEIR SUBSIDIARY BODIES**

- 1 The issue shall be decided by each Committee bearing in mind the merits of each request and the need to maintain the right balance between publicity of the work of the Organization whilst, at the same time, maintaining an efficient and effective conduct of business.
- 2 The decisions to allow access to the news media shall be made by a unanimous decision of the Member States present at each meeting.
- 3 The approach taken by one Committee should not be considered as being a precedent that prejudices the decisions of any other Committees.
- 4 General filming and taking photographs of the proceedings is allowed. However, filming or taking photographs of a specific delegation or delegate is a matter to be agreed with the delegation or the delegate concerned. Filming or taking photographs of members of the Secretariat is an issue to be decided by the Secretary-General. Filming or taking photographs of a Chairman is a matter to be decided by each Chairman.
- 5 Recording of the proceedings should not be allowed.
- 6 The reports to be published should not quote any statements or comments made by any specific delegation unless the delegation concerned has agreed. In such a case it is the responsibility of the delegation concerned to approve the text to be published.
- 7 In case the Committee disagrees with whatever is published, the news media agrees and accepts to publish whatever the Committee concerned considers necessary as a correction and to give it the same prominence as the original publication to which the correction relates.
- 8 In case any Member State disagrees with whatever is published, the news media agrees and accepts to publish whatever the Member State concerned considers necessary as a correction and to give it the same prominence as the original publication to which the correction relates.
- 9 In case the Secretary-General disagrees with whatever is published, the news media agrees and accepts to publish whatever the Secretary-General considers necessary as a correction and to give it the same prominence as the original publication to which the correction relates.
- 10 Delegations are free to make whatever statements to the news media they consider appropriate. However, it is advisable that such statements be limited to their own views concerning the outcome of the discussions. Every effort should be made not to comment on statements, views, or comments made by other delegations.