



COUNCIL - 90th session

C 90/SR.10
26 August 2003
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SUMMARY RECORD OF THE TENTH MEETING

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR
on Friday, 20 June 2003 at 2.30 p.m.**

Chairman: Mr. CHEN TZE PENN (Singapore)
Vice-Chairman: Mr. J. FRANSON (Sweden)
Secretary-General: Mr. W.A. O'NEIL

A list of participants is given in document C 90/INF.1.

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Corrections to all summary records of the session will be issued in a consolidated corrigendum.

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AGENDA ITEM 3 - REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (C 90/3) (continued)

The SECRETARY-GENERAL said that as requested by the Council, the Secretariat had prepared a draft Assembly resolution for its consideration relating to the 1991 amendments to the Convention on the International Maritime Organization (Institutionalization of the Facilitation Committee), which was set out in document C 90/WP.3. He recalled that in January 2002 he had developed a specific plan focusing on strategies for approaching Member States that had not yet accepted the 1991 amendments. Pursuant to the plan, letters had been addressed to the 12 Heads of Delegation that were Council members and 14 delegations from observer countries that were attending the present session of the Council, whose Governments had not yet accepted the 1991 amendments, drawing attention to the matter and requesting them to take action as soon as possible or convenient.

The CHAIRMAN invited the Council to decide to submit to the twenty-third session of the Assembly a draft resolution urging States to accept the 1991 Amendments to the Convention on the International Maritime Organization relating to the institutionalization of the Facilitation Committee.

It was so decided.

AGENDA ITEM 33 - APPOINTMENT OF FUTURE SECRETARIES-GENERAL: REVIEW OF THE CONTRACT DOCUMENT (C 90/33)

The SECRETARY-GENERAL, introducing the item, recalled that at its eighty-eighth session, the Council had been provided with certain background information concerning the Council's wish to review contractual aspects of the appointment of future Secretaries-General. The Council had decided at its eighty-eighth session to defer the matter, and, subsequently, at its eighty-ninth session, had again decided to defer consideration of the matter to the ninetieth session.

Concerning the contractual practice in other United Nations bodies and agencies, he would note that the package for positions of a similar level within the United Nations system varied, in part depending on duty station, and in part depending on individual organizational policy. The fact that IMO had limited the term of the Secretary-General to a maximum of two four-year appointments and the particular location in London should be taken into account when considering the emoluments and pension conditions in the contract. In addition, due to the limited term of the contract, which would be four years, with the possibility of one extension, the Organization should seriously consider providing a suitable residence for the Secretary-General, which would eliminate a serious physical and financial burden for potential candidates and would make the position more attractive.

The CHAIRMAN, in reply to a request for clarification from Mr. KORAN (United States) said that the Council was being invited to consider the information contained in document C 90/33 and to decide whether it wished to seek further information on the contractual aspects of the appointment of future Secretaries-General. The Council was not being asked to take a decision on the contract itself.

Mr. RASMUSSEN (Denmark) suggested that, in the absence of any written submissions on the item, the Council should take note of the present contract and of the comments made by the Secretary-General.

Mr. FINLEY (Panama) supported that suggestion. In particular, the Council should take note of the fact that in view of the high cost of living in London and the difficulty of finding accommodation, changes in the contract might be needed in the future in order to attract suitable candidates for the post of Secretary-General from across the world. He suggested that the Council should also request the Secretary-General to provide further information on the practices in other United Nations organizations.

Mr. CHRYSOSTOMOU (Cyprus) endorsed the views expressed by Denmark and Panama. The contract for the incoming Secretary-General would be signed at the Council session following the 2003 Assembly. No written submissions on the subject had as yet been received. However, if any changes were to be made in the contract, they would need to be approved by the Council at its extraordinary session prior to the Assembly. He therefore proposed that the Council should take note of the item and leave it on the agenda for consideration and decision at that session.

The SECRETARY-GENERAL pointed out that the contract was between two parties and that the incoming Secretary-General should also have some say in its contents. The Council should give particular attention to the problems relating to the high cost of living in London and the difficulty of finding accommodation for a contract that would be of shorter duration than hitherto.

The CHAIRMAN invited the Council to note the information provided in the document regarding the contract for the next Secretary-General, taking into account the comments made by the Secretary-General, particularly regarding the high living costs in London facing Secretaries-Generals, notably in respect of housing, and the limitation of the contract to two terms; and to decide therefore to defer consideration of the matter until its twenty-second extraordinary session in November 2003.

It was so decided.

Agenda item 37 - SUPPLEMENTARY AGENDA ITEMS:

(a) REQUESTS FROM THE NEWS MEDIA TO ATTEND MEETINGS (C 90/37)

Mr. CHRYSOSTOMOU (Cyprus), introducing the item, said that in recent years the news media had taken a greater interest in the work of IMO. Under the current Rules of Procedure, IMO meetings were either private or public. Those of the Council were private unless an exception was made; for the Assembly, the reverse was the case. Document C 90/37 made proposals regarding intermediate arrangements, by which access to the news media might be granted for certain meetings, in particular of the Committees. Draft guidelines for such arrangements were set out in the annex to the document. The Council was invited to consider the matter and to take appropriate action, as indicated in paragraph 20.

Mr. BELL (Bahamas) observed that comments were often made regarding the lack of visibility of the shipping industry and the negative image of shipping as portrayed by the general news media, which were often only interested when some disaster occurred. The situation was somewhat better in respect of the specialist media, but there were still complaints that reports of IMO's work were often biased or inaccurate and based on second-hand discussions with individual participants in Committee meetings. The work of IMO should be more transparent and meetings should therefore be open. He would like to see restraints on media access removed unless there were particular reasons for exclusion from particular discussions. If IMO's work

was more widely known and its successes better publicized, the problems faced would be better appreciated and there would be an improvement in the image of the industry.

Mr. KORAN (United States) said that his Government took the position that while news media access to meetings of United Nations organizations was appropriate on certain occasions, for example where set speeches were made, it was not suitable for the give and take of negotiations, where frank exchanges were needed. He supported the view of the previous speaker that more should be done to raise the profile of IMO, but considered that its working meetings were best held in the absence of the news media.

Mr. RASMUSSEN (Denmark) said that Denmark preferred transparency and he therefore agreed with many of the comments made by the representative of the Bahamas. IMO certainly needed better publicity. However, as indicated by the United States, the presence of the news media during certain stages of negotiation would not be appropriate. He had learned from personal experience that matters could easily be misunderstood, leading to considerable complications, and he would therefore urge caution. Nevertheless, the proposals submitted by Cyprus were sensible, and would mean that the news media would not have access to discussions on IMO policy and budgeting but would, should the Committees so decide, be granted access to technical meetings.

Mr. PACHA VICENTE (Spain) thanked the delegation of Cyprus for its initiative and supported the proposals in principle. Although the guidelines set out in the annex to document C 90/37 appeared to take into account most of the concerns raised, it might not be appropriate to allow access of non-experts to detailed technical meetings of the subsidiary bodies of IMO Committees. The guidelines suggested that the question of access should be decided by each Committee, but in his view, it would be preferable for the Council to provide general guidelines that would be applicable to all the Committees. In that context he recalled that the IOPC Assembly had decided on access to all IOPC meetings.

Mr. LEE (Singapore) agreed that the work of IMO should be better publicized. Referring to the proposed guidelines, he suggested that guidelines 1 to 5 were appropriate and should be refined and transmitted to the Committees for their consideration. However, the purpose of opening meetings to the news media should be clear and should be weighed against any likely disadvantages. IMO could not control what was reported and retractions in cases of misreporting were never satisfactory. Moreover, media presence might inhibit discussions.

Mr. FINLEY (Panama) drew attention to paragraph 4 of document C 90/37, which provided a useful summary of the situation. He recalled that at the recent session of the MSC it had been decided that the news media should be granted access to plenary sessions only, since it had been considered unsuitable for them to be present during the often robust exchanges that took place in meetings of its subsidiary bodies. Even in plenary sessions, as in the Council, the discussions were often vigorous and might be open to misinterpretation. He agreed that caution was needed, since history had shown that not all elements of the news media were responsible and many were reluctant to reflect good news. It would not be appropriate to open all meetings, irrespective of their agendas. Nevertheless the proposals were reasonable and balanced, and the draft guidelines were a step in the right direction.

He supported paragraph 1 of the draft guidelines, and considered that paragraph 6 was fundamental. He suggested that the guidelines should also include a reference to the need for members of the news media to be readily identifiable at all times during meetings and outside meeting rooms.

Mr. ASUQUE (Philippines) also thanked Cyprus for raising the matter. He too agreed on the importance of improving the image of the shipping industry, raising the profile of IMO and increasing the transparency of the Organization's procedures. He endorsed the proposed guidelines in principle, but considered that the provision set out in paragraph 2 might be somewhat impractical, given the time constraints at Committee meetings, and should perhaps be deleted. Access to the news media should be carefully controlled, with adequate safeguards: for example, photographers and television crews might be given a short photograph/film opportunity at the beginning or end of a session. He did not envisage reporters attending an entire session, but arrangements could be made for them to conduct interviews with representatives at the discretion of delegations as well as with key members of the Secretariat, and for the provision of information in the form of media briefings. Such arrangements could be made by the IMO Public Information Services. He supported the suggestion that representatives of the news media attending meetings should be readily identifiable.

The SECRETARY-GENERAL agreed that it was important to encourage openness and to raise the profile of IMO's work. However, it was also essential to weight the advantages of doing so against concern for accuracy of reporting. Defining standards for news media access to meetings was not a simple matter, and it was neither possible nor desirable to control media output once access had been granted. He suggested that the Council might wish to agree that the guidelines were helpful in principle and transmit them to the Committees and their subsidiary bodies for consideration. The Committees might then report back on their views and experiences so that the Council would be in a better position to define the guidelines more precisely.

The CHAIRMAN invited the Council to agree, in principle, to the desirability of the Organization having guidelines to address the issue contained in document C 90/37 submitted by Cyprus (Requests from the news media to attend meetings) and to request the Committees to consider the draft guidelines contained in the annex to that document and advise the ninety-second session of the Council accordingly.

It was so decided.

(b) PARKING ARRANGEMENTS FOR PERMANENT MISSIONS

Mr. CHRYSOSTOMOU (Cyprus) drew attention to the problems faced by Permanent Missions based in London with respect to parking at IMO. When IMO had moved to the present Headquarters building, the Permanent Missions had been allocated 10 parking spaces. Since then the number of Permanent Missions had risen considerably and that allocation was no longer adequate. Moreover, recent security considerations had changed insurance conditions for diplomatic vehicles, so that parking in non-secure areas could invalidate insurance cover; car-parking charges in commercial car parks had risen significantly; and the congestion charge had been introduced. He asked whether the Secretary-General could study the matter, perhaps in consultation with Lambeth local authorities, to see whether a solution could be found.

The SECRETARY-GENERAL agreed to look into the matter.

CONSIDERATION OF THE DRAFT SUMMARY OF DECISIONS (C 90/WP.1 and Add.1-37)

Invitation to non-members of the Council to attend the session

The paragraph was approved.

Agenda items 1-4

The decisions relating to agenda items 1-4 were approved.

Agenda item 5

Paragraph 5.18

Mr. KAGUMBI (Kenya) said he was not satisfied with the paragraph as a reflection of Kenya's concern about the funding of the Mombasa MRCC, the Seychelles MRCC, and the Tanzania MRCC.

Mr. MITROPOULOS (Assistant Secretary-General and Director, Maritime Safety Division) explained that the discussion on that issue would be duly reflected in the summary records of the session. The Council had not in fact been invited to take action on what the MSC had decided to consider in detail at its next session. However, it had decided that the TCC should be involved in the decision on the financial implications of the establishment of the SAR Fund.

The decisions relating to agenda item 5 were approved.

Agenda items 6-13

The decisions relating to agenda items 6-13 were approved.

Agenda item 14

Mr. MITROPOULOS (Assistant Secretary-General and Director, Maritime Safety Division), in reply to a question from Mr. CHARALAMBOUS (Cyprus), said the proposal by the Bahamas and Greece was covered under paragraph 14.3(ii).

Mr. BELL (Bahamas) said that as currently worded, that paragraph implied that it was up to the Working Group to decide whether or not to include the proposal in the Strategic Plan, whereas in fact it was the Council that had decided to include it. The wording needed to be modified to make that clear.

Paragraph 14.3(iv)

Mr. MITROPOULOS (Assistant Secretary-General and Director, Maritime Safety Division) pointed out that the square brackets around the date 20 to 22 October should be removed.

Subject to that amendment, the decisions relating to agenda item 14 were approved.

Agenda item 15

Paragraph 15.2(i)

Mr. FINLEY (Panama) noted that the paragraph reflected the wording of paragraph 7.8 of annex 2 to document C 90/15/Add.1. After the word "viable", the following sentence should therefore be added "The Council further noted that it had been agreed that the obligations and responsibilities should be auditable in accordance with the Code".

The CHAIRMAN said that as he understood it, the Council's discussion was accurately reflected in paragraph 15.2(i) as it stood.

Paragraph 15.2(ii)

Following an exchange of views, it was agreed to substitute the word "overall" for the word "over-arching" in paragraph 15.2(ii).

Paragraph 15.6(i)

Mr. FOKAS (Greece) said that as he recalled, the Council had emphasized the need for flexibility when developing the procedures and the audit manual, and to take into account the fact that States had different ways of discharging their responsibilities.

Mr. MITROPOULOS (Assistant Secretary-General and Director, Maritime Safety Division) pointed out that as requested by the Council, the Secretariat had already issued circular letter No.2474, giving details of the terms of reference and work of the correspondence group. The question of flexibility was covered in the last paragraph of that document.

Paragraph 15.6(ii)

Mr. CHRYSOSTOMOU (Cyprus), speaking as Chairman of the MEPC, proposed that the paragraph should read "reconvening of the Joint MSC/MEPC/TCC Working Group from 29 March to 2 April 2004 during MEPC 50, subject to endorsement by MEPC 49".

Paragraph 15.7

Mr. CHARALAMBOUS (Cyprus) recalled that when discussing the draft Assembly resolution on the Voluntary IMO Model Audit Scheme, there had been general agreement that the word "Model" should be deleted from the title of the scheme.

Mr. RASMUSSEN (Denmark) suggested that it should be left to the Working Group to decide on that issue at its next meeting.

Paragraph 15.9

Mr. PACHA VICENTE (Spain) proposed that a further sentence be added to the effect that the Council had also decided that the Audit Scheme should be developed in such a way as not to exclude the possibility of being made mandatory in the future.

Subject to those amendments, the decisions relating to item 15 were approved.

Agenda item 16

The decisions relating to item 16 were approved.

Agenda item 17

Paragraph 17(e)1(iii)

Mr. BELL (Bahamas) pointed out that the phrase beginning "... which should be reimbursed ..." following the word "reserves" should be transposed to the end of subparagraph (v).

Subject to that amendment, the decisions relating to agenda item 17 were approved.

Agenda item 18

Paragraph 18.2

Mr. ROWE (United Kingdom) suggested that, in order to avoid confusion at the Council's November session, the words "including the basis of assumptions in defining Zero Real Growth" should be added at the end of the first sentence.

Mr. KORAN (United States), supported by Mr. KOLESNIKOV (Russian Federation), proposed that the opening of that sentence be amended to read "The Council agreed to ask the Secretary-General to prepare a ZRG budget ...".

Mr. CHARALAMBOUS (Cyprus) said that as he recalled, the Chairman had in fact summarized the discussion by stating that the Council had agreed in principle to a ZRG budget.

Mr. TOOMER (Australia) said the paragraph should also reflect the Council's agreement that the revised budget should be considered on the first day of the extraordinary session of the Council.

The SECRETARY-GENERAL said that his understanding had been that the Council had decided that, as a general rule, the budget would be considered on the first day of its session.

Subject to those amendments, the decisions relating to agenda item 18 were approved.

Agenda item 19

Paragraph 19(b)1(i)

Mr. CHARALAMBOUS (Cyprus) requested that the paragraph be redrafted to indicate that no decision had been taken on the transfer of surpluses from the Printing Fund to the Headquarters Capital Fund.

Subject to that amendment, the decisions relating to agenda item 19 were approved.

Agenda item 20

The decisions relating to agenda item 20 were approved.

Agenda items 21-24, 26-28 and 34

The decisions relating to agenda items 21-24, 26-28 and 34 were approved.

The CHAIRMAN noted that a number of decisions remained to be approved. However, in view of the time constraints, it had not been possible to have the summary prepared in all three working languages. He proposed, therefore, that the Secretary-General should read out all the decisions of the Council requiring action, and representatives would then have the opportunity to hear a simultaneous interpretation of the text. Formal approval of the decisions could take place at the following extraordinary session of the Council once the translations had been prepared.

The SECRETARY-GENERAL read out the decisions relating to agenda items 3, 30, 31, 33, 35, 36 and 37.

The decisions relating to agenda items 3, 30, 31, 33, 35, 36 and 37 were agreed subject to formal approval at the following extraordinary session of the Council.

Agenda item 29

Mr. CHRYSOSTOMOU (Cyprus) said that the decision in relation to the International Bunker Industry Association (IBIA) should be as reflected in paragraph 5 of C 90/WP.1, namely that its status would be as for the International Maritime Health Association (IMHA) unless IBIA had access via other organizations such as the International Ships Suppliers Association (ISSA). The decision would be in abeyance pending the receipt of further information.

The SECRETARY-GENERAL, in response to a further question by Mr. CHRYSOSTOMOU (Cyprus) explained that the decision to report to the Assembly in regard to the withdrawal of consultative status flowed from rule 1 of the Rules Governing Relationships with Non-Governmental International Organizations and the Guidelines on the Grant of Consultative Status, whereby the decision to grant such status was subject to approval by the Assembly. The requirement to report to the Assembly following the withdrawal of consultative status should be interpreted in that context.

On that understanding, the decisions relating to agenda item 29 were approved.

Agenda items 25 and 32

The CHAIRMAN noted that no decisions were required in respect of agenda items 25 and 32 and therefore formal consideration in respect of both items would be deferred until the following extraordinary session of the Council.

The SECRETARY-GENERAL thanked representatives for their forbearance in allowing decisions to be approved pending production of the summary of decisions in the three working languages.

CLOSURE OF THE SESSION

After the customary exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 5.35 p.m.