



AD HOC COUNCIL WORKING GROUP ON
THE ORGANIZATION'S STRATEGIC PLAN
10th session
Agenda item 5

CWGSP 10/5(a)
21 August 2009
ENGLISH ONLY

**GUIDELINES ON THE APPLICATION OF THE STRATEGIC PLAN
AND HIGH-LEVEL ACTION PLAN**

(a) Proposed amendments

Note by the Secretariat

SUMMARY

Executive summary:	This document reports on the outcome of the Council's consideration, at its 102nd session, of the draft Guidelines on the application of the Strategic Plan and High-level Action Plan developed by the Working Group at its ninth session and provides some commentary on possible ways forward.
Strategic direction:	4
High-level action:	4.5.1
Planned output:	4.5.1.1
Action to be taken:	Paragraph 14
Related documents:	CWGSP 10/5(b); C 102/D (paragraphs 3(a).2(i) to 3(a).2(iii)); C 102/3(a) (annex 1); C 102/9/Add.1 (paragraph 67); resolutions A.989(25) and A.990(25)

Introduction

1 Through a Correspondence Group established by the Council at its twenty-fourth extraordinary session (November 2007) and during its eighth and ninth sessions (September 2008 and April 2009), the *ad hoc* Council Working Group on the Organization's Strategic Plan (hereinafter the Working Group) developed and finalized a draft Assembly resolution and draft Guidelines on the application of the Strategic Plan and High-level Action Plan (hereinafter the draft Guidelines), as requested by the Assembly in operative paragraph 4 of resolution A.990(25). The Guidelines so finalized were submitted to the Council, at its 102nd session (June 2009), as annex 1 to document C 102/3(a)¹.

2 Prior to the Council's consideration of the draft Guidelines, the Chairman of the Working Group and the Coordinator of the aforementioned Correspondence Group gave a detailed briefing to the Meeting of Chairmen held in May 2009 on the scope and content of the draft Guidelines. In the ensuing discussion, the Chairmen expressed some views on the draft texts presented to them, which were then relayed to

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MSC 86. In turn, the MSC agreed² to forward those views to C 102 for consideration and action as appropriate, and they are replicated hereunder:

- .1 with regard to the endorsement of the unplanned outputs by the Council, the responsibility of the Committees of taking actions under various Conventions should be addressed;
 - .2 the unique working methods of the Legal Committee and the Technical Co-operation Committee should be taken into consideration, bearing in mind the principled nature of their work;
 - .3 the issue of the resource and financial implications of both planned and unplanned outputs for both the Organization and Member Governments should be considered within the mechanism;
 - .4 the Committees and the sub-committees should apply the Guidelines as far as reasonably practicable after adoption by A 26, taking into account that full implementation thereof would not be possible unless the Committees have aligned their own Guidelines with the new Guidelines;
 - .5 the current practice for approving new work programme items under the current Committees' Guidelines should continue until the Committees are ready to implement the new Guidelines;
 - .6 views of the Chairmen of the MSC, the MEPC and the sub-committees should be taken into account in the development of the migration plan by CWGSP detailing the practical steps required to support the effective transition from current arrangements to full implementation of the Guidelines throughout the Organization; and
 - .7 the new responsibilities envisaged for the Chairmen of the Committees and sub-committees should be described in the Council's migration plan."
- 3 Following its consideration of the draft Guidelines and the above views, the Council decided to:
- .1 approve, in principle, the draft Assembly resolution and draft guidelines on the application of the Strategic Plan and High-level Action Plan, set out at annex 1 to document C 102/3(a), with the request that the Working Group re-visit the draft texts, at its tenth session, with a view to accommodating, as appropriate, the matters raised also by the Maritime Safety Committee at its eighty-sixth session, including that raised by the delegation of Cyprus regarding the role of the Committees, as detailed in the IMO Convention, with respect to functions conferred upon the Organization by, or under, international conventions;
 - .2 note the Working Group's views on the need for a "migration plan", and its intention to elaborate same at its tenth session, in order to support an effective transition from current arrangements to full implementation of the aforementioned guidelines throughout the Organization; and
 - .3 request the Working Group to submit any proposed changes to the aforementioned draft resolution and draft Guidelines, together with its proposed "migration plan", to the Council, at its twenty-fifth extraordinary session, for consideration, approval and, where appropriate, submission to the twenty-sixth regular session of the Assembly for adoption.

² MEPC 59 (July 2009) subsequently noted these views.

Possible ways forward

4 On examination of the views replicated in paragraph 2 above, it is submitted that the subparagraphs numbered 1 to 3 concern the content of the draft Guidelines themselves, while those numbered 4 to 7 deal with the migration plan that will facilitate future implementation of the Guidelines, or with actions that should continue pending such implementation. On that basis, it is further submitted that the first three subparagraphs might be dealt with by the Working Group under the present agenda sub-item 5(a), entailing a discussion on any amendments that need to be made to the text of the draft Guidelines, while the last four subparagraphs might be considered by the Working Group under agenda sub-item 5(b), entailing the development of the envisaged migration plan.

Subparagraph 1

5 The concern expressed in this subparagraph relates to the so-called sovereign responsibilities of the Committees, under the IMO and other conventions, for initiating work by the Organization (for example, the development and adoption of amendments to existing conventions). By virtue of those instruments, any such work, whether planned in advance under the Organization's High-level Action Plan or not, does not require the endorsement of the Council, other than in the overall context of the initial allocation and subsequent management of the resources to carry out the work.

6 While this is a subject that has been previously aired and recognized in the Working Group, the draft Guidelines do not address it in explicit terms. Accordingly – and bearing in mind the views of the Chairmen, MSC 86 and C 102 – the MEPC Chairman and the Coordinator of the Correspondence Group have since informally suggested the following complementary modifications, which are hereby presented to the Working Group as a basis for discussion:

Alternative 1 – addition (in underlined font) to operative paragraph 1 of the draft Assembly resolution on the Guidelines:

1. APPROVES the Guidelines on the application of the Strategic Plan and the High-level Action Plan, set out in the annex to the present resolution, which are not applicable for matters pertaining to the provisions of Articles 31, 36, 41 and 46 of the Convention of the International Maritime Organization;

Alternative 2 – addition of a new paragraph 4.4 in the section of the draft Guidelines dealing with application:

4.4 Nothing in these Guidelines [or its application] shall affect [or restrict] the responsibility of Committees in exercising functions conferred upon them by or under any international convention or other instrument.

Subparagraph 2

7 The concern expressed in this subparagraph relates to the fact that the process of developing and managing work by the LEG and TC Committees does not equate with that of FAL, MEPC and MSC, principally because discussion in those two fora tends to be based on the consideration of, for example, topics that do not necessarily lead to the production of defined outputs (i.e. general principles of international law in LEG), or topics that recur annually (i.e. reports on technical assistance activities in TCC), with very limited introduction of new subjects.

8 That said, however, when implementing the draft Guidelines in the future, all IMO organs will be required to establish their respective biennial agendas with defined outputs to be delivered over a two-year period, to report periodically on the production of such outputs, and to define their post-biennial agendas – which is nothing more nor less than what all the Committees have been doing to date in identifying outputs to be included in future iterations of the High-level Action Plan and in subsequently reporting on their progress.

9 It is therefore submitted that all Committees would, in principle, be able to deliver equally on sections 3 (purpose, aim and objectives), 4 (application), 5 (strategic planning process), 6 (management and control), 7 (responsibilities) and 9 (reporting) of the draft Guidelines. The principal difference – between LEG and TCC, on one hand, and FAL, MEPC and TCC, on the other – will lie in the assessment and approval/rejection of unplanned outputs, through the implementation of the rigorous process required by section 8 of the draft Guidelines.

10 At present, much of that process is thoroughly familiar and customary for FAL, MEPC and MSC, when considering proposals for new work programme items. However, it would appear that the Meeting of Chairmen, in expressing its views on the draft Guidelines under the subparagraph under review, believed that this assessment process is not only unfamiliar to LEG and TCC, it may also be inapplicable to much of their discussions, if only for the reasons given in paragraph 7.

11 If that is so, then it may be a case of requesting LEG and TCC, when considering proposals for unplanned outputs in the future, to implement section 8 of the draft Guidelines in the manner that is most appropriate to the nature of their work. For example, the following aspects may not be strictly applicable to those two Committees:

- .1 all the criteria required for submitting proposals on unplanned outputs (paragraph 8.3 and annex 4 of the draft Guidelines);
- .2 all the criteria required for the assessment of such proposals (paragraph 8.6); and
- .3 the provisions on delegating work to subsidiary bodies (paragraphs 8.9 to 8.12 and diagram 3 of annex 1);

and the Working Group may therefore wish to consider how best to guide LEG and TCC in their future implementation of the provisions of the draft Guidelines related to the assessment, approval and subsequent management of unplanned outputs.

Subparagraph 3

12 The concern expressed in this subparagraph has also previously been aired and recognized in the Working Group in the sense that it has always considered that one of the major factors involved in assessing and approving both planned and unplanned outputs is that there should be a reasonable match between the work involved and the resources available to deliver it, not only within the Organization (i.e. Secretariat staff and financial and physical assets) but also among the membership (i.e. capacity to absorb and deliver additional work successfully and on schedule).

13 As this match is explicitly recognized in paragraphs 3.3.2 (purpose, aims and objectives), 5.6.3 and 5.7 (strategic planning) and 8.1.3 (unplanned outputs) of the draft Guidelines, the Working Group may wish to consider whether and how to address further any outstanding concern expressed by the Meeting of Chairmen on this point.

Action requested of the Working Group

14 The Working Group is invited to consider the information provided in this document and decide as appropriate, in particular in respect of paragraphs 6, 11 and 13.