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COUNCIL
89th session
Agenda item 26

C 89/26/Add.1
28 October 2002
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RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on the recommendation made by the 48th session of the MEPC on the application for consultative status from the International Marine Transit Association/Interferry (IMTA-Interferry). It also transmits a communication from Greenpeace International and a request from BIMCO regarding the use of its acronym.

Action to be taken: Paragraph 7

Related documents: C 88/24/Add.1, C 88/WP.1, C 88/D, C/ES.21/D, paragraphs 21(b).2 and 21(b).3, C 89/26 and MEPC 48/21

International Marine Transit Association/Interferry (IMTA-Interferry)

1 As indicated in paragraphs 1 and 2 of document C 89/26, the Council has yet to complete its consideration of the application for consultative status from the International Marine Transit Association/Interferry (IMTA-Interferry), which has been referred to the MSC and the MEPC for advice.

2 At its forty-eighth session, the MEPC considered the application and its views are now available for consideration by the Council. As instructed by the MEPC, an informal group was set up to consider the application for consultative status from IMTA-Interferry as contained in the annex to document C 88/24/Add.1. In accordance with the request by the Council at its 88th session, the informal group also noted paragraph 6 of the report of the small group of the Council (see C 88/WP.1) that IMTA-Interferry had previously been granted consultative status, which was later withdrawn by the Council, as it was not able to participate in, or submit documents to meetings during the period under review.

3 The informal group noted that IMTA-Interferry has reorganized itself and has adopted a new plan of action including the establishment of a full-time Chief Executive Officer, which would enable it to participate in the meetings of the Organization. IMTA-Interferry represents large groups whose points of view are useful to IMO and are not in conflict with any other organizations; however, the informal group was of the unanimous view that IMTA-Interferry would need to demonstrate that it could effectively contribute to the work of the Committee and attend its meetings.

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4 Based on these observations, the informal group referred to the amended Rule 1 of the Rules Governing Relationship with Non-Governmental International Organizations, regarding the granting of consultative status on a provisional basis by the Council for a period not exceeding four years and the relevant amended Guidelines on the Grant of Consultative Status, which were approved by the Council at its 86th session on 22 June 2001 and endorsed by the Assembly at its 22nd session on 29 November 2001. The informal group was of the unanimous view that consultative status could be provisionally granted to IMTA-Interferry and its recommendation that consultative status be granted to IMTA-Interferry on a provisional basis was endorsed by the MEPC for transmission to the Council.

Matters arising under Council decision C/ES.21/D, paragraph 21(b).3

5 As indicated in document C 89/26, paragraphs 3 to 7, regarding the communications from Turkey and Greece referring to the boarding and occupation by Greenpeace activists of the Greek oil tanker **Crude Dio** outside the Turkish territorial sea off the northern entrance to the Strait of Istanbul on 4 July 2002, and the incident involving two BNFL ships in the Tasman Sea, the Secretary-General has requested the comments of Greenpeace International. Its views are now available and are given in the annex of this document for information and consideration by the Council.

BIMCO

6 The Secretary-General has received a communication from the President of BIMCO advising IMO of the decision of BIMCO Executive Committee regarding the operation of that organization under the acronym BIMCO. IMO is requested to address all future correspondence to BIMCO without any mention of “Baltic and International Maritime Council (BIMCO)”. The full name, although historically correct, no longer reflects the true nature of their organization. In accordance with its request, the list of non-governmental international organizations that have been granted consultative status will be amended to reflect the acronym “BIMCO” instead of the full name.

Action requested of the Council

7 The Council is invited to take note of the information provided in this document and to decide or comment as it may deem appropriate.

ANNEX



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18 October 2002

Mr W.A. O'Neil
Secretary-General
International Maritime Organization
4 Albert Embankment
London SE1 7SR
United Kingdom

Dear Mr O'Neil

I write with reference to your letter of August 21st and attachments of the letter from Turkey and note verbale from Greece, your acknowledgements and a number of press cuttings. In response to the concerns raised, I attach reports of the two incidents to which you refer: the protest against the Greek flag tanker Crude Dio and the protest against two PNTL (BNFL) ships in the Tasman Sea.

Greenpeace International would like to take this opportunity renew its undertaking to the IMO under rule 4 of the Rules Governing Relationship with Non-Governmental International Organizations, and its earlier assurances reaffirmed most recently in a letter dated 25 July 2001. In particular, Greenpeace International is committed to ensuring that vessels carrying our publicity campaigns and protests at sea comply with the 1972 International Regulations for Preventing Collisions at Sea.

Greenpeace is appreciative of the opportunity to set the record straight on these matters. Greenpeace is also appreciative of the opportunity to contribute to the work of the IMO in its own field, in particular environmental matters such as the work on ship-recycling, and looks forward to further constructive engagement in furtherance of the purposes of the IMO

Please do not hesitate to contact me further should you have if you have any other questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "René Parmentier". The signature is written over a horizontal line.

René Parmentier
Director, Political and Science Division
Greenpeace International

Attachments

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Greenpeace Protest of Tanker Crude Dio

July 4 2002

The protest against the CRUDE DIO took place on the 4th of July 2002 from 1330 local time to just before midnight. The purpose of the protest was to raise awareness regarding the dangers of the oil industry and the transport of oil, its contribution to climate change and to emphasize the need to convert to the use of renewable energy.

The 274m long oil tanker CRUDE DIO was drifting 13 miles off shore in international waters in the Black Sea NE of the entrance to the Straits of Istanbul, waiting for a pilot, who was scheduled to arrive the following morning. During the protest period the tanker drifted within the 12-mile limit of the Turkish coast.

Greenpeace inflatable boats approached the vessel at approximately 13:30 hours. The CRUDE DIO was boarded by an action team consisting of crew from the ESPERANZA and activists from the Greenpeace Mediterranean office. They hung a banner over the ship's side and abseiled to the bottom of the banner and stayed there. Two persons climbed to the starboard anchor, chained themselves to it with a banner and stayed there for some hours. There was no one stationed near the port anchor. Other activists climbed the crane and a mast and chained themselves there with small banners. Neither the inflatable boats nor the ESPERANZA were at any time near the bow or the stern of the CRUDE DIO except for the short periods when the activists were deployed on the anchor and taken off again.

At the beginning of the protest I called the CRUDE DIO on VHF channel 16 and also on the working channel of VTS Bosphorus (on which I had heard them discussing the pilotage timing). They did not respond. Later on the CRUDE DIO captain talked with the coast guard and I was able to reach him on the radio directly afterwards. I stated to the Captain of the CRUDE DIO that safety is our top concern, both for him, his crew and his ship and for our activists as well. He expressed concern about the people on the anchor and I agreed to have them removed. We agreed to discuss and solve safety concerns as appropriate and this was done at several points.

The Turkish Coast Guard arrived reasonably quickly and told us via loud-hailers to stop our activities. Late in the evening the Coast Guard were there in force and we were confronted with the ultimatum of the activists leaving voluntarily in the custody of the Coast Guard or to be carried off by the Coast Guard. The activists agreed to leave voluntarily.

The activists were taken to the nearest coast guard station and later on transferred to a police facility. At some point the following morning (mid-morning) each activist signed a short statement in the presence of a Greenpeace lawyer and Berto Hullu, the Executive Director of the Greenpeace Mediterranean office. The statement said that the individual had participated in a non-violent peaceful demonstration without the intention of breaking Turkish law. The activists were released soon afterwards.

At no point while I was in Turkish waters - or afterwards for that matter - was I as captain of the vessel or the ESPERANZA as a unit confronted with any claims or charges via radio, telephone, fax, in writing, verbally or by any other means of communication.

The Captain

Motor Vessel Esperanza

Comments on the Letters of Turkish and Greek authorities:

It is a common practice that these vessels turn off their engines and drift until they start preparing for the passage. There were other oil tankers and cargo vessels around the area which were drifting. In addition, the protesters removed themselves from the anchor when requested. There was at no time any interference around the propeller. It thus cannot be maintained that the protest resulted in the tanker drifting.

With reference to the letter of the Embassy of Greece, it is noted that there was no intention or attempt to capture or immobilize the vessel. [No protester were on the bridge at any time]. The vessel was able to use the engines and any other navigational equipment, at any time, and there was no delay of the tanker as the tanker obtained a pilot the following morning.

At 17:56 on one of the National News channel Haber Turk the Istanbul region Director for the Undersecretariat of Maritime Affairs, Mr. Ruhan Cakiroglu, was interviewed and stated that (available on internet, www.haberturk.org, 4 July 2002):

“... There is no extreme situation regarding the oil tanker. All the measures needs to be taken on a vessel were taken. The Crudo Dio was supposed to take the pilot very early tomorrow morning when there is no traffic... the action took place when the ship was drifting and waiting for the morning.”

In conclusion, the protest was a peaceful and safe protest at sea, with all necessary safety precautions taken and no attempt made to interfere with navigation. Requests from the master of the *Crude Dio* relating to safety matters were implemented. The claims in the press clippings that Greenpeace ‘hijacked’ a tanker were inflammatory and wrong. Equally, Greenpeace hopes that it is clear from this report that suggestions that Greenpeace captured the vessel, immobilized the vessel, jeopardized the safety of the vessel or resulted in delay are based on misinformation.

TASMAN SEA PROTEST
July 22 2002

This protest by the Nuclear Free Pacific Flotilla against the shipments of ultrahazardous radioactive material onboard the *Pacific Pintail* took place in the Tasman Sea on July 22 2002.

We note that the press clippings enclosed in your letter included a letter published in Lloyds List entitled "Nuclear vessels were the ones in breach of IMO's safety rules" by Greenpeace International nuclear coordinator. She notes that the protest by flotilla members, including a member of the New South Wales Legislative Council, took place precisely because of the dangers the ultra hazardous shipments of radioactive material pose to the marine environment. There was no interference with the navigation of the vessels or attempt at interference. Members of the flotilla made this very clear, repeatedly, to the vessels by broadcasting on VHF Channel 16 that members of the flotilla had no intention of interfering with the navigation or safety of the vessels, stating "vessel in approx position 30 degrees 30 minutes south by 163 degrees 30 minutes east: this is the tender from yacht Tiama approx two miles to your south. We will not interfere with your safe navigation in any way and we wish you no harm. Do you copy, over?" There was no reply. Both vessels in the nuclear convoy failed to respond or acknowledge either that call, or a second similar call approximately five minutes later.

The swimmers, who were well prepared for the conditions, entered the water to the port side of the vessels and simply held up a banner whilst in the water. They were not in front of either vessel, no navigational rule was breached and at no time was any vessel in any risk of collision. Greenpeace International is aware of no complaint to any national maritime safety authority or flag State following the protest. In no way did the swimmers in the water, or any vessel, prejudice the safety of either nuclear transport. No law was broken and every precaution was taken. The claims in the press clippings that activists tried to block the plutonium ship were simply incorrect, and the claims in the same article by another non-governmental observer, ICS, that Greenpeace flouts the collision regulations on a constant basis are equally unsupportable.

The protest was in support of numerous declarations by coastal States and organizations of States, including 78 States in the Africa-Caribbean-Pacific (ACP) declaration, which expressed strong objection to the transport of nuclear and other hazardous materials through the waters around ACP states and called for the immediate cessation of such practice, in order to prevent any occurrence of accidents, and the Pacific Islands Forum, which reiterated its continuing serious concerns over the shipment of radioactive materials through the region. Member States of these organizations have presented their concerns about these shipments to the IMO on a number of occasions. The responsibility of the protest was echoed by the chief harbour pilot, Captain David Carpenter, who brought the nuclear vessels into Barrow, who stated that "I must say the protest vessels were very good and did exactly what they said they would do so we had no real problems at all." (Barrow Evening Mail of 18 September, attached).

Barrow Evening Mail

18th September 2002

HARBOUR PILOT PRAISES DEMONSTRATORS

The harbour pilot who brought the MOX nuclear fuel ship back into Barrow praised anti-nuclear demonstrators for acting responsibly. Capt David Carpenter, chief pilot for the Associated British Ports-run port travelled out by launch yesterday to meet the 5,000-tonne Pacific Pintail off Lightning Knoll beyond the southern tip of Walney.

He brought the ship up the Walney Channel at 12 knots past protest vessels, only slowing as the ship approached the harbour. Capt Carpenter said: "We live in a democracy and it is nice that people can come and protest and do it in a peaceful and responsible way.

"Obviously you are aware of the fact that people might pull stunts, but it went very smoothly. "I must say the protest vessels were very good and did exactly what they said they would do so we had no real problems at all. It was a routine shipping movement."

"I think the crew were very happy to be back from what they were saying.

"The captain's been away six months and the crew five months. "They were looking forward to getting home and seeing their families."
