



COUNCIL
89th session
Agenda item 29(b)

C 89/29(b)
21 August 2002
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APPOINTMENT OF FUTURE SECRETARIES-GENERAL

(b) Interpretation of the Rules of Procedure of the Council relating to the participation of observers

Note by the Secretary-General

SUMMARY

Executive summary: This document provides background information on the application of the Council's Rules of Procedure, and in particular on past practice regarding the presence of observer Member States at sessions considering the appointment of the Secretary-General.

Action to be taken: Paragraph 12

Related documents: C 87/D paragraph 5(a)(ii), C 87/SR.1, C 85/SR.6, C 77/SR.5 and C 88/D

1 The Council at its eighty-seventh session decided to include an additional item for the eighty-eighth session concerning the review of the contract for the appointment of the Secretary-General, in the light of experience gained, and whether the Rules of Procedure of the Council allow observer Member States to be present in discussions on matters in connection with the appointment of the Secretary-General.

2 At its eighty-eighth session the Council agreed that discussion of this item (document C 88/27(b)) should be deferred until the eighty-ninth session.

3 This document, which reproduces the contents of document C 88/27(b), reports on relevant rules of procedure of the Council and past practice with regard to their application at sessions considering the appointment of the Secretary-General.

Relevant Rules of Procedure of the Council

4 Rule 4 provides that the Council shall invite any IMO Member to participate, without vote, in its deliberations on any matter of particular concern to that Member.

5 Rule 11 provides that the Council may decide to hold meetings in private or in public. In the absence of a decision to hold meetings in public, they shall be held in private.

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6 Rule 52 states that, for the appointment of the Secretary-General, the Council shall consider in private meeting its recommendation to the Assembly and vote upon it by secret ballot.

7 Rules 30 to 33 restrict voting to Members of the Council.

8 The Rules of Procedure may be amended by a decision of the Council taken by a majority of the Council Members present and voting (Rule 53).

Past practice

9 It has been the practice of the Council to invite all IMO Member States non-Members of the Council which wish to participate in the deliberations of the Council, to do so without vote, in accordance with Rule 4. Such States have not been required to justify their participation on the basis of their 'particular concern' and have been allowed to participate for the duration of the session.

10 Nevertheless, it has been the practice of the Council to consider the appointment and contract of the Secretary-General at a closed session, without attendance by observers or members of the Secretariat. This exclusion has also been extended to observer Member States, despite their expressed interest in participating in the consideration of this agenda item.

11 Reservations regarding this practice were expressed at the seventy-seventh and the eighty-fifth sessions of the Council held, respectively, in November 1996 and November 2000 (see documents C 77/SR.5 and C 85/SR.6).

Action requested of the Council

12 The Council is invited to consider the information in this document and to comment and decide as appropriate.
