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EXTERNAL RELATIONS

(d) Relations with non-governmental organizations

Report of the group of Council Members

New applications for consultative status

1 As instructed by the Council, the Group of Council Members met from 11 to 13 June 2012, under the chairmanship of Mr. Brad Groves (Australia), to review and advise the Council on new applications for consultative status submitted by the following organizations:

- the International Council on Mining and Metals (ICMM);
- the Pew Environment Group (PEG);
- the International Tank Container Organisation (ITCO);
- the European Maritime Independent Suppliers Association (EMISA);
- the Global Shippers' Forum (GSF);
- the Natural Resources Defense Council (NRDC); and
- the Asian Shipowners' Forum (ASF),

as annexed to documents C 108/15(d) and C 108/15(d)/Add.1.

2 The group was composed of representatives from the delegations of Australia, the Bahamas, Chile, China, the Netherlands and the United States of America. Delegates from Cyprus, the Republic of Korea, Singapore and Sweden also participated in the discussions of the group.

3 The group reviewed the applications and the information provided, in accordance with the Rules Governing Relationship with Non-Governmental International Organizations ("the Rules") and the Guidelines on the Grant of Consultative Status ("the Guidelines"). The views of the group are given below.

International Council on Mining and Metals (ICMM)

4 The group was of the opinion that ICMM has the potential to contribute to the work of IMO but needs to demonstrate the extent of such a contribution.

5 The group, therefore, agreed to recommend to the Council to grant consultative status to ICMM, on a provisional basis, for no more than two years, after which a review should be conducted.

Pew Environment Group (PEG)

6 In considering the application from PEG, the group noted the comments in section 13 of the questionnaire submitted in relation to the International Union for Conservation of Nature (IUCN). The group was of the view that the Council should seek the advice of the Marine Environment Protection Committee (MEPC) to make a further assessment based, in particular, on the activities carried out by the applicant that are relevant to IMO, as well as on the contribution in terms of skills and expertise it can make to the Organization; specifically, whether the interests PEG represents are not already adequately represented by another organization in consultative status with IMO.

7 The group, therefore, agreed to recommend to the Council to refer the application to the MEPC.

International Tank Container Organisation (ITCO)

8 The group was of the opinion that the interests ITCO represents are already represented through other non-governmental organizations in consultative status with IMO, namely the Institute of International Container Lessors (IICL), the Dangerous Goods Advisory Council (DGAC), the World Shipping Council (WSC) and the Bureau International des Containers et du Transport Intermodal (BIC), and that there could be a duplication of work. Moreover, the group was of the view that ITCO, due to the limited scope of its work, would not be able to make a substantial contribution to the work of IMO.

9 The group, therefore, agreed to recommend to the Council not to grant consultative status to ITCO.

European Maritime Independent Suppliers Association (EMISA)

10 The group was of the opinion that EMISA would not be able to make a substantial contribution to the work of IMO due to the narrow focus of its activities. The group also considered that there would be duplication of effort with at least one other organization already in consultative status with IMO.

11 The group, consequently, agreed to recommend to the Council not to grant consultative status to EMISA.

Global Shippers' Forum (GSF)

12 The group was of the opinion that the interests GSF represents are already represented through other non-governmental organizations in consultative status with IMO.

13 The group, consequently, agreed to recommend to the Council not to grant consultative status to GSF.

Natural Resources Defense Council (NRDC)

14 The group was of the opinion that NRDC is not truly international and that the interests it represents are adequately represented at IMO through other organizations already in consultative status. Moreover, the group was also concerned about NRDC's

ability to make a substantial contribution to the work of IMO. The group also discussed the text in section 8 of the questionnaire reflecting on the work of other organizations in consultative status with IMO.

15 The group, consequently, agreed to recommend to the Council not to grant consultative status to NRDC.

Asian Shipowners' Forum (ASF)

16 The group was of the opinion that some of the basic conditions required for the grant of consultative status have not been met. These include compliance with the "One China" policy, the need for an applicant organization to be truly international and no access through or duplication with another organization already in consultative status with IMO.

17 The group, therefore, agreed to recommend to the Council not to grant consultative status to ASF.

Review of the Rules Governing Relationship with Non-Governmental International Organizations and the Guidelines on the Grant of Consultative Status

18 The group considered necessary amendments to the Rules and the Guidelines. In so doing, the group took into account documents C 105/13(a), C 106/16(c)/4, C 106/WP.2, C 106/D and C 108/15(d)/1.

19 When discussing amendments to the Rules and Guidelines, the group was of the view that:

- .1 the Rules and Guidelines should be more closely aligned for ease of reference. The group restructured the Guidelines and developed a user-friendly consolidated document;
- .2 in the context of the periodic review, non-governmental organizations in consultative status should be requested to submit information on their substantial contribution to the work and objectives of IMO in the past biennium. The group amended the Guidelines to reflect this; it agreed that such a submission should not be more than one page in length and prepared a draft template to this effect (annexed to the Rules and Guidelines);
- .3 with respect to provisions A.II (no access through other organizations) and A.III (no duplication or conflict) of the Guidelines, it would be more appropriate to include these requirements in the Rules;
- .4 the requirement for an applicant organization to be truly international needed clarification. The group discussed this extensively and drafted some preliminary text, which will require further consideration;
- .5 guidance on the procedure for screening new applications should be reflected in the Guidelines for rule 1. In this connection, the group amended the text to clarify the role of the Council and the Committee(s);
- .6 the requirement for applicant organizations to demonstrate their ability and intention to promote and disseminate the principles and work of IMO should be explained;

- .7 with respect to rule 6, the text of this rule required significant updating (e.g. to include reference to the Facilitation Committee, to align it with the Guidelines on the organization and method of work of the Committees, to refer to IMO's High-level Action Plan and strategic directions, etc.);
- .8 with respect to rule 7, while the expression "normally one observer" could be questioned in light of the increasing amount of work at IMO and the value of the contribution provided by non-governmental organization experts, this issue fell outside the group's mandate;
- .9 as a result of the proposed amendments to the Rules and Guidelines, the questionnaire to be submitted with applications for consultative status would also need to be reviewed.

20 The draft text of the Rules and Guidelines revised so far is attached in the annex.

21 As more time is required to complete the work, the group agreed to recommend to the Council that it be reconvened at a future session.

Action requested of the Council

22 The Council is invited to:

- (i) note the group's recommendations with respect to new applications for consultative status and decide as it may deem appropriate;
- (ii) note the progress made to date in connection with the review of the Rules and Guidelines and endorse the direction of the work undertaken so far; and
- (iii) agree to reconvene the group at a future session.

ANNEX

DRAFT

**RULES GOVERNING RELATIONSHIP WITH
NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS¹
AND
GUIDELINES ON THE GRANT OF CONSULTATIVE STATUS²**

¹ The original text of the Rules was adopted by Assembly resolution A.31(II) of 13 April 1961. Amendments to the Rules were adopted by a decision of the Assembly at its fourteenth session on 20 November 1985. Other amendments were adopted by the Council at its eighty-sixth session on 22 June 2001 and endorsed by the Assembly at its twenty-second session on 29 November 2001.

² Adopted by the Council at its fortieth session on 23 May 1978 and endorsed by the Assembly at its eleventh session on 15 November 1979. Amendments approved by the Council at its eighty-sixth session on 22 June 2001 and endorsed by the Assembly at its twenty-second session on 29 November 2001.

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Rule 1

Subject to approval by the Assembly, the Council may grant consultative status to any non-governmental international organization which is able to make a substantial contribution to the work of the International Maritime Organization. The Council may also grant consultative status on a provisional basis to any non-governmental international organization for a period not exceeding four years.

Guidelines on its application

Consultative status shall only be granted to a non-governmental international organization if it can reasonably be expected to make substantial contribution to the work of IMO. In determining whether an organization can make a substantial contribution, reference shall be made inter alia to:

- (a) whether the purposes of the organization are directly related to the purposes of IMO and fully in harmony with the spirit and functions of IMO;*
- (b) whether the activities of the organization have a direct bearing on the main purposes of IMO as a whole, or on the work of any of the organs or Committees or on the matters dealt with in any conventions in respect of which IMO performs depositary or other functions;*
- (c) whether the organization has demonstrated that it has considerable expertise as well as the capacity to contribute, within its field of competence, to the work of IMO; and*
- (d) whether there are any programmes or projects of the organization which can reasonably be considered as demonstrating the relevance of the organization's work and interests to those of IMO.*

The Council may decide whether or not to seek the advice of the relevant Committee(s); if the latter's advice is sought, the Committee(s) so requested make a further, technical assessment, based, in particular, on the activities carried out by the applicant that are relevant to IMO, as well as on the contribution in terms of skills and expertise it can make to the Organization. In due course, the Committee(s) report to the Council; the Council takes a final decision, which is then submitted to the Assembly for approval.

Where an applicant organization meets most but not all the requirements in the guidelines, the Council when considering the application may, if it considers that the circumstances so warrant, grant consultative status on a provisional basis, drawing attention to any requirements which may not be fulfilled in the case of any particular organization.

Rule 2

Purposes of consultative status

Decisions to grant consultative status to any non-governmental international organization shall be based on the principles that the purposes for entering into consultative status shall be:

- (a) to enable the International Maritime Organization to obtain information or expert advice from non-governmental international organizations with special knowledge in a particular sector of the Organization's activities; and
- (b) to enable such non-governmental international organizations representing large groups whose activities have an important and direct bearing on the work of the International Maritime Organization, to express their points of view to the Organization.

Rule 3

Objectives and activities of the non-governmental international organization

Before granting consultative status to any non-governmental international organization, the Council must be satisfied that:

- (a) the activity of the non-governmental international organization concerned is related directly to the purposes of the International Maritime Organization as defined in Article 1 of the Convention;
- (b) the objectives and functions of the non-governmental international organization are fully in harmony with the spirit, functions and principles of the International Maritime Organization;
- (c) the non-governmental international organization does not have, or is not eligible for, access to International Maritime Organization through another organization already in consultative status; and

Guidelines on its application

An organization shall be deemed to have access to IMO:

- (a) *if it is a member of, affiliated to, or otherwise associated with another organization which enjoys consultative status or has other form of association with IMO; and*
- (b) *if the interest or interests it purports to represent are adequately represented in IMO through another organization, unless an applicant organization demonstrates to the satisfaction of the Council that the specific interests it represents cannot adequately be represented by any organization already in consultative status.*

(d) the granting of consultative status does not lead to duplication or conflict.

Guidelines on its application

Consultative status shall not be granted where each of two or more rival organizations purports to represent a particular interest to the exclusion of the others.

Rule 4

General undertaking by the non-governmental organization

Consultative status may not be granted to a non-governmental international organization, unless it undertakes to support the activities of the International Maritime Organization and to promote the dissemination of its principles and work, bearing in mind the objectives and functions of the International Maritime Organization on the one hand, and the competence and activities of the non-governmental international organization on the other.

Guidelines on its application

Applicant organizations must demonstrate their ability and intention to promote and disseminate the principles and work of IMO.

Rule 5

Constitution and structure of the non-governmental organization

Consultative status may not be granted to any non-governmental international organization unless it has a permanent headquarters, a governing body and an executive officer, and is truly international with members, component branches or affiliated bodies in a sufficient number of countries. Where it is not truly international regarding its component branches or affiliated bodies in a sufficient number of countries, consultative status may be granted on a provisional basis. In both cases, it must be authorized under its constitution to speak for its members through accredited representatives.

Guidelines on its application

Consultative status shall only be granted to non-governmental organizations which are truly international and are active and effective in their field. An organization shall be deemed to be truly international for this purpose only if it has members, component branches or affiliated bodies in a sufficient number of countries.

[A non-governmental organization can be considered truly international when it covers a broad geographical scope, taking into account its field of activity, ensuring that it adequately represents the interests it purports.]

Consultative status shall not be granted to a non-governmental organization whose composition or membership are considered to be inconsistent with a decision of the IMO Assembly or Council.

Rule 6

Privileges conferred by consultative status

The granting of consultative status to a non-governmental international organization shall confer the following privileges on that organization:

- (a) The right to receive the provisional agenda for sessions of the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and other organs of the International Maritime Organization;
- (b) the right to submit written statements on items of the agenda of the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and other organs of the International Maritime Organization which are of interest to the non-governmental international organizations concerned after appropriate consultations with the Secretary-General, provided that such submission does not impede the smooth functioning of the International Maritime Organization or the organ involved. The non-governmental international organizations concerned shall give due consideration to any comment which the Secretary-General may make in the course of such consultations before transmitting the statement in final form;
- (c) the right to be represented by an observer at plenary meetings of the Assembly and, on the invitation of the Secretary-General, at those meetings during sessions of the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and other organs of the International Maritime Organization at which matters of special interest to the non-governmental international organizations concerned are to be considered;
- (d) the right to receive the texts of resolutions adopted by the Assembly and, at the discretion of the Secretary-General, of recommendations made by the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee or other organs of the International Maritime Organization on matters of special interest to the non-governmental international organizations concerned and of the appropriate supporting documents.

Rule 7

Status at meetings of the International Maritime Organization

Normally one observer from each non-governmental international organization shall be admitted to any session or meeting. Such observer shall have no voting rights but may, on the invitation of the Chairman and with the approval of the body concerned, speak on any item of the agenda of special interest to the non-governmental international organization of which the observer is the representative.

Rule 8
Granting of reciprocal privileges to the International Maritime Organization

Any non-governmental international organization to which consultative status is granted shall keep the Secretary-General currently informed of those aspects of its own activities which are likely to be of interest to the International Maritime Organization and accord to the International Maritime Organization privileges corresponding to those which are granted to it by the Organization.

Guidelines on its application

The applicant organization should be able to demonstrate by what means it would be possible for IMO to participate in its activities, e.g. meetings, conferences, documents, publications, etc.

Rule 9
Consideration of applications

The Council shall only consider applications for consultative status from non-governmental international organizations once a year and shall not consider re-applications from such organizations until at least two years have elapsed since the Council took a decision on the original application.

Guidelines on its application

[The two-year period [does not apply] [applies] when the Council considers re-applications for consultative status from organizations which have had their status withdrawn.]

Rule 10
Periodic review of the list of non-governmental international organizations

The Council shall review from time to time the list of non-governmental international organizations to which it has granted consultative status, in order to determine whether the continuance of their status in any particular case is necessary and desirable and shall report to the Assembly accordingly.

Guidelines on its application

The Council will review the list of non-governmental organizations in consultative status every two years, before reporting to the Assembly.

In the context of the periodic review under rule 10, consultative status may be withdrawn from any organization which, during the biennium under review, had not made a substantial contribution to the work of IMO, or any of its organs or bodies. In assessing the contribution of an organization in this regard, particular account shall be taken of the following factors:

- (a) *attendance by the representatives of the organization concerned at relevant meetings of IMO organs or bodies or at conferences and meetings convened by or in association with IMO;*
- (b) *participation by the representatives of the organization concerned in the work of meetings and conferences which they may have attended, with particular reference to the number and type of documentation or other information provided in connection with such meetings or conferences;*
- (c) *meetings or conferences convened by or under the auspices of the organization concerned to which IMO has found it necessary or useful to send representation; and*
- (d) *dissemination and promotion of the work of IMO.*

In order to facilitate the periodic review of the non-governmental organizations in consultative status, each organization will be requested to provide a summary which reflects whether it has substantially contributed to the work of IMO over the past biennium. The template provided in the annex should be used for this purpose.

In the context of the periodic review under rule 10, consultative status may be withdrawn from a non-governmental organization if, in the opinion of the Council or Assembly, the organization concerned has ceased to be adequately representative of the interests which it purports to represent as a result, inter alia, of:

- (a) *merger of that organization with another organization enjoying consultative status with IMO or eligible for such status;*
- (b) *the establishment or emergence of a new organization more representative of the particular interest or interests concerned.*

In the context of the periodic review under rule 10 or at any other time the Council or Assembly may consider necessary, consultative status to an organization may be withdrawn or suspended as appropriate if changes occur in the nature, purposes, membership or activities of the organization concerned which, in the opinion of the Council or Assembly, make continuance of consultative status to that organization inappropriate or incompatible with the Rules or any of the guidelines established pursuant to those Rules.

* * *

ANNEX

**TEMPLATE
TO BE COMPLETED BY THE NON-GOVERNMENTAL ORGANIZATION
IN THE CONTEXT OF THE BIENNIAL REVIEW**

NAME AND ACRONYM:	
DATE:	

1	Briefly outline your organization's interest in and contribution to the work of the relevant bodies of IMO in the past biennium
	<i>For example, mention attendance at IMO meetings, working/drafting/correspondence groups, submission of documents, relevant agenda items, etc.</i>
2	Briefly outline how your organization disseminates information on and promotes the work of the Organization to its membership and/or beyond
	<i>For example, indicate publications, seminars, workshops, information available on your organization's website and social media sites</i>