

COUNCIL  
120th session  
Agenda item 5

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## RULES OF PROCEDURE OF THE ASSEMBLY

### Conduct of campaigns for election of Members of the Council

#### Note by the Secretary-General

##### SUMMARY

*Executive summary:* This document provides information and a proposal in response to questions raised by Member States regarding the conduct of campaigns for election to the IMO Council pursuant to Articles 16 and 17 of the IMO Convention and rules 37 to 42 of the Rules of Procedure of the Assembly

*Strategic direction, if applicable:* 7

*Output:* Not applicable

*Action to be taken:* Paragraph 12

*Related document:* A 30/D

1 As provided for in Articles 16 to 18 of the IMO Convention, the Assembly, at each regular session, holds elections for Members of the Council. The elections are held in accordance with rules 37 to 42 of the Rules of Procedure of the Assembly.

2 At its thirtieth session, held from 27 November to 6 December 2017, the Assembly elected, for a two-year period, 40 Members of the Council. The 40 Members of the Council were elected from 46 candidates; 10 candidates for 10 seats in Category A, 12 candidates for 10 seats in category B, and 24 candidates for 20 seats in category C.

3 As per usual practice, all candidates conducted election campaigns of varied intensity prior to the vote. Activities in support of the campaigns included the holding of receptions and the giving of gifts, as has been done in past election campaigns. However, the increased number of receptions during the 2017 campaign, coupled with the apparent value of some gifts being offered, prompted several delegations at A 30 to voice concern to members of the Secretariat regarding future campaigns. This paper provides background information on the issues raised, as well as options for consideration of the Council moving forward.

## Receptions

4 Receptions have traditionally been used by candidates for election to the IMO Council as a means to inform Member States of the attributes of the candidacy. Receptions are normally held as breakfast meetings, luncheons or evening dinner/cocktail receptions. In the past, receptions would be held beginning approximately 60 days prior to the election, with the majority of receptions being held during the first week of the Assembly, the first evening being reserved exclusively for the Secretary-General's reception held in the delegates lounge after the first day of deliberations. In some cases in the past, candidates for election to the Council would forego holding a reception and instead make a donation to the Technical Cooperation Fund.

5 In 2017, receptions in support of Council candidacies began during MEPC 71 in July, where every breakfast, luncheon and evening availability for the delegates lounge was booked. Receptions continued during the autumn of 2017, culminating in the first week of the Assembly, where 4 receptions were held on Monday evening, 27 November, at or near the same time as the IMO Awards Ceremony for the International Maritime Prize and Award for Exceptional Bravery at Sea, and the customary welcome reception held by the Secretary-General; 11 were held on Tuesday evening 28 November; 11 were held on Wednesday evening, 29 November and 9 were held on Thursday evening, 30 November. In addition, breakfasts were held at IMO from Monday to Friday and luncheon receptions from Monday to Thursday. In contrast to previous election years, only one candidate made a donation to the Technical Cooperation Fund in lieu of a reception, although some Member States made a donation and also held a reception.

## Gifts

6 Gifts, souvenirs, mementos and other information promoting candidacies were provided to delegations before and during the Assembly. In the past, not all candidates provided gifts and, with few exceptions, the gifts were of nominal value. Before and during A 30, the presentation of gifts was more widespread in both the number of gifts provided, and their value.

7 While many gifts were presented during receptions, many were also left on delegations' designated areas in the Main Hall. Despite the Secretariat's advice to use great care when placing gifts on tables in the Main Hall, at A 30, 137 sets of headphones and five microphones were damaged, many by the placement of heavy gift bags on the tables. Large gifts and brochures left on desks also made it difficult for the officers of the Assembly and for the staff of the Secretariat to identify the names of the Member States wishing to take the floor. Furthermore, the Secretariat received a high number of requests by some delegations for storage space for gifts, souvenirs and mementos to be distributed to delegates. This resulted in meeting spaces being occupied for this unintended use, and limited the Secretariat's ability to satisfy the need for committee rooms required to meet the numerous requests for bilateral and multilateral meetings by the Member States present at the Assembly.

## Rules and policies

8 The IMO Secretariat staff are bound by the International Civil Service Commission's (ICSC) *Standards of Conduct for the International Civil Service*, in particular paragraph 50 regarding gifts, honours and remuneration from outside sources, which prohibits the acceptance of gifts of more than nominal value without authorization of the Executive Head of the agency. The ICSC standard is largely repeated in IMO Staff Regulation 1.6. Further, the IMO *Policy on reporting, accepting and retaining of honours, decorations, favours, gifts or remuneration from governmental and non-governmental sources* (ADMIN/14/28) provides more detailed guidance on the acceptance of gifts by Secretariat personnel.

9 The policies described in paragraph 8 apply only to Secretariat staff, not to delegates, although many delegates are subject to domestic laws and policies limiting their ability to accept gifts. In many cases, the domestic laws and policies are similar to those of the ICSC and IMO.

10 In preparing this document, the Secretariat conducted a survey of other United Nations agencies to determine if any had policies, procedures or guidelines relating to the conduct of elections for their Council or other executive board. None of the agencies responding had such policies, procedures or guidelines, although several do have rules regarding the conduct of the election for their executive head (Secretary-General, Director-General, etc.). These policies or Codes of Conduct were primarily developed in response to the Joint Inspection Unit report [JIU/REP/2009/8](#) entitled *Selection and Conditions of Service for Executive Heads in the United Nations System Organizations*. Recommendation 7 of that report states:

The legislative/governing bodies of the United Nations system organizations should condemn and prohibit unethical practices such as promises, favours, invitations, gifts, etc., provided by candidates for the post of executive head or their supporting governments during the selection/election campaign, in return for favourable votes for certain candidates.

11 Paragraphs 84 to 88 of the JIU/REP/2009/8 contains the reasoning and analysis for Recommendation 7. In the view of the JIU inspectors, favours such as tour invitations, gifts and other forms of influence "would taint the electoral process and affect the fairness and credibility of the exercise and the candidate if elected. The nominating governments and their candidates for the post of executive head should be committed to exemplary conduct during the campaign and adhere to the highest standards of ethical behaviour by abstaining from actions which compromise the integrity and credibility of the election process."

12 The JIU inspectors further opined "that in cases where the staff regulations and rules and the code of conduct/ethics of an organization are silent on prohibiting and penalizing such practices, such provisions should be introduced through appropriate amendments." JIU/REP/2009/8, paragraph 86.

13 Should the Council wish to adopt the reasoning of Recommendation 7 of the JIU report described above with respect to the conduct of campaigns for elections of Members of the IMO Council, the Council may wish to consider potential means of addressing the issues raised.

#### **Action requested of the Council**

14 The Council is invited to note the information provided and to decide, as appropriate. In particular, the Council is requested to decide whether to:

- .1 discourage the holding of receptions on the first evening of the Assembly, except for the Secretary-General's traditional reception, which may coincide with the award of the IMO International Maritime Prize and the IMO Award for Exceptional Bravery at Sea; and
- .2 discourage the practice of placing any souvenirs, information, etc. on the delegation tables in the Main Hall to prevent damage to equipment.