



COUNCIL  
24th session  
Agenda item 10

C/ES.24/10/1  
11 September 2007  
Original: ENGLISH

## CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE

### Report of the meeting on work methods of the Committees of the Organization

#### Note by the Secretary-General

#### SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of the meeting on work methods of the Committees of the Organization, which took place on 22 June 2007
<i>Action to be taken:</i>	Paragraph 4
<i>Related documents:</i>	C 97/D, paragraph 8.3 and C/ES.24/10/Add.1

1 At its ninety-seventh session, the Council “agreed that it would be both appropriate and beneficial that the Legal Committee, taking into consideration its differing needs, harmonize its work methods with those of the MSC and MEPC. To this end, it endorsed the Secretary-General’s proposal that the Chairmen of all five Committees, together with the Secretaries of these Committees, meet in the context of the Council’s ninety-eighth session, in June 2007, to consider how best to harmonize their Committees’ work methods to achieve well-run meetings, based on best practice and characterized by the smooth flow of work in the best interests of the delivery of the work programmes entrusted to each; and to report to the Council at its twenty-fourth extraordinary session in November 2007” (document C 97/D, paragraph 8.3).

2 The outcome of the Legal Committee’s consideration of its work methods will be reported to the Council in an addendum to this document, in the context of a report on the outcome of the Committee’s ninety-third session. The report of the meeting of the Chairmen of all five Committees on work methods of the Committees of the Organization, which took place on 22 June 2007, is provided in the annex to this document.

3 The attention of the Council is invited, in particular, to the recommendations for further action which were agreed by the meeting. The Chairmen recommended that each Committee should review its guidelines on work methods based on the following principles:

- .1 guidelines on submission, processing and distribution of documents should be harmonized, as far as possible, to assist the Secretariat in fulfilling its responsibilities, bearing in mind that deadlines for submission of documents may

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

not be the same for all Committees and taking into account that the Conference Division would need more time to process and translate documents submitted to those Committees that usually handle a very large volume of documentation;

- .2 subsidiary bodies, such as sub-committees, working groups and correspondence groups should function in a similar manner;
- .3 the same process should be followed in all Committees when assessing proposals for new work programme items in the context of the Organization's Strategic Plan; and
- .4 the best practices of any single Committee should be considered by the other Committees for possible implementation, adapted as may be appropriate.

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

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

\*\*\*

**ANNEX****REPORT OF THE CHAIRMEN'S MEETING****INTRODUCTION**

1 As agreed by the Council (C 97/D, paragraph 8.3), a meeting of the Chairmen of MSC, MEPC, LEG, TC and FAL on Work methods of the Committees of the Organization was held on 22 June 2007.

2 The meeting was chaired by Mr. A. Chrysostomou (Cyprus), Chairman of MEPC.

3 The Vice-Chairmen of the Committees and the Secretaries of the Committees were also invited to attend the meeting. The list of participants is set out in appendix 1.

4 The Director, Legal Affairs and External Relations Division, Dr. Rosalie Balkin, welcomed the participants on behalf of the Secretary-General. In her opening remarks she recalled that the Council, at its ninety-seventh session, after considering the report of the Legal Committee, had "agreed that it would be both appropriate and beneficial that the Legal Committee, taking into consideration its differing needs, harmonize its work methods with those of the MSC and MEPC, and endorsed the Secretary-General's proposal that the Chairmen of all five Committees, together with the Secretaries of these Committees, meet in the context of the Council's ninety-eighth session, in June 2007, to consider how best to harmonize their Committees' work methods to achieve well-run meetings, based on best practice and characterized by the smooth flow of work in the best interests of the delivery of the work programmes entrusted to each; and to report to the Council at its twenty-fourth extraordinary session in November 2007" (document C 97/D, paragraph 8.3).

5 She recalled some of the points made during the discussion at LEG 92 in October 2006, concerning the Committee's outputs under the Organization's Strategic Plan and High-level actions, which were pertinent to the meeting, in particular, the view that it was important for all Committees of the Organization to follow a uniform approach under the strategic plan, and the Committee's request that the Secretariat consult internally with the aim of establishing uniformity. In this connection, the Secretariat had prepared a document comparing the MSC/MEPC guidelines on methods of work with those of the Legal Committee and the Technical Co-operation Committee, which would also serve to provide the meeting with a convenient reference point.

**ADOPTION OF THE AGENDA**

6 The meeting adopted its agenda as set out in appendix 2.

**TERMS OF REFERENCE OF THE SUB-COMMITTEES**

7 The meeting agreed that the decision of the Council (C 97/D, paragraph 8.3, as cited in paragraph 4 above) should serve as its terms of reference.

8 It was agreed, however, that the first part of that paragraph should be taken as an instruction to the Legal Committee and was not open for discussion at the present meeting which would, accordingly, focus on the second part of the paragraph.

## OPENING STATEMENTS

9 The Chairman of the Legal Committee, Professor Chai (Republic of Korea) recalled that, during the Legal Committee's consideration of the Committee's planned outputs under the Organization's Strategic Plan and High-Level Actions for the biennium 2008-2009, the question had been raised as to why the Legal Committee's work methods were not identical to those of other IMO Committees. He said this question had provoked a discussion about the work methods of the Legal Committee and how new work items were added to the work programme. In the end, the Committee had submitted its list of planned outputs to the Council but did not have time to comprehensively review the current guidelines on work methods to assess how they might be improved. He welcomed the opportunity of discussing work methods with his fellow Chairmen, the outcome of which, he was sure, would be of great benefit to the Legal Committee in its ongoing review.

10 The Chairman of the Technical Co-operation Committee, Mr. Owusu-Mensah (Ghana), said it was important to achieve as much harmonization as possible, but it was equally important that the work methods of the Committee are fit for purpose and take into account the particular requirements of the Committees. He noted that the functions and work of the Technical Co-operation Committee are inherently different from other Committees in that the TCC primarily carries out an oversight function with respect to the development and implementation of the technical co-operation activities of the organization. That Committee's agenda is, in the main, generic, reflecting this function and outputs and, with some exceptions, remains basically the same over a biennium. The core documentation is prepared by the Secretariat with only a handful of submissions by Member States or NGO's. Institutionally, the Committee does not have formal subsidiary bodies although on a few occasion it has established intersessional working and correspondence groups. TCC, which meets once a year usually for three days, has not been faced with agenda management issues such as a need to strictly control the work programme. He said he was not aware that the Committee had encountered any difficulties with its methods of work to date.

11 The Chairman of the Facilitation Committee, Mr. Abela (Malta), reported that that Committee, at its thirty-fourth session (26 to 30 March 2007), had adopted amendments to the Committee's Guidelines on the organization and method of work, which reflected the relevant decisions of FAL 33 and the salient decisions of MEPC 55 and MSC 82; and had harmonized its Guidelines as much as possible with those of the MSC and MEPC. These had been distributed as FAL.3/Circ.188, Guidelines on the organization and method of work of the Facilitation Committee, on 26 April 2007.

12 The Acting Chairman of the Maritime Safety Committee, Mr. Neil Ferrer (Philippines), said the Guidelines on work methods were continuously under review and it would not be possible to make the guidelines identical or uniform for all of the Organization's Committees, given their different needs and objectives. He noted that there was a distinction between uniformity and harmonization and suggested that each Committee might benefit from the 'best practices' employed by other Committees.

13 Mr. Chrysostomou (Cyprus), speaking as Chairman of MEPC, said he foresaw a need for his Committee to review the guidelines in MSC-MEPC.1/Circ.1 for more effective application in its work, and those guidelines should not be seen as a fixed model.

## COMPARISON OF CURRENT GUIDELINES ON METHODS OF WORK

- 14 Among the observations made during the meeting were the following:
- .1 broadly speaking, the guidelines were intended to address three different aspects of the work methods of the Committees concerned: (a) procedures associated with preparation and circulation of documents; (b) approval of new work items and the organization of the work programme; and (c) functioning of subsidiary bodies such as working groups, sub-committees and correspondence groups;
  - .2 the details contained in the guidance on documentation could be affected by the number and volume of documents which are normally submitted to a particular Committee. Similarly, the scope of guidance on the functioning of subsidiary bodies depended on the use of such bodies by a particular Committee;
  - .3 it was necessary for all Committees to ensure that all new work items are systemically evaluated in light of the Organization's Strategic Plan;
  - .4 the Organization's Strategic Plan inherently takes into account the concerns of resolution A.500 and A.777 and therefore those two resolutions might not need a separate reference in the Committees' guidelines on work methods. However, the view was also expressed that those resolutions had a different emphasis (i.e., assessment of cost implications for the industry and the assessment of burdens for Administrations) and might especially concern amendments to existing instruments. Therefore they could be seen as being compatible with, and not superseded by, the Organization's Strategic Plan; and
  - .5 the Rules of Procedure (e.g., rule 11 of the Legal Committee's Rules and rule 12 of the Maritime Safety Committees Rules) provided that the Secretary-General (and, therefore, the Secretariat acting on his behalf) could submit items for a Committee's agenda, although the Committee concerned would be expected to evaluate any new item in the same way as it evaluated proposals from Members, before including the item on its work programme.

## RECOMMENDATIONS FOR FURTHER ACTION

- 15 As the outcome of their meeting, the Chairmen recommended that each Committee should review its guidelines on work methods, based on the following principles:
- .1 guidelines on submission, processing and distribution of documents should be harmonized, as far as possible, to assist the Secretariat in fulfilling its responsibilities, bearing in mind that deadlines for submission of documents may not be the same for all Committees and taking into account that the Conference Division would need more time to process and translate documents submitted to those Committees that usually handle a very large volume of documentation;
  - .2 subsidiary bodies, such as sub-committees, working groups and correspondence groups should function in a similar manner;

- .3 the same process should be followed in all Committees when assessing proposals for new work programme items in the context of the Organization's Strategic Plan; and
- .4 the best practices of any single Committee should be considered by the other Committees for possible implementation, adapted as may be appropriate.

16 The Chairmen agreed that it would be appropriate for the report of the meeting to be made available to the Legal Committee for consideration at its ninety-third session (22 to 26 October 2007), prior to the Council's twenty-fourth extraordinary session in November 2007.

#### **ANY OTHER BUSINESS**

17 No other business was considered by the meeting.

\* \* \*

## **Appendix 1**

### **List of Participants**

Chairman: Mr. A. Chrysostomou (Cyprus)

#### **CHAIRMEN OF COMMITTEES**

- |  |   |  |
|--|---|--|
| Chairman of the Maritime Safety Committee (MSC)                | – | Mr. Neil Ferrer (Philippines)<br>Acting Chairman |
| Chairman of the Marine Environment Protection Committee (MEPC) | – | Mr. Andreas Chrysostomou (Cyprus)                |
| Chairman of the Legal Committee (LEG)                          | – | Professor Lee Sik Chai (Republic of Korea)       |
| Chairman of the Technical Co-operation Committee (TC)          | – | Mr. Ben Owusu-Mensah (Ghana)                     |
| Chairman of the Facilitation Committee (FAL)                   | – | Mr. Charles Abela (Malta)                        |

#### **VICE-CHAIRMEN OF COMMITTEES**

- |   |   |                          |
|---|---|--------------------------|
| Vice-Chairman of the Legal Committee                  | – | Mr. Kofi Mbiah (Ghana)   |
| Vice-Chairman of the Technical Co-operation Committee | – | Mr. F. Hakguden (Turkey) |

#### **SECRETARIES OF THE COMMITTEES AND OTHER OFFICERS FROM THE IMO SECRETARIAT**

- |                     |   |  |
|---------------------|---|--|
| Mr. D.T. Edwards    | – | Director, Technical Co-operation Division  |
| Dr. R.P. Balkin     | – | Director, Legal Affairs and External Relations Division  |
| Mr. K. Sekimizu     | – | Director, Maritime Safety Division   |
| Mr. M. Palomares    | – | Director, Marine Environment Division  |
| Mr. A. Blanco-Bazán | – | Senior Deputy Director, Sub-Division for Legal Affairs,<br>Legal Affairs and External Relations Division |
| Mr. A. Petrov       | – | Senior Deputy Director, Sub-Division for Marine Technology<br>and Cargoes, Maritime Safety Division      |

- Mr. G. Mapplebeck – Head, Facilitation Section, Sub-Division for Maritime Security and Facilitation, Maritime Safety Division
- Ms A. Zerbib – Programme Officer, Technical Co-operation Division
- Mr. C. Young – Head, International Maritime Law and Technical Co-operation Section, Sub-Division for Legal Affairs, Legal Affairs and External Relations Division
- Ms. N. Ünlü – Legal Officer, Sub-Division for Legal Affairs, Legal Affairs and External Relations Division

\* \* \*



## **Appendix 2**

### **Agenda**

**The Secretary-General's Boardroom  
Sixth floor  
55 Victoria Street  
London SW1H 0EU  
10:30 to 12:30**

- Opening of the meeting
- 1 Adoption of the agenda
  - 2 Terms of reference
  - 3 Opening statements
  - 4 Comparison of current guidelines on methods of work
  - 5 Recommendations for further action
  - 6 Any other business
  - 7 Report of the meeting
-