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SUMMARY RECORD OF THE SEVENTH MEETING

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR
on Thursday, 22 June 2006 at 9.30 a.m.**

Chairman: Mr. J. FRANSON (Sweden)
Vice-Chairman: Mr. D. NTULI (South Africa)
Secretary-General: Mr. E. E. MITROPOULOS

A list of participants is given in document C 96/INF.1.

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AGENDA ITEM 14 – EXTERNAL RELATIONS (continued):

(d) RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS (C 96/14(d) and Add.1-3, C 96/WP.1)

The CHAIRMAN recalled that a group of Council members had met to screen the applications for consultative status made by the Stichting Chemical Distribution Institute (CDI), the International Tar Association (ITA), the Black Sea International Shipowners Association (BINSAs), the European Marine Equipment Council (EMEC), the Association of Diving Contractors International, Inc. (ADCI), the International Association of Maritime Universities (IAMU), and the Federation of National Associations of Ship Brokers and Agents (FONASBA).

He invited the chairman of the group, Mr. Olimbo (Italy), to introduce the group's recommendations as contained in document C 96/WP.1.

Mr. OLIMBO (Italy), reporting as chairman of that group of Council members, said that the group had met on 20 and 21 June 2006. It had comprised members from the delegations of Argentina, China, Egypt, Italy, the Philippines, Spain and the United States, whose task was to review and advise the Council on the applications in accordance with the "Rules Governing Relationships with Non-Governmental International Organizations" and the "Guidelines on the Grant of Consultative Status", as recently amended.

The group had decided to endorse the decision of the eighty-first session of the Maritime Safety Committee (MSC), regarding the application for consultative status by the International Association of Airport and Seaport Police (IAASP), by recommending to the Council that consultative status should not be granted.

Concerning new applications for consultative status, in the case of the Stichting Chemical Distribution Institute (CDI), the group had agreed to allow the application to proceed for further screening by the MSC and the Marine Environment Protection Committee (MEPC) on the understanding that those committees took into consideration additional information to be provided by the CDI regarding paragraphs 6, 12 and paragraph 13 of the questionnaire, regarding its nature as a Dutch Foundation and in particular its relations with NGOs and IGOs.

As to the International Tar Association, the group had been of the opinion that it did not currently meet the requirements for consultative status under the existing IMO Rules and Guidelines, and had agreed to recommend to the Council not to proceed with the application.

With regard to the Black Sea International Shipowners Association (BINSAs), the group had been of the opinion that it was a regional association which was not truly international and would not make a substantive contribution to the work of IMO, and had agreed to recommend to the Council not to proceed with its application.

The same line of thought had been expressed in respect of the European Marine Equipment Council (EMEC); the group had agreed to recommend to the Council not to grant it consultative status as it had not met the requirements for consultative status under the Governing Rules and Guidelines.

Turning to the Association of Diving Contractors International, Inc. (ADCI), he said the group had noted that its first application for consultative status with IMO, made several years previously, had been rejected on the grounds of its having a member company located in Taipei, China, thereby not aligning itself with the United Nations and IMO's "One China Policy".

Noting that the member company concerned had now been withdrawn from the ADCI's membership list, the group had decided to recommend to the Council that it refer the application from ADCI to the MSC and the Legal Committee for further advice.

Concerning the application for consultative status by the International Association of Maritime Universities (IAMU), the group felt that it had the potential to make a significant contribution to the work of IMO by further developing a comprehensive maritime education system for future generations, including standardized undergraduate curricula and an international certification system for competency. The group had unanimously decided to recommend to the Council to allow the application to proceed for further screening by the Technical Co-operation Committee and the MSC, on the grounds that it complied with the requisite criteria and, in particular, because IAMU was able to contribute directly to IMO's work.

Lastly, the group considered that the Federation of National Associations of Ship Brokers and Agents (FONASBA) had the potential to make a considerable contribution to the work of the Organization in respect of development, enhanced reporting regulations relating to maritime security, waste disposal and adoption of the IMO FAL documents. The group had consequently agreed to recommend that the Council defer the application of FONASBA, pending the latter's provision of an updated official list of its members indicating that it had aligned its practice with that of IMO concerning the "One China Policy".

Taking into account the decision of the ninety-fourth session of the Council regarding the IMO questionnaire for new applications for consultative status, the group had reviewed the questionnaire sent to non-governmental organizations and had concluded that it was in line with the "Rules and the Guidelines on the Grant of Consultative Status". The group had also agreed that the information provided to the IMO Secretariat in the questionnaire should be submitted in English, French or Spanish, or possibly in English and French only, and that an e-mail address and website information should be added to item 2 of the questionnaire.

The Council was invited to consider the recommendations of the group and decide, as it might deem appropriate. Before concluding, he expressed his gratitude to Ms. Bósquez and Mr. Tsyachnikov of the Legal Affairs and External Relations Division, for their assistance.

Mr. CHRYSOSTOMOU (Cyprus) said he was surprised that the group had reviewed the decision on the IAASP taken by the MSC, since its role should be to perform pre-screening of new applications only. He pointed out that the IAASP application had already been screened previously by the equivalent group and then referred to the committees, which had decided not to grant consultative status. There was consequently no need to reconsider. Moreover, he questioned the group's decision with regard to CDI. That institute had applied for consultative status before, and had been rejected on the grounds that it enjoyed access to the Organization through a non-governmental body enjoying consultative status at IMO. Nevertheless, in its latest application CDI claimed to have no affiliation or association with any other organization enjoying consultative status or any other form of association with the Organization. How could that be the case? And had the group had CDI's previous application before it in considering the most recent one? As to ADCI, he was concerned that that association did not appear to have provided any details of its regional branches or headquarters. His government agreed with the decision concerning IAMU, its only reservation being that the association admitted universities that provided 4-year undergraduate courses, thus implying that those providing 3-year courses, as was the case in several countries, were excluded. He agreed with the decision of the group regarding FONASBA, but wondered whether its headquarters or branch addresses had been provided to the group, since they did not appear in the application.

Mr. POLDERMAN (The Netherlands) echoed the concerns of the representative of Cyprus.

Mr. OLIMBO (Italy), speaking as chairman of the group, explained that there had been no particular screening of IAASP's application, and that the group had merely taken note of the MSC's decision to reconsider the previously submitted application. As to CDI, the group had conducted its screening on the basis of the objective elements before it, which indicated that the institute had no connection with other NGOs enjoying consultative status at IMO. Nevertheless, he had received unofficial information pointing to a potential link, and had decided to request further information, with particular reference to paragraphs 12 and 13 of the questionnaire, in order to decide whether there had been, and continued to be, such a link. Thus a decision on the matter had been deferred pending further screening based on information to be provided. Likewise, no decision had been taken in connection with ADCI, with the group deciding to recommend that the Council refer the application to the MSC and the Legal Committee for further advice.

Mr. SADLER (United Kingdom) endorsed the comments of the delegation of Cyprus regarding the application of CDI.

Mr. FINLEY (observer, Cook Islands), sharing his own knowledge of CDI, said that he had been involved in that institute since its inception in 1992: he had participated in the drafting of its initial constitution in 1994, had served on its executive board until 2000, and had participated in its accreditation and technical committees. To his understanding, one of the fundamental underlying issues was whether an applicant had or could have representation through one or more organizations already enjoying consultative status with IMO. In response to the comments made by several Members, he pointed out that the CDI executive board was attended by, and took contributions from, two NGOs that had consultative status with IMO, namely INTERTANKO and IPTA. Moreover, CDI had been established as a sector group of CEFIC, the European Chemical Industry Council, which also had consultative status with IMO as an NGO. The general manager of CDI served on the Inter-Industry Working Group on Fires and Explosions in Chemical and Small-Product Tankers as a CEFIC representative. The accreditation committee by which its inspectors were approved had links with INTERTANKO and IPTA. Paragraph 17 of the questionnaire stated that there was currently no international chemical industry organization represented at IMO. With all due respect, that was not true. There was also CEFIC, a chemical industry NGO; the Dangerous Goods Advisory Council, representing the American chemical industry manufacturers; and, regarding the shipping of those products, ICS, INTERTANKO and IPTA. He believed no other organization could have the opportunity for so much representation through other NGOs already enjoying consultative status.

Mr. OLIMBO (Italy), speaking as chairman of the group, emphasized that no decision had been taken by the group. Moreover, it could not know for sure if a member of a particular association was attending a meeting under a different cover. Referring to paragraph 12 of the questionnaire, which stated that CDI was not affiliated to any other organization enjoying consultative status or any other form of association with IMO, he was of the view that, at the present stage, the information provided should be noted. Additional information would subsequently be requested on specific points, at a later stage.

Mr. CHRYSOSTOMOU (Cyprus), clarifying his previous statement, said that since IMO already had information concerning CDI, provided in its first application made two years before, it was clear that the screening process should be reorganized in a way that prevented such duplication. He considered that the Organization's initial decision with regard to CDI should

remain unchanged. As to the other two organizations to which he had referred, in order for them to be considered international in accordance with the guidelines, they must have component branches or affiliate bodies in a sufficient number of countries. Until that information was provided, consideration of their applications should be suspended. Once the information was available, screening would be more effective.

Mr. HILL (observer, Liberia) asked why paragraph 17 of document C 96/WP.1 referred to FONASBA as the Federation of National Associations of Ship Brokers and Agents, while paragraph 5 of document C 96/14(d)/Add.2 described it as an international federation. He asked the chairman of the group to clarify the inconsistency.

Mr. OLIMBO (Italy), in his capacity as chairman, replied that FONASBA was an international federation of national associations.

Mr. KILVINGTON (observer, New Zealand) congratulated the group for preparing the working paper in such a short time frame. He was slightly bemused that the focus of the current discussion was the status of the two referrals, rather than the outcome of all eight applications that had been considered. Moreover, questioning the work of the group in the way certain members had done seemed rather impertinent.

Mr. GASC (France) joined the representative of New Zealand in congratulating the group on the difficult task it had completed making full use of the information provided. A lesson might be drawn from the current discussion: since it was always a sensitive issue to have to tell an association or a group that it could be represented by someone else, applicants for consultative status should clarify not only whether they were members of other bodies, but also whether they had attempted to become members of another organization with consultative status. It might also be useful for applicants to explain why they were claiming to represent other interests. That approach seemed to offer more hope of progress in reconciling the different trends and opinions. Questions needed to be raised from the outset as to why and how an application was being made, and whether and why the applicant considered that it could not be represented by another body.

The SECRETARY-GENERAL emphasized that the MSC at its eighty-first session had decided not to recommend that consultative status be granted to the International Association of Airport and Seaport Police (IAASP).

The CHAIRMAN recalled that the group of Council members had also reviewed the format of the questionnaire sent to non-governmental organizations that had requested consultative status with IMO and had concluded that it conformed to the "Rules and Guidelines on the Grant of Consultative Status". The group had also agreed that information to be provided to the IMO Secretariat in the questionnaire should be submitted in English, French or Spanish and that item 2 should include information such as e-mail addresses and websites.

The SECRETARY-GENERAL drew to the Council's attention the information contained in paragraphs 6 and 7 of document C 96/14(d) to the effect that the International Ship Managers Association had advised IMO of the change in its articles of association and in its name, from ISMA to InterManager. The change did not affect the association's full name or its status as a non-governmental organization in consultative status with IMO.

The CHAIRMAN invited the Council to note the information set out in document C 96/14(d) and its addenda, and document C 96/WP.1, as well as that provided orally by the Secretary-General.

With regard to new applications for consultative status, he invited the Council not to proceed with the application from the Stichting Chemical Distribution Institute (CDI) as it did not meet the requirements for consultative status under the Rules and Guidelines on the Grant of Consultative Status; not to proceed with the application from the International Tar Association (ITA); not to proceed with the application from the Black Sea International Shipowners Association (BINSAs); not to grant consultative status to the European Marine Equipment Council (EMEC) as it did not meet the requirements for consultative status under the Rules and Guidelines on the Grant of Consultative Status; to defer the application from the Association of Diving Contractors International, Inc. (ADCI) pending completion of their application in accordance with the information required under the questionnaire; to allow the application from the International Association of Maritime Universities (IAMU) to proceed for further screening by the Technical Co-operation Committee and the Maritime Safety Committee on the grounds that it complied with the requisite criteria and, in particular, because IAMU was able to contribute directly to IMO's work; and to defer the application from the Federation of National Associations of Ship Brokers and Agents (FONASBA) pending the provision by FONASBA of the latest updated official list of its membership indicating that it had aligned its practice with that of IMO with regard to the "One China Policy".

With respect to the questionnaire sent to non-governmental organizations requesting consultative status with IMO, he invited the Council to agree with the group's conclusion that the questionnaire was in line with the "Rules and Guidelines on the Grant of Consultative Status" and that information to be provided to the IMO Secretariat in completing the questionnaire should be submitted in the English, French or Spanish languages and that, in item 2, information such as e-mail addresses and websites should be included.

Finally, he invited the Council not to grant consultative status to the International Association of Airport and Seaport Police (IAASP), and to note that the name of the International Ship Managers Association had been changed from ISMA to InterManager, but that the full name of the Association remained unchanged, as did its status as a non-governmental organization in consultative status with IMO.

It was so decided.

AGENDA ITEM 18 – SUPPLEMENTARY AGENDA ITEMS:

(a) MATTERS RELATING TO THE IMPLEMENTATION OF ARTICLE 17 OF THE IMO CONVENTION (C 96/18(a))

The SECRETARY-GENERAL said that the issue reported in document C 96/18(a) had been raised by the delegation of Kenya at the last session of the Assembly in relation to the outcome of the election of Council Members. The Kenyan delegation had expressed concern at the exclusion of the entire West and Central African region from membership of the Council during the current biennium. It had noted, pursuant to Article 17(c) of the IMO Convention, that in electing Council Members under category "C", the Assembly was bound to take account of the criterion that the states elected should ensure the representation of all the major geographic areas of the world, and it had concluded by suggesting that the Organization should review its interpretation of Article 17 to ensure that all major regions were fairly represented in the Council. The concerns expressed by the delegation of Kenya had been echoed by the delegation of the Philippines.

Subsequently, the Permanent Representative of Venezuela to IMO had sent him a note verbale expressing concern over the lack of objective and quantifiable assessment parameters for defining Council membership criteria under Article 17 of the IMO Convention. He had replied that it was for Member States of the Organization rather than the Secretariat to deal with the issue, and that if clarification was urgently required, the matter should be referred to the Council for consideration and action. The Council was now invited to note the information provided in document C 96/18(a) and take the action it deemed appropriate.

The CHAIRMAN emphasized the sensitive nature of the subject matter and that it would not be possible for the Council to reach a decision during the current session, owing to the dearth of background information and because delegates would need to seek advice from their capitals.

Mr. GITHAE (Kenya) recalled that during the twenty-fourth regular session of the Assembly, his delegation had issued a statement in which it had expressed concern at the emerging trend whereby, contrary to the provisions and spirit of Article 17(c) of the IMO Convention, west and central Africa had no representative on the Council for the 2006-2007 biennium. In accordance with the provisions of Article 17(c), it should be the case that the states elected under category "C" represented all major geographical areas.

He further recalled that the Organization had been faced with a similar situation in 1960, when Liberia and Panama had been excluded from membership of the Maritime Safety Committee of IMCO – despite being ranked third and eighth on the official list of the largest ship-owning nations – contrary to the provisions and spirit of the IMCO Convention. Then, in accordance with a proposal put forward by Liberia and Panama, the Assembly had requested an advisory opinion from the International Court of Justice on the interpretation of Article 28(a) of the IMCO Convention regarding election to and membership of the Committee. The Court had been asked to provide an interpretation of the phrases "largest ship-owning nations" and "nations with the largest registered tonnage", and to advise on whether as a result of the exclusion of Liberia and Panama the Committee had been properly constituted. After careful consideration, the Court had concluded that the largest ship-owning nations were those nations having the largest registered tonnage and that, by excluding Liberia and Panama from the Committee, the Assembly had failed to comply with both the provisions and spirit of Article 28(a).

The issue now under consideration concerned the geographical distribution of membership in the Council under Article 17(c) of the IMO Convention. Under that article, category "C" membership should ensure equitable geographical representation. However, under the current composition of the Council, major geographic areas with interests in maritime transport and navigation had been excluded from representation and participation, an issue that deserved serious consideration by the Council in order to address the imbalance. Currently Africa, with a membership of 41 countries, had four seats; the Middle East, with a membership of 13 countries, had one seat; Asia, with a membership of 21 countries, had 10 seats; Western Europe, with a membership of 23 countries, had 15 seats; Eastern Europe, with a membership of 22 countries, had no seats; North America, with a membership of 2 countries, had 2 seats; Latin America, with a membership of 33 countries, had 6 seats; and Australia and Oceania, with a combined membership of 11 countries, had one seat.

The Organization had expressed its commitment on numerous occasions and in different forums to addressing the needs of developing countries, with particular emphasis on the special needs of Africa. The lack of adequate representation in the Council could negatively impact on the delivery of the relevant programmes. The 1993 amendments to the IMO Convention, which had entered into force on 7 November 2001, had enlarged the Council's membership so as to allow more developing countries to participate in its work, and to improve the co-ordination of IMO's activities worldwide.

On behalf of his delegation, he requested the Council to give direction to the Secretary-General on the modalities to be adopted to ensure that both the provisions and spirit of Article 17(c) were fully implemented to guarantee adequate geographical representation. He further urged the Council not to lose sight of the fact that the purpose of the 1993 amendments had been to enlarge the Council's membership, primarily to give priority to ensuring equitable representation of, and full participation by, all geographical areas. For those compelling reasons, his delegation believed that it was in the interest of all Members of the Organization for guidelines on the implementation of Article 17(c) to be developed, as a matter of urgency, for submission to, and adoption by, the Assembly during its twenty-fifth session. Greater diversity in the Council's membership would increase the sense of ownership and encourage more vigorous participation.

Mr. ESPIRITU (Philippines) expressed his support for the statement made by the representative of Kenya. In the light of the ongoing discussions on reform of the United Nations, it might be opportune to consider the need for a comparable reform process within IMO, particularly regarding the Council, taking into account recent changes in the global maritime industry. On behalf of his delegation he praised the Secretary-General's leadership, especially for having embarked on a number of important institutional measures to enhance the Organization's operational capability and effectiveness, such as the creation of the Maritime Safety Division, the Policy and Planning Unit and the Member State Audit and Internal Oversight Section. The Council had also made positive moves in that direction by its decision to establish working groups on strategic planning and risk management. There was a need to continue such positive changes and reforms, including revisiting Part VI of the IMO Convention, in particular Article 17, for it would appear that the criteria for geographical representation laid down there were not being strictly interpreted and applied. That seemed to be the case with other categories as well as "C". For example, some Member States with large interests in international shipping were not represented under category "A". It could reasonably be asked why there were any limitations on membership of the Council instead of its being open to all Member States of the Organization with voting rights, as was the case with the other committees. It should be recognized that equitable geographical representation might not necessarily be the best solution in a specialized and technical organization such as IMO. The Council might wish to consider having a membership that included all the Member States of the Organization. As a starting point, the Secretary-General might wish to undertake a study, in consultation with Member States, on how to proceed with reform of the membership strategy for the Council, as well as on how to enhance IMO's governance and decision-making procedures to make them more effective and responsive to changes in the global maritime industry.

Mr. AZUH (observer, Nigeria) endorsed the statements made by the representatives of Kenya and the Philippines. The Council was merely being requested to interpret and apply Article 17 in strict compliance with its provisions. He requested the Secretary-General to share with the Council his experiences regarding the election processes that other specialized agencies of the United Nations followed when electing their governing bodies. The information on the geographical distribution of seats provided by Kenya had amply illustrated the point at issue.

Mr. NTULI (South Africa) wished to associate himself with the principle underlying the points raised by the representatives of Kenya and the Philippines. The timing of the discussion was opportune both because there would be ample time between the twenty-fourth and twenty-fifth Assemblies to properly consider the matter and because the question of Council representation coincided with the reform process that was taking place within the United Nations system. His delegation did not believe that the statement by Kenya had been an expression of lack of confidence in the elected Council Members, but rather a foreshadowing of the need to tackle the issue at the next Assembly. That process could be launched through a call for formal proposals outlining the steps that needed to be taken.

Ms. FRANCIS (Bahamas) expressed support for the position taken by the delegations of Kenya and the Philippines. Her delegation felt that, should the Secretary-General decide to revisit the issue and carry out a review, it should cover all three membership categories; her delegation would be prepared to assist in that process.

Mr. NYGAARD (Norway) agreed with Kenya that the outcome of the latest voting for Council membership had been regrettable, although his own delegation had voted in a way that supported a more balanced result. As he saw it, the Convention did not provide for any explicit regional distribution of Council seats, and it was for each Member State at the Assembly to make its own interpretation of what would constitute an equitable balance.

He would be hesitant to embark on a re-negotiation of the Convention, which would be a long and complicated exercise, but could agree that advice might be issued by the Council in the form of a resolution, urging Member States to pay particular attention at the Assembly to making what could be seen as a reasonable interpretation of Article 17 for category "C".

Mr. DAVIDSON (Australia) supported the view of Kenya as to the imbalance that seemed to have developed within the Council. The whole issue should be looked into if the same problems were not to recur in the future, and he supported the suggestion that guidelines should be developed for achieving proper representation of all sectors of the shipping industry. Australia would be happy to take part in any discussions on that issue.

Mr. SADLER (United Kingdom) said he understood the concerns that had been raised. The United Kingdom considered its voting strategy with care, in order to ensure that its votes were cast in accordance with the principles set out in Article 17 of the Convention. The Council should clearly have a global representation.

The issue was a significant and sensitive one, and before taking any decision the Council should have time to consider written proposals which had been given proper attention by the relevant authorities in Member States. In the same way, time should be allowed before undertaking any review of the Convention or developing any guidelines. Proposals for such reviews or guidelines should be submitted well in advance.

He endorsed the comments made by Norway and Australia.

Mrs. BERGLUND (Sweden) joined in supporting the views of Norway. She agreed that some kind of guidance was needed on the criteria set out in category "C". As a Party to the IMO Convention, Sweden considered that it had a responsibility to cast its vote in such a way as to ensure that the requirements of the Convention were met.

Mr. KÜHNER (Germany) said his country too had a strategy for voting in elections to the Council, which took account of the fact that not only shipping matters but also external affairs issues were involved. He associated his delegation with the proposal made by Norway.

Mr. VASSALLO (Malta) said he sympathized with some of the views expressed. States that were obliged to comply with IMO's requirements for its ports and shipping should also have the opportunity to participate in its decisions. Membership of the Council, like membership of the MSC and the MEPC, should be open to all.

Furthermore, the principle of full representativeness should be applied to the staff of the Organization as well as to membership of the Council.

Mr. HAMMER HANSEN (Denmark) emphasized that when voting Denmark too did its best to comply with the principles laid down in Article 17 of the Convention. He shared the view of Norway that the Council should not for the time being revisit the convention, but should take the traditional IMO approach, that of endeavouring to reach agreement by consensus. He also agreed with the United Kingdom that in order to ensure that proposals were given careful consideration, they should be submitted in writing and in advance.

Mr. GASC (France) recalled that his country had been one of those which had urged that the number of Members of the Council be increased in order to make it more representative. He suggested that better geographical balance might be achieved if the role of the Council were expanded and its responsibilities increased.

However, it should be borne in mind that one problem facing potential candidates was the difficulty experienced by certain states, notably in Africa, in paying their assessed contributions.

Mr. DANNEELS (Belgium) said the Rules of Procedure of the Assembly concerning elections were founded on a basic principle of law, namely that each Member of the Organization could either put forward its own candidature or could choose another Member to represent it, and that voting should be by secret ballot. In his view, neither a new interpretation of Article 17 nor new guidelines would serve any purpose.

He nevertheless considered that Kenya's concerns were valid, and therefore suggested that in the future the Secretary-General should provide, alongside statistics on gross tonnage, a chart indicating clearly the tonnages of Members in the three membership categories, so that each Member could decide how to vote on the basis of the criteria set out in Article 17.

Mr. YEE (Singapore) agreed that the issue should be dealt with carefully and on the basis of written proposals. It would not be logical to review the composition of the Council by considering only one category: all three categories should be taken into account.

Mr. OLIMBO (Italy) supported that view.

Mr. TOBEY (United States) pointed out that, from the beginning, the selection of Council Members had been seen as an electoral process rather than a legal process. His delegation would not be prepared to change that process without a good deal of further study, and therefore associated itself with the comments made by the United Kingdom. In voting, the United States already took due account of all the factors involved, including proper geographic representation and diversity.

On the suggestion that the Council should be open to all Member States, he noted that that was already the case with the Assembly. However, a Council that was too unwieldy would not be able to reach decisions quickly. He associated himself with the views expressed by Norway.

Mr. KARAGEORGOPOULOS (Greece) acknowledged the concerns voiced by Kenya. However, since the issue was sensitive and involved political considerations, it would need to be discussed on the basis of written proposals. He agreed that it would be premature to embark on any amendments to the IMO Convention.

Mr. PONOMAREV (Russian Federation) observed that Eastern Europe, to which area the Russian Federation belonged, was not represented in the Council. He sympathized with the views expressed by Kenya, the Philippines and other delegations and supported Norway's proposal as a way of resolving the situation.

Mr. DAVENA (Brazil) said that he concurred with the proposal by the representative of Norway.

Mr. CHRYSOSTOMOU (Cyprus) said that he too sympathized with the position taken by Kenya and the Philippines. It was Article 17 that provided the criteria for electing Members to the Council in the three different categories, but those criteria were not being fulfilled. For example, some of the countries with the largest interests in international shipping were not represented on the Council under category "A" even though they had put forward their candidature for election. During one particular Council election, a certain country that had the largest interests in international seaborne trade had presented its candidature for election, but had not been elected. Unfortunately, no discussions had ever taken place on guidelines for the proper application of Article 17, and the result was a Council with inequitable geographical representation. However, in his view, ensuring such representation did not depend solely on the criteria governing category "C" membership, but on the criteria contained in Article 17 as a whole. He would support the proposal by Norway for advice to be issued by the Council in the form of a resolution, provided that the resolution did not attempt to interpret Article 17, which was a matter for the Assembly, or to dictate the process by which countries were elected to the Council. In that regard, he associated himself with the views expressed by Belgium. Any further discussion of the issue should be based on written proposals, which would enable delegates to seek advice from their capitals.

Mr. MOHAPATRA (India) considered that the concerns raised by the representative of Kenya were legitimate. The principles in Article 17 of ensuring the representation of countries with the largest interests in international shipping and international seaborne trade, as well as of all major geographical areas, needed to be re-examined in the interests of achieving the egalitarianism that many delegations considered should be enshrined in the criteria for electing Members to category "C". However, another principle implicit in Article 17 was that the Council should be smaller than the Assembly to facilitate decision-making. To ensure that the

Council became globally representative, he suggested that a pre-specified number of countries with maritime interests in each geographical region could be elected, and the countries in a given region that had not been elected could then serve as Council Members on a rotating basis. It was important that no Member State should feel frustrated by the election process and that the aspirations of the global community were fulfilled.

Mr. GITHAE (Kenya) thanked the delegations that had supported his submission. While he was pleased to learn that many delegations, when casting their votes, took into account geographical distribution in category "C" membership, it was evident that those considerations had not resulted in equitable representation. However, he was not calling for any amendment to any article of the IMO Convention: he was merely asking the Council to request the Secretary-General to formulate guidelines to ensure that the provisions of Article 17(c) were implemented in a way that guaranteed adequate geographical representation. It was clear that the desired result would be achieved if countries were categorized prior to any election into categories "A", "B" and "C" and the countries in each category were then elected according to that category. He endorsed the proposal by Norway, provided that a deadline for the formulation of the guidelines was given.

Mr. MBIAH (observer, Ghana) expressed his delegation's full support for the views expressed by Kenya and the Philippines. Kenya did not intend by its submission to create another Assembly, but rather to ensure that a club was not formed within the Organization and that there was adequate geographical representation. The concern of some countries to ensure equitable representation by taking geographical distribution into account when casting their votes was not sufficient to resolve the situation. He agreed with the United Kingdom that the issue would require extensive discussions, on the basis of written proposals. It was clear that the expansion of the Council to 40 Members had not resolved the problem of adequate representation.

Mr. GALINDO (observer, Venezuela) said that he too agreed with the recommendations made by Kenya, the Philippines and supported by others; by acting along those lines, IMO could achieve the solution to a problem that lay in IMO's Constitution. He proposed that an analysis should be undertaken of ways in which the Council could be restructured so that it was based on fair geographical representation, taking into account the maritime interests of each country, as established in Article 17.

Mr. HILL (observer, Liberia) endorsed the views of Kenya and the Philippines and of all those speakers that had also expressed support for them. It was time for change: the decisions made by the Council should reflect the views of countries in all regions. For that to be achieved, it was essential that the states elected to category "C" should ensure the representation of all major geographic areas in the world.

Mr. TANO (observer, Côte d'Ivoire) said that he fully supported the position adopted by Kenya and the Philippines. As previous speakers had pointed out, the world was constantly changing, and IMO needed to change with it. It was true that the Organization was already undergoing important reforms. However, to overcome the weaknesses of the past and to avoid the creation of two antagonistic blocks, it needed to have the courage to carry out further reforms by fully implementing the Convention to enable all member countries to take part in all votes, thereby ensuring that countries from all regions of the world were able to contribute to its work.

The meeting rose at 12.30 p.m.