



COUNCIL – 96th session

C 96/SR.8
22 June 2006
Original: ENGLISH

SUMMARY RECORD OF THE EIGHTH MEETING

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR
on Thursday, 22 June 2006 at 2.30 p.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.

N.B. Corrections to the summary record should be submitted in writing, preferably on a copy of the summary record, to the Conference Division, IMO Secretariat, 4 Albert Embankment, London SE1 7SR not later than 27 October 2006.

Corrections to all summary records of the session will be issued in a consolidated corrigendum.

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.

CONTENTS

	Page
Agenda item 18 – Supplementary agenda item:	3
(a) Matters relating to the implementation of Article 17 of the IMO Convention (continued)	3
Consideration of the Draft Summary of Decisions	6
Closure of the session	8

AGENDA ITEM 18 – SUPPLEMENTARY AGENDA ITEM:

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

Mr. DOMÍNGUEZ (Panama) supported the views of Kenya and concurred with the suggestion by previous speakers that a thorough analysis should be carried out to find ways to ensure fair geographical representation in the Council.

Mr. FERRER (Philippines) thanked those Member States that had supported the views of Kenya and the Philippines. Concerning matters relating to the limited membership or exclusivity of the Council, the Philippines disagreed that a fully open Council might be unwieldy and duplicate the Assembly. On the contrary, the wider participation of Member States in IMO committees and subcommittees, in particular the MSC, MEPC and LEG, had never been an obstacle to the efficient conduct of meetings but had actually enriched discussions and contributed to a speedier and more effective acceptance of the instruments and guidance developed by the Organization. Each body had a unique function, distinct agenda and clearly different mandate. For example, the Council dealt mainly with finance, the budget, administrative matters and relations with NGOs and other organizations, whereas the Assembly dealt with all matters handled by the various IMO bodies, including the Council. As Kenya had highlighted, the MSC had once been an exclusive entity, comprising a limited number of Member States, before eventually opening up to all IMO Members. In the Philippines' view, the issue of amending the IMO Convention should not be a stumbling block to allowing the Organization to be more effective and responsive to the continuing changes in the global maritime and shipping industry.

Mr. AFOUDA (observer, Benin), supporting the views of Kenya and the Philippines, recalled that many senior managers in control of maritime affairs in countries within the current distribution of regions of the Council, and who were contributing to the effective implementation of IMO conventions and instruments, were among the first graduates of the World Maritime University (like himself) or the IMO International Maritime Law Institute and had been trained at great expense. He suggested that the Kenyan proposal should be carefully considered to ensure that Article 17(c) was implemented or amended in such a way as to guarantee adequate geographical representation and thereby enable all countries to participate effectively in Council decisions.

Mr. VASSALLO (Malta) said that Malta fully associated itself with the Philippines' comments.

Mr. SHARIFI (observer, Islamic Republic of Iran) supported the Kenyan submission and blamed the current voting system for the unfair geographical representation. He saw no need to amend the Convention but proposed that the voting system should be changed to eliminate competition among Member States for seats on the Council. Currently, Member States tended not to use their full 20 votes, so as to avoid voting for other Member States that were competing for the same seats on the Council. One solution would be to introduce quotas for the major geographical maritime regions of the world, with the Member State achieving the highest vote being elected to the Council. The proposal could be formally presented to the Council at its ninety-seventh session for detailed consideration and a draft resolution prepared for submission to the Assembly at its twenty-fifth session for consideration and adoption.

Mr. AGUIRRE-SERRANO (observer, Ecuador) thanked Kenya and the Philippines for submitting document C 96/18(a) and expressed particular support for their request that the Secretary-General formulate specific guidelines and clarifications regarding the qualification for each category of Council membership, to ensure that Article 17 was properly applied in elections. He endorsed the comments made by India concerning the need for appropriate geographical distribution, as established within the United Nations system, and the requirement for rotation in the representation of each region.

Mrs. de OLIVEIRA (Portugal) said that her delegation understood and shared the concerns raised by Kenya regarding the current imbalance in the membership of the Council. She wished to place on record that her delegation took geographical distribution into account when voting for Council elections. She would be reluctant to open the Convention for revision, which, if she had understood correctly, was not what Kenya was asking for. She expressed support for the approach suggested by Norway, and concurred with Cyprus that it was not for the Council to interpret the Convention in its work. It was clear that further analysis was required, and she looked forward to seeing written proposals at the Council's next session.

Mr. ORMAECHEA (observer, Uruguay) wondered whether the issue at hand was the possible modification of the IMO Convention or simply the formulation of criteria or guidelines to ensure interpretation of Article 17 in line with the desired objectives. In his view, criteria for membership of the Council should foster the commitment and participation of all States. He welcomed document C 96/18(a), especially the request made to the Secretary-General in paragraph 3. The matter of geographical representation was a complex one. He suggested that the Council might wish to ask the Secretariat to draft a document, to which Member States could contribute, which would analyse proposals aimed at ensuring that the desired geographical balance was achieved.

The CHAIRMAN said that there had been a large number of interventions expressing a wide range of views, which were difficult to summarize. However, there was clearly general sympathy for the concerns voiced by the representative of Kenya at the twenty-fourth session of the Assembly and at the current session of the Council, once again echoed by the representative of the Philippines. Speakers had recognized that membership of, and representation in, the Council was a political question and that the position of Member States must be mandated by governments. The discussions had been based on a very short note from the Secretary-General and speakers had agreed that it would not be possible to reach a decision at the current session. A number of ways of proceeding had been suggested, ranging from the preparation of a Council resolution providing an interpretation of Article 17(c) of the Convention and a map showing the distribution of Council Members, to revision of the Council structure and opening of the Council to all Member States. The Council could not take an informed decision without considering the matter in detail, and when it did that decision might range from changing nothing to amending the Convention. Moreover, Council Members would need to receive concrete proposals, which they would have time to study, before discussing the matter further. He therefore suggested that the Council should request the Secretary-General to undertake a study of geographical representation in the Council, including a comparison of the practices in other specialized agencies of the United Nations with a similar membership and constitution, and to submit a report on that study to the Council's ninety-seventh session. That report would have to be submitted as early as possible to facilitate the preparation of comments and proposals by Member States.

Mr. CHRYSOSTOMOU (Cyprus) suggested that retaining the words “including a comparison” in the Chairman’s suggested summary might give the impression that the Secretary-General was being requested to undertake two separate studies, one on geographical representation and one on the practices in other organizations, and that it might be better to clarify that a single study was to be undertaken.

The CHAIRMAN confirmed that the proposal was to have a single study, part of which would be a comparison of the practice in IMO with that in similar organizations.

Mr. VASSALLO (Malta) commended the Chairman on his attempt to summarize the discussion. However, addressing the question of geographical representation alone would not solve the problem, since any change might have consequences for registers, trade, and other aspects of shipping. Further, in carrying out his study, the Secretary-General would need to take into account the differences between IMO and other organizations in terms of constitution and politico-geographical areas. For example, in many organizations, Malta was included in Europe, whereas in IMO it was included in the Mediterranean region. In maritime affairs, physical location was perhaps more important than political grouping.

The CHAIRMAN said that his suggestion had emphasized that the Secretary-General should make a comparison with “similar” organizations.

Mr. GITHAE (Kenya) also expressed appreciation for the Chairman’s attempt to summarize the discussions. However, in his view there was nothing further to study. All necessary information was already available and Council Members were aware of the practices in other United Nations organizations. Kenya was not seeking any amendment to the Convention but simply a way of giving effect to geographical representation pursuant to Article 17(c). The Secretary-General should therefore be requested to prepare recommendations as to how Article 17(c) of the Convention might be implemented, taking into account the views expressed at the present session of the Council.

The CHAIRMAN said that the study he had suggested would consolidate all the available information and provide recommendations, on the basis of which Member States could submit proposals, in writing, for consideration at the Council’s ninety-seventh session.

Mr. MILHA (Saudi Arabia), Mr. POLDERMAN (The Netherlands), Mr. PONOMAREV (Russian Federation), Mr. FORSTER (Canada), Mr. OLIMBO (Italy), Ms. FRANCIS (Bahamas), Mr. HAMMER HANSEN (Denmark), Mr. NTULI (South Africa), Mr. OR-RASHID (Bangladesh), Mr. TOBEY (United States) and Mr. KÜHNER (Germany) endorsed the summary of the discussion given by the Chairman and supported his suggestion.

Mr. FERRER (Philippines) supported the previous speakers, adding that the proposed study should take into account the views expressed by the Council.

Mr. CHRYSOSTOMOU (Cyprus) said that, having heard the explanation of the Chairman, he too could support the proposed decision provided that there were no proposals for new geographical areas.

Mr. SADLER (United Kingdom) also supported the proposed decision adding that, as well as receiving the Secretary-General’s report in good time, Member States should also submit their proposals as early as possible to allow an adequate period for studying them before C 97.

Mr. KARAGEORGOPOULOS (Greece), joining previous speakers in endorsing the summary given by the Chairman and supporting the proposed decision, suggested that the Secretary-General should also be requested to review and report on the impact that broadening the membership of the Council had had in terms of global representation.

The SECRETARY-GENERAL said that, should the Council decide to request him to undertake the study, he would try to prepare the report as soon as possible, although everyone at IMO would be very busy over the coming weeks preparing for the relocation to Victoria, as well as hosting three further meetings. Most of the required information was already available, however. The guidelines for the organization and method of work of the Council stipulated that substantive contributions must be submitted six weeks prior to the session. Since the next session of the Council was scheduled for 6 to 10 November 2006, the last date for submission would thus be 23 September 2006. He would make sure that his report was submitted well before that date to allow Member States sufficient time for the preparation of their contributions.

Mr. BRADY (observer, Jamaica) endorsed the remarks made by the representative of the Philippines and suggested that the decision should indicate that the Secretary-General should take into account the views expressed at the current session.

The CHAIRMAN invited the Council to request the Secretary-General to undertake a study of the issue of geographical representation in the Council, including a comparison of the practice of other specialized agencies of the United Nations, of similar memberships and with similar constitutions, for submission to the ninety-seventh session of the Council, in November 2006; and to further request that the study be issued as early as possible, in order to facilitate the work of Member States wishing to submit comments and proposals on the matter.

It was so decided.

CONSIDERATION OF THE DRAFT SUMMARY OF DECISIONS (C 96/WP.2, Add.1-2)

Invitation to non-Members of the Council to attend the session

The paragraph was approved.

Agenda item 1

The decisions relating to agenda item 1 were approved.

Agenda item 2

The CHAIRMAN indicated that the square brackets should be removed.

Subject to that amendment, the decisions relating to agenda item 2 were approved.

Agenda item 3

The decisions relating to agenda item 3 were approved.

Agenda item 4

Subparagraph 4(a).3

Mrs. RIMINGTON (Australia) suggested that “developments” should be replaced with “opportunities” and that the words “this and” should be inserted after “take account of”.

Subject to that amendment, the decisions relating to agenda item 4 were approved.

Agenda item 5

Subparagraph 5(b).3

Mrs. RIMINGTON (Australia) suggested inserting “and further advance development of the risk framework and detailed review of IMO’s risks” after “Risk Review, Management and Reporting Working Group”.

Mr. SADLER (United Kingdom) supported that proposal.

Subject to that amendment, the decisions relating to agenda item 5 were approved.

Agenda item 6

Subparagraph 6.3(iv)

Mr. Chrysostomou suggested the replacement of “to” after “annex” with “of”.

Subparagraph 6.3(v)

The CHAIRMAN said that the word “and” in square brackets should be deleted.

Subparagraph 6.3(vi)

The CHAIRMAN said that the square bracket before the word “and” should be deleted.

Subparagraph 6.3(vii)

The CHAIRMAN said that the square bracket at the end of the paragraph should be deleted.

Subject to those amendments, the decisions relating to agenda item 6 were approved.

Agenda items 7 and 8

The decisions relating to agenda items 7 and 8 were approved.

Agenda item 9

Subparagraph 9.2(ix)

Mr. CAMACHO LIENDO (observer, Venezuela), referring to document C 96/9 on the progress of the GESAMP/EHS Working Group on the Composite List of Hazard Profiles, issued as BLG/Circ.16, noted that it would be necessary to hold a second meeting of the working group in order to complete the list as requested. In its report, the MEPC had appealed to interested parties to fund the extra meeting, the cost of which was in the region of £35,000. During the Council's discussions relating to document C 96/9 it had become clear that the Organization did not have the budgetary allocation necessary to fund the GESAMP meeting. Therefore, the Bolivarian Republic of Venezuela, in the name of co-operation, and reflecting its interests in that field, had decided to donate \$50,000 in the first quarter of 2007 to fund the next meeting of the GESAMP/EHS Working Group. His observer delegation was aware that it was not a long-term solution, and he urged all Member States of IMO, non-governmental organizations, intergovernmental organizations and other parties involved to make every effort to co-operate and to look for viable alternatives to ensure the long-term sustainability of meetings of GESAMP/EHS on its specialist subjects.

The CHAIRMAN thanked the Venezuelan delegation for its generosity and said that he and the Secretary-General would add a subparagraph (xii) stating that the Council, on being informed of the offer by Venezuela, had expressed its appreciation.

Subject to that amendment, the decisions relating to agenda item 9 were approved.

Agenda items 10, [WP.2 /Add.1] 11-13, 14(a), (b), (c), (e), (f), 15-17 and [WP.2/Add.2] 14(d)

The decisions relating to agenda items 10-17 were approved.

Agenda item 18(a)

The CHAIRMAN indicated that the decision just taken would be reflected in the Summary of Decisions (document C 96/D) and in the relevant summary record (C 96/SR.8).

It was so agreed.

Mr. BIN YUSOFF (Malaysia) expressed appreciation to the Secretary-General for his continuous efforts and initiatives in relation to the protection of vital shipping lanes, in particular in maritime security, safety and environmental protection in the Singapore Strait. He announced that Malaysia, in co-operation with IMO, would host the follow-up to the Qatar meeting in Kuala Lumpur from 18 to 20 September 2006. In that regard, IMO had issued on 16 June 2006 Circular letter No.2720, inviting representations to the Kuala Lumpur meeting. He thanked the Governments of Indonesia and Singapore and the Maritime Safety Division of IMO for their assistance with the preparations for the meeting.

CLOSURE OF THE SESSION

After the customary exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 3.35 p.m.