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Agenda item 3

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STRATEGY, PLANNING AND REFORM

Comments on the Report of the Council Working Group on Prioritization

Submitted by Germany

SUMMARY

Executive summary: The present document provides Germany's comments on the unresolved items in the CWG-P Report and highlights a number of other problems and questions in this context

Strategic direction: 4

High-level action: 4.0.1

Planned output: 4.0.1.7

Action to be taken: Paragraph 15

Related documents: C 110/3; C 109/D (paragraph 3.13), C 109/WP.3, C 109/3/1 (paragraphs 33 to 44) and C 100/3 (b)

Introduction

1 Referring to paragraph 29 of document C 110/3, the Report by the Council Working Group on Prioritization (CWG-P), the present document provides comments on one of the items left unresolved in the annex to the said report, namely the text of criterion no.5:

[Impact on IMO's work in relation to IGOs and NGOs in consultative status].

2 Further, the present document will also deal with some other problems and questions in the context of the outcome of the CWG-P.

Criterion no.5 "[Impact on IMO's work in relation to IGOs and NGOs in consultative status]"

3 In addition to the criteria already agreed (e.g. "objectives of the Organization", "impact upon the shipping industry", "impact upon Administrations"), Germany finds that the view of IMO from outside of the maritime administrations and the maritime industry should also be included in the catalogue, as this has not yet been considered (see C 110/3, paragraphs 16 and 17).

4 Expectations from IMO and how IMO is viewed by third parties significantly influences the way IMO can fulfil its work, for example in relation to other (United Nations) organizations, as there is a regular flow of inter-action between IMO and other organizations.

5 It is necessary for IMO to define, in cooperation with other organizations of the United Nations system, rules or standards enabling maritime transport operations that would otherwise not be possible. This includes, for example, the expressly required intermodal transport permits for substances that must be classified for their risk potential. There are sets of United Nations requirements, including preset time limits, for supplementing the relevant codes. Such requirements have to be intermodally updated at given intervals. As these are not simple IMO instruments, close coordination will be needed. Other forms and requirements for cooperation relate to interagency work with the United Nations on Law of the Sea matters, FAO on fisheries and ILO on seafarers' standards.

6 By the same token, it should be borne in mind that IMO also has to justify its actions vis-à-vis various regional intergovernmental organizations. To safeguard international competition and shipping as an international industry, IMO is required to find solutions to a number of problems that would otherwise be dealt with in a regional setting.

7 This is why all planned outputs must also be assessed from this point of view. This also means a decision to defer planned outputs with an anticipated impact upon third parties and as such regional solutions could be specifically accepted as an interim measure.

8 Germany proposes the following rewording of criterion no.5 for a less ambiguous description of the criterion:

"Impact on IGOs' (including United Nations agencies') perception of IMO's performance in carrying out the duties laid down in the IMO Mission Statement"

Differentiation between criterion no.2 and criterion no.3

9 In the German view, the distinction between these two criteria needs further clarification. While criterion no.2 refers to "shipping", criterion no.3 refers to the "international maritime sector". A possible explanation is that the term "international maritime sector" means the secondary maritime sector, such as the maritime cluster in a broader context including ports and seaborne logistics. On the other hand, the term "shipping" might include the shipbuilding industry. In the light of this imprecise terminology and the similarity in wording of two criteria, Germany suggests amalgamating these two criteria into one. Alternatively, an exhaustive listing would be necessary to identify those areas that fall within the categories "international maritime sector" and "shipping", respectively.

Differentiation between the various grades ("high"/"medium"/"low")

10 Difficulties arise in the differentiation between the different grades, viz, "high"/"medium"/"low" and "risk"/"impact". This creates the risk that differences in interpretation of the grading scale result in subjective rather than unambiguous assignment. The definitions of "high/medium/low risk" in the existing Risk Management Framework (document C 100/3(b), paragraphs 7–9, 18) are not much assistance here, because the current Grid Analysis, although closely related to risk management, is intended to be conducted independently, and therefore the risk management definitions can only be treated as indicative at best. Such differentiation might at most be used for criterion no.1; however any application to the other criteria, which refer to the differentiation "impact/burden", seems difficult.

11 This is why Germany proposes defining the terms "high/medium/low risk" as well as "benefit/neutral impact/constraints/(high) burden" with a view to ensuring a uniform interpretation in the subsequent assessment of the planned outputs.

Assessment of the term "neutrality"

12 With regard to the Grid Analysis table (annex of C 110/3), it is not clear why the "neutral" assessment of various criteria is scored differently. For criterion no.1, the neutral assessment "no consequential risk" gets a "0" score. For criterion no.2, the neutral assessment "produces no positive impact with no additional costs" gets a "1" score. These two criteria are concerned with the risk aspect.

13 For criteria no.3 and no.4, the neutral assessment "neutral impact on the development of the international maritime sector"/"neutral impact on administrations" both get a "3" score. These two criteria are concerned with the deterioration aspect.

14 As a matter of principle, the neutral assessment for each criterion should be scored equally to ensure consistency when using the Grid Analysis. As the various criteria are all weighted similarly and the current Grid Analysis is merely a temporary measure, this point may be left unattended to for the time being, but should be revisited when the Grid Analysis is revised following the review of the Risk Management Framework.

Action requested of the Council:

15 The Council is invited to take note of the foregoing and to decide the following items:

- .1 including a rewording of criterion no.5 regarding the view of IMO from outside;
- .2 amalgamating existing criteria nos. 2 and 3; and
- .3 drafting definitions of and delimitations between the terms "high/medium/low" and "benefit/neutral/impact/constraints/high burden".