

COUNCIL
31st extraordinary session
Agenda item 3

C/ES.31/3
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REPLIES BY THE MEMBERS OF THE COUNCIL AND OBSERVER DELEGATIONS

Response to comments submitted by Member States in relation to C/ES.31

Note by the Secretary-General

SUMMARY

Executive summary: This document provides responses to comments and requests submitted by Member States in relation to the thirty-first extraordinary session of the Council

Strategic direction, if applicable: No related provisions

Output: No related provisions

Action to be taken: Paragraph 13

Related documents: Communications from Council Members and observer delegations (C ES.31/3/Communication/(Series))

Background

1 In his letter of 18 March 2020, the Chair of the Council requested Council Members to respond to six questions, as reproduced in document C/ES.31/2. In response, Council Members and observer delegations expressed their views and commented on the actions requested. Some of the responses contained further proposals and requests. The purpose of this document is to respond to those comments, proposals and requests.

Response to comments regarding the Rules of Procedure of the Council

2 The outbreak of the COVID-19 pandemic resulted in the Secretary-General and the Chair of the Council having to take extraordinary actions. Although every attempt has been made to comply with the Rules of Procedure of the Council that apply during ordinary meetings, in some instances, in holding an extraordinary session by correspondence, this is not possible.

3 Therefore, the Secretariat suggests that the Council consider waiving or relaxing, pursuant to rule 55 of the Rules of Procedure of the Council the following rules:

- .1 rule 2, relating to the requirement for the Secretary-General to notify Council Members at least 1 month in advance of the holding of a session of the Council, given the emergency nature of this session;
- .2 rule 3, relating to the requirement for the session to be held at the IMO Headquarters, as it was imperative that the session take place by correspondence;
- .3 rule 14, relating to the requirement for the Secretary-General to communicate the provisional agenda and supporting documents to Council Members at least 1 month before the session;
- .4 rule 25, relating to the requirement for the Secretariat to upload onto IMODOCS the audio files of discussions of the meetings of the Council, considering that there would be no audio files for this extraordinary session; and

4 Initially, the Secretariat believed that rule 29, relating to the requirement for all supporting documents to agenda items of the Council to be issued in the three working languages, would need to be partially waived, in order to allow for Communications from Member States to be published as they were received under agenda item 3 in their original language only. With the Secretariat staff almost exclusively working from home, translation capacity and capability has been reduced. However, additional effort has been made and translation services will be provided for this extraordinary session of the Council as soon as practicably possible. Therefore, note 4 in document C/ES 31/1 is no longer applicable and rule 29 need not be waived.

5 Pursuant to rule 55 of the Rules of Procedure of the Council, a rule may be suspended by a decision of the Council taken by a majority of the Members present and voting, provided that 24 hours' notice of the proposal of suspension has been given. This notice may be waived if no Member objects. The application of this rule is sufficient for the purposes of holding the extraordinary session by correspondence at short notice. As of 1 April 2020, no objection was received to the actions proposed in document C/ES.31/2. At this point in time, an amendment to the Rules of Procedure is not considered to be necessary for this session. Any proposal for such amendment could be submitted to a future regular session of the Council.

Budgetary implications and rescheduling of the postponed meetings

6 As communicated to the Chair of the Council in my letter of 12 March 2020, with the Council's concurrence, the Secretary-General will provide a preliminary report on the budgetary implications of the COVID-19 outbreak on the work of the Organization to the thirty-second extraordinary session of the Council, with a further update to be provided to the 124th regular session of the Council. With regard to the necessity of amending the IMO Financial Regulations and Financial Rules, the Secretary-General will give consideration to any appropriate amendments or other mitigating measures, and any such proposal could be submitted to a future regular session of the Council.

7 The annex to document C/ES.31/2 contains a listing of meetings postponed as of the date of that communication, i.e. all meetings scheduled through 31 May 2020. At a meeting of the Secretariat's Senior Management Committee held by video conference on 31 March 2020, it was decided, based on additional measures taken by the host Government in response to the pandemic, to postpone meetings through 30 June 2020 (HTW 7 and TCC 70). The Council may wish to consider these additional postponements with regard to action points 2 and 3 of documents C/ES.31/2.

8 The thirty-second extraordinary session of the Council will also consider a revised schedule of IMO meetings that will be prepared in coordination with the President and Vice-Presidents of the Assembly, Chairs and Vice-Chairs of the Council, committees and sub-committees. This proposal will take into account the urgency of matters on the agenda of each body, the duration of those meetings, the target completion dates of planned outputs, and other factors that will impact the prioritization of certain meetings. In this regard, the Chairs and Vice-Chairs will also consider a priority list for meeting restoration, for approval by the Council. The Secretariat will, in this regard, also submit a report examining the possibility and feasibility of holding meetings by video teleconference and any related budgetary implications, in view of the uncertainty of the duration of the COVID-19 pandemic.

9 As requested, at least every fortnight the Secretary-General will update Member States on the measures taken by the Organization in response to the COVID-19 pandemic. The Secretariat will also submit a report to the thirty-second extraordinary session of the Council on the establishment of the system enabling IMO staff to work remotely.

Special measures taken by Administrations in response to the outbreak of COVID-19

10 In response to the outbreak of COVID-19, some Administrations decided to impose severe restrictions, including closing their ports, prohibiting crew exchanges and banning the international exchange of goods and services. Thousands of seafarers are unable to leave their ships and to return home. They are also unable to get a supply of fresh food or necessary medical assistance. These circumstances have a dramatic effect on international maritime traffic, as well as on the wellbeing and mental health of seafarers and other industry workers.

11 In these turbulent times, it is essential to ensure that ports remain open, seafarers are able to embark and disembark and are repatriated to their home countries, and that the supply chain is kept open allowing for the import and export of commodities.

12 Many IMO Member States, in commenting to the communication by the Chair of the Council (C/ES.31/2), have expressed support for current and similar future actions by the Secretary-General recognizing that, in order to ensure the smooth operation of maritime traffic, there is a need to apply some level of flexibility. Some Administrations decided to extend the duration of STCW certificates, certificates of safety training and certificates of medical fitness for seafarers. While international standards regarding safety at sea and the protection of marine environment still apply and have to be observed, all efforts should be made and actions taken to ensure that no unnecessary restrictions are placed on seafarers and international exchange.

Action requested by the Council

13 Therefore, it is proposed that, recognizing that the ability of shipping services and seafarers to deliver vital goods, including medical equipment, to the populations around the world is critical in responding to the outbreak of the COVID-19 pandemic and should be preserved, the Council is requested to:

- .1 urge flag and port States to ensure smooth operation of maritime traffic and availability of shipping services for world commerce, for the benefit of humanity;
- .2 further urge flag and port States to ensure the welfare of seafarers, in particular that their rights to wages, shore leave, sick leave, access to medical assistance, food supplies and repatriation are preserved;

- .3 endorse a practical and pragmatic approach for repairs, survey and certification and licensing of seafarers;
 - .4 appreciate the efforts of seafarers, shore-based workers and personnel of the maritime community for their efforts in enabling international trade to continue in these challenging times; and
 - .5 encourage Governments to share best practices in keeping workers in the maritime transport sector safe from COVID-19, taking into account national circumstances.
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