

Final Report of the CG on IMO-NGO issue to the 8th ASEF

28 November 2014

Jeju, Korea

Bin Okamura, Coordinator of the CG

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Establishment of the CG

- **1st ASEF in 2007 in Japan**

Resolution on the 'FRAMEWORK OF ASEF' was adopted.

It says that 'the Forum will explore the possibility of establishing an NGO with IMO- Consultative status.'

- **2nd ASEF in 2008 in Korea**

Resolution on the 'ESTABLISHMENT OF ASEF' was adopted.

It says that 'ASEF will explore the establishment of NGO with IMO-Consultative status.'

- **3rd ASEF in 2009 in China**

- **4th ASEF in 2010 in Japan**

Correspondence Group was agreed to be established.

Tasks of the CG

1 Original tasks agreed upon in 2011

- Study regarding IMO's provisions on NGOs in consultative status with IMO
- Study regarding existing NGOs such as CESA, IACS, ICS, BIMCO, etc.
- Imaging of a structure of an organization representing Shipbuilding / Shiprepairing industry in Asia as an IMO-NGO

2 Revised tasks based on the outcome of the 7th ASEF in 2013

- To study IMO's provision on NGOs in consultative status with IMO
- To prepare the draft Charter of new Organization and submit them to the 8th ASEF

Structure of the CG

- **CG members**

China, India, Indonesia, Japan, Korea,
Malaysia, Sri Lanka, Vietnam

- **Coordinator**

Bin OKAMURA, Japan

- **Secretary**

Akira ISHIHARA, Japan

Chronology of the CG

- **1st round : 21st Oct. 2011**

Consideration on work plan of the CG

- **2nd round : 14th Nov. 2011**

Consideration on study regarding IMO's provisions on NGOs in consultative status with IMO

- **1st Face to face meeting, Busan : 30th Nov. 2011**

- Consideration on study regarding IMO's provisions on NGOs in consultative status with IMO
- Consideration on study regarding existing NGOs
- Consideration on follow up action

Chronology of the CG

- 5th ASEF, Busan : 1st-2nd Dec. 2011
- The coordinator of the CG reported following items to the 7th ASEF
 - Observation of deliberation in IMO regarding rules and guidelines for NGOs
 - Study on existing NGOs
 - Future structure of ASEF
- The 5th ASEF noted above.

Chronology of the CG

- **3rd round : 13th June 2012**
- Consideration on study regarding existing NGOs
- Review of study on NGOs in consultative status with IMO
- **4th round : 31st July 2012**
- Consideration on items relating to future structure of ASEF
- **5th round : 31st October 2012**
- Consideration on draft articles of new ASEF
- **2nd Face to face meeting, Guangzhou : 21st Nov. 2012**
- Consideration on items relating to future structure of ASEF
(Consideration on draft articles of new ASEF)

Chronology of the CG

- **6th ASEF, Guangzhou : 22nd-23rd Nov. 2012**
- The coordinator of the CG reported following items to the 7th ASEF
 - Update the activities of the CG
 - Discussion on the draft articles of future ASEF prepared by the Secretariat with a view to imaging ASEF as nongovernmental organization (NGO)
- The 6th ASEF concurred with the intensions of the participants to the face-to-face meeting regarding further steps in obtaining IMO-NGO status
- **6th round : 16th Sep. 2013**
- Consideration on draft articles of new ASEF prepared by JSTRA as the provisional Secretary of ASEF

Chronology of the CG

- **3rd Face to face meeting, Kobe : 6th Nov. 2013**
- Consideration on the draft articles of new ASEF
- Consideration on the possible work schedule on new ASEF
- **7th ASEF, Kobe : 7th-8th Nov. 2013**
- The coordinator of the CG reported following items to the 7th ASEF
 - Update the activities of the CG; and
 - Consideration on the draft articles of new ASEF and the possible work schedule on new ASEF.
- The 7th ASEF noted as follows:
 - the CG is of the view that draft articles should be finalized as soon as possible along with the work plan of the CG; and
 - the CG will prepare the draft articles and submit them to the 8th ASEF.

Chronology of the CG

- **7th round: 20th Nov. 2013**
- Sharing the outcome of the 3rd face-to-face meeting of the CG and the 7th ASEF
- **4th Face to face meeting, Kuala Lumpur: 25th -27th Feb. 2014**
- Confirmation of task of the CG
- Update of the consideration of IMO about NGO issue
- Consideration on the draft articles of new Organization
- Consideration on the action plan
- **5th Face-to-face meeting, Singapore: 17th -19th Jun. 2014**
- Consideration on the draft Charter of new ASEF
- Consideration on work plan

Chronology of the CG

- **6th Face-to-face meeting, Jeju: 26th Nov. 2014**
- Consideration on the draft Charter of new ASEF
- Consideration on work plan
- **8th round: 26th Nov. 2014**
- Sharing the outcome of the 6th face-to-face meeting of the CG
- **8th ASEF, Jeju : 27th-28th Nov. 2014**
- The Coordinator of the CG will report the activity of the CG to the 8th ASEF including draft Charter of new Organization

Achievement of the CG

Task 1 : Study regarding IMO's provisions



**RULES AND GUIDELINES
FOR CONSULTATIVE STATUS OF
NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS
WITH THE INTERNATIONAL MARITIME ORGANIZATION**

Achievement of the CG

Rule 5

Constitution and structure of the non-governmental international organization

Consultative status may not be granted to any non-governmental international organization unless it has permanent headquarters, a governing body and an executive officer, and is truly international with members, or component branches or affiliated bodies in a sufficient number of countries. Where it is not truly international regarding its component branches or affiliated bodies in a sufficient number of countries, consultative status may be granted on a provisional basis. In both cases, it must be authorized under its constitution to speak for its members through accredited representatives.

Guidelines on its application

Consultative status should only be granted to non-governmental organizations which are truly international and are active and effective in their field. An organization should be deemed to be truly international for this purpose only if it has members, component branches or affiliated bodies in a sufficient number of countries, taking into account its field of activity. Admission to membership of that organization should not be geographically limited.

Consultative status should not be granted to a non-governmental international organization whose composition or membership is considered to be inconsistent with a decision of the IMO Assembly or Council.

Achievement of the CG

Rule 10

Periodic review of the list of non-governmental international organizations

The Council shall review from time to time the list of non-governmental international organizations to which it has granted consultative status, in order to determine whether the continuance of their status in any particular case is necessary and desirable and shall report to the Assembly accordingly.

Guidelines on its application

The Council will review the list of non-governmental international organizations in consultative status every two years, before reporting to the Assembly.

In the context of the periodic review under rule 10, consultative status may be withdrawn from any organization which, during the biennium under review, had not made a substantial contribution to the work of IMO, or any of its organs or bodies. In assessing the contribution of an organization in this regard, particular account should be taken of the following factors:

- (a) attendance by the representatives of the organization concerned at relevant meetings of IMO organs or bodies or at conferences and meetings convened by or in association with IMO;*
- (b) participation by the representatives of the organization concerned in the work of meetings and conferences which they may have attended, with particular reference to the number and type of submissions or other*

Achievement of the CG

Task 2 : Study regarding existing NGOs

- Target NGOs (10 NGOs)
 - CESA (Community of European Shipyards' Associations)
 - IACS (International Association of Classification Societies)
 - IAMU (International Association of Maritime Universities)
 - IPPIC (International Paint and Printing Ink Council)
 - BIMCO (The Baltic and International Maritime Council Organization)
 - IPTA (International Parcel Tankers Association)
 - WSC (World Shipping Council)
 - ISO (International Organization for Standardization)
 - ICS (International Chamber of Shipping)
 - ITTC (International Towing Tank Conference)

Achievement of the CG

- Study items
 - Members
 - Objectives of the organizations
 - Activities in relation to IMO
 - Appointment of the chairman and board members
 - Headquarters & Branches
 - Corporate Status
 - Number of employees
 - Membership fee
 - Annual budget

Achievement of the CG

Task 3 : Prepare the draft Charter

DRAFT CHARTER OF NEW ORGANIZATION

Contents

Article 1	Name
Article 2	Purposes
Article 3	Functions
Article 4	Membership
Article 5	Organs
Article 6	The Assembly
Article 7	The Council
Article 8	Secretariat
Article 9	Chairman and Vice-Chairmen
Article 10	Location of the Headquarters
Article 11	Finances
Article 12	Voting
Article 13	Dissolution
Supplementary Article for Trial Period	

- The CG made the final consideration of the draft Charter of new Organization.
- A few square brackets still remains in the draft Charter, the CG reports it to the 8th ASEF as the final outcome of its activity.

DRAFT CHARTER OF NEW ORGANIZATION

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	Supplementary Article for Trial Period

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 1 Name**
 - Alternatives
 - Active Shipbuilding Experts Federation (ASEF); or
 - Asian Shipbuilding Experts Federation (ASEF)
 - Definition of ‘shipbuilding’
 - new building, repair and conversion of ships and offshore structures.

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 2 Purposes**

through technical communication and cooperation among shipbuilding industry

- to contribute to sound development of international maritime transportation
- to further development of the world maritime safety, marine environment protection and maritime security.

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 3 Functions**

- ① To hold the [Asian][Annual] [Shipbuilding Experts'] Forum;
- ② To exchange views and opinions among members on technical matters on shipbuilding;
- ③ To develop relationship with other international organizations; and
- ④ To contribute and offer opinions to external bodies including IMO and ISO.

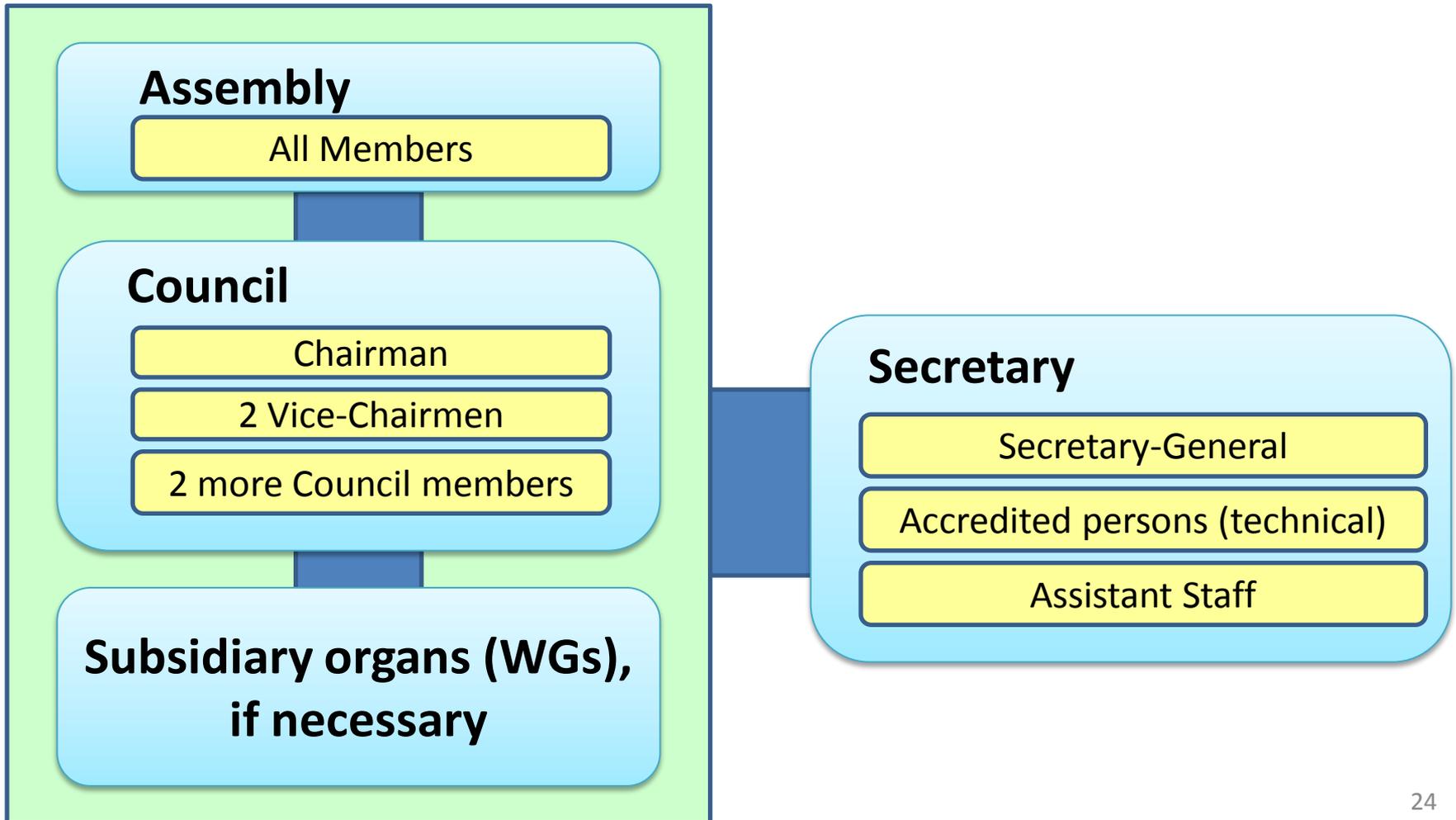
DRAFT CHARTER OF NEW ORGANIZATION

- **Article 4 Membership**

one shipbuilders' organization or a representative shipyard in case of shipbuilders' organization does not exist, for each country.

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 5 Organs**



DRAFT CHARTER OF NEW ORGANIZATION

- **Article 6 Assembly**

Eligibility: all members

Frequency: once a year

Quorum: 2/3 members or more

- **Article 7 Council**

Members: top 3 members + 2 more members

Frequency: twice a year

Quorum: 2/3 Council members or more

DRAFT CHARTER OF NEW ORGANIZATION

- **Functions of Assembly and Council**

Operational issues

Approve by
Council

report

Decide by
Assembly

Technical issues

Decide by
Council

report

Acknowledge by
Assembly

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 8 Secretariat**

Secretary

Secretary-General

Accredited persons (technical)

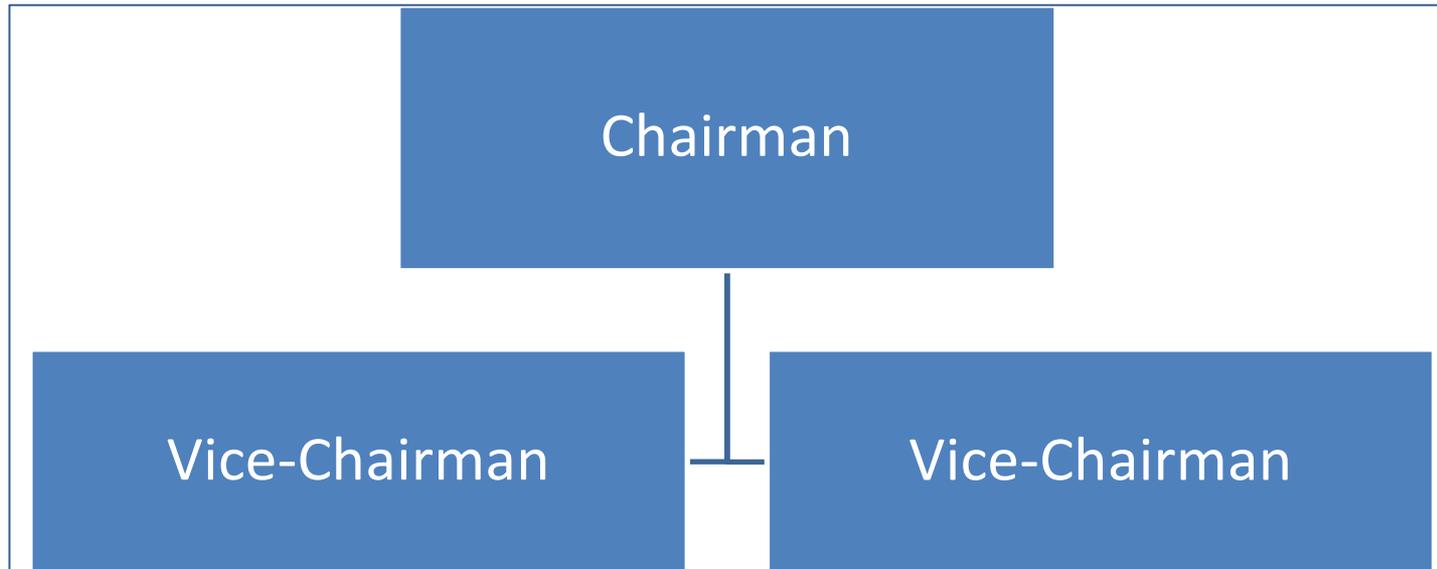
Assistant Staff

Secretary-General's

- **appointed from top 3 members**
- **3 years term of office and could be reappointed**

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 9 Chairman & Vice-Chairmen**



Annual rotation among top 3 members

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 10 Location of the Headquarters**
 - Headquarters of the Organization locates in a member country.

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 11 Finances**

- The budget of the Organization consists of following items and it will be paid by members of the Organization:

- Salary for Secretary-General
- Salary for staff
- Travel and activity cost for the Secretary-General
- Travel and activity cost for the accredited persons (technical)
- Conference cost to hold Assembly meetings and Council meetings

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 11 Finances**

- Other costs including items as shown below should be paid by each member, host member, etc. accordingly.
 - Cost such as salary, travel and other expenses of its own delegates including Chairman and Vice-Chairmen to participate in the activities of the ASEF should be paid by each member
 - Cost for holding the [Asian][Annual] [Shipbuilding Experts'] Forum should be paid by the host member
 - Salary for the accredited persons (technical) should be paid by the member which dispatch the accredited persons (technical)
 - Office rent and daily expenses of the Headquarters should be paid by the member in whose country the Headquarters locates

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 11 Finances**

Annual member contribution = Regular Fee + Additional Fee

- **Top 3 members**

Regular fee (0.3%) + Additional fee (Significant amount)
= Total (0.3%+Significant amount)

- **Other Council members**

Regular fee (0.3%) + Additional fee (TBD%) = Total ((0.3+TBD)%)

- **Other members**

Regular fee (0.3%) + Additional fee (N/A) = Total (0.3%)

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 12 Voting**

- Each member has 1 voting right.
- 2/3 majority vote is necessary for decision making except that following items require unanimous agreement in the Council:

(Option 1)

- Extraordinary budget;
- Appointment [or dismissal] of the Secretary-General, the accredited persons (technical) and such other key personnel;
- Amendment of the Charter; and
- External proposals and expression of views on behalf of the Organization, in the level and degree of key principles and strategic policies that can be digested by the accredited person to make proposals or express views consistently therewith, duly noting what may be the resultant response to which the said accredited person needs to deal with.

(Option 2)

- Amendment of the Charter

DRAFT CHARTER OF NEW ORGANIZATION

- **Article 13 Dissolution**
 - Any member of the Organization may propose the dissolution of the Organization.

DRAFT CHARTER OF NEW ORGANIZATION

- **Supplemental Article for Trial Period (Maximum 3 years)**
 - Chairman: rotation among CANSI, KOSHIPA and SAJ with 1 year term;
 - The term of the Vice-Chairmen is the same as that of the Chairman;
 - The Secretary-General may be appointed from the country of the Chairman with the same term of office of the Chairman;
 - The Headquarters of the Organization may be located in the country of the Chairman;
 - The budget of the Organization referred to in paragraph 1 of Article 11 excluding travel and activity cost for the accredited persons (technical) will be paid by the member of the country of the Chairman;
 - Travel and activity cost for the accredited persons (technical) should be paid by the member which dispatch the accredited persons (technical); and
 - Council members will be from CANSI, KOSHIPA and SAJ

Future Plan

Time	Meeting	Action to be taken
2015		
Apr	1 st preparatory meeting by prospective members	finalize the draft Charter
Jun		Prospective members decides to join the new Organization
Jul	2 nd preparatory meeting by members who have intention to join new Organization	- to consider working plan, budget, personnel matter, etc.
Autumn	9 th ASEF 1 st Assembly, 1 st Council	New Organization is established at the 9 th ASEF - to commence trial period
2016		
Spring	2 nd Council	
Autumn	2 nd Assembly, 3 rd Council 10 th Forum	
2017		
Spring	4 th Council	
Autumn	3 rd Assembly, 5 th Council 11 th Forum	

Future Plan

- As the CG has fulfilled its tasks given by ASEF, the CG has decided it is appropriate to terminate its activity at the end of the 8th ASEF, leaving the interested parties to follow up the matter as they wish making good use of the draft Charter delivered by the CG.