



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS 1971 AND
1992

ASSEMBLY
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71FUND/AC.9/11/1

ORGANISATION OF MEETINGS

ACCESS TO MEETINGS BY THE PUBLIC

Note by the Director

Summary:

Information is given on how other intergovernmental organisations have addressed the issue of whether meetings should be held in public or private. The Director proposes that the IOPC Funds should, in the interest of transparency, maintain their policy that meetings of the governing bodies and working groups should in principle be held in public unless there are strong reasons not to do so.

Action to be taken:

- (i) Take note of the information contained in this document; and
- (ii) Decide on the IOPC Funds' policy as regards whether meetings should be held in public or private.

1 Introduction

- 1.1 At the 6th extraordinary session of the 1992 Fund Assembly held in April/May 2002, one delegation suggested that, in the light of the attack on the *Erika* Claims Handling Office in Lorient and the threats made against the Director and staff of the IOPC Fund, and the situation in general following the events of 11 September 2001, the Fund should re-examine its policy of holding meetings in public. That delegation suggested that the Director should carry out a study comparing the Fund's rules on this matter with the rules of other organisations, to be presented to the Assembly at its October session. The Director agreed to carry out such a study (document 92FUND/A.ES.6/10, paragraph 9.4.2).
- 1.2 Under Rule 12 of the 1992 Fund Assembly's Rules of Procedure, sessions of the Assembly are held in public unless the Assembly decides otherwise. The same applies to the 1971 Fund

Administrative Council. Under Rule IV of the Rules of Procedure of the 1992 Fund Executive Committee, sessions of the Committee are held in public unless the Committee decides otherwise.

- 1.3 Meetings of Working Groups are, under Rule 12 of the Assemblies' Rules of Procedure, held in private unless the Assembly decides otherwise in any particular case. In fact, meetings of all Working Groups established within the IOPC Funds have so far been held in public.
- 1.4 Representatives of the media may attend the meetings as member of the general public. The governing bodies have decided, however, that recording and filming of the meetings are not allowed.
- 1.5 As instructed by the governing bodies the Director has studied how this issue has been addressed by other intergovernmental organisations.

2 Position of various intergovernmental organisations

2.1 International Maritime Organization (IMO)

2.1.1 Rule 12 of the Assembly's Rules of Procedure reads:

Plenary meetings of the Assembly shall be held in public unless the Assembly decides otherwise. Meetings of subsidiary bodies of the Assembly shall be held in private unless the Assembly decides otherwise in any particular case.

2.1.2 Rule 11 of the Council's Rules of Procedure provides:

The Council may decide to hold meetings in private or public. In the absence of a decision to hold meetings in public, they shall be held in private. Meetings of subsidiary bodies of the Council shall be held in private unless the Council decides otherwise in any particular case.

2.2 International Civil Aviation Organization (ICAO)

Under the Standing Rules of Procedure, meetings of the Assembly, its Commissions and Sub-commissions are held in public, unless the body concerned decides that any of its meetings should be held in private. Meetings of Committees and Working Groups shall not be open to the public except if the Committee or Working Group decides to the contrary. Meetings of the ICAO Council are held in public unless the President decides that they shall be closed. The President's decision may be reversed by the Council. The same applies to Standing Committees of the Council.

Media are usually invited to cover sessions of the Assembly and major conferences/meetings dealing with subjects of high public interest. The media can only attend the plenaries and parts of meetings. On most occasions a news conference is held at the conclusion of the meetings. The media are not invited to (nor do they normally request access to) meetings of the Council or its Standing Committees, although in theory they could attend the open parts of the meetings. Media are never invited to private meetings.

2.3 United Nations Educational, Scientific and Cultural Organization (UNESCO)

2.3.1 The Rules of Procedure of the UNESCO General Conference provides:

Rule 59 – Public meetings

Meetings of the Conference and its committees, commissions and other subsidiary organs shall be held in public except where otherwise provided in these rules, or unless the organ concerned decides otherwise.

Rule 60 - Private meetings

- 1 When it is decided, in exceptional circumstances, to hold a private meeting, all persons shall be excluded except the members of those delegations which are entitled to vote, representatives and observers entitled to participate without vote in the deliberations of the bodies concerned, and the members of the Secretariat whose presence is necessary.
 - 2 Any decision taken at a private meeting of the Conference, its committees, commissions or other subsidiary organs shall be announced at an early public meeting of the organ concerned. At the close of each private meeting, the presiding officer may issue a communiqué through the Secretary of the General Conference.
- 2.3.2 Under its Rules of Procedure, meetings of the UNESCO Executive Board shall be held in public, unless the Board decides otherwise. When, in exceptional circumstances, the Board decides to hold a private meeting it shall determine the persons who shall be present. Any decision taken by the Board at a private meeting shall be announced at a subsequent public meeting. At each private meeting the Board shall decide whether a report of its work at the meeting should be published.
- 2.4 World Intellectual Property Organization(WIPO)
- The meetings of the governing bodies of WIPO are held in private. The media are not admitted to the meetings.
- 2.5 United Nations Environment Programme (UNEP)
- The meetings of UNEP's Governing Council, its sessional committees and working parties and subsidiary organs are held in public, unless the body concerned decides otherwise. This means that the meetings are held with participation of Member States, non-Member States, relevant United Nations' agencies and international organisations, as well as accredited international non-governmental organisations. There are no specific provisions as regards the attendance of media at public meetings. However, in practice, media are allowed to attend and to take photographs on limited occasion, such as the ceremonial parts of the opening and closing sessions.
- 2.6 European Commission
- Meetings of the European Commission and its subsidiary bodies are held in private. Media are not allowed to attend meetings. Briefings are given to media after important meetings. The media are only permitted to take photographs at the beginning of the meetings, if authorised by the Commission's Directorate General Press and Communications.
- 2.7 Organisation for Economic Cooperation and Development (OECD)
- All meetings within OECD are held in private. The media are never allowed to attend the meetings.
- 2.8 Basel Convention
- The meetings of the Conference of the Parties to the Basel Convention and its subsidiary bodies are, under the Rules of Procedure, held in private unless the meeting decides otherwise. There are no rules on the admission of the media. Photographs may be taken during the official opening and during side events which journalists may attend.

3 Director's considerations

- 3.1 The policy as to public access to meetings and admittance of media varies greatly from one organisation to another. However the organisations dealt with in Section 2 have taken a more restrictive policy in this regard than the IOPC Funds.
- 3.2 The Director takes the view that given the nature of the Fund's activities, which involves considerable interaction with the public, the IOPC Funds should endeavour to be transparent and the general public and media should therefore be allowed to attend their meetings unless there are strong reasons to the contrary. For this reason, the Director considers that the present policy of the IOPC Funds in this regard should be maintained in principle. He proposes therefore that the sessions of the 1992 Fund Assembly, the 1992 Fund Executive Committee and the 1971 Fund Administrative Council should continue in principle to be held in public.
- 3.3 However, the governing body in question should, in the Director's view, have the right to decide that a particular meeting or part of a meeting should be held in private. It might be appropriate to hold meetings in private, for example when budgetary issues, staff matters and the internal working of the Secretariat are discussed, when sensitive issues relating to incidents are being considered, such as whether the Funds should take recourse action, and when sensitive issues relating to individual claims are dealt with. If a meeting or part of a meeting has been held in private, any decisions taken should be made public and reflected in the Record of Decisions. It should be for the governing body concerned to decide if and to what extent the discussions relating to meetings held in private should be reflected in the Record of Decisions.
- 3.4 In the interest of transparency, meetings of Working Groups formally established by the Assembly should, in the Director's view, normally be held in public. However, it is suggested that the Assembly should consider this issue for each Working Group, and unless the Assembly decides that the Group's meetings should be held in public, the meetings should be held in private.
- 3.5 Even if a meeting of an IOPC Funds body is held in public, the body in question should, in the Director's view, have the right to exclude at any time from attendance groups or individuals who interrupt or disturb the meeting or if the body considers there is a risk that they may do so.
- 3.6 In the Director's view, the media should be allowed to attend as members of the general public all meetings that are held in public. The policy of the IOPC Funds not to allow filming or recording of meetings should, in the Director's view, be maintained. Permission could, as in the past, be given to take pictures or to film at the opening of meetings before any substantive discussions take place. Such permission could be given by the body concerned and could be subject to any restrictions that the body may impose. Anyone who does not respect such restrictions should, in the Director's view, not be allowed to continue to attend the meeting.
- 3.7 In view of the importance of these issues, the Director considers that it might be appropriate to insert some additional provisions on these matters in the Rules of Procedure of the Assemblies^{<1>} and the 1992 Fund Executive Committee. A draft for amended Rules of Procedure is at the Annex. As regards the Assembly, the rule is in the present text preceded by a heading 'publicity of meetings'. The Director proposes that the heading should be amended to read 'Access to meetings by the public'.

<1> The 1971 Fund Administrative Council applies the Rules of Procedure of the 1971 Fund Assembly (cf 1971 Fund Resolution No 13, operative paragraph 7(d))

4 Action to be taken by the governing bodies

The governing bodies are invited:

- (a) to take note of the information contained in this document;
- (b) to consider the Director's proposals as to the access to meetings by the public; and
- (c) to consider the Director's proposal for amendments to the Rules of Procedure of the 1992 and 1971 Fund Assemblies and the 1992 Fund Executive Committee.

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ANNEX

Proposal for amendments to Rules of Procedure

(Amendments underlined)

RULES OF PROCEDURE FOR THE 1992 AND 1971 FUND ASSEMBLIES

Access to meetings by the public

Rule 12

Sessions of the Assembly shall be held in public unless the Assembly decides otherwise. The Assembly may decide that a particular meeting or part of a meeting shall be held in private. If a meeting or part of a meeting is held in private, any decisions taken shall be reflected in the Record of Decisions.

Meetings of subsidiary bodies of the Assembly other than the Executive Committee shall be held in private unless the Assembly decides otherwise in any particular case.

RULES OF PROCEDURE FOR THE 1992 FUND EXECUTIVE COMMITTEE

Rule (iv)

Sessions of the Committee shall be held in public unless the Committee decides otherwise. The Committee may decide that a particular meeting or part of a meeting shall be held in private. If a meeting or part of a meeting is held in private, any decisions taken shall be reflected in the Record of Decisions.

Meetings of subsidiary bodies of the Committee shall be held in private unless the Committee decides otherwise in any particular case.