

Malaysia Re-elected to IMO Council 2011 – 2013: A New Game Plan

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The warm autumn weather of November set the tone for the 27th IMO Assembly. Unlike the unpredictable weather in London, the IMO Assembly itself had the business as usual feeling. The usual crowd of Ministers, Ambassadors, High Commissioners and delegates all in their formal pomp were there to grace the important occasion. As usual also the IMO Secretariat went to extra length to ensure the event ran smoothly and according to script. It was also the occasion when the IMO rooftop is dressed in all the flags of its 170 Member States, giving the building a sense of colour that is largely absent the rest of the year. Evidently, the 27th Assembly also had an especially sentimental feeling, being the last Assembly for the out-going Secretary General, Mr Mitropoulos.

The Assembly, which is the highest governing body of the Organization meets every two years to endorse the work done by the Organization at the end of a biennium and also to set the work program for the next biennium. Most important of all the Assembly sits to approve the Organization's budget for the next biennium. The Assembly also usually adopts carefully crafted Resolutions that either provide the conclusion of certain work programme or activity or set the course for new ones. The 27th Assembly adopted 27 resolutions. However, many see the Assembly's most significant responsibility is to elect the 40 Council members for the next biennium and is often seen as the highlight of every IMO Assembly. In that sense the election process always becomes the main attraction of the Assembly and is the focus of all the excitements. In contrast the sessions of the Assembly after the elections were usually routine and unremarkable.

This time there were no elections under categories A and B as the number of candidates matched the number of seats available. In both categories there were only ten candidates for the ten seats available. However, which has been the norm, under category C a total of 26 States were aiming for the 20 seats that were available. As was the case in previous years since 2005 Malaysia once again bid for re-election to the Council under Category C.

On Friday, 25 November 2011 after a tense period of waiting due to a technical glitch on the election process, Malaysia was re-elected to the IMO Council for the 4th time. Considering the occasion and the number of candidates this was a significant achievement. The fact that we have managed to maintain our position in the IMO Council under Category C for four consecutive times speaks well of Malaysia's role in international maritime affairs especially in IMO. This achievement is pleasantly underlined by a slight improvement in terms of number of votes we obtained, 120 compared to 118 in 2009. This improved number of votes also elevated us one rung up to 8th position from 9th in 2009. Surely there was much for us to celebrate, but in truth there is a lot more for us to reflect.

An analysis of the election results for Malaysia since our first success in 2005 will show a steady improvement at each election. This must surely mean something to Malaysia. This also showed how other IMO Member States look upon Malaysia, some perhaps a bit more expectantly.

The encouraging result of the 2011 elections does not mean that we can be complacent as the elections have also resulted in the fall of a couple of big names, in particular Saudi Arabia and Nigeria, both failed to get into the IMO Council. Established maritime States, and long standing IMO Council members like Malta and Denmark too were

almost voted out of the Council, both raking in just enough votes to sneak in at number 19 and 20 respectively. That is surely not the kind of support deserving for two long established IMO Council members and major players in international maritime affairs.

At the same time Liberia and Morocco both succeeded in getting back in the Council after several years out. Many felt Liberia's election was no surprise considering they are the second largest Flag State and, more importantly second biggest contributor to the IMO after Panama. Morocco's election, with a well-respected number of votes, one more than Liberia was significant and impressive. Unfortunately, with Saudi Arabia's failure in getting re-elected and the continued failure of the other Middle Eastern States; Kuwait and Oman there will be no representation from the Middle East region within the IMO Council. A result that immediately brings to question the criteria set under Article 17(c) of the IMO Convention, in respect of "adequate regional representation" in the IMO Council and the criteria determined by the voters themselves. While this has been raised many times in IMO, it is an issue to be addressed another day.

The new IMO Council line up for the biennium of 2012 – 2013 is:

Category A – China, Greece, Italy, Japan, Norway, Panama, Republic of Korea, Russian Federation, United Kingdom and United States;

Category B – Argentina, Bangladesh, Brazil, Canada, France, Germany, India, Netherlands, Spain and Sweden; and

Category C – Australia, Bahamas, Belgium, Chile, Cyprus, Denmark, Egypt, Indonesia, Jamaica, Kenya, Liberia, Malaysia, Malta, Mexico, Morocco, Philippines, Singapore, South Africa, Thailand and Turkey

The 2011 IMO Council elections will bring many lessons to those IMO member States wanting to continue to be re-elected in future elections as well as the aspiring ones. This should also be something for Malaysia to continue to give some thoughts to. The fact that we were re-elected with an improved number of votes does not mean we should be complacent as the dynamics of IMO Council election held every two years may not necessarily be the same. Within a period of two years, no matter how short one may feel the term is many events may happen that may influence the way IMO member States vote at the Assembly. Thus we should always be on our toes and be aware of the changing dynamics. The trick is to ensure that Malaysia remains a relevant and indispensable voice in the Council. But most important of all we must find the right reasons why we should remain in the IMO Council and that these reasons are shared by the other 169 IMO member States.

Malaysia seeking re-election to the IMO Council every two years cannot and should not now be seen as mere routine and on the premise that since we are already in we should remain to be in the Council. It is vital that we do not treat the elections as another agenda in the biannual IMO Assembly and that our participation in the Assembly is necessitated merely by our desire to be in the Council. On the contrary we must have compelling reasons for our continued membership in the IMO Council and convince other IMO member States to share them. Most importantly we have to ensure that our presence in the IMO Council will benefit us, the Organization and the other IMO member States. The challenge is in finding the right formula for this to happen.

Malaysia is maritime nation and a shipping nation all in one. We have a reasonable size merchant shipping fleet that ply the world's ocean to offer its services. In the recent published figures of IMO Malaysia's shipping fleet has more than 8 million gross tonnage and we remain as the top 25 shipping nation. Since the annual contribution to IMO is

also based on the size of the shipping fleet, we are also among the main contributors to the IMO budget.

Thus as a paying IMO member State we get to ensure that our interests are well looked after by the Council, especially when formulating the bi-annual budget of IMO. We get to make sure the money we are contributing to IMO are put to good use and not otherwise. This is even more important for Malaysia as our contributions to IMO are obtained from tax payers' money, perhaps an arrangement that is worth reviewing in the immediate future. We also get to approve IMO's work programme including the all-important "technical cooperation activities" aimed to assist developing countries.

This point brings us nicely to the next point that is the benefits to be gained by other IMO member States by Malaysia's continued presence in the IMO Council.

Malaysia has been a beneficiary of the IMO's "Integrated Technical Cooperation Programme" (ITCP). The ITCP is a well-recognised programme that seeks to provide training to officers of IMO Member States on the implementation of IMO's many conventions and instruments. In the last decade we have also hosted some of the training programmes especially those within the region. Perhaps we should start exploring making a more direct contribution to the ITCP that should go beyond merely hosting a programme or two. While hosting a training programme in cooperation with IMO has its desired impact, the long term objective should be for us to have our own technical cooperation programme that meets IMO's objectives. As Malaysia develops into a developed economy status, we will get lesser opportunity to take part in IMO's ITCP. Thus, the idea of Malaysia transforming to becoming a benefactor in this programme should now be seriously considered.

Indeed this should not be a totally alien idea, as under the auspices of the Ministry of Foreign Affairs we have already in place our very own "Malaysia Technical Cooperation Programme" (MTCP). What needs to be done is to work out the funding for the MTCP to include a number of IMO based training courses. The implementation of those training courses itself is not an issue as it may be done in cooperation with IMO.

By having a technical cooperation programme of our own, other IMO Member States, mostly developing countries will not only gain direct benefits but also direct insight of Malaysia's role in IMO. Furthermore, this also provides the best possible way to touch base with the more than 80% of IMO member States representing more than 140 that are either developing countries or small island States. A repeat participation by these countries in any capacity building programme organized by Malaysia can only leave a favourable and long lasting impression. A further benefit for us is that through the continuous implementation of such cooperation programme we will be able to harness our own experts. This in itself is an important necessity not only for us to implement IMO's instruments but to participate in the setting of standards in IMO.

We should bear in mind however, that the technical cooperation programme should have a genuine intent to provide assistance and be based upon IMO's principles of safety, security and environmental protection, and that the participating member States will eventually elevate their stature within IMO by not only being able to sign up to more IMO instruments but to also implement them properly.

This last point dovetails perfectly to how our presence in the IMO Council may benefit the Organization itself.

It goes without saying that by implementing our own technical cooperation programme to assist other IMO member States will indirectly also benefit the Organization, as this will considerably reduce the burden of the Organization especially financially. Thus

such programme has more than one benefit. It helps build the capacity and resources of our fellow IMO member States, eases the burden of the Organization and at the same time increases Malaysia's profile within the Organization and the Council.

In the dynamic and ever changing shipping environment, we too will need to seek continuous improvements in our participation in IMO. This is even more pressing if we aspire to have a say in the development of standards in IMO.

Today, it is clearly important not only to attend IMO meetings regularly but also to take active participation in those meetings. As a developing shipping nation we should keep pace with the rapid developments that are taking place in IMO. This is in fact, vital to safeguard our own interests. As the development of standards in IMO now is addressed at all levels of IMO's hierarchy; from correspondence groups to working groups to sub-committees and the main committees, it is vital that we participate at these forums. Perhaps least understood is that by attending the many technical IMO meetings we get to learn quickly the developments in international shipping, which may not be learnt elsewhere. Thus these meetings provide important exposure and training to our technical officers.

Ostensibly this may only be done by deploying more resources towards proper preparation in addressing the issues that are raised in IMO meetings, particularly those that have direct impact on Malaysia. We cannot and should not be indifferent to these needs. It follows that when there is proper preparation and resources allocated to it, we will be better able to raise issues ourselves especially those that will safeguard our own interests. Having adequate resources to attend to IMO issues is now indispensable.

Another perceptible benchmark is the number of IMO instruments we implement and how effective we implement them. In this regard, the "Voluntary IMO Member States Audit Scheme" or VIMSAS is an evident measure of how successful and effective this is being done. In ensuring not only our ships are safe and secure and do not pollute the sea when they sail around the world but also in ensuring that the same measures are effectively undertaken to ensure safety and security of shipping within our own shores. While it is necessary to safeguard national interest first and foremost, implementation of IMO instruments will clearly underline Malaysia's intent towards international standards in respect of maritime transport safety and security as well protecting the marine environment.

The evaluation of IMO's instruments, particularly its conventions must be done on a continuous basis and not merely as a one off exercise. It follows that our shipping laws should also be continuously evaluated to ensure they are updated and up to the mark towards implementing international shipping standards. As global standards have now become the norm towards ensuring safety and security of maritime transport, it is no longer an option to disregard them. That being the case aligning our shipping laws with international standards has now become essential if we want our ships to remain competitive and relevant. Indeed that should only be the start of a continuous improvement programme on the way we regulate the shipping industry.

In effect, there is a host of actions that we can take to alleviate Malaysia role in IMO. Year 2011 actually marked our 40th anniversary of our membership in IMO. If we are thinking of staying in the game then we will need to reassess and restructure the way we approach our business in IMO. A new game plan is now needed to ensure our continued relevance in IMO especially more so as we approach Year 2020.

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