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Agenda item 22(a)

C 102/22(a)
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SUPPLEMENTARY AGENDA ITEMS

(a) Rules of Procedure of the Assembly and the Council

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	This document contains proposals for amendments to the Rules of Procedure of the Assembly and the Council, pursuant to the entry into force, on 7 December 2008, of the 1991 amendments to the IMO Convention and to the change of name of the Organization of African Unity. It also provides information on the reprint of Volume One of IMO's Basic Documents
<i>Strategic direction:</i>	Not applicable
<i>High-level action:</i>	Not applicable
<i>Planned output:</i>	Not applicable
<i>Action to be taken:</i>	Paragraph 9
<i>Related documents:</i>	Resolutions A.724(17) and A.780(19); C 86/D, paragraph 26(b).1 and annex 3; C 89/D, paragraph 1.1; C 97/13(b); C 97/D, paragraph 13(b).2; A 25/19(c), annex 2 and A 25/SR.10

RULES OF PROCEDURE OF THE ASSEMBLY

1 Consequent to the entry into force, on 7 December 2008, for all Members, of the amendments to the Convention on the International Maritime Organization regarding the institutionalization of the Facilitation Committee (which were adopted by the Assembly on 7 November 1991 by resolution A.724(17)), the following amendments to the Rules of Procedure of the Assembly will be necessary (proposed amendments in bold):

“Rule 5

- (b) (ii) any non-governmental international organization with which the Organization has established appropriate relationship in accordance with Article ~~62~~ **67** of the Convention.”

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“Rule 14

- (iii) all reports and recommendations made by the Maritime Safety Committee or the Legal Committee or the Marine Environment Protection Committee or the Technical Co-operation Committee **or the Facilitation Committee** and all items the inclusion of which has been requested by any of those Committees;”

“Rule 32

Subject to the relevant provisions of Articles 7, ~~58 63~~, ~~63 68~~ and ~~66 71~~ of the Convention, decisions of the Assembly and of its subsidiary bodies shall be made, elections, including those subject to the provisions of Article 16 of the Convention, determined, and reports, resolutions and recommendations adopted by a majority of the Members other than Associate Members present and voting.”

“Rule 33

Each Member, other than Associate Members, shall have one vote. For the purposes of Article ~~57 62~~ of the Convention and of these Rules:”

“Rule 56bis

(i) The Secretary-General shall send at least one written notification to any Member which has failed to discharge its financial obligations to the Organization under Article ~~56 61~~ of the Convention. The notification shall call attention to the terms of Article ~~56 61~~ regarding the loss of vote in the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee.

(ii) Any Member wishing to request a waiver of the provision of Article ~~56 61~~ in respect of itself shall submit a written application to the Secretary-General at least one month before the Assembly giving reasons therefor, with a payment schedule indicating the timescale over which arrears will be paid.

(iii) The Secretary-General shall submit to the Council a list of Members which have failed to discharge their financial obligations, together with any requests for waiver of the provision of Article ~~56 61~~ which have been received from any such Members.

(iv) The Council shall submit to the Assembly a report on the matter, together with its recommendations on the submission by any Member of a request for waiver of the provision of Article ~~56 61~~ of the IMO Convention.

(v) The Assembly shall consider the report of the Council at the commencement of each session. Taking into account the recommendations of the Council, and assessing each application on its individual merits, the Assembly shall take decisions on the waiver of the provision of Article ~~56 61~~ of the Convention in respect of any or all of the Members from which requests for waiver have been received, together with any conditions attached to such a waiver.

(vi) A decision to waive the provision of Article ~~56~~ **61** may only be taken in respect of a Member which has submitted a request for waiver in accordance with subparagraph (ii) above.

(vii) A decision to waive the provision of Article ~~56~~ **61** will normally be taken only in respect of a Member which has discharged in full the requirements, at the date of submitting the request for waiver, of the financial undertaking given under the terms of any previous request for waiver.”

2 The Council is also invited to note that the Assembly, at its twenty-fifth regular session, recognizing that the African Union (AU) is the successor organization to the Organization of African Unity (OAU), approved a new Agreement of Co-operation between the AU and the Organization. Pursuant to this, the following amendment to the Assembly’s Rules of Procedure will be necessary (proposed amendment in bold):

“Rule 4

The Secretary-General, with the approval of the Council, may invite States having made applications for membership, States, which have signed but not accepted the Convention, States which are Members of the United Nations or of any specialized agency and liberation movements recognized by the ~~Organization of African Unity~~ **African Union** or the League of Arab States to send observers to sessions of the Assembly, and such observers upon invitation by the President and with the consent of the Assembly or its subsidiary body concerned, may participate without vote on matters of direct concern to them.”

3 The Council will recall that the Assembly, by resolution A.780(19) adopted on 13 November 1995, approved amendments to the text of rule 40 paragraph (e) of its Rules of Procedure and the addition of a new rule 40*bis*. These amendments will be included in the new publication of Basic Documents, Volume One.

RULES OF PROCEDURE OF THE COUNCIL

4 Consequent to the entry into force, on 7 December 2008, for all Members, of the amendments to the Convention on the International Maritime Organization regarding the institutionalization of the Facilitation Committee (which were adopted by the Assembly on 7 November 1991 by resolution A.724(17)), the following amendments to the Rules of Procedure of the Council are necessary (proposed amendment in bold):

“Rule 5

(c) The Secretary-General may invite to be represented by observers at any session of the Council during which matters of direct concern to them are on the agenda any non-governmental international organization with which the Organization has established appropriate relationship in accordance with Article ~~62~~ **67** of the Convention.”

“Rule 13

- (c) all items the inclusion of which has been requested by the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee ~~or~~, the Technical Co-operation Committee; **or the Facilitation Committee;**”

“Rule 31

Each Member shall have one vote. For the purposes of Article ~~57~~ **62** of the Convention and of these Rules:”

5 Recognizing that the African Union (AU) is the successor organization to the Organization of African Unity (OAU), the Assembly, at its twenty-fifth regular session, approved a new Agreement of Co-operation between the AU and the Organization. Pursuant to this, the following amendment to the Council’s Rules of Procedure is necessary (proposed amendment in bold):

“Rule 5

- (d) The Secretary-General shall invite to be represented by observers at any session of the Council during which matters of direct concern to them are on the agenda any liberation movement recognized by the ~~Organization of African Unity~~ **African Union** or the League of Arab States.”

6 The Council will recall that, at its eighty-ninth session (November 2002), it approved the following amendment to the first sentence of rule 39 of its Rules of Procedure:

“Twenty-~~one~~ **six** Members of the Council shall constitute a quorum.”

7 The Council will also recall that, at its eighty-sixth session (June 2001), it approved a resolution on the term of office for future Secretaries-General, contained at annex 3 of document C 86/D, and agreed that the said resolution should be referenced by a footnote to rule 52 of the Rules of Procedure of the Council and included in all future editions of IMO Basic Documents, Volume One.

8 The amendments contained in paragraphs 6 and 7 above will be inserted in the new publication of Basic Documents, Volume One, together with other amendments the Council may approve at this session, as proposed in paragraphs 4 and 5 of this document.

ACTION REQUESTED OF THE COUNCIL

9 The Council is invited:

- .1 to consider the content of this document and, in particular, the amendments to its Rules of Procedures proposed in paragraphs 4 and 5 of this document and to comment and decide as appropriate; and
- .2 to take note of the proposed amendments to the Rules of Procedure of the Assembly in paragraphs 1 and 2 of this document and to transmit them with its comments and recommendations to the twenty-sixth regular session of the Assembly for adoption.