

COUNCIL
29th extraordinary session
Agenda item 4(c)

C/ES.29/4(c)/Add.1
6 November 2017
Original: ENGLISH

RESOURCE MANAGEMENT

(c) Consideration of requests by Members, if any, for waiver of the application of Article 61 of the IMO Convention

Note by the Secretary-General

SUMMARY

Executive summary: This document provides an update on the application of Article 61 of the IMO Convention and requests by Members for waiver of its application

Strategic direction: 4

High-level action: 4.0.1

Output: 4.0.1.4

Action to be taken: Paragraph 5

Related documents: C/ES.29/4(b), C/ES.29/4(b)/Add.1 and C/ES.29/4(c)

Member States falling under the provision of Article 61 as at 31 October 2017

1 Since the issuance of document C/ES.29/4(c), of the 17 Member States which fell within the provision of Article 61 as at 31 August 2017, the Republic of Cameroon and the State of Eritrea have cleared their arrears in full and consequently no longer fall under the provision of Article 61. No further payments had been received from the remaining 15 Member States, as listed in annex 1 to this document.

Request for waiver of the provision of Article 61

2 In accordance with Rule 56*bis*(ii) of the Assembly's rules of procedure, "Any Member wishing to request a waiver of the provision of Article 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."

3 Between the issuance of document C/ES.29/4(c) and 30 October 2017, one month before the Assembly, the following requests for waiver of the provision of Article 61 had been received:

- .1 the Commonwealth of Dominica informed the Secretary-General that it is unable to provide a payment schedule and intends to request a waiver of the arrears, first from the United Nations General Assembly and then from the IMO Assembly, in line with the recommendations of the Council at its 116th session. The letter is attached in annex 2 to this document; and
- .2 the Federal Republic of Somalia informed the Secretary-General that it is obliged to settle its indebtedness to IMO in phased instalment payments from 2018 for a period of five years, the details of which will be worked out and mutually agreed during the first quarter of 2018. The letter is attached in annex 3 to this document.

4 A list of Member States which fell within the provision of Article 61 as of 31 October 2017 is provided in annex 1 to this document, to assist the Council in its consideration of this issue. The Secretary-General will provide orally to the Council an updated list of Member States which have failed to discharge their financial obligations, together with any further requests for waiver of the provision of Article 61, in order that the Council can report on the matter and make its recommendations to the Assembly in accordance with rule 56*bis*(iv).

Action requested of the Council

5 The Council is invited:

- .1 to take note of the information provided in this document and any addendum thereto;
- .2 to consider the requests for waiver of the provision of Article 61 of the IMO Convention, as submitted by the Commonwealth of Dominica (see annex 2) and the Federal Republic of Somalia (see annex 3) and recommend to the Assembly as it deems appropriate; and
- .3 to report to the Assembly in accordance with rule 56*bis*(iv) of the Rules of Procedure of the Assembly.

REPORT ON MEMBER STATES' CONTRIBUTION

MEMBER STATES FALLING UNDER THE PROVISIONS OF ARTICLE 61 AS AT 31 OCTOBER 2017										
	ASSESSMENT			RECEIPTS			BALANCE DUE AS AT 31/10/2017			TOTAL
	2017 £	1988-16 £	EARLIER* \$	2017 £	1988-16 £	EARLIER \$	2017 £	1988-16 £	EARLIER* \$	DUE £
i Member States under Article 61 which were granted a waiver at the 29th session of the Assembly										
SOMALIA	5,133.00	105,732.56	0.00	0.00	0.00	0.00	5,133.00	105,732.56	0.00	110,865.56
1	5,133.00	105,732.56	0.00	0.00	0.00	0.00	5,133.00	105,732.56	0.00	110,865.56
ii Member States under Article 61 which were not granted a waiver at the 29th session of the Assembly										
CABO VERDE	5,133.00	10,896.68	0.00	0.00	0.00	0.00	5,133.00	10,896.68	0.00	16,029.68
COMOROS	15,086.00	80,593.71	0.00	0.00	17,351.51	0.00	15,086.00	63,242.20	0.00	78,328.20
DOMINICA	12,663.00	80,048.38	0.00	0.00	0.00	0.00	12,663.00	80,048.38	0.00	92,711.38
GUINEA-BISSAU*	5,133.00	109,813.00	13,721.00	0.00	0.00	0.00	5,133.00	109,813.00	13,721.00	125,168.15
MALAWI	5,133.00	44,111.00	0.00	0.00	0.00	0.00	5,133.00	44,111.00	0.00	49,244.00
SAO TOME AND PRINCIPE	5,133.00	120,181.00	0.00	0.00	0.00	0.00	5,133.00	120,181.00	0.00	125,314.00
SYRIAN ARAB REPUBLIC	5,133.00	16,108.25	0.00	0.00	0.00	0.00	5,133.00	16,108.25	0.00	21,241.25
YUGOSLAVIA**		355,063.51	0.00	0.00	0.00	0.00	0.00	355,063.51	0.00	355,063.51
7	53,414.00	816,815.53	13,721.00	0.00	17,351.51	0.00	53,414.00	799,464.02	13,721.00	863,100.17
iii Member States under Article 61 since the 29th session of the Assembly										
CAMBODIA	12,972.00	189.77	0.00	0.00	0.00	0.00	12,972.00	189.77	0.00	13,161.77
DEMOCRATIC REPUBLIC OF THE CONGO	7,466.00	5,133.00	0.00	0.00	0.00	0.00	7,466.00	5,133.00	0.00	12,599.00
DOMINICAN REPUBLIC	5,133.00	5,105.33	0.00	0.00	0.00	0.00	5,133.00	5,105.33	0.00	10,238.33
NEPAL	5,133.00	5,156.38	0.00	0.00	5,085.63	0.00	5,133.00	70.75	0.00	5,203.75
SAMOA	5,133.00	9.54	0.00	0.00	0.00	0.00	5,133.00	9.54	0.00	5,142.54
SOLOMON ISLANDS	5,133.00	5,123.29	0.00	0.00	0.00	0.00	5,133.00	5,123.29	0.00	10,256.29
ZAMBIA	5,133.00	11,156.00	0.00	0.00	4,860.68	0.00	5,133.00	6,295.32	0.00	11,428.32
7	46,103.00	31,873.31	0.00	0.00	9,946.31	0.00	46,103.00	21,927.00	0.00	68,030.00
TOTAL	104,650.00	954,421.40	13,721.00	0.00	27,297.82	0.00	104,650.00	927,123.58	13,721.00	1,041,995.73
15										
Note:										
* Arrears due in US dollars have been converted to sterling at the October 2017 UN rate of exchange of \$1.00 = £0.745										
**The former SFRY pre-dissolution arrears due from the five successor States is not included in the above count pending a decision by the United Nations General Assembly.										
* * *										

ANNEX 2



Commonwealth of Dominica
Office of Maritime Affairs and Marine Personnel

16 October 2017

His Excellency, Ki Tack Lim
Secretary General
International Maritime Organization
4 Albert Embankment
London, SE1 7SR

Subject: Request for waiver of the provisions of Article 61

His Excellency, Mr. Lim,

With reference to the letter dated 21 August 2017 by the Director of the Administrative Division of the International Maritime Organization ("IMO") concerning the application of Article 61 of the IMO Convention due to failure by the Commonwealth of Dominica to discharge its financial obligation to the Organization.


The Commonwealth of Dominica respectfully applies for waiver of Article 61 of the IMO Convention in accordance with Rule 56*bis* and the recommendations of Council which were made at its 116th Session.

This request is being made due to the ongoing national humanitarian crisis which was caused by Hurricane Maria and which has impacted every citizen of our small island nation. Dominican citizens remain without food, water, shelter, and other basic necessities and the Government of Dominica is putting all available financial resources towards national recovery efforts.

It has been only two years since the Commonwealth of Dominica lost lives and suffered damage from floods and mudslides caused by T.S. Erika and prior to Hurricane Maria our country was still rebuilding from the damage caused by this tropical storm.

In view of the foregoing, the Commonwealth of Dominica is unable to provide a payment schedule indicating the timescale over which arrears will be paid and intends to request a waiver of arrears first from the United Nations General Assembly, and then from the IMO Assembly based on the decision by the parent body, in line with the recommendations of Council at its 116th Session.

Yours Sincerely,


Eric Dawicki
Deputy Maritime Administrator
Commonwealth of Dominica



32 Washington Street, Fairhaven, MA 02719 USA
phone +1-508-992-7170 fax +1-508-992-7120
www.dominica-registry.com

ANNEX 3

JAMHUURIYADDA FEDERAALKA SOOMAALIYA
WASAARADDA DEKADAHA & GAADIIDKA BADDA
XAFISKA WASIIRKA



جمهورية الصومال الفيدرالية
وزارة الموانئ والنقل البحري
مكتب الوزير

SOMALI FEDERAL REPUBLIC
Ministry of Ports and Marine Transport
Office of the Minister

Ref: XW/WD&GB/ 065/2017

Date: 04/10/2017

04 ,October, 2017
International Maritime Organization
4, Albert Embankment
London, SE1 7SR
United Kingdom

Dear Mr. Kitack Lim, Secretary General of IMO

Outstanding Financial obligations of the Federal Government of Somalia

The Federal Government of Somalia (FGS), would like to seize this opportunity to express its gratitude to the 30th Assembly, through your good self, for the kind waiver granted the FGS under the Provisions of Article 61 of the Organization's financial rules, during the 29th Assembly. The Assembly's kind consideration and gesture, is highly appreciated.

The FGS's financial situation has remained significantly the same since 2015 but showing good signs of recovery and improvement. As you are aware, in the last twenty five years, The Federal Government of Somalia was embroiled in a destructive civil war which completely ruined its infrastructures and economy. In the light of the situation, the FGS have had to defer several of its international commitments as the country has not been in good financial position to fulfil its obligations.

The foregoing is same with our outstanding financial commitments to the International Maritime Organization, which currently stands at some one hundred and ten thousand eight hundred and sixty five pounds fifty six pence (£110,865.56) as at 31 August 2017. In good faith, the Federal Government of Somalia is obliged to settle its indebtedness to IMO in a phased instalment payments. From 2018 for a period of five years, the FGS plans to liquidate its assessed contributions and any, that may accrue during the five year period. The details of the instalment payment, will be worked out and mutually agreed to, in the first quarter of 2018.

The Federal Government of Somalia therefore kindly requests that you consider this letter as a formal request to the 30th Assembly to delay the application of the provisions of Article 61, part XIII of the IMO Convention. The FGS is desirous to continue active participation in IMO meetings, Council and Assembly sessions and would therefore need the support of all concerned under the country's peculiar situation.

Please accept, Sir, the assurances of my highest consideration.

H.E: Mariam Awais Jama

The Minister of Ports and Marine Transport



Contact: Mobile: +252-612497021 P.O.Box:111 Nairobi-Kenya
E-mail Address: Min@malt.gov.so, Mogadisho, Somalia