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WORLD MARITIME UNIVERSITY

(c) Proposed amendments to the Charter of the World Maritime University

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	This document provides information on the proposed amendments to the Charter of the World Maritime University
<i>Strategic direction:</i>	3
<i>High-level action:</i>	3.1.3
<i>Output:</i>	3.1.3.1
<i>Action to be taken:</i>	Paragraph 9
<i>Related document:</i>	C 118/12(a)

1 Article 44 of the Charter of the World Maritime University (the Charter) states that "at the request of the Board of Governors, or in consultation with it, the Secretary-General may propose amendments to this Charter" and "amendments to the present Charter shall be approved by the Council and adopted by the Assembly."

2 The Charter was adopted by the IMO Assembly at its twelfth regular session on 20 November 1981 by resolution A.50(XIII) on the *Establishment of a High-Level World Maritime University in Malmö, Sweden*. Since its adoption, the Charter has been amended seven times.¹ The last amendment was adopted by the IMO Assembly at its twenty-ninth session on 1 December 2015 and came into force on 1 January 2016.

3 The Board of Governors of the University at its second extraordinary session (31 October 2015) had requested the Executive Board to carry out, in consultation with the President, the Chancellor and Secretary-General, a comprehensive review of the Charter for the purpose of identifying and preparing all required amendments.

¹ These amendments were adopted at regular sessions of the IMO Assembly, namely, at its 14th (on 14 November 1983), 15th (on 19 November 1987), 18th (on 28 October 1993), 21st (on 18 November 1999), 23rd (on 5 December 2003), 26th (on 26 November 2009), and 29th (on 2 December 2015).

4 In addition, the WMU Board of Governors requested the WMU Executive Board to carry out, in consultation with the WMU President, the WMU Chancellor and Secretary-General, a comprehensive review of the Charter for the purpose of identifying and preparing, for submission to the thirtieth regular session of the Assembly, all required amendments with a view to:

- .1 ensuring the correct and common understanding of the provisions by all involved, without the need to refer to background or discussion documents or to seek guidance;
- .2 enabling the University to implement the strategies identified in the Study on the financial sustainability of the University and to function as an academic and higher education institution and, simultaneously, as a financially sustainable business venture which generates surplus of revenue over expenses which could be used for pursuing further its objectives and purposes for the wider public benefit; and
- .3 serving the needs of the University for the years ahead without any need to adopt further amendments.

5 At its thirty-fourth session (May 2016), the Board of Governors had before it a document concerning the review and modernization of the Charter (WMU 34/8). The Board noted the information provided in that document and made a number of proposals to be taken into account. They included the following: the current composition and the term of appointment and renewal of members of the Board of Governors; transitional measures relating to currently serving members of the Board of Governors; and the composition of the Executive Board.

6 The Board of Governors entrusted the Executive Board to prepare further amendments to the Charter for consideration by the Board of Governors at its thirty-fifth regular session in May 2017, with the expectation that the Secretary-General would table the amendments before the thirtieth regular session of the IMO Assembly.

7 A Working Group on the revision of the Charter was set up and met on 28 October 2016, 10 January 2017 and 6 March 2017. It was able to review all the provisions of the Charter. The Working Group sought to modernize the language used, re-ordered and rationalized the structure of some of the provisions in a more coherent manner, and updated the substance of some of the provisions. Where the changes are considered of a purely editorial nature, no explanations have been inserted. Where changes have been made that are not considered to be of an editorial nature, explanations have been provided. For example, Article 3 of the Charter more clearly sets out the legal status of the University within the framework of IMO, while at the same time ensuring the autonomy of the University and its freedoms. The amendments also relate to the inclusion of gender-neutral terminology, the insertion of non-discrimination provisions, the inclusion of ocean-related issues and authority for the University to, inter alia, establish institutes and foundations, as well as provisions relating to the terms and conditions of service of the President of the University. Commentaries on the reasons for the changes made are included in the document in annex 1. The outcome of the review is reflected in the annexes to this document, one with commentary and the other without.

8 The Board of Governors, at its thirty-fifth session, approved the amendments proposed to the Charter for submission to the IMO Council and adoption by the IMO Assembly.

Action requested of the Council

9 The Council is invited to note the information provided in this document and, as required by the Charter, to approve the amendments set out in annex 2 with a view to submission to the thirtieth regular session of the Assembly for adoption and entry into force on 1 January 2018.

ANNEX 1

PROPOSED AMENDMENTS TO THE CHARTER OF THE WORLD MARITIME UNIVERSITY

Preamble

The WORLD MARITIME UNIVERSITY was founded on 1 May 1983² in recognition of the vital need to establish an international centre of excellence for the advancement of maritime education, research and study, including capacity building, in particular for developing countries;

In order to meet the needs of a dynamic maritime sector, the World Maritime University has expanded the scope of its educational and research programmes to encompass ocean studies, external programmes, distance learning including e-learning and is cooperating with academic institutions and other partners in furthering the objectives of the University;

The Preamble has been amended to reflect the mission of WMU at the time it was created. The second paragraph reflects the issues of today and the current issues and context.

² The first Charter was adopted by IMO Assembly, resolution A.501 (X111) 20 November 1981.

I Definitions

Article 1

In this Charter,:

“Academic Council” means the Academic Council of the University.

“Board of Governors” means the Board of Governors of the University.

“Chancellor” means the Chancellor of the University.

“Convention” means the Convention on the International Maritime Organization.

“Council” and “Assembly” mean, respectively, the Council and the Assembly of the Organization.

“Executive Board” means the Executive Board of the University.

“Organization” means the International Maritime Organization.

The word "IMO" has been deleted to remove any ambiguity and only the word "Organization" appears in the text.

“President” means the President of the University.

“Secretary-General” means the Secretary-General of the Organization.

“Statutes” means the Statutes of the University.

“University” means the World Maritime University.

“Vice-President means a Vice-President of the University.

The word "the" has been substituted by "a" to be in line with Article 26(b).

II Objectives and functions

Article 2

- (a) The University shall be the lead international post-graduate education and research institution and a centre of excellence for the promotion and advancement of shipping and related fields, including the improvement of maritime safety and security, the protection of the marine environment, the efficiency of international shipping and other marine and related ocean issues, in furtherance of the purposes and objectives of the United Nations system and, in particular, of the Organization as a specialized agency of the United Nations.
- Account has been taken of ocean issues reflecting the need to respond to the United Nations Sustainable Development Goals and in particular Goal 14 concerning the objective to conserve and sustainably use the ocean.
- (b) It shall be a fundamental objective of the University to provide the international maritime community, and in particular developing countries, with a centre for advanced maritime and ocean education, research, scholarship and capacity building and an effective means for the sharing and transfer of technology from developed to developing maritime countries, with a view to promoting the achievement, globally, of the highest practicable standards in matters concerning maritime safety and security, efficiency of international shipping, the prevention and control of marine pollution, including air pollution from ships, and other marine and related ocean issues.
- The phrase "efficiency of navigation" is inconsistent with Article 1(a) which refers to "efficiency of international shipping". The additional words align with earlier text.

Article 3

- (a) The University is established within the framework of the Organization. Within that framework, it shall enjoy:
- (i) academic freedom;
 - (ii) freedom to deal with matters of a financial nature;
 - (iii) freedom to select persons and institutions to share in its tasks; and
 - (iv) freedom to compose its student body.
- Article 3 integrates the first sentence of existing Article 42 and former Article 6 has been reformulated to clarify the legal status of the University with the administrative framework of IMO and at the same time clarifies and highlights in a simpler fashion the freedoms enjoyed by the University as an academic institution.
- (b) The University and all who are directly associated with it shall act in accordance with the spirit and provisions of the Convention, and the relevant provisions and principles of the Charter of the United Nations as well as this Charter.

Article 4

To achieve its objectives, the University shall:

- (a) provide countries, and in particular developing countries, with the most modern and up-to-date facilities for post-graduate education, research, professional development and capacity building in shipping and other marine and related ocean activities;
- (b) establish and provide the forum for internationally recognized experts in all major aspects of shipping and related ocean issues, including visiting professors, lecturers, consultants and others, in order to promote the University as a centre of excellence;
- (c) promote the development of a uniform international system for the education and training of experts in shipping and other marine and related ocean fields as a means of facilitating and promoting international cooperation in these fields;
- (d) provide technical cooperation and assistance for the promotion of a uniform application of the conventions and other regulations and standards of the Organization; and
- (e) take into account other conventions and technical regulations and standards of relevance to shipping and related ocean issues

Article 4 has been simplified by deleting the detailed enumeration of persons or institutions which the University serves. The formulation of (a) is comprehensive.

The content of former Article 4 (b) and (c) has been reorganized and simplified as (b), (c), (d) and (e).

Article 5

In furtherance of the objectives of this Charter, the University shall have the power to:

This Article has been restructured to simplify and identify more clearly the powers of the University by consolidating these powers under a single Article. It includes a power to establish institutes and foundations to advance the objectives of the University.

- (a) prescribe the requirements for: entry into the University; the conditions for admission to any degree or non-degree programme; and conditions for successful completion of such programmes;

- (b) establish and teach such programmes and such subjects as may be deemed suitable;
- (c) provide for the advancement and dissemination of knowledge in such manner as may be determined, including participation in research and scholarship;
- (d) grant and confer, under conditions laid down for that purpose, degrees, diplomas, certificates and other academic distinctions to and on persons who shall have successfully completed programmes established by the University in accordance with relevant Statutes; and to revoke any such degrees, diplomas, certificates or other academic distinctions for reasons the University shall deem to be good cause;
- (e) prescribe disciplinary provisions governing the students of the University;
- (f) cooperate with other universities or institutions, in the development and delivery of joint programmes, the conduct of examinations and the award of degrees, diplomas and issuance of certificates;
- (g) confer honorary degrees and other distinctions;
- (h) institute professorships, lectureships and any other offices of any kind, whether academic or not, as may be required by the University;
- (i) appoint persons to and remove them from such offices and to prescribe their conditions of service;
- (j) to recognize the results of the examination and periods of study successfully completed by students of the University at other universities or institutions of learning as equivalent to such examinations and periods of study in the University as may be determined and to withdraw such recognition at any time;
- (k) provide for the printing and publication of material which may be issued under the imprimatur of the University;

- (l) publish an annual report on its activities;
- (m) provide for research and advisory services;
- (n) institute and award fellowships, scholarships, internships, bursaries and prizes;
- (o) provide for and administer places of residence for students of the University;
- (p) maintain, manage, deal with, dispose of and invest the property, money, assets and rights of the University;
- (q) enter into engagements and accept obligations and liabilities;
- (r) act as trustees or managers for any property, legacy, endowment, bequest or gift for purposes in furtherance of the work and welfare of the University, and to invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required, on such security as the President may deem fit, in accordance with the provisions of the Statutes;
- (s) establish, maintain and supervise, as necessary, institutes, foundations and centres for studies and research;
- (t) provide for the establishment and payment of fees for the educational, training, research and advisory services of the University; and
- (u) With reference to Article 2, do everything, incidental or not to the aforementioned powers, that may be required in order to further the objectives of the University as a place of education, learning, research and the advancement of knowledge.

This provision has been added to take into account that Universities today are establishing institutes, centres etc., and in particular to take into account research portfolios and other arrangements. "Foundations" has been added to this clause as this is one of the options that should be open to the University to potentially address the question of recognition of WMU degrees by Sweden. This is based on consultations undertaken to date.

Article 6

No distinction, exclusion or preference shall be made on the basis of race, colour, sex, religion, or other opinion, national extraction or social origin, language, economic condition of birth, sexual orientation, disability, migrant status, HIV and AIDS, nor shall any other requirement be imposed by the University upon any person.

This text is comprehensive with respect to the prohibited grounds of discrimination.

Article 7

There shall be equality of opportunity and treatment in access to employment and in terms and conditions of employment, including equal remuneration for men and women for work of equal value. Men and women shall be equally eligible for any office or appointment in the University and for membership of any of its constituent bodies and all degrees and courses of study in the University shall be open to both men and women.

This article has been brought in line with equality principles.

III Organizational framework

Article 8

The University shall consist of a Chancellor, a Board of Governors, an Executive Board, a President, Vice-President(s), an Academic Council, and such other personnel of the University as may be appointed in accordance with this Charter.

An alignment has been made with Vice-President(s) in line with Article 26(b).

IV The Chancellor

Article 9

The Secretary-General shall be the ex officio Chancellor.

Article 10

The Chancellor shall preside over the Board of Governors and perform such other functions as specified in this Charter or in the Statutes or in the Regulations and Rules of the University.

V The Board of Governors

General: the intention has been to merge all issues relating to membership and appointment into one single article with logical sequencing.

Article 11

(a) Members of the Board of Governors shall be appointed by the Secretary-General.

This Article has been re-arranged for a more logical sequencing of the process.

(b) The Board of Governors shall be composed of up to 30 Members and ex officio members in accordance with (c) below.

The Board of Governors at its 34th Session (May 2016) decided that the composition of the Board should remain at 30, in addition to the ex officio members provided for in Article 13.

(c) The Board of Governors shall be established on a broad geographical basis and should include persons from developing countries and persons with expertise in maritime and oceans matters as well as finance, fund-raising and academic development. Members of the Board may be drawn from educational and research institutions, maritime industries and departments of governments. All Members shall serve in a personal capacity, except as otherwise provided for in this Charter.

This provision is based on Article 21(a) of the current Charter and the wording has been simplified.

Article 12 (b) of the current Charter, which provides for consultation with a panel, has been deleted as the procedure of consulting a panel for appointments to the Board is not used.

Article 12

(a) The Chairperson of the Executive Board and the President shall attend the meetings of the Board of Governors on an ex officio basis, without the right to vote.

The "President" has been included as an ex officio member of the Board.

- (b) A person appointed by the Secretary-General to represent the Organization on the Board of Governors, a representative of the Government of Sweden, and a representative of the City of Malmö shall be invited to serve as ex officio Members of the Board of Governors. The term of office of such ex officio members shall be determined by those who appoint them. The last sentence has been added concerning the term of office of the ex officio members concerned.
- (c) A representative of the University's personnel and of the Student Council may attend meetings of the Board of Governors as observers. The Board of Governors may determine that a particular matter under discussion is of a confidential nature, in which case, they shall not be in attendance. A representative of the University's personnel has been added to align with the similar provision for meetings of the Executive Board and of the Student Council, to take into account a recommendation made by the ZEvA accreditation body.
- (d) The Board of Governors may invite others to attend its meetings as observers under the same conditions as provided for in (c) above.

Article 13

- (a) The terms of office of appointed Members of the Board of Governors shall be three years. Members who demonstrate active contribution to the work of the Board of Governors may be invited to serve for up to three consecutive terms. The Board of Governors at its 35th Session agreed that the current two-year term should be increased to three years. The Board of Governors also proposed that the appointed members should serve no more than three consecutive terms. A provision was also included as a transitional measure for members of the Board who were in service at the 35th session, who may be appointed for up to two further consecutive terms.
- (b) Serving Members of the Board of Governors as at its 35th session, who demonstrate active contribution to the work of the Board of Governors, may be reappointed for up to two further consecutive terms.

Article 14

The Board of Governors, in addition to performing such other functions as specified in this Charter or in the University's Statutes, Financial and Staff Regulations and Rules, shall:

This provision seeks to highlight the key functions of the Board of Governors, taking into account a number of provisions, including former Article 18.

- (a) exercise due governance of the University;
- (b) ensure the effectiveness and continuity of its operations;
- (c) protect the autonomous nature of the University within the framework of the Organization; and
- (d) ensure the maintenance of the highest academic and professional standards.

Article 15

The Board of Governors shall:

- (a) adopt Statutes, including Financial and Staff Regulations and Rules, strategic directions and such other plans for the University;
- (b) consider and adopt the work programme and the budget estimates of the University;
- (c) decide upon the establishment or incorporation of post-graduate education programmes of the University, and adopt the necessary standards for the operation and further development of such programmes;
- (d) consider the reports provided for in this Charter on the activities of the University and of the Executive Board;

This Article consolidates the specific functions of the Board, including the relevant elements of former Article 37 of the Charter relating to the power to adopt the Financial Regulations and Rules.

- (e) submit to the Council such recommendations as it may deem necessary or desirable for the effective functioning of the University;
- (f) report to the Council on the work of the University;
- (g) elect a Vice-Chairperson who shall preside in the absence of the Chancellor;
- (h) adopt Rules of Procedure, including procedures for convening special sessions as necessary;
- (i) establish such subsidiary bodies as it deems necessary; and
- (j) issue such directives and approve such measures within the framework of this Charter as may be necessary for the operation of the University and its administration.

Article 16

The Board of Governors shall meet in regular session at least once a year but may meet more frequently if necessary and shall be convened by the President at the direction of the Chancellor. A special session may be convened by the Chancellor if circumstances so require. Meetings shall normally take place in Malmö.

Reference to the Chancellor is in line with Article 10 above.

VI The Executive Board

Article 17

- (a) The Executive Board shall consist of up to eleven members, including:
- (i) the Chairperson as appointed pursuant to Article 18;
 - (ii) up to eight members appointed by the Board of Governors, on the recommendation of the Secretary-General, for a term of two years; and
 - (iii) an ex officio member appointed by the Secretary-General to represent the Organization on the Executive Board and an ex officio member appointed by the Government of Sweden. The term of office of such ex officio members shall be determined by those who appoint them.
- A representative of the Government of Sweden as an additional ex officio member has been added. The additional sentence aligns the term of office of the ex officio members with the provision of Article 12(b) relating to the Board of Governors.
- (b) No more than two members of the Board of Governors, other than the ex officio members, may also be members of the Executive Board. This is to provide sufficient flexibility on the Executive Board to ensure availability of appropriate competencies and experience.
- (c) The Secretary-General and the President shall have the right to attend meetings of the Executive Board on an ex officio basis, without the right to vote. This is to align with Article 12 (a) relating to the Board of Governors.
- (d) A representative of the University's personnel and the Student Council may attend meetings of the Executive Board as observers. The Executive Board may determine that a particular matter under discussion is of a confidential nature, in which case, they shall not be in attendance. This provision is being aligned with Article 12 (c) above. It is an important for accreditation and recognition of University degrees.
- (e) The Executive Board may invite other persons to attend its meetings as observers. This is being brought in line with Article 12 (d).

Article 18

- (a) The Secretary-General shall appoint the Chairperson of the Executive Board for an initial term of office of four years. All provisions relating to the appointment and termination of the Chairperson of the Executive Board have been consolidated under this Article.
- (b) The Chairperson may be reappointed by the Secretary-General for another four-year term of office.
- (c) The Secretary-General may terminate the appointment of the Chairperson of the Executive Board if it is considered to be in the best interest of the University.

Article 19

Members of the Executive Board appointed by the Board of Governors, who demonstrate active contribution to its work, shall be eligible for reappointment by the Board of Governors for up to three further consecutive two-year terms of office.

Article 20

The Executive Board shall, in addition to performing such other functions specified in this Charter or in Statutes or in the University's Regulations and Rules, facilitate the work of the University as may be necessary, shall provide oversight of the University between sessions of the Board of Governors; and shall: Alignment of language with Article 15.

- (a) monitor the implementation of the decisions of the Board of Governors and give directions and guidance as necessary;
- (b) consider the draft work programme and the budget estimates of the University prepared by the President in accordance with Article 23, paragraph (b) (i) and establish and submit to the Board of Governors the work programme and budget estimates of the University, having regard to the general interest and priorities of the University;

- (c) report to the Board of Governors at each regular session on the work and decisions of the Executive Board since the previous regular session of the Board of Governors;
- (d) submit to the Board of Governors audited accounts and financial statements of the University together with the Executive Board's comments and recommendations;
- (e) coordinate the governance of the University, in particular between sessions of the Board of Governors, make such adjustments in the approved work programme and the adopted budget estimates of the University, and make such other decisions, otherwise requiring a decision of the Board of Governors, as are strictly necessary to ensure the efficient functioning of the University. Any decisions so taken shall be reported to the next session of the Board of Governors;
- (f) submit to the Board of Governors such recommendations as it may deem necessary or desirable for the effective functioning of the University, including recommendations in relations to the fees to be levied by the University;
- (g) carry out functions of the Board of Governors and studies or other preparatory work for consideration by the Board of Governors as the Board of Governors may determine;
- (h) adopt Rules of Procedure, including procedures for convening special sessions as necessary;
- (i) elect a Vice-Chairperson who shall preside in the absence of the Chairperson; and
- (j) establish such subsidiary bodies as it deems necessary.

Article 21

The Executive Board shall meet at least three times a year. Meetings shall normally take place in Malmö.

VII The President

Article 22

- (a) The President of the University shall be appointed by the Secretary-General for an initial term of four years. The President shall be eligible for reappointment. The conditions of service of the President, including termination, shall be contained in a Service Agreement approved by the Board of Governors. The Board of Governors decided not to include a limit on the term of office of the President. The second sentence provides for the modality to be used for the conditions of appointment of the President.
- (b) The Board of Governors, on the recommendation of the Chancellor, may terminate the President's appointment before it has expired for failure to properly execute the duties of the office or otherwise in the best interests of the University. Pending consideration of the matter by the Board of Governors, the Secretary-General may, if it is in the best interests of the University, suspend the President and designate an Acting President. [The second sentence of this paragraph is new.](#)
- (c) Should the post of President becomes vacant for whatever reason, the Secretary-General shall appoint an Acting President. This provision is new.

Article 23

- (a) Under the overall supervision, control and direction of the Board of Governors, the Executive Board and the Secretary-General, as appropriate, the President shall direct and administer the University, in accordance with the University's statutes, Regulations and Rules, strategic directions and plans.
- (b) The President shall:
- (i) submit the draft work programme and the budget estimates of the University to the Executive Board for consideration; A minor adjustment has been made to this provision requiring a "draft work programme and budget estimates...".
 - (ii) direct the activities connected with the execution of teaching programmes of the University and authorize expenditure of funds provided for in the approved budget estimates; Alignment made with budget terminology.

- (iii) in consultation with the Chancellor, recommend to the Executive Board such advisory bodies as may be deemed necessary;
 - (iv) in consultation with the Chancellor:
 - (aa) recommend to the Board of Governors, through the Executive Board, agreements, contracts or arrangements with Governments, inter-governmental organizations, non-governmental international or national organizations or legal entities with a view to offering and receiving services related to the activities of the University for matters other than the educational, training, research or advisory services offered by the University; and
 - (bb) may conclude agreements, contracts or arrangements with Governments, inter-governmental organizations, non-governmental international or national organizations, universities, institutions or legal entities with a view to providing to them the educational, training, research or advisory services offered by the University and to report them to the Executive Board;
 - (v) coordinate, in consultation with the Chancellor, all the post-graduate education, research and capacity-building programmes of the University with the activities of the Organization and, as appropriate, the United Nations system and its agencies and organs;
 - (vi) report to the Board of Governors and to the Executive Board on the activities of the University and the execution of its programmes; and
 - (vii) act as a secretary, provide the necessary services, and maintain the records of all meetings of the Board of Governors and the Executive Board, their subsidiary bodies and the Academic Council.
- Current Article 25 (c)(iv) has been modified, granting to the President discretion concerning matters related to educational, training, research or advisory services offered by the University.
- This provision details some of the services to be provided by the President.

- (c) The President shall establish an Academic Council presided over by the President. This provision modifies Article 24 of the current Charter so that the President establishes the Academic Council.
- (d) The Academic Council shall assist the President in the coordination, promotion and implementation of the academic work programme of the University and in the regulation and supervision of the education and discipline of the students of the University.

IX Personnel

Article 24

- (a) The academic and administrative personnel of the University shall be appointed with due regard to the objectives of the University as provided for in this Charter, and with due regard to Articles 6 and 7. The basic criteria for selection shall be the highest standards of expertise, competence and integrity, with due regard to equitable and appropriate representation in terms of regional balance, educational and cultural traditions. The provisions of Articles 26 to 33 of the current Charter have been simplified and rationalized. A link is made with Articles 6 and 7 which deal with appropriate autonomy of the University, academic freedom and non-discrimination.
- (b) All academic personnel referred to in Article 26 (b) to (e) and all administrative personnel referred to in Article 25 (b) and (c) shall be appointed by the President and be responsible to the President in the exercise of their functions.

Article 25

The personnel of the University shall consist of:

- (a) academic personnel;
- (b) professional administrative personnel;
- (c) General Service administrative personnel.

Article 26

The academic personnel of the University shall be composed of:

- (a) the President;
- (b) the Vice-Presidents
- (c) professors, associate professors, assistant professors and lecturers;
- (d) visiting professors and visiting lecturers
- (e) research associates and research assistants.

Article 27

All academic personnel referred to in Article 26 shall enjoy in their work the academic freedom guaranteed by Article 3.

Article 28

- (a) Except as otherwise provided for in the Statutes, the academic and administrative personnel of the University shall be governed by Staff Regulations and Rules.
- (b) Subject to agreements and arrangements established by the Organization, the academic and professional administrative personnel, other than the personnel referred to in paragraph (d) of Article 26, shall be accorded the status of officials of the Organization within the meaning of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, including its Annex XII as amended and as applicable to the Organization; and the personnel referred to in paragraph (d) of Article 26 shall be accorded the status of experts of the Organization within the meaning of the aforesaid Convention .

X Finance and budget

Article 29

- (a) Operational costs of the University shall be met from revenue derived from contributions, legacies, endowments, bequests and gifts which may be accepted by the University, or from fees levied, or from miscellaneous and other revenue of the University. Change of income to revenue to align with IPSAS terminology
The references to the "Organization" in this article have been deleted for purposes of clarity.
- (b) The University may also accept contributions of a financial or non-financial nature, including contributions for specific purposes and for fellowships and scholarships of the University.
- (c) Contributions and funding which may directly or indirectly involve a perceived potential or non-budgeted financial liability for the University or which involve activity outside the strategic directions and work programme of the University may only be accepted with the approval of the Board of Governors. This provision has been modified to include contributions or funds which could involve a perceived potential or non-budgeted financial liability for the University.

Article 30

All funds received and held by the University shall be administered in accordance with the Financial Regulations and Rules and Statutes of the University.

Former Article 37 is covered by Article 15 (a).

Article 31

The budget estimates of the University shall be prepared in such a manner as may be prescribed by the Board of Governors and the Executive Board. The budget estimates for the ensuing financial period shall be submitted by the Executive Board to the Board of Governors for adoption and subsequent submission to the Council for information. Supplementary budget estimates which are submitted under the direction of the Board of Governors to the Executive Board are not reported to the Council.

XI Audits

Article 32

- (1) The University shall be subject to audits which shall be conducted in accordance with the Financial Regulations and Rules. It shall include:
- (a) an internal audit undertaken by the Organization;
 - (b) an external audit undertaken by the External Auditor of the Organization;
 - (c) special audits as requested by the Chancellor, the Board of Governors or the Executive Board.
- (2) The University may additionally be subject to other audits in pursuit of accreditation as a provider of higher education.
- This provision is to a large extent new. It builds on Article 39 of the current Charter and sets out the various types of audits to which the University is or may be subject.

XII Location

Article 33

The University shall be located in the City of Malmö in Sweden.

XIII Status and authority

Article 34

The University will, subject to such other arrangements as may be made by the Secretary-General with the approval of the Council, enjoy the status, privileges and immunities provided in the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, including its Annex XII as amended, and in other relevant international agreements and resolutions relating to the status, privileges and immunities of the Organization. Subject to such procedures as may be established by the Secretary-General, persons travelling on the official business of the University may be provided with the appropriate United Nations travel document.

Article 35

The administrative and financial services located at the Headquarters of the Organization and other services of the Organization may be utilized by the University on conditions determined in consultation between the Secretary-General and the President, it being understood that no extra cost to the regular budget of the Organization shall be incurred thereby.

Article 36 – Legal Personality

The University may acquire and dispose of real and personal property, and may take such legal action as may be necessary for the performance of its functions.

This provision is simplified, limiting it to the legal personality of the University. The other elements are now covered by Article 23 (b)(iv)(bb).

XIV Amendments

Article 37

- (1) Amendments to the present Charter may be proposed by the Board of Governors, taking into account the recommendations of the Executive Board or by Secretary-General in consultation with the Board of Governors. Amendments shall be approved by the Council and adopted by the Assembly.
- (2) Amendments to this Charter shall take effect on the date determined by the Assembly taking into account the relating recommendation of the Board of Governors and the Council.

The provisions of this Article are a modified version of that of the current Charter, specifying the process for proposing amendments to the Charter.

XV Operative date

Article 38

The operative date of this amended Charter shall be 1 January 2018.

ANNEX 2

PROPOSED AMENDMENTS TO THE CHARTER OF THE WORLD MARITIME UNIVERSITY

Preamble

The WORLD MARITIME UNIVERSITY was founded on 1 May 1983³ in recognition of the vital need to establish an international centre of excellence for the advancement of maritime education, research and study, including capacity building, in particular for developing countries;

In order to meet the needs of a dynamic maritime sector, the World Maritime University has expanded the scope of its educational and research programmes to encompass ocean studies, external programmes, distance learning including e-learning and is cooperating with academic institutions and other partners in furthering the objectives of the University;

I Definitions

Article 1

In this Charter:

"Academic Council" means the Academic Council of the University.

"Board of Governors" means the Board of Governors of the University.

"Chancellor" means the Chancellor of the University.

"Convention" means the Convention on the International Maritime Organization.

"Council" and "Assembly" mean, respectively, the Council and the Assembly of the Organization.

"Executive Board" means the Executive Board of the University.

"Organization" means the International Maritime Organization.

"President" means the President of the University.

"Secretary-General" means the Secretary-General of the Organization.

"Statutes" means the Statutes of the University.

"University" means the World Maritime University.

"Vice-President" means a Vice-President of the University.

³ The first Charter was adopted by IMO Assembly, resolution A.501(X111) 20 November 1981.

II Objectives and functions

Article 2

- (a) The University shall be the lead international post-graduate education and research institution and a centre of excellence for the promotion and advancement of shipping and related fields, including the improvement of maritime safety and security, the protection of the marine environment, the efficiency of international shipping and other marine and related ocean issues, in furtherance of the purposes and objectives of the United Nations system and, in particular, of the Organization as a specialized agency of the United Nations.
- (b) It shall be a fundamental objective of the University to provide the international maritime community, and in particular developing countries, with a centre for advanced maritime and ocean education, research, scholarship and capacity building and an effective means for the sharing and transfer of technology from developed to developing maritime countries, with a view to promoting the achievement, globally, of the highest practicable standards in matters concerning maritime safety and security, efficiency of international shipping, the prevention and control of marine pollution, including air pollution from ships, and other marine and related ocean issues.

Article 3

- (a) The University is established within the framework of the Organization. Within that framework, it shall enjoy:
 - (i) academic freedom;
 - (ii) freedom to deal with matters of a financial nature;
 - (iii) freedom to select persons and institutions to share in its tasks; and
 - (iv) freedom to compose its student body.
- (b) The University and all who are directly associated with it shall act in accordance with the spirit and provisions of the Convention, and the relevant provisions and principles of the Charter of the United Nations as well as this Charter.

Article 4

To achieve its objectives, the University shall:

- (a) provide countries, and in particular developing countries, with the most modern and up-to-date facilities for post-graduate education, research, professional development and capacity building in shipping and other marine and related ocean activities;
- (b) establish and provide the forum for internationally recognized experts in all major aspects of shipping and related ocean issues, including visiting professors, lecturers, consultants and others, in order to promote the University as a centre of excellence;
- (c) promote the development of a uniform international system for the education and training of experts in shipping and other marine and related ocean fields as a means of facilitating and promoting international cooperation in these fields;

- (d) provide technical cooperation and assistance for the promotion of a uniform application of the conventions and other regulations and standards of the Organization; and
- (e) take into account other conventions and technical regulations and standards of relevance to shipping and related ocean issues.

Article 5

In furtherance of the objectives of this Charter, the University shall have the power to:

- (a) prescribe the requirements for: entry into the University; the conditions for admission to any degree or non-degree programme; and conditions for successful completion of such programmes;
- (b) establish and teach such programmes and such subjects as may be deemed suitable;
- (c) provide for the advancement and dissemination of knowledge in such manner as may be determined, including participation in research and scholarship;
- (d) grant and confer, under conditions laid down for that purpose, degrees, diplomas, certificates and other academic distinctions to and on persons who shall have successfully completed programmes established by the University in accordance with relevant Statutes; and to revoke any such degrees, diplomas, certificates or other academic distinctions for reasons the University shall deem to be good cause;
- (e) prescribe disciplinary provisions governing the students of the University;
- (f) cooperate with other universities or institutions, in the development and delivery of joint programmes, the conduct of examinations and the award of degrees, diplomas and issuance of certificates;
- (g) confer honorary degrees and other distinctions;
- (h) institute professorships, lectureships and any other offices of any kind, whether academic or not, as may be required by the University;
- (i) appoint persons to and remove them from such offices and to prescribe their conditions of service;
- (j) recognize the results of the examination and periods of study successfully completed by students of the University at other universities or institutions of learning as equivalent to such examinations and periods of study in the University as may be determined and to withdraw such recognition at any time;
- (k) provide for the printing and publication of material which may be issued under the imprimatur of the University;
- (l) publish an annual report on its activities;
- (m) provide for research and advisory services;
- (n) institute and award fellowships, scholarships, internships, bursaries and prizes;

- (o) provide for and administer places of residence for students of the University;
- (p) maintain, manage, deal with, dispose of and invest the property, money, assets and rights of the University;
- (q) enter into engagements and accept obligations and liabilities;
- (r) act as trustees or managers for any property, legacy, endowment, bequest or gift for purposes in furtherance of the work and welfare of the University, and to invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required, on such security as the President may deem fit, in accordance with the provisions of the Statutes;
- (s) establish, maintain and supervise, as necessary, institutes, foundations and centres for studies and research;
- (t) provide for the establishment and payment of fees for the educational, training, research and advisory services of the University; and
- (u) with reference to Article 2, do everything, incidental or not to the aforementioned powers, that may be required in order to further the objectives of the University as a place of education, learning, research and the advancement of knowledge.

Article 6

No distinction, exclusion or preference shall be made on the basis of race, colour, sex, religion, or other opinion, national extraction or social origin, language, economic condition of birth, sexual orientation, disability, migrant status, HIV and AIDS, nor shall any other requirement be imposed by the University upon any person.

Article 7

There shall be equality of opportunity and treatment in access to employment and in terms and conditions of employment, including equal remuneration for men and women for work of equal value. Men and women shall be equally eligible for any office or appointment in the University and for membership of any of its constituent bodies and all degrees and courses of study in the University shall be open to both men and women.

III Organizational framework

Article 8

The University shall consist of a Chancellor, a Board of Governors, an Executive Board, a President, Vice-President(s), an Academic Council and such other personnel of the University as may be appointed in accordance with this Charter.

IV The Chancellor

Article 9

The Secretary-General shall be the ex officio Chancellor.

Article 10

The Chancellor shall preside over the Board of Governors and perform such other functions as specified in this Charter or in the Statutes or in the Regulations and Rules of the University.

V The Board of Governors

Article 11

- (a) Members of the Board of Governors shall be appointed by the Secretary-General.
- (b) The Board of Governors shall be composed of up to 30 Members and ex officio members in accordance with (c) below.
- (c) The Board of Governors shall be established on a broad geographical basis and should include persons from developing countries and persons with expertise in maritime and oceans matters as well as finance, fund-raising and academic development. Members of the Board may be drawn from educational and research institutions, maritime industries and departments of governments. All Members shall serve in a personal capacity, except as otherwise provided for in this Charter.

Article 12

- (a) The Chairperson of the Executive Board and the President shall attend the meetings of the Board of Governors on an ex officio basis, without the right to vote.
- (b) A person appointed by the Secretary-General to represent the Organization on the Board of Governors, a representative of the Government of Sweden, and a representative of the City of Malmö shall be invited to serve as ex officio Members of the Board of Governors. The term of office of such ex officio members shall be determined by those who appoint them.
- (c) A representative of the University's personnel and of the Student Council may attend meetings of the Board of Governors as observers. The Board of Governors may determine that a particular matter under discussion is of a confidential nature, in which case, they shall not be in attendance.
- (d) The Board of Governors may invite others to attend its meetings as observers under the same conditions as provided for in (c) above.

Article 13

- (a) The terms of office of appointed Members of the Board of Governors shall be three years. Members who demonstrate active contribution to the work of the Board of Governors may be invited to serve for up to three consecutive terms.
- (b) Serving Members of the Board of Governors as at its 35th session, who demonstrate active contribution to the work of the Board of Governors, may be reappointed for up to two further consecutive terms.

Article 14

The Board of Governors, in addition to performing such other functions as specified in this Charter or in the University's Statutes, Financial and Staff Regulations and Rules, shall:

- (a) exercise due governance of the University;
- (b) ensure the effectiveness and continuity of its operations;
- (c) protect the autonomous nature of the University within the framework of the Organization; and
- (d) ensure the maintenance of the highest academic and professional standards.

Article 15

The Board of Governors shall:

- (a) adopt Statutes, including Financial and Staff Regulations and Rules, strategic directions and such other plans for the University;
- (b) consider and adopt the work programme and the budget estimates of the University;
- (c) decide upon the establishment or incorporation of post-graduate education programmes of the University, and adopt the necessary standards for the operation and further development of such programmes;
- (d) consider the reports provided for in this Charter on the activities of the University and of the Executive Board;
- (e) submit to the Council such recommendations as it may deem necessary or desirable for the effective functioning of the University;
- (f) report to the Council on the work of the University;
- (g) elect a Vice-Chairperson who shall preside in the absence of the Chancellor;
- (h) adopt Rules of Procedure, including procedures for convening special sessions as necessary;
- (i) establish such subsidiary bodies as it deems necessary; and
- (j) issue such directives and approve such measures within the framework of this Charter as may be necessary for the operation of the University and its administration.

Article 16

The Board of Governors shall meet in regular session at least once a year but may meet more frequently if necessary and shall be convened by the President at the direction of the Chancellor. A special session may be convened by the Chancellor if circumstances so require. Meetings shall normally take place in Malmö.

VI The Executive Board

Article 17

- (a) The Executive Board shall consist of up to eleven members, including:
- (i) the Chairperson as appointed pursuant to Article 18;
 - (ii) up to eight members appointed by the Board of Governors, on the recommendation of the Secretary-General, for a term of two years; and
 - (iii) an ex officio member appointed by the Secretary-General to represent the Organization on the Executive Board and an ex officio member appointed by the Government of Sweden. The term of office of such ex officio members shall be determined by those who appoint them.
- (b) No more than two members of the Board of Governors, other than the ex officio members, may also be members of the Executive Board.
- (c) The Secretary-General and the President shall have the right to attend meetings of the Executive Board on an ex officio basis, without the right to vote.
- (d) A representative of the University's personnel and the Student Council may attend meetings of the Executive Board as observers. The Executive Board may determine that a particular matter under discussion is of a confidential nature, in which case, they shall not be in attendance.
- (e) The Executive Board may invite other persons to attend its meetings as observers.

Article 18

- (a) The Secretary-General shall appoint the Chairperson of the Executive Board for an initial term of office of four years.
- (b) The Chairperson may be reappointed by the Secretary-General for another four-year term of office.
- (c) The Secretary-General may terminate the appointment of the Chairperson of the Executive Board if it is considered to be in the best interest of the University.

Article 19

Members of the Executive Board appointed by the Board of Governors, who demonstrate active contribution to its work, shall be eligible for reappointment by the Board of Governors for up to three further consecutive two-year terms of office.

Article 20

The Executive Board shall, in addition to performing such other functions specified in this Charter or in Statutes or in the University's Regulations and Rules, facilitate the work of the University as may be necessary, shall provide oversight of the University between sessions of the Board of Governors; and shall:

- (a) monitor the implementation of the decisions of the Board of Governors and give directions and guidance as necessary;

- (b) consider the draft work programme and the budget estimates of the University prepared by the President in accordance with Article 23, paragraph (b) (i) and establish and submit to the Board of Governors the work programme and budget estimates of the University, having regard to the general interest and priorities of the University;
- (c) report to the Board of Governors at each regular session on the work and decisions of the Executive Board since the previous regular session of the Board of Governors;
- (d) submit to the Board of Governors audited accounts and financial statements of the University, together with the Executive Board's comments and recommendations;
- (e) coordinate the governance of the University, in particular between sessions of the Board of Governors, make such adjustments in the approved work programme and the adopted budget estimates of the University, and make such other decisions, otherwise requiring a decision of the Board of Governors, as are strictly necessary to ensure the efficient functioning of the University. Any decisions so taken shall be reported to the next session of the Board of Governors;
- (f) submit to the Board of Governors such recommendations as it may deem necessary or desirable for the effective functioning of the University, including recommendations in relation to the fees to be levied by the University;
- (g) carry out functions of the Board of Governors and studies or other preparatory work for consideration by the Board of Governors as the Board of Governors may determine;
- (h) adopt Rules of Procedure, including procedures for convening special sessions as necessary;
- (i) elect a Vice-Chairperson who shall preside in the absence of the Chairperson; and
- (j) establish such subsidiary bodies as it deems necessary.

Article 21

The Executive Board shall meet at least three times a year. Meetings shall normally take place in Malmö.

VII The President

Article 22

- (a) The President of the University shall be appointed by the Secretary-General for an initial term of four years. The President shall be eligible for reappointment. The conditions of service of the President, including termination, shall be contained in a Service Agreement approved by the Board of Governors.
- (b) The Board of Governors, on the recommendation of the Chancellor, may terminate the President's appointment before it has expired for failure to properly execute the duties of the office or otherwise in the best interests of the University. Pending consideration of the matter by the Board of Governors, the Secretary-General may, if it is in the best interests of the University, suspend the President and designate an Acting President.

- (c) Should the post of President becomes vacant for whatever reason, the Secretary-General shall appoint an Acting President.

Article 23

- (a) Under the overall supervision, control and direction of the Board of Governors, the Executive Board and the Secretary-General, as appropriate, the President shall direct and administer the University, in accordance with the University's statutes, Regulations and Rules, strategic directions and plans.
- (b) The President shall:
- (i) submit the draft work programme and the budget estimates of the University to the Executive Board for consideration;
 - (ii) direct the activities connected with the execution of teaching programmes of the University and authorize expenditure of funds provided for in the approved budget estimates;
 - (iii) in consultation with the Chancellor, recommend to the Executive Board such advisory bodies as may be deemed necessary;
 - (iv) in consultation with the Chancellor:
 - (aa) recommend to the Board of Governors, through the Executive Board, agreements, contracts or arrangements with Governments, intergovernmental organizations, non-governmental international or national organizations or legal entities with a view to offering and receiving services related to the activities of the University for matters other than the educational, training, research or advisory services offered by the University; and
 - (bb) conclude agreements, contracts or arrangements with Governments, intergovernmental organizations, non-governmental international or national organizations, universities, institutions or legal entities with a view to providing to them the educational, training, research or advisory services offered by the University and to report them to the Executive Board;
 - (v) coordinate, in consultation with the Chancellor, all the post-graduate education, research and capacity-building programmes of the University with the activities of the Organization and, as appropriate, the United Nations system and its agencies and organs;
 - (vi) report to the Board of Governors and to the Executive Board on the activities of the University and the execution of its programmes; and
 - (vii) act as a secretary, provide the necessary services, and maintain the records of all meetings of the Board of Governors and the Executive Board, their subsidiary bodies and the Academic Council.
- (c) The President shall establish an Academic Council presided over by the President.

- (d) The Academic Council shall assist the President in the coordination, promotion and implementation of the academic work programme of the University and in the regulation and supervision of the education and discipline of the students of the University.

IX Personnel

Article 24

- (a) The academic and administrative personnel of the University shall be appointed with due regard to the objectives of the University as provided for in this Charter, and with due regard to Articles 6 and 7. The basic criteria for selection shall be the highest standards of expertise, competence and integrity, with due regard to equitable and appropriate representation in terms of regional balance, educational and cultural traditions.
- (b) All academic personnel referred to in Article 26 (b) to (e) and all administrative personnel referred to in Article 25 (b) and (c) shall be appointed by the President and be responsible to the President in the exercise of their functions.

Article 25

The personnel of the University shall consist of:

- (a) academic personnel;
- (b) professional administrative personnel; and
- (c) General Service administrative personnel.

Article 26

The academic personnel of the University shall be composed of:

- (a) the President;
- (b) the Vice-Presidents;
- (c) professors, associate professors, assistant professors and lecturers;
- (d) visiting professors and visiting lecturers; and
- (e) research associates and research assistants.

Article 27

All academic personnel referred to in Article 26 shall enjoy in their work the academic freedom guaranteed by Article 3.

Article 28

- (a) Except as otherwise provided for in the Statutes, the academic and administrative personnel of the University shall be governed by Staff Regulations and Rules.

- (b) Subject to agreements and arrangements established by the Organization, the academic and professional administrative personnel, other than the personnel referred to in paragraph (d) of Article 26, shall be accorded the status of officials of the Organization within the meaning of the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, including its Annex XII as amended and as applicable to the Organization; and the personnel referred to in paragraph (d) of Article 26 shall be accorded the status of experts of the Organization within the meaning of the aforesaid Convention.

X Finance and budget

Article 29

- (a) Operational costs of the University shall be met from revenue derived from contributions, legacies, endowments, bequests and gifts which may be accepted by the University, or from fees levied, or from miscellaneous and other revenue of the University.
- (b) The University may also accept contributions of a financial or non-financial nature, including contributions for specific purposes and for fellowships and scholarships of the University.
- (c) Contributions and funding which may directly or indirectly involve a perceived potential or non-budgeted financial liability for the University or which involve activity outside the strategic directions and work programme of the University may only be accepted with the approval of the Board of Governors.

Article 30

All funds received and held by the University shall be administered in accordance with the Financial Regulations and Rules and Statutes of the University.

Article 31

The budget estimates of the University shall be prepared in such a manner as may be prescribed by the Board of Governors and the Executive Board. The budget estimates for the ensuing financial period shall be submitted by the Executive Board to the Board of Governors for adoption and subsequent submission to the Council for information.

XI Audits

Article 32

- (1) The University shall be subject to audits which shall be conducted in accordance with the Financial Regulations and Rules. It shall include:
- (a) an internal audit undertaken by the Organization;
 - (b) an external audit undertaken by the External Auditor of the Organization; and
 - (c) special audits as requested by the Chancellor, the Board of Governors or the Executive Board.
- (2) The University may additionally be subject to other audits in pursuit of accreditation as a provider of higher education.

XII Location

Article 33

The University shall be located in the City of Malmö in Sweden.

XIII Status and authority

Article 34

The University will, subject to such other arrangements as may be made by the Secretary-General with the approval of the Council, enjoy the status, privileges and immunities provided in the Convention on the Privileges and Immunities of the Specialized Agencies of 21 November 1947, including its Annex XII as amended, and in other relevant international agreements and resolutions relating to the status, privileges and immunities of the Organization. Subject to such procedures as may be established by the Secretary-General, persons travelling on the official business of the University may be provided with the appropriate United Nations travel document.

Article 35

The administrative and financial services located at the Headquarters of the Organization and other services of the Organization may be utilized by the University on conditions determined in consultation between the Secretary-General and the President, it being understood that no extra cost to the regular budget of the Organization shall be incurred thereby.

Article 36 – Legal Personality

The University may acquire and dispose of real and personal property, and may take such legal action as may be necessary for the performance of its functions.

XIV Amendments

Article 37

- (1) Amendments to the present Charter may be proposed by the Board of Governors, taking into account the recommendations of the Executive Board or by Secretary-General in consultation with the Board of Governors. Amendments shall be approved by the Council and adopted by the Assembly.
- (2) Amendments to this Charter shall take effect on the date determined by the Assembly taking into account the relating recommendation of the Board of Governors and the Council.

XV Operative date

Article 38

The operative date of this amended Charter shall be 1 January 2018.
