

COUNCIL
118th session
Agenda item 21

C 118/21
19 May 2017
Original: ENGLISH

RULES AND PROCEDURES OF THE COUNCIL

Note by the Secretary-General

SUMMARY

Executive summary: This document contains a revised text of the Rules of Procedure of the Council emanating from the approval, by the Council, of amendments to its Rules of Procedure at its 117th session

Strategic direction: No related provisions

High-level action: No related provisions

Output: No related provisions

Action to be taken: Paragraph 4

Related documents: C 117/D, C 117/4 and C 116/D

Amendments to the Rules of Procedure of the Council

1 The Council may recall that, at its 117th session held in December 2016, it considered document C 117/4 containing a proposal to amend its Rules of Procedure, emanating from the decision taken by the Council at its 116th session, to introduce gender-neutral language in the Rules. In this regard, the Council approved the amendments to its Rules of Procedure, as set out in the annex to document C 117/4, and instructed the Secretariat to make the changes in all official languages, as appropriate (C 117/D, paragraph 4.2; C 116/D, paragraph 4.8(ii)).

2 In view of the above decision of the Council, the Secretariat has prepared a final text of the amended Rules of Procedure of the Council, which is set out in the annex to this document. Gender-neutral language has been introduced throughout the final text by replacing all references to "Chairman" with the term "Chair", and "Vice-Chairman" with the term "Vice-Chair". In addition, all sentences containing the pronouns "he", "him" and "his" have been rephrased all through the draft. The amended Rules of Procedure of the Council will be published in the Organization's Basic Documents, Volume I, 2018 edition.

3 The Council may also recall its decision, taken at its 116th session, to harmonize the terms of office in the Rules of Procedure of all committees and to limit the total term of office of the Chair and Vice-Chair to five years. As of the date of this document, the Marine Environment Protection Committee and the Legal Committee have adopted amended Rules

of Procedure that implement term limits, and the Facilitation Committee has agreed to text, to be finalized at its next session. Further in this context, the Council, at its 117th session, decided that it would consider the issue of term limits for its Chair and Vice-Chair at its next session. As at the date of this document, no submissions or proposals have been received by the Secretariat in this regard (C 117/D, paragraph 4.3; C 116/D, paragraph 4.8(i)).

Action requested of the Council

- 4 The Council is invited to:
 - .1 endorse the final text of the amended Rules of Procedure of the Council, as set out in the annex to this document;
 - .2 note that the amended Rules of Procedure of the Council will be published in the Organization's Basic Documents, Volume I, 2018 edition; and
 - .3 consider the issue of term limits for the Chair and Vice-Chair of the Council, and decide as appropriate.

ANNEX

AMENDMENTS TO THE RULES OF PROCEDURE OF THE COUNCIL

RULES OF PROCEDURE OF THE COUNCIL

Definitions

Rule 1

For the purposes of these Rules the word *Member* means Member Government and the word *Convention* means the Convention on the International Maritime Organization.

Sessions

Rule 2

In accordance with Article 19(c) of the Convention, the Council shall meet as often as may be deemed necessary upon the summons of its Chair, or upon request made to the Secretary-General by not less than four of its Members. The Secretary-General, acting on the direction of the Chair, shall notify the Members at least one month in advance of the holding of a session.

Rule 3

Sessions of the Council shall be held at the Headquarters of the Organization unless convened elsewhere in accordance with a decision of the Council.

Rule 4

In accordance with Article 20 of the Convention, the Council shall invite any Member to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Rule 5

- (a) The Secretary-General shall invite to be represented at any session of the Council:
- (i) the United Nations;
 - (ii) the International Atomic Energy Agency and any specialized agency of the United Nations whose interests and those of the Organization are of common concern.
- (b) The Secretary-General shall invite, to be represented by observers at any session of the Council at which matters of direct concern to them are on the agenda, any other intergovernmental organization with which an agreement or special arrangement has been made.
- (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 67 of the Convention.

(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 African Union or the League of Arab States.

Rule 6

(a) Representatives of the United Nations, its specialized agencies and the International Atomic Energy Agency may participate without vote in the deliberations of the Council and any of its subsidiary bodies and shall receive copies of all documents issued to the Council, subject to such arrangements as may be necessary for the safeguarding of confidential material.

(b) Observers invited in accordance with Rule 5 above may, upon invitation by the Chair and with the consent of the Council, participate without vote on matters of direct concern to them during the deliberations at any meeting of the Council or of its subsidiary bodies. The participation of observers from non-governmental organizations shall be in accordance with the rules governing consultation with such organizations. Observers shall have access to non-confidential documents and to such other documents as the Secretary-General, with the approval of the Chair, may decide may be made available.

Delegations

Rule 7

Each Member of the Council shall designate a representative, and may also designate alternates and such advisers and experts as may be required.

Rule 8

Upon the request of a representative, the Chair may allow any other member of the representative's delegation to speak on any particular point at any meeting of the Council.

Credentials

Rule 9

Each Member shall transmit to the Secretary-General the credentials of its representative and alternates, if any, together with the names of any other members of its delegation not later than the opening day of the Council. The credentials shall be issued by the Head of State, or by the Head of Government or by the Minister for Foreign Affairs or by an appropriate authority properly designated by one of them to act for this purpose. The Secretary-General shall examine the credentials of delegations and report to the Council without delay.

Rule 10

Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives until the Secretary-General has reported and the Council has given its decision.

Publicity

Rule 11

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

Agenda

Rule 12

The provisional agenda for each session of the Council shall be drawn up by the Secretary-General and approved by the Chair.

Rule 13

The provisional agenda for each regular session of the Council shall include:

- (a) all items the inclusion of which has been requested by the Assembly;
- (b) all items the inclusion of which has been requested by the Council at a previous session;
- (c) all items the inclusion of which has been requested by the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Cooperation Committee or the Facilitation Committee;
- (d) any item proposed by a Member of the Organization;
- (e) items, if any, pertaining to the budget estimates, and financial statements of the Organization;
- (f) items, if any, pertaining to the report of the Council to the Assembly on the work of the Organization;
- (g) subject to such preliminary consultations as may be necessary, any item proposed by the United Nations, or by any of its specialized agencies, or by the International Atomic Energy Agency;
- (h) any item proposed by the Secretary-General.

Rule 14

The provisional agenda for each session, together with the supporting documents, shall normally be communicated by the Secretary-General to the Members of the Council at least one month before the session.

Rule 15

The first item on the provisional agenda for each session shall be the adoption of the agenda.

Rule 16

Any item of the agenda of a session of the Council, consideration of which has not been completed at that session, shall automatically be included in the agenda of the next session unless otherwise decided by the Council.

Rule 17

In exceptional circumstances, the Secretary-General may, in consultation with the Chair, include any question suitable for the agenda, which may arise between the dispatch of the provisional agenda and the opening day of the session, in a supplementary provisional agenda which the Council shall examine together with the provisional agenda. The Secretary-General shall advise Members immediately of the intention to include an item in a supplementary provisional agenda.

Rule 18

The Secretary-General shall report to the Council on the technical, administrative and financial implications of all substantive agenda items submitted to the Council, before they are considered by that body. Unless the Council decides otherwise, no such item shall be considered until the Council has been in possession of the Secretary-General's report for at least forty-eight hours.

Chair and Vice-Chair

Rule 19

The Council shall elect a Chair and a Vice-Chair from among the representatives of its Members. The elections shall take place at a special meeting following each regular session of the Assembly.

Rule 20

If the Chair is absent from a session or any part thereof, the Vice-Chair shall preside. If the Chair, for any reason, is unable to complete the term of office, the Vice-Chair shall act as Chair pending the election of a new Chair. If the Chair and Vice-Chair are both unable to preside at a session, the Council shall elect a second Vice-Chair who shall preside and act as Chair for as long as the Chair and the first Vice-Chair are unable to do so.

Rule 21

A Chair or a Vice-Chair acting as Chair shall not vote but may appoint another member of the delegation to act as the representative of the Chair's Government on the Council.

Subsidiary bodies

Rule 22

The Council may establish such subsidiary bodies as it considers necessary. Such subsidiary bodies shall follow the present Rules of Procedure so far as they are applicable. The Council may by a majority vote of Members present and voting suspend or amend any of its rules so far as they apply to any such subsidiary body. The Council shall examine at least once a year the desirability of continuing the existence of any subsidiary body.

Secretariat

Rule 23

The Secretary-General shall act as Secretary of the Council and of its subsidiary bodies. This function may be delegated to a member of the Secretariat.

Rule 24

The Secretary-General or a member of the Secretariat designated for the purpose may make either oral or written statements concerning any question under consideration.

Rule 25

The Secretariat shall prepare a summary of decisions of each meeting; it shall also upload onto IMODOCS the audio files of discussions of the meetings in all official languages as soon as possible after the close of the meeting to which they relate.

Rule 26

It shall be the duty of the Secretariat to receive, translate and circulate to Members all reports, resolutions, recommendations and other documents of the Council and its subsidiary bodies.

Languages

Rule 27

The official languages of the Organization are Arabic, Chinese, English, French, Russian and Spanish; the working languages are English, French and Spanish.

Rule 28

Speeches at the Council and its subsidiary bodies shall be made in one of the official languages and will be interpreted into the other official languages.

Rule 29

All supporting documents to agenda items of the Council and its subsidiary bodies will be issued in the working languages. All reports, resolutions, recommendations and decisions of the Council and its subsidiary bodies shall be drawn up in one of the official languages and translated into the other official languages.

Voting

Rule 30

Decisions of the Council and of its subsidiary bodies shall be made, elections shall be determined, and reports, resolutions and recommendations adopted by a majority of the Members present and voting.

Rule 31

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

- (a) the phrase *Members present and voting* means Members casting an affirmative or negative vote. Members abstaining from voting or casting an invalid vote shall be considered as not voting;
- (b) the phrase *Members present* means Members present at the meeting, whether they cast an affirmative or negative vote, whether they abstain, whether they cast an invalid vote, or whether they take no part in the voting. Participants at the session who are not present at the meeting at which voting takes place shall be considered as not present.

The foregoing provisions shall only apply if the quorum laid down in Article 19(b) of the Convention is obtained at the meeting at which the vote is taken.

Rule 32

The Council shall normally vote by show of hands. However, any Member may request a roll-call which shall be taken in the alphabetical order of the names of the Members in English, beginning with the Member whose name is drawn by lot by the Chair.

Rule 33

The vote of each Member participating in any roll-call shall be inserted in the summary of decisions of the meeting concerned.

Rule 34

If a vote is equally divided, a second vote shall be taken at the next meeting. If this vote also is equally divided, the proposal shall be regarded as rejected.

Rule 35

All elections and determinations shall be decided by secret ballot.

Rule 36

In a secret ballot, two scrutineers shall, on the proposal of the Chair, be appointed by the Council from the delegations present and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Council.

Rule 37

If one person only is to be elected and no candidate obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the election shall be deferred until the first suitable subsequent opportunity during the same session of the Council, when, if another tie results, the Chair shall decide between the candidates by drawing lots.

Rule 37bis

In the event of four or more candidates standing for the position of Secretary-General, if, in the first and subsequent ballots, no candidate obtains a majority in accordance with Rule 37, a number of successive ballots shall be held, in each of which the candidate who received the least number of votes in the previous ballot shall not be included in the list of candidates for the subsequent ballot.

Rule 37ter

In cases where two or more candidates gain the same number of votes in joint lowest position, a run-off ballot shall be held between them, and the candidate gaining the highest number of votes shall proceed to the subsequent ballot.

Rule 38

When two or more places are to be filled by election at one time under the same conditions, those candidates obtaining a majority in the first ballot shall be declared elected. If the number of candidates obtaining a majority is less than the number of persons or Members to be elected, there shall be an additional ballot or ballots, as necessary, to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and the number of candidates being normally not more than twice as many as the places remaining to be filled.

Conduct of business

Rule 39

Twenty-six Members of the Council shall constitute a quorum. In the case of subsidiary bodies a majority of the Members shall constitute a quorum.

Rule 40

In addition to exercising the powers conferred elsewhere by these Rules, the Chair shall declare the opening and the closing of each session of the Council. The Chair shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.

Rule 41

Proposals and amendments shall normally be introduced in writing and handed to the Secretary-General who shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Council unless copies of it have been circulated to delegations not later than the day preceding the meeting. The Chair may, however, permit the discussion and consideration of amendments, or of motions as to procedure even though these amendments and motions have not been circulated or have only been circulated the same day.

Rule 42

The Council may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion.

Rule 43

During the discussion of any matter a Member may rise to a point of order and the point of order shall be decided immediately by the Chair, in accordance with these Rules of Procedure. A Member may appeal against the ruling of the Chair. The appeal shall be put to the vote immediately and the Chair's ruling shall stand unless overruled by a majority of the Members present and voting. A Member rising to a point of order may not speak on the substance of the matter under discussion.

Rule 44

Subject to the provisions of Rule 43 the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:

- (a) to suspend a meeting;
- (b) to adjourn a meeting;
- (c) to adjourn the debate on the question under discussion; and
- (d) for the closure of the debate on the question under discussion.

Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and in addition to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 45

If two or more proposals relate to the same question, the Council, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted.

Rule 46

Parts of a proposal or amendment thereto shall be voted on separately if the Chair, with the consent of the proposer, so decides, or if any Member requests that the proposal or amendment thereto be divided and the proposer raises no objection. If objection is raised, permission to speak on the point shall be given first to the mover of the motion to divide the proposal or amendment, and then to the mover of the original proposal or amendment under discussion, after which the motion to divide the proposal or amendment shall be put immediately to the vote.

Rule 47

Those parts of a proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of the proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

Rule 48

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 49

If two or more amendments are moved to a proposal, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. The Chair shall determine the order of voting on the amendments under this rule.

Rule 50

A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may be reintroduced by any Member.

Rule 51

When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Council unless the Council, by a majority of the Members present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

Appointment of the Secretary-General

Rule 52

For the appointment of the Secretary-General, the Council shall consider in private meeting its recommendation to the Assembly and vote upon it by secret ballot.

Amendments of Rules of Procedure

Rule 53

These Rules of Procedure may be amended by a decision of the Council taken by a majority of the Members present and voting.

General provisions

Rule 54

The Council may at its discretion apply such Rules of Procedure of the Assembly as it may deem appropriate to particular circumstances.

Rule 55

A Rule of procedure may be suspended by a decision of the Council taken by a majority of the Members present and voting provided that twenty-four hours' notice of the proposal of suspension has been given. This notice may be waived if no Member objects.

Overriding authority of the Convention

Rule 56

In the event of any conflict between any provision of these Rules and any provision of the Convention, the Convention shall prevail.