



COUNCIL  
23rd extraordinary session  
Agenda item 3

C/ES.23/3(c)/Add.2  
11 November 2005  
Original: ENGLISH

## RESOURCE MANAGEMENT

### (c) Consideration of requests by Members, if any, for waiver of the application of Article 56 of the IMO Convention

#### Note by the Secretary-General

#### SUMMARY

<i>Executive summary:</i>	This document updates the information to the Council on the application of Article 56 of the IMO Convention and requests for waiver
<i>Action to be taken:</i>	Paragraph 6
<i>Related documents:</i>	C/ES.23/3(c), C/ES.23/3(c)/Add.1

#### Introduction

1 This document provides an update on those Members presently under Article 56 and information on those requests for waiver which have been received to date. Further updates will be provided as and when additional requests for waiver are received.

2 The Council, at its ninety-third session, having noted the Secretary-General's report on the application of Rule 56*bis* of the Rules of Procedure of the Assembly in the context of the Council's review of the Organization's Financial Framework in accordance with resolution A.942(23), reiterated its position that Rule 56*bis* should be retained in its present form. At the same Council session, it was recalled that, under Article 56 of the IMO Convention, subject to the grant of a waiver, a Member with dues outstanding for more than one year loses the right to vote not only in subsequent sessions of the Assembly and the Council but also in the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee. Since this situation can arise between sessions of the Assembly (see document C 93/9(c)/Add.1), the Council decided that, in the interest of sustaining the Organization's financial health, the application of Article 56 should be strictly enforced between Assembly years.

#### Updated position on requests for waiver

3 As set out in document C/ES.23/3(c), in accordance with the provisions of Rule 56*bis*, the Secretary-General has written to those Member States, which fall within the provision of Article 56, drawing attention to the requirements of Rule 56*bis* and, in particular, the need for them to submit a written application for waiver at least one month before the Assembly.

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

The position of each Member State as at 31 October 2005, by reference to their status under the terms of Article 56, is shown at annex 1 to document C/ES.23/3(b)/Add.4. As the Council is required to report to the Assembly on its recommendation on the submission by any Member requesting waiver of the provision of Article 56, a list of Member States which fall within the provision of Article 56 as at 31 October 2005, is attached at annex 1 to this document to assist the Council in its consideration of the issue.

4 As reported in C/ES.23/3(c)/Add.1, the Secretary-General has received communications from Bolivia, Haiti and Peru requesting a waiver of the provisions of Article 56 of the IMO Convention. These communications are attached at annexes 2, 3 and 4 of document C/ES.23/3(c)/Add.1. Since the last report, a communication from the Government of Paraguay has been received which is attached at annex 2 of this document, indicating that settlement of its contribution for 2002-2005 will be made by the 15 April 2006. A history of the payment record in respect of these Member States, since the twenty-third session of the Assembly in November 2003, is summarized below:

- .1 Bolivia's outstanding balance, at the twenty-third session of the Assembly, was £15,914.59. This consisted of £7,987.59 and £7,927.00 which were due for 2002 and 2003 respectively. Bolivia was granted a waiver of the application of Article 56 by the Assembly. Subsequently, £12,960 and £15,116 were assessed for 2004 and 2005 respectively. On 11 May 2005, a payment of £16,492.36 was received, fully clearing the arrears for 2002 and 2003, and partly clearing the arrears for 2004. No further payments have been received to date. The current outstanding balance is £27,498.23, comprising £12,382.23 and £15,116.00 which are due for 2004 and 2005 respectively.
- .2 Haiti's outstanding balance, at the twenty-third session of the Assembly, was \$10,299.11 and £47,117.98, representing amounts due for the years 1978-1983 (when the IMO assessment was dollar-denominated) and 1988-2003 respectively. Haiti did not apply for a waiver of the application of Article 56 at that session. Subsequently, £3,619 and £3,795 were assessed for 2004 and 2005 respectively. On 23 December 2004, a payment of 21,829.00 Euros was received, fully clearing the arrears up to 1991, and partly clearing the arrears for 1992. On 29 April 2005, a further payment of £3,795.00 was received, fully clearing the arrears for 1992 and 1993, and partly clearing the arrears for 1994. No further payments have been made to date. The current outstanding balance is £40,939.38, comprising £33,525.38, £3,619.00 and £3,795.00 in respect of the years 1994-2003, 2004 and 2005 respectively.
- .3 Peru's small outstanding balance, at the twenty-third session of the Assembly, was £24.00 which was due for 2003. Subsequently, £15,683.00 and £15,958.00 were assessed for 2004 and 2005 respectively. The total thus due is £31,665.00. No payment has been received from Peru since the last session of Assembly.
- .4 Paraguay's outstanding balance, at the twenty-third session of the Assembly, was £5,850.40. This consisted of £2,346.40 and £3,504.00 which were due for 2002 and 2003 respectively. Paraguay did not apply for a waiver of the application of Article 56 at that session. On 30 December 2003, a payment of \$3,352.25 was received, partly clearing the arrears for 2002. Since then, £3,619 and £3,795 were assessed for 2004 and 2005 respectively. No further payments have been received to date. The current outstanding balance is £11,386.39, comprising £468.39, £3,504, £3,619, and £3,795 which are due for 2002, 2003, 2004 and 2005 respectively.

5 The Council will be advised of any further requests for waiver which may be received, in order that it can report on the matter and make its recommendations to the Assembly in accordance with Rule 56*bis* subparagraph (iv) of its Rules of Procedure.

**Action requested of the Council**

6 The Council is invited:

- .1 to take note of the information contained in this document;
- .2 to note that, in accordance with Rule 56*bis* subparagraph (iv) of the Assembly's Rules of Procedure, the Council is required to report to the Assembly on the matter with its recommendations on the submission from any Member requesting waiver of the provision of Article 56 of the IMO Convention; and
- .3 to decide accordingly on the requests for waiver from Bolivia, Haiti, Peru and Paraguay outlined in paragraph 4.

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## ANNEX 1

## MEMBER STATES FALLING WITHIN THE PROVISIONS OF ARTICLE 56 OF THE IMO CONVENTION AS AT 31 OCTOBER 2005

	BALANCE DUE AS AT 1/01/05			RECEIPTS			BALANCE DUE AS AT 31/10/05			TOTAL DUE £
	2005 £	1988-04 £	EARLIER \$	2005 £	1988-04 £	EARLIER \$	2005 £	1988-04 £	EARLIER \$	
<b>i Member States under Article 56 and which were granted a waiver at the 23rd session of the Assembly</b>										
DEMOCRATIC REPUBLIC OF THE CONGO	3,795	28,631	0	0	8,000	0	3,795	20,631	0	24,426
URUGUAY	5,271	31,186	0	0	0	0	5,271	31,186	0	36,457
	<b>£9,066</b>	<b>£59,817</b>	<b>\$0</b>	<b>£0</b>	<b>£8,000</b>	<b>\$0</b>	<b>£9,066</b>	<b>£51,817</b>	<b>\$0</b>	<b>£60,883</b>
<b>ii Member States under Article 56 which were not granted a waiver at the 23rd session of the Assembly</b>										
DJIBOUTI	3,795	43,922	0	0	0	0	3,795	43,922	0	47,717
EQUATORIAL GUINEA	3,795	54,560	30,250	0	0	0	3,795	54,560	30,250	75,507
GUINEA-BISSAU	3,795	53,860	13,721	0	0	0	3,795	53,860	13,721	65,435
HAITI	3,795	40,939	0	0	3,795	0	3,795	37,144	0	40,939
IRAQ	7,931	480,145	94,824	0	0	0	7,931	480,145	94,824	541,841
LIBYAN ARAB JAMAHIRIYA	13,879	78,575	0	0	0	0	13,879	78,575	0	92,454
MALAWI	3,795	13,716	0	0	0	0	3,795	13,716	0	17,511
MOLDOVA	3,795	10,575	0	0	0	0	3,795	10,575	0	14,370
PARAGUAY	3,795	7,591	0	0	0	0	3,795	7,591	0	11,386
SAO TOME & PRINCIPE	5,301	62,722	0	0	0	0	5,301	62,722	0	68,023
SOLOMON ISLANDS	3,795	23,990	0	0	0	0	3,795	23,990	0	27,785
SOMALIA	3,795	49,780	0	0	0	0	3,795	49,780	0	53,575
TOGO	3,795	25,647	0	0	0	0	3,795	25,647	0	29,442
	<b>£65,061</b>	<b>£946,022</b>	<b>\$138,795</b>	<b>£0</b>	<b>£3,795</b>	<b>\$0</b>	<b>£65,061</b>	<b>£942,227</b>	<b>\$138,795</b>	<b>£1,085,985</b>
<b>iii Member States under Article 56 since the 23rd session of the Assembly</b>										
BOLIVIA	15,116	28,874	0	0	16,492	0	15,116	12,382	0	27,498
CAMBODIA	60,154	68,214	0	0	58,926	0	60,154	9,288	0	69,442
CAMEROON	8,573	7,123	0	0	0	0	8,573	7,123	0	15,696
CONGO	3,795	5,893	0	3,795	5,893	0	0	0	0	0
COTE D'IVOIRE	3,795	1,874	0	0	0	0	3,795	1,874	0	5,669
NICARAGUA	3,795	3,712	0	0	3,113	0	3,795	599	0	4,394
PERU	15,958	15,707	0	0	0	0	15,958	15,707	0	31,665
SEYCHELLES	4,965	23	0	0	0	0	4,965	23	0	4,988
The former YUGOSLAV REPUBLIC OF MACEDONIA	3,795	3,607	0	0	3,595	0	3,795	12	0	3,807
	<b>£119,946</b>	<b>£135,027</b>	<b>\$0</b>	<b>£3,795</b>	<b>£88,019</b>	<b>\$0</b>	<b>£116,151</b>	<b>£47,008</b>	<b>\$0</b>	<b>£163,159</b>
YUGOSLAVIA*	0	355,306	0	0	0	0	0	355,306	0	355,306
	<b>£119,946</b>	<b>£490,333</b>	<b>\$0</b>	<b>£3,795</b>	<b>£88,019</b>	<b>\$0</b>	<b>£116,151</b>	<b>£402,314</b>	<b>\$0</b>	<b>£518,465</b>

\* The former SFRY pre-dissolution arrears due from the five successor states pending a decision by the United Nations General Assembly.  
Arrears due in US Dollars have been converted to sterling at the October 2005 UN rate of exchange of \$1.00 = £0.567

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**ANNEX 2**

**Translation**

Note from the Embassy of Paraguay in London, dated 9 November 2005, addressed to IMO

Ref. no. 4512/L/No.361/05

Subject: Contributions to the administrative budget of IMO

The Embassy of the Republic of Paraguay in the United Kingdom presents its compliments to the International Maritime Organization, in replying to the Organization's letter referring to Article 56 of the IMO Convention, which states that "Any Member which fails to discharge its financial obligation ..." will lose the right to vote "... unless the Assembly, at its discretion, waives this provision."

The Government of Paraguay intends to pay outstanding contributions in the amount of eleven thousand three hundred and eighty-six pounds and thirty-nine pence (**£11,386.39**) on 15 April 2006, and accordingly requests that the Assembly kindly consider granting the above-mentioned waiver to enable Paraguay to regain its voting rights.

The Embassy of the Republic of Paraguay in the United Kingdom takes this opportunity to renew to the International Maritime Organization the assurance of its highest esteem.

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