

Rules and guidelines for consultative status of non-governmental international organizations with the International Maritime Organization



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RULES AND GUIDELINES FOR CONSULTATIVE STATUS OF NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS WITH THE INTERNATIONAL MARITIME ORGANIZATION

INTRODUCTION

This document provides the rules for applying for consultative status and the ongoing relationship between the International Maritime Organization (IMO) and non-governmental international organizations. Guidelines are provided for consideration of the applications, as well as the periodic review of organizations in consultative status.

The original text of these rules was adopted by Assembly resolution A.31(II) of 13 April 1961. Amendments to the rules were adopted by a decision of the Assembly at its fourteenth session, on 20 November 1985. Guidelines on the grant of consultative status were adopted by the Council at its fortieth session, on 23 May 1978, and endorsed by the Assembly at its eleventh session, on 15 November 1979. Further amendments to the original rules and guidelines were approved by the Council at its eighty-sixth session on 22 June 2001, and endorsed by the Assembly at its twenty-second session on 29 November 2001.

The Council, at its 109th session on 9 November 2012, approved further amendments to the rules and the guidelines, consolidating them in a single document. The Assembly at its twenty-eighth session, on 4 December 2013, endorsed these amendments.

The Council, at its 122nd session, on 19 July 2019, approved amendments to the rules and guidelines. The Assembly, at its thirty-first session, on 4 December 2019, adopted these amendments by resolution A.1144(31).

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Rule 1

Subject to approval by the Assembly, the Council may grant consultative status to any non-governmental international organization which is able to make a substantial contribution to the work of IMO. The Council may also grant consultative status on a provisional basis to any non-governmental international organization for a period not exceeding four years.

Guidelines for the application of rule 1

Consultative status should only be granted to a non-governmental international organization if it can reasonably be expected to make a substantial contribution to the work of IMO. In determining whether an organization can make a substantial contribution, reference should be made inter alia to:

- (a) *whether the purposes of the organization are directly related to the purposes of IMO and fully in harmony with the spirit and functions of IMO;*
- (b) *whether the activities of the organization have a direct bearing on the main purposes of IMO as a whole, or on the work of any of the organs or committees or on the matters dealt with in any conventions in respect of which IMO performs depositary or other functions;*
- (c) *whether the organization has demonstrated that it has considerable expertise as well as the capacity to contribute, within its field of competence, to the work of IMO; and*
- (d) *whether there are any programmes or projects of the organization which can reasonably be considered as demonstrating the relevance of the organization's work and interests to those of IMO.*

The Council may decide whether or not to seek the advice of the relevant committees; if the latter's advice is sought, the committees so requested make a further, technical assessment, based, in particular, on the activities carried out by the applicant that are relevant to IMO, as well as on the contribution in terms of skills and expertise it can make to IMO. In due course, the relevant committees report to the Council and the Council takes a final decision, which is then submitted to the Assembly for approval.

Where an applicant organization meets most but not all the requirements in these Guidelines, the Council when considering the application may, if it considers that the circumstances so warrant, grant consultative status on a provisional basis, drawing attention to any requirements which may not be fulfilled in the case of any particular organization

Rule 2

Purposes of consultative status

Decisions to grant consultative status to any non-governmental international organization shall be based on the principles that the purposes for entering into consultative status shall be:

- (a) to enable IMO to obtain information or expert advice from non-governmental international organizations with special knowledge in a particular sector of IMO's activities; and

- (b) to enable such non-governmental international organizations representing large groups whose activities have an important and direct bearing on the work of IMO to express their points of view to it.

Rule 3

Objectives and activities of the non-governmental international organization

Before granting consultative status to any non-governmental international organization, the Council must be satisfied that:

- (a) the activities, objectives and functions of the non-governmental international organization concerned are related directly to the purposes and functions of IMO as defined in Article 1 of the Convention on the International Maritime Organization;
- (b) the objectives and functions of the non-governmental international organization are fully in harmony with the spirit, functions and principles of IMO;
- (c) the non-governmental international organization can contribute new expertise to IMO;
- (d) the non-governmental international organization does not have, or is not eligible for, access to IMO through another organization already in consultative status; and
- (e) the granting of consultative status does not lead to duplication or conflict.

Guidelines for the application of rule 3(d)

For the purposes of rule 3(d), an organization should be deemed to have access to IMO if:

- (a) *it is a member of, affiliated to or otherwise associated with another organization which enjoys consultative status or has another form of association with IMO; and*
- (b) *the interest or interests it purports to represent are adequately represented in IMO through another organization, unless an applicant organization demonstrates to the satisfaction of the Council that the specific interests it represents cannot adequately be represented by any organization already in consultative status.*

Guidelines for the application of rule 3(e)

Consultative status should not be granted where each of two or more rival organizations purports to represent a particular interest to the exclusion of the others.

Rule 4

Submission of applications

Each non-governmental international organization wishing to obtain consultative status with IMO shall submit an application in writing and complete a standard questionnaire. Applicant organizations will be invited to give a short presentation, if they so wish, on their functions and objectives relative to IMO, and their aims and intentions regarding their contribution to IMO's

work and participation in meetings relevant to their work. Applicants' representatives should be available during the Council's consideration of the applications to provide any further information and clarification, as required.

Guidelines for the application of rule 4

Non-governmental international organizations applying for consultative status with IMO should complete the standard questionnaire contained in annex 1.

Rule 5

General undertaking by the non-governmental international organization

Consultative status may not be granted to a non-governmental international organization unless it undertakes to support the activities of IMO and to promote the dissemination of its principles and work, bearing in mind the objectives and functions of IMO on the one hand, and the competence and activities of the non-governmental international organization on the other.

Guidelines for the application of rule 5

Applicant organizations must demonstrate their ability and intention to promote and disseminate the principles and work of IMO.

Rule 6

Constitution and structure of the non-governmental international organization

Consultative status may not be granted to any non-governmental international organization unless it has permanent headquarters, a governing body and an executive officer, and is truly international, with members or component branches or affiliated bodies in a sufficient number of countries. Where it is not truly international regarding its component branches or affiliated bodies in a sufficient number of countries, consultative status may be granted on a provisional basis. In both cases, it must be authorized under its constitution to speak for its members through accredited representatives.

Guidelines for the application of rule 6

Consultative status should only be granted to non-governmental organizations which are truly international and are active and effective in their field. An organization should be deemed to be truly international for this purpose only if it has members, component branches or affiliated bodies in a sufficient number of countries, taking into account its field of activity. Admission to membership of that organization should not be geographically limited.

Consultative status should not be granted to a non-governmental international organization whose composition or membership is considered to be inconsistent with a decision of the IMO Assembly or Council.

Rule 7

Privileges conferred by consultative status

The granting of consultative status to a non-governmental international organization shall confer the following privileges on that organization:

- (a) The right to receive the provisional agenda and meeting documents for sessions of the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Cooperation Committee, the Facilitation Committee and other organs of IMO.
- (b) The right to submit documents on items of the agenda of the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Cooperation Committee, the Facilitation Committee and other organs of IMO which are of interest to the non governmental international organizations concerned. The submission of such documents shall take into account the rules of procedure of the governing bodies and the committees; the guidelines on the organization and method of work of the various committees and their subsidiary bodies; and the Strategic Plan for the Organization, as well as give due consideration to any concerns raised by the Secretary General.
- (c) The right to be represented by an observer at plenary meetings of the Assembly and, on the invitation of the Secretary-General, at those meetings during sessions of the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Cooperation Committee, the Facilitation Committee and other organs of IMO at which matters of special interest to the non-governmental international organizations concerned are to be considered.
- (d) The right to receive the texts of resolutions adopted by the Assembly and, at the discretion of the Secretary-General, of recommendations made by the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Cooperation Committee, the Facilitation Committee and other organs of IMO on matters of special interest to the non-governmental international organizations concerned and of the appropriate supporting documents.

Rule 8
Status at meetings of IMO

Normally one observer from each non-governmental international organization shall be admitted to any session or meeting. Such observer shall have no voting rights but may, on the invitation of the Chair and with the approval of the body concerned, speak on any item of the agenda of special interest to the non-governmental international organization of which the observer is the representative.

Rule 9
Granting of reciprocal privileges to IMO

Any non-governmental international organization to which consultative status is granted shall keep the Secretary-General currently informed of those aspects of its own activities which are likely to be of interest to IMO and accord to IMO privileges corresponding to those which are granted to it by IMO.

Guidelines for the application of rule 9

An applicant organization should be able to demonstrate by what means it would be possible for IMO to participate in its activities, e.g. meetings, conferences, documents, publications.

**Rule 10
Consideration of applications**

The Council shall only consider applications for consultative status from non governmental international organizations once a year and, unless otherwise decided by the Council, shall not consider re-applications from such organizations until at least two years have elapsed since the Council took a decision on the original application.

**Rule 11
Role of the Secretariat**

The Secretariat shall answer any questions potential applicant organizations may have and screen all applications for consultative status received for completeness and clarity. When an applicant organization clearly does not meet the requirements in these rules and guidelines, the Secretariat shall bring this to the attention of the applicant organization.

**Rule 12
Periodic review of the list of non-governmental international organizations**

The Council shall review from time to time the list of non-governmental international organizations to which it has granted consultative status, in order to determine whether the continuance of their status in any particular case is necessary and desirable and shall report to the Assembly accordingly.

Consultative status should be withdrawn if a non governmental international organization is considered by the Council or Assembly to have not:

- (a) made a substantial contribution to the work of IMO, or any of its organs or bodies for a full biennium; or
- (b) attended or participated in relevant meetings of IMO organs or bodies for a full biennium; or
- (c) provided a summary – in the context of the IMO periodic review of the non governmental international organizations in consultative status – which confirms that it has substantially contributed to the work of IMO over the past biennium.

Guidelines for the application of rule 12

The Council will review the list of non-governmental international organizations in consultative status every two years, before reporting to the Assembly.

In the context of the periodic review under rule 12, consultative status may be withdrawn from any organization which, during the biennium under review, had not made a substantial

contribution to the work of IMO, or any of its organs or bodies. In assessing the contribution of an organization in this regard, particular account should be taken of the following factors:

- (a) attendance by the representatives of the organization concerned at relevant meetings of IMO organs or bodies or at conferences and meetings convened by or in association with IMO;*
- (b) participation by the representatives of the organization concerned in the work of meetings and conferences which they may have attended, with particular reference to the number and type of submissions or other information provided in connection with such meetings or conferences;*
- (c) meetings or conferences convened by or under the auspices of the organization concerned to which IMO has found it necessary or useful to send representation; and*
- (d) dissemination and promotion of the work of IMO.*

In order to facilitate the periodic review of the non-governmental international organizations in consultative status, each organization will be requested to provide a summary which:

- (a) reflects whether it has substantially contributed to the work of IMO, including which outputs from the Strategic Plan for the Organization it has contributed to over the past biennium;*
- (b) explains how the organization disseminates information and promotes the organization's work; and*
- (c) outlines the organization's planned activities for the next biennium, including the associated work outputs from the Strategic Plan for the Organization.*

The template provided in annex 2 should be used for this purpose.

In the context of the periodic review under rule 12, consultative status may be withdrawn from a non-governmental international organization if, in the opinion of the Council or Assembly, the organization concerned has ceased to be adequately representative of the interests which it purports to represent as a result, inter alia, of:

- (a) the merger of that organization with another organization enjoying consultative status with IMO or eligible for such status; or*
- (b) the establishment or emergence of a new organization more representative of the particular interest or interests concerned.*

In the context of the periodic review under rule 12 or at any other time the Council or Assembly may consider necessary, consultative status may be withdrawn from an organization if changes occur in the nature, purposes, membership or activities of the organization concerned which, in the opinion of the Council or Assembly, make continuance of the consultative status of that organization inappropriate or incompatible with the Rules or any of the Guidelines established pursuant to those Rules in this document.

In the event of withdrawal of status, no re-application can be made until at least two years have elapsed since that withdrawal, unless otherwise decided by the Council.

ANNEX 1

TEMPLATE QUESTIONNAIRE TO BE COMPLETED BY NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS APPLYING FOR CONSULTATIVE STATUS WITH THE INTERNATIONAL MARITIME ORGANIZATION (IMO)

| | |
|----|--|
| 1 | Name and acronym of the non-governmental international organization (NGO) |
| 2 | Date of submission of the application |
| 3 | Address of headquarters (including names and contact information, telephone, fax, email and website) |
| 4 | Address of all branches or regional headquarters (including names and contact information, telephone, fax, email and website) |
| 5 | Name and contact details of a point of contact for the purposes of the application |
| 6 | Aims and purposes of the NGO (as set forth in its constitution, statutes or by-laws; please provide an electronic copy separately), including its strategy |
| 7 | History of the NGO, including the length of time the NGO has been in existence and relevant previous activities/events |
| 8 | Descriptive statement of the extent to which the purposes of the NGO relate to those of IMO, in particular what contribution the NGO can make to the work of IMO, including its technical cooperation programme |
| 9 | Organizational structure and officers' names and titles |
| 10 | Membership (nature of membership, name of members and country where their main offices are based) |
| 11 | Indicate whether the NGO is a member of, affiliated to or otherwise associated with another NGO which enjoys consultative status or has other forms of association with IMO |
| 12 | Indicate how the NGO can contribute new expertise to IMO by describing which work outputs, as described in the Strategic Plan for the Organization, that they would be interested in contributing to in the next biennium |
| 13 | Relations with the United Nations system and other intergovernmental organizations |
| 14 | Indicate by what means IMO could participate in the NGO's activities |
| 15 | Indicate by what means the NGO will promote and disseminate the principles and work of IMO |
| 16 | Indicate source of funding and provide evidence of financial sustainability |
| 17 | List of publications and/or other relevant documentation |
| 18 | Additional information which the NGO may wish to provide |

ANNEX 2

TEMPLATE REPORT TO BE COMPLETED BY THE NON-GOVERNMENTAL INTERNATIONAL ORGANIZATION IN THE CONTEXT OF THE PERIODIC REVIEW OF THE LIST OF NON-GOVERNMENTAL INTERNATIONAL ORGANIZATIONS

| | |
|--------------------------|--|
| NAME AND ACRONYM: | |
| DATE: | |

| | |
|----------|--|
| 1 | Briefly outline your organization's interest in and contribution to the work of the relevant bodies of IMO in the past biennium (in terms of applicable work outputs) |
| | <i>For example, mention attendance at IMO meetings, working/drafting/correspondence groups, submission of documents, and the specific work outputs those activities were related to.</i> |
| 2 | Briefly outline how your organization disseminates information on and promotes the work of IMO to its membership and/or beyond |
| | <i>For example, indicate publications, seminars, workshops, information available on your organization's website and social media sites.</i> |
| 3 | Briefly explain how your organization plans to contribute to the work of the relevant bodies of IMO in the next biennium (in terms of applicable work outputs) |
| | <i>For example, mention planned attendance at IMO meetings, working/drafting/correspondence groups, submission of documents, and the specific work output those activities are related to.</i> |