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Resolution A.1153(32)

**Adopted on 8 December 2021
(Agenda item 9(b))**

**GUIDANCE ON CONSISTENT APPLICATION
OF ARTICLE 17 OF THE IMO CONVENTION**

THE ASSEMBLY,

RECALLING Article 15(d) of the Convention on the International Maritime Organization (IMO Convention) concerning the functions of the Assembly in relation to election of the Members to be represented on the Council as provided in Article 17 of the IMO Convention,

RECALLING ALSO Assembly resolution A.1000(25) of 20 November 2007 on the *Implementation of part (c), Article 17 of the IMO Convention*,

NOTING the adoption by the Assembly, at this thirty-second regular session, of resolution A.1152(32) on *Amendments to the Convention on the International Maritime Organization*, whereby the number of Members of the Council of the Organization was increased to 52 and whereby 12 seats were allocated to categories (a) and (b) each, and 28 seats to category (c), for the purposes of Article 17 of the IMO Convention concerning the election, by the Assembly, of the Council on the basis of criteria specified therein,

DESIRING to ensure that the criteria set out in Article 17 of the IMO Convention are met fully and that, through its composition, the Council is representative, balanced, diverse, efficient, and supportive of the interests of the whole membership,

RECOGNIZING the need for commonly agreed guidance to facilitate compliance with the consistent application of criteria in Article 17 of the IMO Convention, in particular the special interests in maritime transport or navigation, and to better reflect geographical distribution and representation, including small island developing States (SIDS) and least developed countries (LDCs),

BEING CONSCIOUS of the need to ensure that this resolution does not, in any way, conflict with the provisions of Article 17 of the IMO Convention,

HAVING CONSIDERED the recommendation made by the Council at its 125th session,

1 ADOPTS the *Guidance on consistent application of Article 17 of the IMO Convention*, as set out in the annex to the present resolution;

2 URGES Member States wishing to present their candidature for election to the Council as well as Member States considering nominations for the election of the Members of the Council to adhere to this guidance;

3 REQUESTS Member States to inform the Council of any difficulties they may experience when using the guidance;

4 AUTHORIZES the Council to keep this guidance under review and to amend or revise it as necessary.

ANNEX

GUIDANCE ON CONSISTENT APPLICATION OF ARTICLE 17 OF THE IMO CONVENTION

Introduction

1 As a result of the discussions by the Working Group on Council Reform and the decisions made by the Council at its 122nd session, the Council agreed to retain the current criteria under Article 17 of the IMO Convention and concurred on the need to assist Member States with the consistent application of criteria under Article 17 of the IMO Convention.

Main goal

2 Guidance on consistent application of Article 17 of the IMO Convention is aimed to assist all IMO Member States when identifying each country under the appropriate criteria for seeking election as a Council Member and, in particular, when considering the geographical representation under part (c) of Article 17 of the Convention and in line with resolution A.1000(25).

Guiding principles

3 The Council needs to be representative, balanced, diverse, efficient and supportive of the interests of the whole membership.

4 This guidance is complementary, not mandatory. The objective of this guidance is to facilitate compliance with the criteria in Article 17 of the IMO Convention, in particular the special interests in maritime transport or navigation, and to better reflect geographical distribution and representation, including small island developing States (SIDS) and least developed countries (LDC). In the event of any perceived contradiction between this guidance and the IMO Convention, the Convention will prevail.

5 This guidance should be considered by all Member States, both those who are presenting their candidature for election and those who are considering nominations for the election of the Members of the Council.

6 This guidance does not imply either the introduction or the use of any control mechanisms on the compliance with the criteria for election, such as election committees, or the establishment of any additional administrative burden on both Member States and the Secretariat.

Particular characteristics and interests under Article 17 of the IMO Convention

7 Member States wishing to present their candidature for election to the Council under the applicable part of Article 17 of the IMO Convention are encouraged to identify and emphasize their particular characteristics and interests and how their election to the Council would contribute to ensuring the representation of all the major geographic areas of the world when preparing their candidature. Member States who are considering nominations for the election of the Members of the Council are encouraged to take these into account when casting their votes. The following is a non-exhaustive list that can be used as a guide:

- .1 States highly interested in the provision of international shipping services, such as flag States with large carrying capacity in terms of gross tonnage (GT) or deadweight tonnage (DWT), as well as States with an extensive maritime cluster, including but not limited to ship management, chartering, brokerage.
- .2 States with large international shipbuilding and ship recycling services, including maintenance and repair facilities.
- .3 States with large waterways used in support of international maritime navigation.
- .4 States with large ports and harbours used for international seaborne trade.
- .5 States with large interest in demand or supply of seafarers.
- .6 Coastal States, including those with responsibilities in coastal/maritime services and interests associated with risks related to the protection and preservation of the marine environment and maritime safety, including but not limited to search and rescue, pollution response, hydrographic services and coastal communication services.
- .7 States located on major international shipping routes.
- .8 States providing maritime services for international shipping, such as bunkering services and facilitating safe crew changes.
- .9 States with a very high degree of dependence on shipping services due to remoteness or high proportion of trade by maritime transport.

Nominations for the election of Members of the Council

8 It is highly useful to provide to Member States simple information based on particular characteristics and interests of candidate Member States when considering nominations for the election of Members of the Council, especially for those Member States that do not have the opportunity to attend all IMO meetings.

9 In this regard, Member States may consult information provided by the United Nations system or by the industry.

Geographical representation under part (c) of Article 17 of the Convention

10 The Council needs to be representative, balanced, diverse, efficient and supportive of the interests of the whole membership. Special attention is requested by all Member States to ensure the representation in the Council of all the major geographic areas of the world when considering nominations for the election of Members of the Council under part (c) of Article 17 of the Convention.

11 To do so, Member States are invited to note the information provided by the Secretariat on the composition of the Council throughout its history.

Secretariat support

12 The provision of information by the Secretariat to Member States on elements contained in this guidance in consideration of candidatures for election to the Council should not entail any additional resource requirements on the Secretariat, unless specifically directed by the Assembly or the Council.
