

ASSEMBLY
32nd session
Agenda item 2

A 32/Res.1154
28 January 2022
Original: ENGLISH

Resolution A.1154(32)

Adopted on 8 December 2021
(Agenda item 2)

RULES OF PROCEDURE OF THE ASSEMBLY

THE ASSEMBLY,

RECALLING Article 15(b) of the Convention on the International Maritime Organization,

RECALLING ALSO that the Assembly adopted its original Rules of Procedure at its second session, subsequently amended at its fourth, fifth, sixth, eighth, ninth, tenth, eleventh, fourteenth, nineteenth, twenty-sixth, twenty-seventh, twenty-ninth and thirty-first sessions,

DESIROUS, for the efficiency of the Organization, to harmonize the rules of procedure of all organs of the Organization to the greatest extent possible, and to include gender-neutral language, as reflected in its decision taken at the thirty-first session,

NOTING that the COVID-19 pandemic, and its impact on the Organization, required all organs to adopt interim guidance to facilitate remote meetings,

NOTING ALSO the proposal of the Correspondence Group established by the Council at its 125th session, that the Organization undertake a holistic review of the rules of procedure of all organs, to harmonize and update such rules to the extent possible,

ACKNOWLEDGING that the Organization, through its history, has worked with the "IMO spirit of cooperation", striving to adopt decisions by consensus to the extent possible,

HAVING CONSIDERED the revised Rules of Procedure of the Assembly, as approved by the Council at its thirty-fourth extraordinary session, and expressing appreciation to the Council for its work,

1 ADOPTS the revised Rules of Procedure of the Assembly, the text of which is contained in the annex, to be effective as from 1 January 2022;

2 REQUESTS the Council to:

- .1 undertake, in consultation with the committees, as appropriate, a holistic review of the rules of procedure of all organs of the Organization, with a view to recommending amendments to harmonize and update such rules to the greatest extent possible, also taking into account experience gained during

the COVID-19 pandemic, and provide a report to the Assembly at its thirty-third session;

- .2 review this resolution and propose amendments to the Rules of Procedure of the Assembly, as necessary, for consideration and adoption by the Assembly.

Annex

DRAFT REVISED RULES OF PROCEDURE OF THE ASSEMBLY*

Membership

Rule 1

1 For the purposes of these rules, the term Member means a Member of the Organization and shall be deemed to include Associate Member unless otherwise expressly stated.

2 Other Participants, defined as States that are not Members of the Organization but Parties to a treaty or other international instrument in respect of which the Assembly performs functions, have the right to participate in the Assembly for the purposes of functions in respect of such treaties or international instruments only.

Subsidiary bodies

Rule 2

1 The Assembly may establish such temporary or, upon the recommendation of the Council, such permanent subsidiary bodies as it considers necessary. Such subsidiary bodies shall follow the present rules of procedure so far as they are applicable.

2 At each regular session, the Assembly shall examine the desirability of continuing the existence of any subsidiary body.

Sessions

Rule 3

The Assembly shall meet every two years in regular session and in extraordinary session whenever deemed necessary by the Council or on request made in writing to the Secretary-General by at least one third of the Members other than Associate Members. Sessions of the Assembly shall be held at the Headquarters of the Organization unless convened elsewhere in accordance with a decision of the Council.

Rule 4

The Secretary-General, acting on the direction of the President, shall notify Members and other Participants at least two months in advance of the holding of a session of the Assembly, and shall also notify the Chairs of other interested IMO bodies who shall have the option of attending sessions as observers.

* The original text of the Rules of Procedure was adopted by Assembly resolution A.27(II) of 13 April 1961. Amendments to the Rules were adopted by Assembly resolutions A.72(IV) of 28 September 1965, A.111(V) of 17 October 1967, A.354(IX) of 13 November 1975, A.780(19) of 13 November 1995, A.781(19) of 13 November 1995, and A.1154(32) of 8 December 2021, and by decisions of the Assembly at its sixth session on 15 October 1969, its eighth session on 23 November 1973, its ninth session on 14 November 1975, its tenth session on 17 November 1977, its eleventh session on 6 November 1979, its fourteenth session on 20 November 1985, its twenty-sixth session on 23 November 2009, its twenty-seventh session on 23 November 2011, its twenty-ninth session on 24 November 2015, and its thirty-first session on 27 November 2019.

Observers

Rule 5

1 The Secretary-General with the approval of the Council may invite States having made applications for membership, States which have signed but not accepted the Convention on the International Maritime Organization ("IMO Convention"), and States which are Members of the United Nations or of any specialized agency and liberation movements recognized by the African Union or the League of Arab States to send observers to sessions of the Assembly.

2 The Secretary-General shall invite to be represented as observers at any session of the Assembly:

- .1 the United Nations; including the United Nations Environment Programme; and
- .2 any specialized agencies of the United Nations and the International Atomic Energy Agency.

3 The Secretary-General shall invite to be represented by observers at any session of the Assembly at which matters of direct concern to them are on the agenda:

- .1 other intergovernmental organizations with which an agreement or special arrangement has been made; and
- .2 non-governmental international organizations with which the Organization has established appropriate relationships in accordance with the rules governing consultations with such organizations.

4 Upon invitation by the President and with the consent of the Assembly or its subsidiary body concerned, such observers may participate without vote on matters of direct concern to them.

Rule 6

1 Representatives of the United Nations, the International Atomic Energy Agency and of the specialized agencies shall receive copies of all documents issued to the Assembly, subject to any arrangements as may be necessary for the safeguarding of confidential material.

2 Observers shall have access to non-confidential documents and to such other documents as the Secretary-General, with the approval of the President of the Assembly, may decide to make available.

Delegations

Rule 7

1 Each Member or other Participant shall designate a representative and such alternates, advisers and experts as may be required.

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

Rule 8

Each Member or other Participant shall notify the Secretary-General in writing as soon as possible, and in any case not later than the opening day of a session, of the composition of its delegation to that session.

Credentials

Rule 9

Each Member or Government entitled to participate in a session of the Assembly shall transmit to the Secretary-General the credentials of its representatives and alternates, if any. The credentials shall be issued by the Head of State, Head of Government, Minister for Foreign Affairs, Minister concerned or by an appropriate authority properly designated by one of them for this purpose.

Rule 10

A credentials committee shall be appointed at the beginning of each session of the Assembly. It shall consist of five members who shall be appointed by the Assembly on the proposal of the President. The Credentials Committee shall examine the credentials of delegations and report without delay. In examining the credentials, the Credentials Committee may recommend provisional acceptance of copies of credentials, or acceptance of those transmitted late, and shall report the same to the Assembly.

Rule 11

All representatives, including those to whose admission a Member has made objection, shall be seated provisionally with the same rights as other representatives until the Credentials Committee has reported and the Assembly has given its decision.

Publicity

Rule 12

1 Plenary meetings of the Assembly shall be held in public unless the Assembly decides otherwise. Meetings of subsidiary bodies of the Assembly shall be held in private unless the Assembly decides otherwise in any particular case.

2 In accordance with the terms and conditions of media attendance at meetings of IMO Assembly, Council, committees and their subsidiary bodies, approved by the Council, the media may attend Plenary meetings of the Assembly unless the Assembly decides otherwise.

Agenda

Rule 13

The provisional agenda of each session of the Assembly shall be prepared by the Secretary-General and submitted to the Council for approval prior to issue.

Rule 14

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

Rule 15

Subject to the provisions of rule 16, any item of the agenda of a session of the Assembly consideration of which has not been completed at that session shall be included in the agenda of a subsequent session unless otherwise decided by the Assembly.

Rule 16

The provisional agenda of each regular session of the Assembly shall include:

- .1 all items the inclusion of which has been requested by the Assembly at a previous session;
- .2 a report by the Council on the work of the Organization since the preceding regular session of the Assembly and all items the inclusion of which has been requested by the Council;
- .3 all reports and recommendations made by the Maritime Safety Committee or the Legal Committee or the Marine Environment Protection Committee or the Technical Cooperation Committee or the Facilitation Committee and all items the inclusion of which has been requested by any of those Committees;
- .4 any item proposed by a Member of the Organization;
- .5 the election of Members to be represented on the Council as provided in Articles 16 and 17 of the IMO Convention;
- .6 the proposed budget for the following biennium as well as all questions pertaining to the accounts and financial arrangements of the Organization;
- .7 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; and
- .8 subject to the provisions of a treaty or other international agreement in respect of which the Assembly performs functions, any amendment proposed by a Party to that treaty or other international agreement.

Rule 17

The provisional agenda together with supporting documents for each session shall, with the exception of the proposed budget for the following biennium, normally be communicated by the Secretary-General to the Members and other Participants at least two months before the opening of the session.

Rule 18

In exceptional circumstances the Council, or the Secretary-General by authority of the Council, may 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 Assembly shall examine together with the provisional agenda. The Secretary-General shall advise Members and other Participants immediately of the intention to include an item in a supplementary provisional agenda.

Rule 19

The Secretary-General shall report to the Assembly on the technical, administrative and financial implications of all substantive agenda items submitted to the Assembly, before they are considered by that body. Unless the Assembly decides otherwise, no such item shall be considered until the Assembly has been in possession of the Secretary-General's report for at least 48 hours.

President and Vice-Presidents

Rule 20

The Assembly shall at the first meeting of each regular session elect a President, a first Vice-President and a second Vice-President from among the representatives of its Members other than Associate Members.

Rule 21

At the opening of each regular session of the Assembly, the representative of the delegation from which the President of the previous regular session was elected shall preside until the Assembly has elected a President for the session.

Rule 22

If the President is absent from a session, or any part thereof or, for any reason, is unable to complete the term of office, one of the Vice-Presidents shall act as President.

Rule 23

A President or a Vice-President acting as President shall not vote but may appoint another member of their delegation to act as the representative of their Government in plenary meetings.

Secretariat

Rule 24

The Secretary-General shall act as Secretary of the Assembly and of its subsidiary bodies and shall be responsible for making the necessary arrangements for their meetings. This function may be delegated to a member of the Secretariat.

Rule 25

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 26

The Secretariat shall prepare the resolutions and other 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 27

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

Languages

Rule 28

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

Rule 29

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

Rule 30

1 All supporting documents to agenda items of the Assembly and its subsidiary bodies shall be issued in the working languages.

2 All reports, resolutions, recommendations and decisions of the Assembly and its subsidiary bodies shall be drawn up in one of the official languages and translated into the other five languages.

Voting

Rule 31

Subject to the relevant provisions of Articles 7, 63, 68 and 71 of the IMO Convention, decisions of the Assembly and of its subsidiary bodies shall be made, elections, including those subject to the provisions of Article 16 of the IMO Convention, determined, and reports, resolutions and recommendations adopted by a majority of the Members other than Associate Members present and voting.

Rule 32

1 When considering matters not connected with functions performed by the Assembly in respect of treaties or other international agreements, all Members and observers invited pursuant to rules 5 and 6 may participate in the proceedings, but only Members of the Organization shall be entitled to vote.

2 When the Assembly performs functions as provided for in a treaty or other international agreement, all Members, other Participants and observers invited pursuant to rules 5 and 6 shall be entitled to participate in the proceedings, but voting on amendments to the treaty or other agreement shall be in accordance with the provisions of that treaty or agreement.

Rule 33

1 Each Member, other than Associate Members, shall have one vote.

2 For the purposes of Article 62 of the IMO Convention and of these rules:

.1 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.

.2 The phrase *Members present* means Members 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. Members at the session who are not present at the meeting at which voting takes place shall be considered as not present.

.3 The provisions in rules 33(2.1) and 33(2.2) above shall only apply if the quorum laid down in Article 14 of the IMO Convention is obtained at the meeting at which the vote is taken.

3 The provisions in rules 33(1), 33(2.1) and 33(2.2) apply to Other Participants when voting pursuant to a treaty or other agreement in accordance with the provisions of that treaty.

Rule 34

The Assembly shall normally vote by show of hands. However, any Member or other Participant entitled to vote may request a roll call, which shall be taken in the alphabetical order of the names of the Members or other Participants entitled to vote in English, beginning with the Member or other Participant whose name is drawn by lot by the President.

Rule 35

The vote of each Member or other Participant entitled to vote in any roll call shall be contained in the other decisions of the session.

Rule 36

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

Elections

Rule 37

All elections shall be decided by secret ballot.

Rule 38

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

Rule 39

If one person or Member 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 ensuing meeting, when, if another tie results, the President shall decide between the candidates by drawing lots.

Rule 40

1 When two or more places are to be filled by election at one time under the same conditions, those candidates obtaining the majority required under rule 31 in the first ballot shall be declared elected.

2 If the number of candidates obtaining the requisite majority is greater than the number of seats to be filled, those candidates obtaining the greatest number of votes shall be declared elected.

3 If the number of candidates obtaining the requisite majority is less than the number of persons or Members to be elected, there shall be an additional ballot 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 not more than twice as many as the places remaining to be filled. Should the same number of votes be obtained, however, by two or more candidates for the last place in this restricted list, they shall be placed on the list. If, after the additional ballot, a candidate still does not obtain the requisite majority, that candidate shall be declared not elected.

4 For the elections to be held in accordance with Article 17 of the Convention, where the number of Members to be elected is not achieved after the ballots undertaken in accordance with paragraph (c), the President of the Assembly shall call for additional candidates to fill the remaining places provided that the principles laid down in the relevant part of Article 17 of the Convention are observed, and a new ballot for the candidates shall be put to a vote. The voting to fill the remaining places shall take place prior to the election for any subsequent category under Article 17 of the Convention within the ongoing Assembly at a date and time to be specified by the President.

5 If two or more candidates obtain the same number of votes for the last seat or seats to be filled, there shall be a further ballot among these candidates only. Should the votes again be divided equally, the President of the Assembly shall draw by lot the name of the candidate to be eliminated in the subsequent ballot.

6 Subject to rule 41, a voting paper containing the names of a greater number of candidates than the number required to be elected shall be considered invalid.

Rule 41

1 When electronic counting of votes is used, the Secretariat shall prepare the voting papers. Candidates shall be listed in the alphabetical order of their names in English.

2 A voting paper containing a greater number of votes than the number of candidates to be elected shall be considered invalid. Any changes made to a voting paper will render it invalid.

Rule 42

The elections to be held in accordance with Article 17 of the Convention shall be conducted by ballots held separately for each category.

Rule 43

A candidate in respect of the Council which has not been elected under one category may be put forward under another category, provided that the principles laid down in the relevant part of Article 17 are observed.

Conduct of business

Rule 44

1 A majority of the Members, other than Associate Members, shall constitute a quorum for the meetings of the Assembly and of its subsidiary bodies.

2 When a treaty or other international instrument in respect of which the Assembly performs functions contains a provision relating to the quorum, such provision shall apply in respect of such functions.

Rule 45

In addition to exercising the powers conferred elsewhere by these rules, the President shall declare the opening and the closing of each session of the Assembly; 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 46

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 Assembly unless copies of it have been circulated to delegations not later than the day preceding the meeting. The President 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 47

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

Rule 48

1 During the discussions of any matter, a Member, other than an Associate Member, or other Participant may rise to a point of order and the point of order shall be decided immediately by the President, in accordance with these rules. A Member or other Participant may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Members or other Participants, present and voting.

2 A Member or other Participant rising to a point of order may not speak on the substance of the matter under discussion.

Rule 49

1 Subject to the provisions of rule 48 the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting:

- .1 to suspend a meeting;
- .2 to adjourn a meeting;
- .3 to adjourn the debate on the question under discussion; and
- .4 for the closure of the debate on the question under discussion.

2 Permission to speak on a motion falling within rule 49(1) 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 50

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

Rule 51

Parts of a proposal or amendment thereto shall be voted on separately if the President, with the consent of the proposer, so decides, or if any Member or other Participant 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 52

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 53

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 54

If two or more amendments are moved to a proposal, the Assembly 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 President shall determine the order of voting on the amendments under this rule.

Rule 55

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 or other Participant having the right to submit such a motion.

Rule 56

When a proposal has been adopted or rejected, it may not be reconsidered at the same session of the Assembly unless the Assembly, by a majority of the Members or other Participants, 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.

Rule 57

For the approval of the appointment of the Secretary-General, the Assembly shall vote by secret ballot in private meeting.

Rule 58

1 The Secretary-General shall send at least one written notification to any Member which has failed to discharge its financial obligations to the Organization under Article 61 of the IMO Convention. The notification shall call attention to the terms of Article 61 regarding the loss of vote in the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Cooperation Committee and the Facilitation Committee.

2 Any Member wishing to request a waiver of the provision of Article 61 in respect of itself shall submit a written application to the Secretary-General at least one month before the Assembly giving reasons therefor, with a payment schedule indicating the timescale over which arrears will be paid.

3 In exceptional, unforeseeable events and circumstances (events characterized as force majeure) which have occurred in a time frame no longer than three months before the opening session of the Assembly and which do not allow a Member to request a waiver of the provision of Article 61 in accordance with sub-paragraph 2, such Member shall submit a written application to the Secretary-General at its earliest convenience before the opening session of the Assembly. The written application shall present exceptional, unforeseeable circumstances (events characterized as force majeure) including natural hazards or disasters, civil unrest or war-like conflicts and the time period when they occurred and necessary reasons that the failure for requesting a waiver in conjunction with sub-paragraph 2 was due to conditions beyond their control. A payment schedule indicating the timescale over which arrears will be paid shall be submitted within six months after the Assembly session and the Secretary-General shall inform the Council accordingly.

4 The Secretary-General shall submit to the Council a list of Members which have failed to discharge their financial obligations, together with any requests for waiver of the provision of Article 61 which have been received from any such Members.

5 The Council shall submit to the Assembly a report on the matter, together with its recommendations on the submission by any Member of a request for waiver of the provision of Article 61 of the IMO Convention.

6 The Assembly shall consider the report of the Council at the commencement of each session. Taking into account the recommendations of the Council, and assessing each application on its individual merits, the Assembly shall take decisions on the waiver of the provision of Article 61 of the IMO Convention in respect of any or all of the Members from which requests for waiver have been received, together with any conditions attached to such a waiver.

7 A decision to waive the provision of Article 61 may only be taken in respect of a Member which has submitted a request for waiver in accordance with sub-paragraphs 2 and 3 above.

8 A decision to waive the provision of Article 61 will normally be taken only in respect of a Member which has discharged in full the requirements, at the date of submitting the request for waiver, of the financial undertaking given under the terms of any previous request for waiver.

9 In exercising its discretion, the Assembly will not normally consider an application for waiver from a Member whose payments are three years or more in arrears.

Rule 59

Any Member seeking election to the Council shall have discharged its obligations to the Organization or shall have committed itself at least one month before the Assembly to a schedule of payment submitted to the Secretary-General to do so and shall have complied with the terms of any previously agreed schedule of payment. Should any Member not meet these terms, that Member shall not be eligible to seek election at that Assembly.

Invitation of experts

Rule 60

The Assembly may invite any person whose expertise it may consider useful for its work to provide advice and information to the extent as determined by the Assembly. A person invited under this rule shall not have the right to vote.

Amendments of rules of procedure

Rule 61

These rules may be amended by a decision of the Assembly taken by a majority of the Members present and voting.

Suspension of rules of procedure

Rule 62

Subject to the provisions of the Convention, a rule may be suspended in exceptional circumstances by a decision of the Assembly taken by a majority of the Members present and voting, provided that 24 hours' notice of the proposal for suspension has been given. This notice may be waived if no Member objects.

Overriding authority of the IMO Convention

Rule 63

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

