

RESOLUTION A.400(X) adopted on 17 November 1977
AMENDMENTS TO THE CONVENTION ON THE INTER-GOVERNMENTAL
MARITIME CONSULTATIVE ORGANIZATION

INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION



Distr.
GENERAL

A X/Res.400
29 November 1977
Original: ENGLISH

ASSEMBLY - 10th session
Agenda items 13(a) and 13(b)

IMCO

RESOLUTION A.400(X)

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AMENDMENTS TO THE CONVENTION ON THE INTER-GOVERNMENTAL
MARITIME CONSULTATIVE ORGANIZATION

THE ASSEMBLY,

RECALLING Resolution A.360(IX) of its ninth session by which it decided to take the necessary steps at the tenth regular session to adopt amendments to the IMCO Convention in order to institutionalize the Committee on Technical Co-operation in the IMCO Convention,

RECALLING FURTHER Resolution A.359(IX) of the same ninth session by which it decided to convene in 1977 an Ad Hoc Working Group open to all Member Governments of the Organization to study and submit to the tenth regular session of the Assembly proposals for amending Articles 2, 40 and 52 of the IMCO Convention, proposals for amending the Convention in order to institutionalize the Committee on Technical Co-operation and any other proposals for amending the Convention which may be submitted by Members,

HAVING CONSIDERED the Report of the Ad Hoc Working Group, including the Working Group's recommendations on proposed amendments to the IMCO Convention,

HAVING CONSIDERED ALSO further proposals for amending the IMCO Convention submitted by the Government of the United States of America,

RECALLING the amendments it adopted by Resolution A.358(IX) at the ninth regular session held in November 1975,

HAVING ADOPTED at its tenth regular session, held in London from 7 to 17 November 1977, amendments to the Convention on the Inter-Governmental Maritime Consultative Organization, the texts of which are contained in the Annex to this Resolution, consisting of:

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- (a) the deletion of Article 2;
- (b) the addition of a new Part (PART X) consisting of new Articles 42 to 46;
- (c) consequential amendments to Articles 3, 12, 16, 22, 26, 42 and 43;
- (d) other amendments to Articles 1, 3, 45 and 52;
- (e) consequential renumbering of Parts VIII to XVII (renumbered X to XIX pursuant to Resolution A.358(IX));
- (f) consequential renumbering of Articles 3 to 31;
- (g) consequential renumbering of Articles 33 to 63 (renumbered 43 to 73 pursuant to Resolution A.358(IX));
- (h) consequential changes to the references to Articles in the following Articles:
 - (i) 6, 7, 8, 9, 19, 27, 29, 33, 53, 54, 56, 58, 59 and 60;
 - (ii) 32, 34, 37, 39 and 42 (added by Resolution A.358(IX));
- (i) a consequential change to the number of the Article referred to in Appendix II,

REQUESTS the Secretary-General of the Organization to deposit the adopted amendments with the Secretary-General of the United Nations in accordance with Article 53 of the IMCO Convention and to receive instruments of acceptance and declarations as provided for in Article 54,

INVITES Member Governments to accept these amendments at the earliest possible date after receiving copies thereof by communicating the appropriate instrument of acceptance to the Secretary-General in accordance with Article 54 of the Convention.

ANNEX

AMENDMENTS TO THE CONVENTION ON THE INTER-GOVERNMENTAL
MARITIME CONSULTATIVE ORGANIZATION

Article 1

- (i) The text of paragraph (a) is replaced by the following:

To provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships; and to deal with administrative and legal matters related to the purposes set out in this Article;

- (ii) The text of paragraph (d) is replaced by the following:

To provide for the consideration by the Organization of any matters concerning shipping and the effect of shipping on the marine environment that may be referred to it by any organ or specialized agency of the United Nations;

Article 2

The text is deleted.

Articles 3 to 31 are renumbered Articles 2 to 30.

Article 3 (renumbered as Article 2)

The text is replaced by the following:

In order to achieve the purposes set out in Part 1, the Organization shall:

- (a) Subject to the provisions of Article 3, consider and make recommendations upon matters arising under Article 1(a), (b) and (c) that may be remitted to it by Members, by any organ or specialized agency of the United Nations or by any other inter-governmental organization or upon matters referred to it under Article 1(d);

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- (b) Provide for the drafting of conventions, agreements, or other suitable instruments, and recommend these to Governments and to inter-governmental organizations, and convene such conferences as may be necessary;
- (c) Provide machinery for consultation among Members and the exchange of information among Governments;
- (d) Perform functions arising in connexion with paragraphs (a), (b) and (c) of this Article, in particular those assigned to it by or under international instruments relating to maritime matters and the effect of shipping on the marine environment;
- (e) Facilitate as necessary, and in accordance with Part X, technical co-operation within the scope of the Organization.

Article 12 (renumbered as Article 11)

The text is replaced by the following:

The Organization shall consist of an Assembly, a Council, a Maritime Safety Committee, a Legal Committee, a Marine Environment Protection Committee, a Technical Co-operation Committee and such subsidiary organs as the Organization may at any time consider necessary; and a Secretariat.

Article 16 (renumbered as Article 15)

The text is replaced by the following:

The functions of the Assembly shall be:

- (a) To elect at each regular session from among its Members, other than Associate Members, its President and two Vice-Presidents who shall hold office until the next regular session;
- (b) To determine its own Rules of Procedure except as otherwise provided in the Convention;
- (c) To establish any temporary or, upon recommendation of the Council, permanent subsidiary bodies it may consider to be necessary;
- (d) To elect the Members to be represented on the Council as provided in Article 17;

- (e) To receive and consider the reports of the Council, and to decide upon any question referred to it by the Council;
- (f) To approve the work programme of the Organization;
- (g) To vote the budget and determine the financial arrangements of the Organization, in accordance with Part XII;
- (h) To review the expenditures and approve the accounts of the Organization;
- (i) To perform the functions of the Organization, provided that in matters relating to Article 2(a) and (b), the Assembly shall refer such matters to the Council for formulation by it of any recommendations or instruments thereon; provided further that any recommendations or instruments submitted to the Assembly by the Council and not accepted by the Assembly shall be referred back to the Council for further consideration with such observations as the Assembly may make;
- (j) To recommend to Members for adoption regulations and guidelines concerning maritime safety, the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment assigned to the Organization by or under international instruments, or amendments to such regulations and guidelines which have been referred to it;
- (k) To take such action as it may deem appropriate to promote technical co-operation in accordance with Article 2(e), taking into account the special needs of developing countries;
- (l) To take decisions in regard to convening any international conference or following any other appropriate procedure for the adoption of international conventions or of amendments to any international conventions which have been developed by the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee, or other organs of the Organization.
- (m) To refer to the Council for consideration or decision any matters within the scope of the Organization, except that the function

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of making recommendations under paragraph (j) of this Article shall not be delegated.

Article 22 (renumbered as Article 21)

The text is replaced by the following:

(a) The Council shall consider the draft work programme and budget estimates prepared by the Secretary-General in the light of the proposals of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and other organs of the Organization and, taking these into account, shall establish and submit to the Assembly the work programme and budget of the Organization, having regard to the general interest and priorities of the Organization.

(b) The Council shall receive the reports, proposals and recommendations of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and other organs of the Organization and shall transmit them to the Assembly and, when the Assembly is not in session, to the Members for information, together with the comments and recommendations of the Council.

(c) Matters within the scope of Articles 28, 33, 38 and 43 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, or the Technical Co-operation Committee, as may be appropriate.

Article 26 (renumbered Article 25)

The text is replaced by the following:

(a) The Council may enter into agreements or arrangements covering the relationship of the Organization with other organizations, as provided for in Part XV. Such agreements or arrangements shall be subject to approval by the Assembly.

(b) Having regard to the provisions of Part XV and to the relations maintained with other bodies by the respective Committees under

Articles 28, 33, 38 and 43, the Council shall, between sessions of the Assembly, be responsible for relations with other organizations.

New Articles 32 to 42 (added pursuant to Res.A.315(ES.V) and Res.A.358(IX)).

These Articles are renumbered as Articles 31 to 41.

Article 29(c) adopted by Resolution A.358(IX) (to be renumbered as Article 28(c)) is amended by the inclusion of a reference to the Assembly.

Article 34(c) adopted by Resolution A.358(IX) (to be renumbered as Article 33(c)) is amended by the inclusion of a reference to the Assembly.

New Part X

A new Part X, consisting of new Articles 42-46, is added after Parts VIII and IX (added by Res.A.358(IX)) as follows:

PART X

Technical Co-operation Committee

Article 42

The Technical Co-operation Committee shall consist of all the Members.

Article 43

(a) The Technical Co-operation Committee shall consider, as appropriate, any matter within the scope of the Organization concerned with the implementation of technical co-operation projects funded by the relevant United Nations programme for which the Organization acts as the executing or co-operating agency or by funds-in-trust voluntarily provided to the Organization, and any other matters related to the Organization's activities in the technical co-operation field.

(b) The Technical Co-operation Committee shall keep under review the work of the Secretariat concerning technical co-operation.

(c) The Technical Co-operation Committee shall perform those functions assigned to it by this Convention or by the Assembly or the Council, or any duty within the scope of this Article which may be assigned to it by or under any other international instrument and accepted by the Organization.

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(d) Having regard to the provisions of Article 25, the Technical Co-operation Committee, upon request by the Assembly and Council or, if it deems such action useful in the interests of its own work, shall maintain such close relationships with other bodies as may further the purposes of the Organization.

Article 44

The Technical Co-operation Committee shall submit to the Council:

- (a) Recommendations which the Committee has developed;
- (b) A report on the work of the Committee since the previous session of the Council.

Article 45

The Technical Co-operation Committee shall meet at least once a year. It shall elect its officers once a year and shall adopt its own rules of procedure.

Article 46

Notwithstanding anything to the contrary in this Convention, but subject to the provisions of Article 42, the Technical Co-operation Committee, when exercising the functions conferred upon it by or under any international convention or other instrument, shall conform to the relevant provisions of the convention or instrument in question, particularly as regards the rules governing the procedures to be followed.

Parts VIII to XVII (renumbered X to XIX pursuant to Res.A.358(IX)) are renumbered Parts XI to XX.

Articles 33 to 63 (renumbered 43 to 73 pursuant to Res.A.315(ES.V) and Res.358(IX)) are renumbered Articles 47 to 77.

Article 42 (renumbered as Article 41 by Res.A.315(ES.V) and Article 52 by Res.A.358(IX)) is renumbered as Article 56 and replaced by the following text:

Any Member which fails to discharge its financial obligation to the Organization within one year from the date on which it is due,

shall have no vote in the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee or the Technical Co-operation Committee unless the Assembly, at its discretion, waives this provision.

Article 43 (renumbered as Article 42 by Res.A.315(ES.V) and Article 53 by Res.A.358(IX)) is renumbered as Article 57 and replaced by the following text:

Except as otherwise provided in the Convention or in any international agreement which confers functions on the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, or the Technical Co-operation Committee, the following provisions shall apply to voting in these organs:

- (a) Each Member shall have one vote.
- (b) Decisions shall be by a majority vote of the Members present and voting and, for decisions where a two-thirds majority vote is required, by a two-thirds majority vote of those present.
- (c) For the purpose of the Convention, the phrase "Members present and voting" means "Members present and casting an affirmative or negative vote". Members which abstain from voting shall be considered as not voting.

Article 45 (renumbered as Article 44 by Res.A.315(ES.V) and Article 55 by Res.A.358(IX)) is renumbered as Article 59 and replaced by the following text:

The Organization shall be brought into relationship with the United Nations in accordance with Article 57 of the Charter of the United Nations as the specialized agency in the field of shipping and the effect of shipping on the marine environment. This relationship shall be effected through an agreement with the United Nations under Article 63 of the Charter of the United Nations, which agreement shall be concluded as provided in Article 25.

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Article 52 (renumbered as Article 51 by Res.A.315(ES.V) and Article 62 by Res.A.358(IX)) is renumbered as Article 66 and replaced by the following text:

Texts of proposed amendments to the Convention shall be communicated by the Secretary-General to Members at least six months in advance of their consideration by the Assembly. Amendments shall be adopted by a two-thirds majority vote of the Assembly. Twelve months after its acceptance by two-thirds of the Members of the Organization, other than Associate Members, each amendment shall come into force for all Members.

The Articles referred to in the following Articles are changed as follows:

Article 6 (now renumbered Article 5): the reference to Article 57 is changed to Article 71.

Article 7 (now renumbered Article 6): the reference to Article 57 is changed to Article 71.

Article 8 (now renumbered Article 7): the references to Articles 6, 7 and 57 are changed to Articles 5, 6 and 71.

Article 9 (now renumbered Article 8): the reference to Article 58 is changed to Article 72.

Article 19 (now renumbered Article 18): the reference to Article 17 is changed to Article 16.

Article 27 (now renumbered Article 26): the reference to Article 16(i) is changed to Article 15(j).

Article 29 (amended by Res.A.358(IX), now renumbered Article 28): the reference to Part XII is changed to Article 25.

Article 32 (added by Res.A.358(IX), now renumbered Article 31): the reference to Article 28 is changed to Article 27.

Article 34 (added by Res.A.358(IX), now renumbered Article 33): the reference in paragraph (c) to Article 26 is changed to Article 25.

Article 37 (added by Res.A.358(IX), now renumbered Article 36): the reference to Article 33 is changed to Article 32.

Article 39 (added by Res.A.358(IX), now renumbered Article 38): the references in paragraphs (d) and (e) to Article 26 are changed to Article 25.

Article 42 (added by Res.A.358(IX), now renumbered Article 41): the reference to Article 38 is changed to Article 37.

Article 33 (now renumbered Article 47): the reference to Article 23 is changed to Article 22.

Article 53 (now renumbered Article 67): the reference to Article 52 is changed to Article 66.

Article 54 (now renumbered Article 68): the reference to Article 52 is changed to Article 66.

Article 56 (now renumbered Article 70): the reference to Article 55 is changed to Article 69.

Article 58 (now renumbered Article 72): the reference in paragraph (d) to Article 57 is changed to Article 71.

Article 59 (now renumbered Article 73): the reference in paragraph (b) to Article 58 is changed to Article 72.

Article 60 (now renumbered Article 74): the reference to Article 57 is changed to Article 71.

APPENDIX II

The reference to Article 51 is changed to Article 65.

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