

Resolution A.724(17)
Adopted on 7 November 1991
(Agenda item 15)

**AMENDMENTS TO THE CONVENTION ON
THE INTERNATIONAL MARITIME ORGANIZATION
(institutionalization of the Facilitation Committee)**

THE ASSEMBLY,

RECALLING resolution A.640(16) adopted at its sixteenth regular session by which it decided to take the necessary steps at its seventeenth regular session to adopt amendments to the IMO Convention in order to institutionalize the Facilitation Committee in the IMO Convention,

HAVING CONSIDERED the recommendations of the Facilitation Committee on the proposed amendments to the IMO Convention and the views of the Council on these recommendations,

1. **ADOPTS** amendments to the Convention on the International Maritime Organization, the texts of which are contained in the annex to this resolution, consisting of:
 - the amendments to Articles 11, 15, 21, 25, 56 and 57;
 - the addition of a new part part XI consisting of new Articles 47 to 51;
 - consequential renumbering of existing parts XI to XX;
 - consequential renumbering of existing Articles 47 to 77;
 - consequential changes in the references to the renumbered Articles in Articles 5, 6, 7, 8, 66, 67, 68, 70, 72, 73 and 74;
 - consequential changes to the references to the renumbered parts in Articles 15 and 25(a); and
 - consequential change to the number of the renumbered Article referred to in appendix II;
2. **REQUESTS** the Secretary-General of the Organization to deposit the adopted amendments with the Secretary-General of the United Nations in accordance with Article 72 (previously Article 67) of the IMO Convention and to receive instruments of acceptance and declarations as provided for in Article 73 (previously Article 68); and
3. **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 73 (previously Article 68) of the Convention.

Annex

AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION (institutionalization of the Facilitation Committee)

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, a Facilitation Committee and such subsidiary organs as the Organization may at any time consider necessary; and a Secretariat.

Article 15

The text of paragraph (1) is replaced by:

- (1) 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, the Facilitation Committee, or other organs of the Organization.

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, the Facilitation 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, the Facilitation 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, 43 and 48 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee or the Facilitation Committee, as may be appropriate.

Article 25

The text of paragraph (b) is replaced by:

- (b) Having regard to the provisions of part XVI and to the relations maintained with other bodies by the respective Committees under Articles 28, 33, 38, 43 and 48, the Council shall between sessions of the Assembly, be responsible for relations with other organizations.

Part XI

A new text is inserted, as follows:

The Facilitation Committee

Article 47

The Facilitation Committee shall consist of all the Members.

Article 48

The Facilitation Committee shall consider any matter within the scope of the Organization concerned with the facilitation of international maritime traffic and in particular shall:

- (a) Perform such functions as are or may be conferred upon the Organization by or under international conventions for the facilitation of international maritime traffic, particularly with respect to the adoption and amendment of measures or other provisions, as provided for in such conventions.
- (b) Having regard to the provisions of Article 25, the Facilitation Committee, upon request by the Assembly or the Council or if it deems such action useful in the interests of its own work, shall maintain such close relationship with other bodies as may further the purposes of the Organization.

Article 49

The Facilitation Committee shall submit to the Council:

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

Article 50

The Facilitation 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 51

Notwithstanding anything to the contrary in this Convention, but subject to the provisions of Article 47, the Facilitation 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.

Article 56 (renumbered as Article 61)

The text is replaced by the following:

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, the Technical Co-operation Committee or the Facilitation Committee unless the Assembly, at its discretion, waives this provision.

Article 57 (renumbered as Article 62)

The text is replaced by the following:

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, the Technical Co-operation Committee, or the Facilitation 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”.

CONSEQUENTIAL AMENDMENTS

Articles 5, 6 and 7

The references to Article 71 are replaced by references to Article 76.

Article 8

The reference to Article 72 is replaced by a reference to Article 77.

Article 15

The reference in paragraph (g) to Part XII is replaced by a reference to Part XIII.

Article 25

The reference in paragraph (a) to Part XV is replaced by a reference to Part XVI.

Parts XI to XX

Parts XI to XX are renumbered as Parts XII to XXI.

Articles 47 to 77

Articles 47 to 77 are renumbered as Articles 52 to 82.

Article 66 (renumbered as Article 71)

The reference to Article 73 is replaced by a reference to Article 78.

Appendix II

The reference in the heading to Article 65 is replaced by a reference to Article 70.

Article 67 and 68 (renumbered as Articles 72 and 73, respectively)

The references to Article 66 are replaced by references to Article 71.

Article 70 (renumbered as Article 75)

The reference to Article 69 is replaced by a reference to Article 74.

Article 72 (renumbered as Article 77)

The reference in paragraph (d) to Article 71 is replaced by a reference to Article 76.

Article 73 (renumbered as Article 78)

The reference in paragraph (b) to Article 72 is replaced by a reference to Article 77.

Article 74 (renumbered as Article 79)

The reference to Article 71 is replaced by a reference to Article 76.