

Ὁ περί τῆς Συμβάσεως περί τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὄργανισμοῦ (Κυρωτικός) Νόμος τοῦ 1973 ἐκδίδεται διὰ δημοσιεύσεως εἰς τὴν ἐπίσημον ἑφημερίδα τῆς Κυπριακῆς Δημοκρατίας συμφώνως τῷ ἄρθρῳ 52 τοῦ Συντάγματος.

Ἄριθμός 73 τοῦ 1973

ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΝ ΣΥΜΒΑΣΙΝ
ΠΕΡΙ ΤΟΥ ΔΙΑΚΥΒΕΡΝΗΤΙΚΟΥ ΝΑΥΤΙΛΙΑΚΟΥ
ΣΥΜΒΟΥΛΕΥΤΙΚΟΥ ΟΡΓΑΝΙΣΜΟΥ

Ἡ Βουλὴ τῶν Ἀντιπροσώπων ψηφίζει ὡς ἀκολούθως :

1. Ὁ παρῶν Νόμος θὰ ἀναφέρηται ὡς ὁ περί τῆς Συμβάσεως περί τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὄργανισμοῦ (Κυρωτικός) Νόμος τοῦ 1973. Συνοπτικός τίτλος.

2. Ἐν τῷ παρόντι Νόμῳ, ἐκτὸς ἐὰν ἐκ τοῦ κειμένου προκύπτῃ διάφορος ἔννοια— Ἑρμηνεία.

«Σύμβασις» σημαίνει τὴν Σύμβασιν περί τοῦ Διακυβερνητικοῦ Ναυτιλιακοῦ Συμβουλευτικοῦ Ὄργανισμοῦ, τῆς ὁποίας τὸ κείμενον ἐν τῷ ἀγγλικῷ πρωτοτύπῳ ἐκτίθεται εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος καὶ ἐν μεταφράσει εἰς τὴν ἑλληνικὴν εἰς τὸ Δεύτερον Μέρος τοῦ Πίνακος : Πίναξ.

Νοεῖται ὅτι ἐν περιπτώσει ἀντιθέσεως μεταξύ τῶν δύο κειμένων ὑπερισχύει τὸ εἰς τὸ Πρῶτον Μέρος τοῦ Πίνακος ἐκτιθέμενον κείμενον.

3. Ἡ Σύμβασις, τῆς ὁποίας ἡ ὑπὸ τῆς Κυπριακῆς Δημοκρατίας ἀποδοχὴ ἀπεφασίσθη διὰ τῆς ὑπ' ἀριθμὸν 12.183 καὶ ἡμερομηνίαν 15ην Μαρτίου 1973, Ἀποφάσεως τοῦ Ὑπουργικοῦ Συμβουλίου, διὰ τοῦ παρόντος Νόμου κυροῦται. Κύρωσις Συμβάσεως.

ΠΙΝΑΞ
("Αρθρον 2)
ΠΡΩΤΟΝ ΜΕΡΟΣ

CONVENTION ON THE INTER-GOVERNMENTIAL MARITIME
CONSULTATIVE ORGANIZATION

(Done in Geneva on 6 March 1948 and amended in accordance with Assembly Resolutions adopted on 15 September 1964 and 28 September 1965)

The States parties to the present Convention hereby establish the Intergovernmental Maritime Consultative Organization (hereinafter referred to as "the Organization").

PART I

Purposes of the Organization

Article 1

The purposes of the Organization are :

- (a) 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, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation ;
- (b) to encourage the removal of discriminatory action and unnecessary restrictions by Governments affecting shipping engaged in international trade so as to promote the availability of shipping services to the commerce of the world without discrimination ; assistance and encouragement given by a Government for the development of its national shipping and for purposes of security does not in itself constitute discrimination, provided that such assistance and encouragement is not based on measures designed to restrict the freedom of shipping of all flags to take part in international trade ;
- (c) to provide for the consideration by the Organization of matters concerning unfair restrictive practices by shipping concerns in accordance with Part II ;
- (d) to provide for the consideration by the Organization of any matters concerning shipping that may be referred to it by any organ or specialized agency of the United Nations ;
- (e) to provide for the exchange of information among Governments on matters under consideration by the Organization.

PART II

Functions

Article 2

The functions of the Organization shall be consultative and advisory.

Article 3

In order to achieve the purposes set out in Part I, the functions of the Organization shall be :

- (a) Subject to the provisions of Article 4, to 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) ;

- (b) to provide for the drafting of conventions, agreements, or other suitable instruments, and to recommend these to Governments and to inter-governmental organizations, and to convene such conferences as may be necessary;
- (c) to provide machinery for consultation among Members and the exchange of information among Governments.

Article 4

In those matters which appear to the Organization capable of settlement through the normal processes of international shipping business the Organization shall so recommend. When, in the opinion of the Organization, any matter concerning unfair restrictive practices by shipping concerns is incapable of settlement through the normal processes of international shipping business, or has in fact so proved, and provided it shall first have been the subject of direct negotiations between the Members concerned, the Organization shall, at the request of one of those Members consider the matter.

PART III

Membership

Article 5

Membership in the Organization shall be open to all States, subject to the provisions of Part III.

Article 6

Members of the United Nations may become Members of the Organization by becoming parties to the Convention in accordance with the provisions of Article 57.

Article 7

States not Members of the United Nations which have been invited to send representatives to the United Nations Maritime Conference convened in Geneva on 19 February 1948, may become Members by becoming parties to the Convention in accordance with the provisions of Article 57.

Article 8

Any State not entitled to become a Member under Article 6 or 7 may apply through the Secretary-General of the Organization to become a Member and shall be admitted as a Member upon its becoming a party to the Convention in accordance with the provisions of Article 57 provided that, upon the recommendation of the Council, its application has been approved by two-thirds of the Members other than Associate Members.

Article 9

Any Territory or group of Territories to which the Convention has been made applicable under Article 58, by the Member having responsibility for its international relations or by the United Nations, may become an Associate Member of the Organization by notification in writing given by such Member or by the United Nations, as the case may be, to the Secretary-General of the United Nations.

Article 10

An Associate Member shall have the rights and obligations of a Member under the Convention except that it shall not have the right to vote in the Assembly or be eligible for membership on the Council or on the Maritime Safety Committee and subject to this the word "Member" in the Convention shall be deemed to include Associate Member unless the context otherwise requires.

Article 11

No State or Territory may become or remain a Member of the Organization contrary to a resolution of the General Assembly of the United Nations.

PART IV

Organs

Article 12

The Organization shall consist of an Assembly, a Council, a Maritime Safety Committee, and such subsidiary organs as the Organization may at any time consider necessary; and a Secretariat.

PART V

The Assembly

Article 13

The Assembly shall consist of all the Members.

Article 14

Regular sessions of the Assembly shall take place once every two years. Extraordinary sessions shall be convened after a notice of sixty days whenever one-third of the Members give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of sixty days.

Article 15

A majority of the Members other than Associate Members shall constitute a quorum for the meetings of the Assembly.

Article 16

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, and on the Maritime Safety Committee as provided in Article 28;
- (e) to receive and consider the reports of the Council, and to decide upon any question referred to it by the Council;
- (f) to vote the budget and determine the financial arrangements of the Organization, in accordance with Part IX;
- (g) to review the expenditures and approve the accounts of the Organization;
- (h) to perform the functions of the Organization, provided that in matters relating to Article 3 (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;

- (i) to recommend to Members for adoption regulations concerning maritime safety, or amendments to such regulations, which have been referred to it by the Maritime Safety Committee through the Council ;
- (j) to refer to the Council for consideration or decision any matters within the scope of the Organization, except that the function of making recommendations under paragraph (i) of this Article shall not be delegated.

PART VI

The Council

Article 17

The Council shall be composed of eighteen Members elected by the Assembly.

Article 18

In electing the Members of the Council, the Assembly shall observe the following principles :

- (a) Six shall be Governments of States with the largest interest in providing international shipping services ;
- (b) six shall be Governments of other States with the largest interest in international seaborne trade ;
- (c) six shall be Governments of States not elected under (a) or (b) above, which have special interests in maritime transport or manigation, and whose election to the Council will ensure the representation of all major geographic areas of the world.

Article 19

Members represented on the Council in accordance with Article 17 shall hold office until the end of the next regular session of the Assembly. Members shall be eligible for re-election.

Article 20

(a) The Council shall elect its Chairman and adopt its own Rules of Procedure except as otherwise provided in the Convention.

(b) Twelve Members of the Council shall constitute a quorum.

(c) The Council shall meet upon one month's notice as often as may be necessary for the efficient discharge of its duties upon the summons of its Chairman or upon request by not less than four of its Members. It shall meet at such places as may be convenient.

Article 21

The Council shall invite any Member to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 22

(a) The Council shall receive the recommendations and reports of the Maritime Safety Committee 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.

(b) Matters within the scope of Article 29 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee thereon.

Article 23

The Council, with the approval of the Assembly, shall appoint the Secretary-General. The Council shall also make provision for the appointment of such other personnel as may be necessary, and determine the terms and conditions of service of the Secretary-General and other personnel, which terms and conditions shall conform as far as possible with those of the United Nations and its specialized agencies.