

CONVENTION ON THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Note: The Convention was concurred in by the Senate, S.R. No. 88, February 22, 1957, The Philippine instrument of ratification was signed by the President, October 2, 1964 and deposited with the Secretary-General of the U.N., November 9, 1964. The Convention entered into force, March 17, 1958, and with respect to the Philippines, November 9, 1964. It was declared by the President, Proc. No. 363, s. 1965.

Reference: This Convention is also published in 289 UMTS, p. 48. The presidential proclamation of the Convention Is published in 61 O.G., p. 1802 (March 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 intergovernmental 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

the 19th 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 recommendation 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 IV

THE COUNCIL

ARTICLE 17

The Council shall consist of sixteen Members and shall be composed as follows:

- (a) six shall be governments of the nations with the largest interest in providing international shipping services;
- (b) six shall be governments of other nations with the largest interest in international seaborne trade;
- (c) two shall be elected by the Assembly from among the governments of nations having a substantial interest in providing international shipping services, and
- (d) two shall be elected by the Assembly from among the governments of nations having a substantial interest in international seaborne trade

In accordance with the principles set forth in this Article the first Council shall be constituted as provided in Appendix I to the present Convention.

ARTICLE 18

Except as provided in Appendix I to the present Convention, the Council shall determine for the purpose of Article 17 (a), the Members, governments of nations with the largest interest in providing international shipping services, and shall also determine, for the purpose of Article 17 (c), the Members, governments of nations having a substantial interest in providing such services. Such determinations shall be made by a majority vote of the Council including the concurring votes of a majority of the Members represented on the Council under Article 17 (a) and (c). The Council shall further determine for the purpose of Article 17 (b), the Members, governments of nations with the largest interest in international seaborne trade. Each Council shall make these determinations at a reasonable time before each regulation session of the Assembly.

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