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INTERNATIONAL  
MARITIME  
ORGANIZATION

Treaty Series No. 8 (1986)

## Amendments

to the Convention on the Inter-Governmental  
Maritime Consultative Organisation, signed at  
Geneva on 6 March 1948  
adopted by the Tenth Assembly of the Organisation

London, 17 November 1977

[The Amendments entered into force on 10 November 1984]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
February 1986*

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**RESOLUTION A.400(X)**  
**adopted on 17 November 1977**  
**AMENDMENTS TO THE CONVENTION ON THE INTER-**  
**GOVERNMENTAL MARITIME CONSULTATIVE**  
**ORGANIZATION<sup>(1)</sup>**

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 in November 1975<sup>(2)</sup>,

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:

- (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));

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<sup>(1)</sup>Treaty Series No. 54 (1958), Cmnd. 589.

<sup>(2)</sup>Treaty Series No. 34 (1982), Cmnd. 8632.

- (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<sup>(3)</sup>.

## 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.*

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<sup>(3)</sup> For list of acceptances see pages 11-13. The amendments entered into force on 10 November 1984.

**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);
- (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 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.
- (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 or by 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.

*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 Article 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.

**AMENDMENTS  
TO THE CONVENTION ON THE INTER-GOVERNMENTAL  
MARITIME CONSULTATIVE ORGANISATION,  
SIGNED AT GENEVA ON 6 MARCH 1948  
ADOPTED BY THE ASSEMBLY OF THE ORGANISATION**

**ACCEPTANCES**

<i>State</i>	<i>Date of Deposit with IMO</i>	<i>Date of Deposit with United Nations</i>
Argentina	18 May 1981	26 May 1981
Australia	19 May 1980	10 June 1980
Austria	28 March 1983	6 April 1983
Bahamas	16 Feb. 1979	1 March 1979
Bahrain	—	25 April 1980
Bangladesh	21 Sept. 1979	8 Oct. 1979
Barbados	8 Aug. 1979	20 Aug. 1979
Belgium	—	30 Oct. 1985
Brazil	14 March 1979	26 March 1979
Brunei Darussalam	—	31 Dec. 1984
Bulgaria	—	4 March 1980
Canada	5 Nov. 1979	19 Nov. 1979
Cape Verde	15 April 1980	23 April 1980
Chile	31 Jan. 1979	13 Feb. 1979
China, People's Republic of	—	30 Oct. 1979
Colombia	—	9 Aug. 1985
Cuba	—	26 Oct. 1982
Cyprus	3 July 1979	10 July 1979
Czechoslovakia	4 Nov. 1982	17 Nov. 1982
Denmark	20 Dec. 1978	2 Jan. 1979
Djibouti	9 Feb. 1979	20 Feb. 1979
Dominica	3 Dec. 1979	18 Dec. 1979
Dominican Republic	—	10 Nov. 1983
Egypt, Arab Republic of	11 Nov. 1980	17 Nov. 1980
El Salvador	—	12 Feb. 1981
Ethiopia	5 April 1979	11 April 1979
Finland	12 Nov. 1979	19 Nov. 1979
Gabon	—	27 Feb. 1979
Gambia, The	—	11 Jan. 1979
German Democratic Republic	29 Jan. 1980	5 Feb. 1980
Germany, Federal Republic of*	—	2 April 1979
Ghana	29 Jan. 1980	5 Feb. 1980
Greece	17 July 1981	28 July 1981
Guyana	—	13 May 1980
Honduras	—	9 Oct. 1985
Hungary	21 March 1980	31 March 1980
Iceland	17 July 1980	28 July 1980
India	12 Jan. 1979	22 Jan. 1979

ACCEPTANCES—*contd.*

<i>State</i>	<i>Date of Deposit with IMO</i>	<i>Date of Deposit with United Nations</i>
Indonesia	22 July 1983	29 July 1983
Iraq	—	5 Sept. 1979
Ireland, Republic of	20 Oct. 1981	27 Oct. 1981
Israel	17 Dec. 1979	31 Dec. 1979
Italy*	3 June 1983	13 June 1983
Ivory Coast	—	4 Nov. 1981
Jamaica	30 March 1979	9 April 1979
Korea, Republic of	—	31 May 1979
Kuwait	16 Nov. 1979	29 Nov. 1979
Liberia	—	14 Dec. 1979
Malaysia	18 Sept. 1981	28 Sept. 1981
Maldives	12 Feb. 1980	25 Feb. 1980
Malta	18 April 1979	23 April 1979
Mexico	10 March 1983	23 March 1983
Morocco*	—	25 July 1980
Mozambique	—	10 Nov. 1983
Nepal	—	31 Jan. 1979
Netherlands†	18 June 1981	29 June 1981
New Zealand	27 Feb. 1979	9 March 1979
Nicaragua	—	17 March 1982
Nigeria	—	11 Dec. 1984
Norway	11 Aug. 1978	5 Sept. 1978
Oman	12 May 1981	22 May 1981
Pakistan	7 Jan. 1981	23 Jan. 1981
Panama	11 Dec. 1980	23 Dec. 1980
Peru	9 Jan. 1980	21 Jan. 1980
Philippines	5 Nov. 1981	17 Nov. 1981
Poland	—	2 Jan. 1980
Portugal	—	22 Dec. 1982
Romania	3 Sept. 1982	14 Sept. 1982
Saint Lucia	—	10 April 1980
Saint Vincent and the Grenadines	—	29 April 1981
Saudi Arabia	20 July 1979	1 Aug. 1979
Seychelles	29 June 1982	7 July 1982
Singapore	30 May 1979	15 June 1979
Spain	30 March 1981	14 April 1981
Sri Lanka	7 Jan. 1980	16 Jan. 1980
Suriname	4 April 1979	11 April 1979
Sweden	20 Dec. 1978	5 Jan. 1979
Switzerland	14 May 1981	22 May 1981
Tanzania	19 April 1979	23 April 1979
Thailand	11 Feb. 1981	20 Feb. 1981
Togo	13 June 1983	20 June 1983
Trinidad and Tobago	—	8 Aug. 1984
Tunisia	24 July 1979	1 Aug. 1979

ACCEPTANCES—*contd.*

	<i>Date of Deposit with IMO</i>	<i>Date of Deposit with United Nations</i>
Union of Soviet Socialist Republics	22 June 1979	2 July 1979
United Arab Emirates	—	2 Nov. 1981
United Kingdom*	20 Nov. 1979	22 Feb. 1980
United States of America	12 Aug. 1980	28 Aug. 1980
Uruguay	—	17 Dec. 1980
Venezuela	—	29 May 1985
Yemen Arab Republic	6 March 1979	14 March 1979
Yemen, People's Democratic Republic of	13 June 1983	20 June 1983
Yugoslavia	11 June 1979	27 June 1979

\*For reservations and declarations see page 14.

†For the Kingdom in Europe and Netherlands Antilles.

## RESERVATIONS AND DECLARATIONS GERMANY, FEDERAL REPUBLIC OF

In a declaration accompanying the instrument of acceptance, the Government of the Federal Republic of Germany stated that the said amendments will also apply to Berlin (West) with effect from the date on which they will enter into force for the Federal Republic of Germany.

### ITALY

The instrument of acceptance received from the Government of the Italian Republic does not include acceptance of the amendments to Article 62 of the Convention.

### MOROCCO

The instruments of acceptance by the Government of Morocco contain the following declaration:

(Translation)

"The Government of His Majesty the King of Morocco wishes however to recall the declaration which had been made upon acceptance of the Convention on the Inter-Governmental Maritime Consultative Organization of 6 March 1948, which reads as follows:

"In joining the Inter-Governmental Maritime Consultative Organization, the Government of the Kingdom of Morocco wishes to declare that it is not in agreement with a possible broadening of the scope of the activities of this Organization from the purely technical and nautical activities into the field of matters of an economic and commercial nature as stated in article 1 (b) and (c) of the Convention on the Inter-Governmental Maritime Consultative Organization. If such a broadening of the field of activities of the Organization were to take place, the Government of the Kingdom of Morocco reserves the right to reconsider its position concerning the ensuing situation, and might be led to invoke the provisions of article 59 (which has become article 73) of the Convention, regarding the withdrawal of members from the Organization.'"

### UNITED KINGDOM

In a communication accompanying the instrument of acceptance, the Government of the United Kingdom stated the following:

"Although this instrument does not include the amendments to Article 51 and should not therefore be counted among the acceptances required for the coming into force of those amendments, I write to inform you, for the sake of clarification, that the Government of the United Kingdom does not wish to make a 'declaration' of non-acceptance under the provisions of the present Article 51, and will consider itself bound by the amendments to Article 51 when these come into force for all Members of IMCO."

The United Kingdom instrument of acceptance of the amendments to Article 51 was deposited with the United Nations on 28 September 1981.

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