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CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION, SIGNED AT GENEVA, MARCH 6, 1948 (IMO CONVENTION)

OCTOBER 1, 1996.—Convention was read the first time and, together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate.

U.S. GOVERNMENT PRINTING OFFICE
39–118 WASHINGTON : 1996

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *October 1, 1996.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to acceptance, amendments to the Convention on the International Maritime Organization, signed at Geneva, March 6, 1948 (the OMO Convention). The amendments were adopted on November 7, 1991, and November 4, 1993, by the Assembly of the International Maritime Organization (IMC) at its seventeenth and eighteenth sessions. I also transmit, for the information of the Senate, the report of the Department of State describing the amendments, their purpose and effect.

The United States is the world's largest user of international shipping. These amendments strengthen the International Maritime Organization's capability to facilitate international maritime traffic and to carry out its activities in developing strong maritime safety and environmental protection standards and regulations. The IMO's policies and maritime standards largely reflect our own. The United States pays less than 5 percent of the assessed contributions to the IMO.

The 1991 amendments institutionalize the Facilitation Committee as one of the IMO's standing committees. The Facilitation Committee was created to streamline the procedures for the arrival, stay and departure of ships, cargo and persons in international ports. This committee effectively contributes to greater efficiencies and profits for the U.S. maritime sector, while assisting U.S. law enforcement agencies' efforts to combat narcotics trafficking and the threat of maritime terrorism.

The 1993 amendments increase the size of the IMO governing Council from 32 to 40 members. The United States has always been a member of the IMO govering Council. Increasing the Council from 32 to 40 Member States will ensure a more adequate representation of the interests of the more than 150 Member States in vital maritime safety and environmental protection efforts worldwide.

The 1991 amendments institutionalize the Facilitation Committee as one of the IMO's main committees. The 1993 amendments increase the size of the Council from 32 to 40 members, thereby affording a broader representation of the increased membership in the IMO's continuing administrative body.

Support for these amendments will contribute to the demonstrated interest of the United States in facilitating cooperation among maritime nations. To that end, I urge that the Senate give

early and favorable consideration to these amendments and give its advice and consent to their acceptance.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, September 12, 1996.

THE PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you two amendments to the Convention on the International Maritime Organization, signed at Geneva March 6, 1948, 9 UST 621 (the IMO Convention). The amendments were adopted on November 7, 1991, and November 4, 1993, by the Assembly of the International Maritime Organization (IMO) at its seventeenth and eighteenth sessions. I recommend that these amendments be transmitted to the Senate for advice and consent to acceptance.

I. THE 1991 AMENDMENTS

The 1991 amendments institutionalize the Facilitation Committee (FAL Committee) by establishing it as one of the five standing committees of the IMO. Institutionalization of the FAL Committee provides States and the shipping industry with a powerful tool to simplify and harmonize trade and transport procedures to facilitate the flow of vessels, cargo, passengers and crews into and out of international gateway ports. These amendments are also consistent with the spirit and intent of the Convention on Facilitation of Maritime Traffic, with annex, done at London, April 9, 1965, 18 UST 411.

The 1991 amendments have three segments.

—First, Articles 11, 15, 21, 56 and 57 of the IMO Convention are amended to reflect the addition of the FAL Committee to the existing bodies of the IMO, which include the Assembly, the Council, the Maritime Safety Committee, the Marine Environment Protection Committee, the Legal Committee, the Technical Cooperation Committee, and the Secretariat.

—Second, these amendments establish a new Part IX, entitled "The Facilitation Committee". Part XI contains five new Articles (47–51):

Article 47 states that the FAL Committee will be open to all IMO members.

Article 48 provides that the FAL Committee will consider all IMO matters that are concerned with the facilitation of international maritime traffic. The Committee is directed to perform the functions conferred in this area on the IMO by international conventions, particularly with respect to adoption and amendment of measures or other provisions as provided in those conventions.

Article 49 requires the FAL Committee to report to the Council on the facilitation recommendations and guidelines which it has developed and on all work since the previous session.

Article 50 requires the FAL Committee to meet at least once a year, elect its own officers and adopt its own rules of procedure.

Article 51 requires that the FAL Committee, when exercising functions conferred upon it by any other international convention or instrument, shall conform to the provisions of that convention or instrument, particularly the rules-governing procedures.

—Third, the amendments renumber Parts XI to XX, and existing Articles 47 to 77 to reflect the addition of the new provisions. Changes are also made to references to the renumbered parts in Articles 15 and 25(a) and to the number of the renumbered Article referred to in Appendix II of the IMO Convention.

—Fourth, the amendments make consequential changes in references to renumbered Articles in Articles 5, 6, 7, 8, 66, 67, 68, 70, 72, 73, and 74.

II. THE 1993 AMENDMENTS

The 1993 amendments increase the size of the Council from thirty-two to forty member States to ensure adequate representation of all 153 member States' interests. This change is desirable because the Council, which holds two regular sessions per year in London, is responsible for all functions of the Assembly between the Assembly's biennial sessions. The amendments also state the number of Council members to be elected from each of three specified categories of members.

To effect these changes, the 1993 amendments revise three articles of the IMO Convention, as follows:

Article 16 states that the Council shall be composed of forty members elected by the Assembly.

Article 17 provides that in electing the members of the Council, the Assembly shall observe the following criteria:

(a) Ten shall be States with the largest interest in providing international shipping services;

(b) Ten shall be States with the largest interest in international seaborne trade;

(c) Twenty shall be States not elected under (a) or (b) above, which have special interests in maritime transport or navigation, and whose election to the Council will ensure the representation of all major geographic areas of the world.

Article 19(b) states that twenty-six members of the Council shall constitute a quorum.

As of April 1, 1996, 27 members of the IMO had accepted the 1991 amendments and 35 members had accepted the 1993 amendments.

In accordance with the provisions of Article 66 of the IMO Convention, the 1991 and 1993 amendments will enter into force twelve months after the requisite instruments from two-thirds of the members of the Organization, i.e., 102 member governments out of the present total membership of 153, have been deposited with the Secretary General of the United Nations.

The U.S. Coast Guard believes that acceptance of these amendments by the United States will encourage their acceptance by

other States and facilitate their entry into force. I concur in that view and recommend their submission to the Senate for its advice and consent to acceptance at an early date.

Respectfully submitted,

WARREN CHRISTOPHER.

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REFERENCE: C.N.142.1992.TREATIES-2 (Depositary Notification)

CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION
DONE AT GENEVA ON 6 MARCH 1948

AMENDMENTS TO THE CONVENTION RELATING TO THE INSTITUTIONALIZATION OF THE FACILITATION COMMITTEE IN THE CONVENTION ADOPTED BY THE ASSEMBLY OF THE ORGANIZATION BY RESOLUTION A.724 (17) OF 7 NOVEMBER 1991

TRANSMISSION OF THE TEXT OF THE AMENDMENTS UNDER ARTICLE 67 OF THE CONVENTION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

At its seventeenth regular session, held in London from 28 October to 7 November 1991, the Assembly of the International Maritime Organization adopted amendments to the above-mentioned Convention in accordance with the procedure stipulated in article 66. These amendments are contained in Resolution A.724 (17) of 7 November 1991.

The English, French and Spanish versions of the above-mentioned resolution, including the text of the amendments, are annexed to this notification.

Reference is made in this connexion to the provisions of article 68 of the Convention to the effect that "... acceptance ... shall be made by the communication of an instrument to the Secretary-General for deposit with the Secretary-General of the United Nations. The Secretary-General will notify Members of the receipt of any such instrument and of the date when the amendment enters into force.".

19 June 1992

Attention: **Treaty Services of Ministries of Foreign Affairs and of international organizations concerned**

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.

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C.N.405.1993.TREATIES-1 (Depositary Notification)

CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION
DONE AT GENEVA ON 6 MARCH 1948

AMENDMENTS TO ARTICLES 16, 17 AND 19 (b)
ADOPTED BY THE ASSEMBLY OF THE ORGANIZATION
BY RESOLUTION A.735 (18) OF 4 NOVEMBER 1993

TRANSMISSION OF THE TEXT OF THE AMENDMENTS
UNDER ARTICLE 67 OF THE CONVENTION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

At its eighteenth regular session, held in London from 25 October to 4 November 1993, the Assembly of the International Maritime Organization adopted amendments to the above-mentioned Convention in accordance with the procedure stipulated in article 66. These amendments are contained in Resolution A.735 (18) of 4 November 1993.

The English, French and Spanish versions of the above-mentioned resolution, including the text of the amendments, are annexed to this notification.

Reference is made in this connexion to the provisions of article 68 of the Convention to the effect that "... acceptance ... shall be made by the communication of an instrument to the Secretary-General for deposit with the Secretary-General of the United Nations.

The Secretary-General will notify Members of the receipt of any such instrument and of the date when the amendment enters into force.".

17 December 1993

SJ

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned

ANNEX

AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION

PART VI

The Council

Article 16

Replace text of Article 16 by:

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

Article 17

Replace text of Article 17 by:

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

(a) Ten shall be States with the largest interest in providing international shipping services;

(b) Ten shall be other States with the largest interest in international seaborne trade;

(c) Twenty shall be States not elected under (a) or (b) above which have special interests in maritime transport or navigation, and whose election to the Council will ensure the representation of all major geographic areas of the world."

Article 19(b)

Replace text of Article 19(b) by:

"(b) Twenty-six Members of the Council shall constitute a quorum."