



**TREATY SERIES 2007  
N° 90**

**Convention on the International Maritime Organization**

**Done at Geneva on 6 March 1948**

**Ireland's instrument of ratification deposited with the Secretary General of the  
United Nations on 26 February 1951**

**Entered into force with respect to Ireland on 17 March 1958**

**Presented to Dáil Éireann by the Minister for Foreign Affairs**

## **CONVENTION ON THE INTERNATIONAL MARITIME ORGANIZATION**

The United Nations Maritime Conference was convened by the Economic and Social Council of the United Nations by the following resolution adopted on the 28th March 1947:

“The Economic and Social Council

“Requests the Secretary General:

“(a) to convene a conference of interested Governments to consider the establishment of an inter-governmental maritime organization. The Draft Convention prepared by the United Maritime Consultative Council on this matter, concerning the scope and the purpose of the proposed organization, will serve as a working paper forming the basis of discussion for the Conference. The Conference will also consider if the scope and purposes of the Organization should include the removal or prevention of unfair restrictive practices by shipping concerns;

“(b) to circulate the above-mentioned Draft Convention to all the Governments invited to the Conference;

“(c) to inform the Governments which are invited to the Conference that any comments which they may wish to make on specific Articles of the Draft Convention or amendments which they may wish to propose in advance of the Conference, should be submitted to the Secretary-General for circulation to all Governments participating in the Conference and for consideration by the Conference itself;

“(d) to draw up a provisional agenda for the Conference including the items mentioned above;

“(e) to invite all the Members of the United Nations and the following Governments to participate in the Conference Albania, Austria, Bulgaria, Eire, Finland, Hungary, Italy, Portugal, Roumania, Switzerland, Transjordanian, Yemen.

The Economic and Social Council

“Expresses the hope that the Governments invited to the Conference may give their respective delegations full powers enabling them to sign such Convention on the establishment of an inter-governmental maritime organization as may be concluded at the Conference.

The Economic and Social Council

“Requests the Secretary-General to invite the specialized agencies, inter-governmental organizations and international organizations in this field, as may be appropriate, to send observers to the Conference. The Conference shall meet, if practicable, in the autumn of 1947, at a place to be determined by the Secretary-General after consultation with the President of the Council.

The United Nations Maritime Conference met in the City of Geneva from the 19th of February 1948 to the 6th of March 1948.

The Governments of the following States were represented at the Conference by Delegations

Argentina	Egypt	Pakistan
Australia	Finland	Panama
Belgium	France	Peru
Brazil	Greece	Poland
Canada	India	Portugal
Chile	Ireland	Sweden
China	Italy	Switzerland
Colombia	Lebanon	Turkey
Czechoslovakia	Netherlands	United Kingdom
Denmark	New Zealand	United States of America.
Dominican Republic	Norway	

The Governments of the following States had Observers at the Conference

Cuba,  
Ecuador,  
Union of South Africa,  
Iran.

The following organizations were represented by Observers:

A. Inter-Governmental Organizations

International Labour Office  
World Health Organization  
International Civil Aviation Organization  
International Telecommunications Union  
International Meteorological Organization

B. Non-Governmental Organizations

International Cooperative Alliance  
International Chamber of Commerce  
International Law Association  
International Transport Workers' Federation.

The Conference had before it and used as a basis for discussion the draft agreement for an intergovernmental maritime organization prepared by the United Maritime Consultative Council. This document was submitted as a working paper for the Conference in accordance with the resolution adopted by the Economic and Social Council on the 28th of March 1947, at its fourth session, on the recommendation of its Transport and Communications Commission.

On the basis of its deliberations, as recorded in the records and reports of the respective Committees, and of the plenary sessions, the Conference prepared and

opened for signature and acceptance a CONVENTION ON THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION.

In addition, the Conference adopted the following resolutions:

1. A Resolution for the Establishment of a Preparatory Committee of the Intergovernmental Maritime Consultative Organization (appended hereto as Annex A to this Final Act).
2. A Resolution on the Safety of Life at Sea Conference (appended hereto as Annex B to this Final Act).
3. A Resolution relating to the Report of the Preparatory Committee of Experts on Coordination of Safety at Sea and in the Air (appended hereto as Annex C to this Final Act).

The Conference also approved the substance of a Draft Agreement on Relationship between the new Organization and the United Nations (appended hereto as Annex D) and decided that it be used as a basis for negotiations by the Preparatory Committee with the United Nations in conformity with Section 2 of the Resolution establishing the Committee.

In witness whereof the respective representatives have signed this Final Act:

**DONE** in the City of Geneva this sixth day of March 1948 in a single copy in the English, French and Spanish languages each text being equally authentic. The original texts will be deposited with the Secretary-General of the United Nations who will send certified copies to each of the Governments invited to send representatives to the Conference.

## ANNEX A

### UNITED NATIONS MARITIME CONFERENCE RESOLUTION ON ESTABLISHMENT OF THE PREPARATORY COMMITTEE OF THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

The United Nations Maritime Conference convened on 19 February 1948 in Geneva by the Economic and Social Council of the United Nations;

*Having agreed* that an international organization to be known as the Intergovernmental Maritime Consultative Organization shall be established, and

*Having agreed* upon a Convention for the Organization,

*Hereby resolves* that a Preparatory Committee should be established,

*And resolves*, further, that:

1. The Preparatory Committee of the Intergovernmental Maritime Consultative Organization shall consist of representatives of the following twelve States: Argentina, Australia, Belgium, Canada, France, Greece, India, Netherlands, Norway, Sweden, United Kingdom, and United States of America.

2. The functions of the Preparatory Committee shall be:

(a) to convene the first session of the Assembly of the Intergovernmental Maritime Consultative Organization within three months from the date on which the Convention of the Organization comes into force;

(b) to prepare and submit to the Governments represented at the United Nations Maritime Conference, and to any other Governments which have signed or accepted the Convention, at least six weeks before the first session of the Assembly of the Organization, the provisional agenda for that session and necessary documents and recommendations relating thereto, including:

(i) proposals for the implementation of the functions of the Organization and a budget for the first two years of the Organization,

(ii) draft rules of procedure,

(iii) draft financial and staff regulations;

(c) to suggest a scale of contributions by members to the budget of the Organization;

(d) to prepare a draft annex to the General Convention on the Privileges and Immunities of the Specialized Agencies in accordance with Part B of the Resolution adopted by the General Assembly of the United Nations on 21 November 1947 relating to this subject; 1

(e) to enter into negotiations with the United Nations with a view to the preparation of an agreement as contemplated in Article 57 of the Charter of the United Nations and in Article 45 of the Convention, using as a basis the draft agreement approved by the United Nations Maritime Conference.

In carrying out the functions of this section due consideration shall be given to the deliberations and decisions of the United Nations Maritime Conference.

3. The first meeting of the Preparatory Committee shall be held in Geneva immediately after the conclusion of this Conference.

4. The Preparatory Committee shall elect a Chairman and adopt its own Rules of Procedure.

5. The expenses of the Preparatory Committee other than those of the Members of the Committee shall be met from funds which Governments may advance to the Committee or from funds which may be loaned by the United Nations. The Preparatory Committee shall explore the feasibility of obtaining a loan from United Nations and, if mutually acceptable, may enter into a loan agreement. The obligation under any such loan would be considered by the Governments represented at the Conference as a first claim for repayment by the Intergovernmental Maritime Consultative Organization within the first two years of its existence. In the event of advances of funds to the Preparatory Committee from Governments, such advances may be set off against the contributions of the Governments concerned to the Organization.

6. The Preparatory Committee may enter into agreement with the Secretary-General of the United Nations concerning the possible provision of personnel and other secretarial services under mutually satisfactory arrangements.

7. The Preparatory Committee shall cease to exist upon resolution of the First Session of the Assembly of the Intergovernmental Maritime Consultative Organization.

## ANNEX B

### UNITED NATIONS MARITIME CONFERENCE RESOLUTION ON THE SAFETY OF LIFE AT SEA CONFERENCE

#### *Whereas*

The United Nations Maritime Conference has approved a convention for the establishment of an Intergovernmental Maritime Consultative Organization whose scope includes matters relating to maritime safety, and

#### *Whereas*

The conference for the purpose of revising the Convention on Safety of Life at Sea of 1929,' will be held in London in April 1948, and

#### *Whereas*

The matters to be considered by the Safety of Life at Sea Conference fall within the field of responsibilities covered by the International Maritime Consultative Organization Convention,

The United Nations Maritime Conference

#### *Recommends*

That the Safety of Life at Sea Conference examine the convention on the Intergovernmental Maritime Consultative Organization with a view to drafting provisions in its final acts which will take into account the duties and functions relating to maritime safety which have been accorded to the Intergovernmental Maritime Consultative Organization.

## ANNEX C

### UNITED NATIONS MARITIME CONFERENCE RESOLUTION RELATING TO THE REPORT OF THE PREPARATORY COMMITTEE OF EXPERTS ON CO-ORDINATION OF SAFETY AT SEA AND IN THE AIR

#### *Whereas*

Part VII of the Convention of the Intergovernmental Maritime Consultative Organization places upon the Maritime Safety Committee the duty of co-ordinating its activities with those of other intergovernmental bodies in the field of transport and communications having an interest in maritime safety, and

#### *Whereas*

A special Preparatory Committee of Experts, representing intergovernmental organizations in the fields of aviation, meteorology, shipping and telecommunications, has recently met in London to consider principles for the co-ordination of activities in those four fields,

#### *Whereas*

The report of the Preparatory Committee (circulated to the Conference as Document E/CONF. 4/8) will be considered at the forthcoming conference to revise the Convention for the Safety of Life at Sea, to be held in London in April, 1948.

#### *Resolves*

That this Conference direct its President to inform the Conference on Safety of Life at Sea that the Conclusions contained in paragraph 21 of the Report of the Preparatory Committee of Experts were taken into consideration by this Conference when drafting Part VII of the Intergovernmental Maritime Consultative Organization Convention which establishes the Maritime Safety Committee.



## ANNEX D

### UNITED NATIONS MARITIME CONFERENCE DRAFT AGREEMENT ON RELATIONSHIP BETWEEN THE UNITED NATIONS AND THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION

Article 57 of the Charter of the United Nations (hereinafter called the Charter) provides that specialized agencies, established by intergovernmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields, shall be brought into relationship with the United Nations.

Part XII of the Convention on the Intergovernmental Maritime Consultative Organization provides that the Intergovernmental Maritime Consultative Organization (hereinafter called the Organization) shall be brought into relationship with the United Nations as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations.

Therefore the United Nations and the Organization agree as follows:

#### Article I

The United Nations recognizes the Organization as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

#### Article II

##### *Reciprocal Representation*

1. The United Nations shall be invited to send representatives to attend the meetings of the Assembly of the Organization, the Council, the Maritime Safety Committee, any subsidiary organs, and such conferences as the Organization may convene, and to participate, without vote, in the deliberations of these bodies.
2. The Organization shall be invited to send representatives to attend meetings of the Economic and Social Council of the United Nations and of its commissions and committees, and to participate, without vote, in the deliberations of these bodies, with respect to items on their agenda relating to matters within the scope of the activities of the Organization.
3. The Organization shall be invited to send representatives to attend meetings of the General Assembly of the United Nations for purposes of consultation on matters within the scope of the activities of the Organization.
4. The Organization shall be invited to send representatives to attend meetings of the main committees of the General Assembly when matters within the scope of its activities are under discussion and to participate, without vote, in such discussions.

5. The Organization shall be invited to send representatives to attend the meetings of the Trusteeship Council and to participate, without vote, in the deliberations thereof with respect to items on the agenda relating to matters within the scope of its activities.

6. Written statements of the Organization shall be distributed by the Secretariat of the United Nations to the Members of the General Assembly, the Economic and Social Council and its commissions, and the Trusteeship Council as appropriate. Similarly, written statements presented by the United Nations shall be distributed as soon as possible by the Secretariat of the Organization to all members of the Organization.

### Article III *Proposal of Agenda Items*

Subject to such preliminary consultation as may be necessary, the Organization shall include on the agenda of the Assembly, Council, and the Maritime Safety Committee, items proposed to it by the United Nations. Similarly, the Economic and Social Council and its commissions and the Trusteeship Council shall include on their provisional agenda items proposed by the Assembly or Council.

### Article IV *Recommendations of the United Nations*

1. The Organization having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the functions and powers of the Economic and Social Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international economic, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible to the Assembly, the Council, as appropriate, of all formal recommendations which the United Nations may make to it.

2. The Organization agrees to enter into consultation with the United Nations upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its members, to give effect to such recommendations, or on the other results of their consideration.

3. The Organization affirms its intention of co-operating in whatever further measures may be necessary to make co-ordination of the policy and activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to participate in, and to co-operate with any bodies which the Economic and Social Council has established or may establish for the purpose of facilitating such co-ordination and to furnish such information as may be required for the carrying out of this purpose.

### Article V *Exchange of Information and Documents*

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of appropriate information and documents shall be made between the United Nations and the Organization.

2. Without prejudice to the generality of the provisions of paragraph I:

(a) the Organization agrees to transmit to the United Nations regular reports on the activities of the Organization, and programmes of operation for each ensuing year;

(b) the Organization agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in Article XV; and

(c) the Secretary-General of the United Nations shall upon request, consult with the Secretary-General of the Organization regarding the provision to the Organization of such information as may be of special interest to the Organization.

#### Article VI

##### *Assistance to the Security Council*

The Organization agrees to co-operate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

#### Article VII

##### *Assistance to the Trusteeship Council*

The Organization agrees to Co-operate with the Trusteeship Council in the carrying out of its functions and in particular agrees that it will, to the greatest extent possible, render such assistance as the Trusteeship Council may request, in regard to matters with which the Organization is concerned.

#### Article VIII

##### *Non-Self-Governing Territories*

The Organization agrees to co-operate with the Members of the United Nations concerned in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of non-self-governing territories.

#### Article IX

##### *Relations with the International Court of Justice*

1. The Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly authorizes the Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its

activities other than questions concerning the mutual relationships of the Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Assembly, or by the Council acting in pursuance of an authorization by the Assembly.

4. When requesting the International Court of Justice to give an advisory opinion, the Organization shall inform the Economic and Social Council of the request.

#### **Article X** *Personal Arrangements*

1. The United Nations and the Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and, with this end in view, agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the Organization agree to co-operate to the fullest extent possible in achieving these ends and in particular they agree to

(a) participate in the International Civil Service Advisory Board established for the purpose of contributing to the improvement of recruitment and related phases of personnel administration in all of the international organizations;

(b) consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable;

(c) co-operate in the interchange of personnel) when desirable, on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;

(d) co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.

#### **Article XI** *Statistical Services*

1. The United Nations and the Organization agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical

information and to minimise the burdens placed upon national governments and other organizations from which such information may be collected.

2. The Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Organization as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. It is recognized as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the specialized agencies whenever it is practicable for any of them to utilize information or materials which another may have available.

5. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations on request.

## Article XII

### *Administrative and Technical Services*

1. The United Nations and the Organization recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in Articles X, XI and XIII, insofar as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the Organization in regard to the registration and deposit of official documents.

4. Officials of the Organization shall have the right to use the laissez-passer of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Organization.

## Article XIII

### *Budgetary and Financial Arrangements*

1. The Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The following arrangements shall govern budgetary and financial relationships between the United Nations and the Organization:

(a) In the preparation of the budgetary estimates of the Organization, the Secretariat of the Organization shall consult with the Secretary-General of the United Nations with a view to achieving, insofar as practicable, uniformity in presentation of the budgets of the United Nations and of the specialized agencies for the purpose of providing a basis for comparison of the several budgets.

(b) The Organization agrees to transmit its budget or budgetary estimates to the United Nations by 1 July of the preceding year or such other date as may be agreed upon by the United Nations and the Organization. The General Assembly shall examine the budget or budgetary estimates of the Organization and may make recommendations to it concerning any item or items contained therein.

(c) Representatives of the Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof or established by it at all times when the budget of the Organization or general administrative or financial questions affecting the Organization are under consideration.

(d) The United Nations may undertake the collection of contributions from those members of the Organization which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization.

(e) The United Nations shall, upon its own initiative or upon the request of the Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies with a view to the provision of common services and the securing of uniformity in such matters.

(f) The Organization agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

#### Article XIV

#### *Financing of Special Services*

1. In the event of the Organization being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with Articles V, VI, or VII, or with other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

**Article XV**  
*Inter-Agency Agreements*

The Organization agrees to inform the Economic and Social Council of the nature and scope of any formal agreement contemplated and to notify the Council of the conclusion of any formal agreement between the Organization and any other specialized agency, intergovernmental organizations, or non-governmental organizations.

**Article XVI**  
*Liaison*

1. The United Nations and the Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever further measures may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing Articles of this Agreement apply as far as appropriate to the relations between such branch or regional offices as may be established by the two Organizations as well as between their central machinery.

**Article XVII**  
*Implementation of the Agreement*

The Secretary-General of the United Nations and the appropriate authority of the Organization may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable.

**Article XVIII**  
*Revision*

This Agreement shall be subject to revision by agreement between the United Nations and the Organization.

**Article XIX**  
*Entry into Force*

This Agreement shall come into force on its approval by the General Assembly of the United Nations and the Assembly of the Organization.

## **CONVENTION ON THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION**

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 I (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 intergovernmental 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 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 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 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 J1 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 regular 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

(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.

## Article 24

The Council shall make a report to the Assembly at each regular session on the work of the Organization since the previous regular session of the Assembly.

## Article 25

The Council shall submit to the Assembly the budget estimates and the financial statements of the Organization, together with its comments and recommendations.

## Article 26

The Council may enter into agreements or arrangements covering the relationship of the Organization with other organizations, as provided for in Part XII. Such agreements or arrangements shall be subject to approval by the Assembly.

## Article 27

Between sessions of the Assembly, the Council shall perform all the functions of the Organization, except the function of making recommendations under Article 16 (i).

## **PART VII MARITIME SAFETY COMMITTEE**

## Article 28

(a) The Maritime Safety Committee shall consist of fourteen Members elected by the Assembly from the Members, governments of those nations having an important interest in maritime safety, of which not less than eight shall be the largest ship-owning nations, and the remainder shall be elected so as to ensure adequate representation of Members, governments of other nations with an important interest in

maritime safety, such as nations interested in the supply of large numbers of crews or in the carriage of large numbers of berthed and unberthed passengers, and of major geographical areas.

(b) Members shall be elected for a term of four years and shall be eligible for re-election.

#### Article 29

(a) The Maritime Safety Committee shall have the duty of considering any matter within the scope of the Organization and concerned with aids to navigation, construction and equipment of vessels, manning from a safety standpoint, rules for the prevention of collisions, handling of dangerous cargoes, maritime safety procedures and requirements, hydrographic information, log-books and navigational records, marine casualty investigation, salvage and rescue, and any other matters directly affecting maritime safety.

(b) The Maritime Safety Committee shall provide machinery for performing any duties assigned to it by the Convention, or by the Assembly, or any duty within the scope of this Article which may be assigned to it by any other intergovernmental instrument.

(c) Having regard to the provisions of Part XII, the Maritime Safety Committee shall have the duty of maintaining such close relationship with other intergovernmental bodies concerned with transport and communications as may further the object of the Organization in promoting maritime safety and facilitate the co-ordination of activities in the fields of shipping, aviation, telecommunications and meteorology with respect to safety and rescue.

#### Article 30

The Maritime Safety Committee, through the Council, shall:

(a) submit the Assembly at its regular sessions proposals made by Members for safety regulations or for amendments to existing safety regulations, together with its comments or recommendations thereon;

(b) report to the Assembly on the work of the Maritime Safety Committee since the previous regular session of the Assembly.

#### Article 31

The Maritime Safety Committee shall meet once a year and at other times upon request of any five of its members. It shall elect its officers once a year and shall adopt its own rules of procedure. A majority of its members shall constitute a quorum.

#### Article 32

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

## **PART VIII THE SECRETARIAT**

### **Article 33**

The Secretariat shall comprise the Secretary-General, a Secretary of the Maritime Safety Committee and such staff as the Organization may require. The Secretary General shall be the chief administrative officer of the Organization, and shall, subject to the provisions of Article 23, appoint the above- mentioned personnel.

### **Article 34**

The Secretariat shall maintain all such records as may be necessary for the efficient discharge of the functions of the Organization and shall prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Council, the Maritime Safety Committee, and such subsidiary organs as the Organization may establish.

### **Article 35**

The Secretary General shall prepare and submit to the Council the financial statements for each year and the budget estimates on a biennial basis, with the estimates for each year shown separately.

### **Article 36**

The Secretary-General shall keep Members informed with respect to the activities of the Organization. Each Member may appoint one or more representatives for the purpose of communication with the Secretary-General.

### **Article 37**

In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each Member on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

### **Article 38**

The Secretary-General shall perform such other tasks as may be assigned to him by the Convention, the Assembly, the Council and the Maritime Safety Committee.

## **PART IX FINANCES**

### Article 39

Each Member shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on the Council, the Maritime Safety Committee, other committees and subsidiary bodies.

### Article 40

The Council shall consider the financial statements and budget estimates prepared by the Secretary-General and submit them to the Assembly with its comments and recommendations.

### Article 41

(a) Subject to any agreement between the Organization and the United Nations, the Assembly shall review and approve the budget estimates.

(b) The Assembly shall apportion the expenses among the Members in accordance with a scale to be fixed by it after consideration of the proposals of the Council thereon.

### Article 42

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, or the Maritime Safety Committee unless the Assembly, at its discretion, waives this provision.

## **PART X VOTING**

### Article 43

The following provisions shall apply to voting in the Assembly, the Council and the Maritime Safety Committee

(a) Each Member shall have one vote.

(b) Except as otherwise provided in the Convention or in any international agreement which confers functions on the Assembly, the Council, or the Maritime Safety Committee, decisions of these organs 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.



**PART XI**  
**HEADQUARTERS OF THE ORGANIZATION**  
Article 44

- (a) The headquarters of the Organization shall be established in London.
- (b) The Assembly may by a two-thirds majority vote change the site of the headquarters if necessary.
- (c) The Assembly may hold sessions in any place other than the headquarters if the Council deems it necessary.

**PART XII**  
**RELATIONSHIP WITH THE UNITED NATIONS AND OTHER**  
**ORGANIZATIONS**

Article 45

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. 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 26.

Article 46

The Organization shall co-operate with any Specialized Agency of the United Nations in matters which may be the common concern of the Organization and of such Specialized Agency, and shall consider such matters and act with respect to them in accord with such Specialized Agency.

Article 47

The Organization may, on matters within its scope, cooperate with other inter-governmental organizations which are not Specialized Agencies of the United Nations, but whose interests and activities are related to the purposes of the Organization.

Article 48

The Organization may, on matters within its scope, make suitable arrangements for consultation and co-operation with non-governmental international organizations.

Article 49

Subject to approval by a two-thirds majority vote of the Assembly, the Organization may take over from any other international organizations, governmental or non-governmental, such functions, resources and obligations within the scope of the Organization as may be transferred to the Organization by international agreements or by mutually acceptable arrangements entered into between competent authorities of

the respective organizations. Similarly, the Organization may take over any administrative functions which are within its scope and which have been entrusted to a government under the terms of any international instrument.

### **PART XIII LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES**

#### **Article 50**

The legal capacity, privileges and immunities to be accorded to, or in connection with, the Organization, shall be derived from and governed by the General Convention on the Privileges and Immunities of the Specialized Agencies approved by the General Assembly of the United Nations on the 21st November, 1947,<sup>1</sup> subject to such modifications as may be set forth in the final (or revised) text of the Annex approved by the Organization in accordance with Sections 36 and 38 of the said General Convention.

#### **Article 51**

Pending its accession to the said General Convention in respect of the Organization, each Member undertakes to apply the provisions of Appendix II to the present Convention.

### **PART XIV AMENDMENTS**

#### **Article 52**

Tests 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, including the concurring votes of a majority of the Members represented on the Council. 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 except those which, before it comes into force, make a declaration that they do not accept the amendment. The Assembly may by a two-thirds majority vote determine at the time of its adoption that an amendment is of such a nature that any Member which has made such a declaration and which does not accept the amendment within a period of twelve months after the amendment comes into force shall, upon the expiration of this period, cease to be a party to the Convention.

#### **Article 53**

Any amendment adopted under Article 52 shall be deposited with the Secretary-General of the United Nations, who will immediately forward a copy of the amendment to all Members.

#### **Article 54**

A declaration or acceptance under Article 52 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.

## **PART XV INTERPRETATION**

### *Article 55*

Any question or dispute concerning the interpretation or application of the Convention shall be referred for settlement to the Assembly, or shall be settled in such other manner as the parties to the dispute agree. Nothing in this Article shall preclude the Council or the Maritime Safety Committee from settling any such question or dispute that may arise during the exercise of their functions.

### *Article 56*

Any legal question which cannot be settled as provided in Article 55 shall be referred by the Organization to the International Court of Justice for an advisory opinion in accordance with Article 96 of the Charter of the United Nations.

## **PART XVI MISCELLANEOUS PROVISIONS**

### *Article 57*

#### *Signature and Acceptance*

Subject to the provisions of Part III the present Convention shall remain open for signature or acceptance and States may become parties to the Convention by:

- (a) Signature without reservation as to acceptance;
- (b) Signature subject to acceptance followed by acceptance; or
- (c) Acceptance.

Acceptance shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

### *Article 58*

#### *Territories*

(a) Members may make a declaration at any time that their participation in the Convention includes all or a group or a single one of the territories for whose international relations they are responsible.

(b) The Convention does not apply to territories for whose international relations Members are responsible unless a declaration to that effect has been made on their behalf under the provisions of paragraph (a) of this Article.

(c) A declaration made under paragraph (a) of this Article shall be communicated to the Secretary-General of the United Nations and a copy of it will be forwarded by him to all States invited to the United Nations Maritime Conference and to such other States as may have become Members.

(d) In cases where under a trusteeship agreement the United Nations is the administering authority, the United Nations may accept the Convention on behalf of one, several, or all of the trust territories in accordance with the procedure set forth in Article 57.

#### **Article 59** **Withdrawal**

(a) Any Member may withdraw from the Organization by written notification given to the Secretary-General of the United Nations, who will immediately inform the other Members and the Secretary-General of the Organization of such notification. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which the Convention has come into force. The withdrawal shall take effect upon the expiration of twelve months from the date on which such written notification is received by the Secretary-General of the United Nations.

(b) The application of the Convention to a territory or group of territories under Article 58 may at any time be terminated by Written notification given to the Secretary-General of the United Nations by the Member responsible for its international relations or, in the case of a trust territory of which the United Nations is the administering authority, by the United Nations. The Secretary-General of the United Nations will immediately inform all Members and the Secretary-General of the Organization of such notification. The notification shall take effect upon the expiration of twelve months from the date on which it is received by the Secretary-General of the United Nations.

### **PART XVII** **ENTRY INTO FORCE**

#### **Article 60**

The present Convention shall enter into force on the date when 21 States of which 7 shall each have a total tonnage of not less than 1,000,000 gross tons of shipping, have become parties to the Convention in accordance with Article 57.

#### **Article 61**

The Secretary-General of the United Nations will inform all States invited to the United Nations Maritime Conference and such other States as may have become Members, of the date when each State becomes party to the Convention, and also of the date on which the Convention enters into force.

#### **Article 62**

The present Convention, of which the English, French and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who will transmit certified copies thereof to each of the States invited to the United Nations Maritime Conference and to such other States as may have become Members.

### Article 63

The United Nations is authorized to effect registration of the Convention as soon as it comes into force.

In witness whereof the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

**DONE** at Geneva this sixth day of March 1948.

### APPENDIX I

(Referred to in Article 17)

## COMPOSITION OF THE FIRST COUNCIL

In accordance with the principles set forth in Article 17 the first Council shall be constituted as follows:

(a) The six Members under Article 17 (a) being Greece, Netherlands, Norway, Sweden, United Kingdom, United States.

(b) The six Members under Article 17 (b) being Argentine, Australia, Belgium, Canada, France, India.

(c) Two Members to be elected by the Assembly under Article 17 (c) from a panel nominated by the six Members named in paragraph (a) of this Appendix.

(d) Two Members elected by the Assembly under Article 17 (d) from among the Members having a substantial interest in international seaborne trade.

## APPENDIX II

(Referred to in Article 51)

### LEGAL CAPACITY, PRIVILEGES AND IMMUNITIES

The following provisions on legal capacity, privileges and immunities shall be applied by Members to, or in connection with, the Organization pending their accession to the General Convention on Privileges and Immunities of Specialized Agencies in respect of the Organization.

#### *Section 1*

The Organization shall enjoy in the territory of each of its Members such legal capacity as is necessary for the fulfilment of its purposes and the exercise of its functions.

#### *Section 2*

(a) The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and the exercise of its functions.

(b) Representatives of Members including alternates and advisers, and officials and employees of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

#### *Section 3*

In applying the provisions of Sections 1 and 2 of this Appendix, the Members shall take into account as far as possible the standard clauses of the General Convention on the Privileges and Immunities of the Specialized Agencies.

**DECLARATION AND RESERVATIONS MADE ON ACCEPTANCE**

ECUADOR

[TRANSLATION]

The Government of Ecuador declares that the protectionist measures adopted in the interests of its National Merchant Marine and the Merchant Fleet of Greater Colombia (Flota Mercante Grancolombiana), the vessels belonging to which are regarded as Ecuadorian by reason of the participation of the Government of Ecuador in the said Fleet, are measures the sole object of which is to promote the development of the National Merchant Marine and of the Merchant Fleet of Greater Colombia and are consistent with the purposes of the Intergovernmental Maritime Organization, as defined in article 1 (b) of the Convention. Accordingly, any recommendations relating to this subject that may be adopted by the Organization will be re-examined by the Government of Ecuador.

MEXICO  
[TRANSLATION]

The Government of the United States of Mexico, in accepting the Convention on the Intergovernmental Maritime Consultative Organization, on the understanding that nothing in the said Convention is intended to change national legislation relating to restrictive business practices, expressly states that its acceptance of the above-mentioned international instrument neither has nor shall have the effect of altering or modifying in any way the application of the laws against monopolies in the territory of the Republic of Mexico.

SWITZERLAND  
[TRANSLATION]

In depositing its instrument of ratification of the Convention on the Intergovernmental Maritime Consultative Organization (IMCO), Switzerland makes the general reservation that its participation in the work of IMCO, more particularly as regards that organization's relations with the United Nations, cannot exceed the bounds implicit in Switzerland's status as a perpetually neutral State. In conformity with this general reservation, Switzerland wishes to make a particular reservation both in respect of the text of article VT as incorporated in the agreement, at present in draft form, between IMCO and the United Nations, and in respect of any similar clause which may replace or supplement that, provision in the said agreement or in any other arrangement.

UNITED STATES OF AMERICA

“It being understood that nothing in the Convention on the Intergovernmental Maritime Consultative Organization is intended to alter domestic legislation with respect to restrictive business practices, it is hereby declared that ratification of that Convention by the Government of the United States of America does not and will not have the effect of altering or modifying in any way the application of the antitrust statutes of the United States of America.”<sup>1</sup>

---

<sup>1</sup> In a note verbale accompanying the instrument of ratification, the Permanent Representative of the United States of America drew the attention of the Secretary-General to the fact that. . . “Article 2 of the Convention provides that the functions of the Organization ‘shall be consultative and advisory’. Article 3 of the Convention indicates that the functions of the Organization are to make



---

recommendations and to facilitate consultation and exchange of information. The history of the Convention and the records of the conference at which it was formulated indicate no intention to nullify or alter the domestic legislation of any contracting party relating to restrictive business practices or to alter or modify in any way the application of domestic statutes governing the prevention or regulation of business monopolies. It is considered therefore, that the statement as quoted above is merely a clarification of the intended meaning of the convention and a safeguard against any possible misinterpretation, particularly as to the application of Article 4.”