

Resolution A.781(19)

*Adopted on 13 November 1995
(Agenda item 4)*

**AMENDMENTS TO RULES 56bis AND 56ter OF THE RULES OF PROCEDURE
OF THE ASSEMBLY**

THE ASSEMBLY,

RECALLING resolution A.725(17) in which the Assembly expressed its continuing concern at the prevailing level of arrears of contribution and the serious difficulties caused in the financial management of the Organization and in the execution of its work programme,

RECALLING ALSO resolution A.726(17) in which a package of measures was adopted to improve the Organization's financial situation,

RECOGNIZING the continued need to promote the timely payment of the contributions of Members;

RESOLVES that the existing provisions of Rule 56bis and Rule 56ter be replaced by the following texts:

"Rule 56bis

- (i) The Secretary-General shall send at least one written notification to any Member which has failed to discharge its financial obligations to the Organization under Article 56 of the Convention. The notification shall call attention to the terms of Article 56 regarding the loss of vote in the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee.*
- (ii) Any Member wishing to request a waiver of the provision of Article 56 in respect of itself shall submit a written application to the Secretary-General at least one month before the Assembly giving reasons therefor, with a payment schedule indicating the timescale over which arrears will be paid.
- (iii) The Secretary-General shall submit to the Council a list of Members which have failed to discharge their financial obligations, together with any requests for waiver of the provision of Article 56 which have been received from any such Members.
- (iv) The Council shall submit to the Assembly a report on the matter, together with its recommendations on the submission by any Member of a request for waiver of the provision of Article 56 of the IMO Convention.
- (v) The Assembly shall consider the report of the Council at the commencement of each session. Taking into account the recommendations of the Council, and assessing each application on its individual merits, the Assembly shall take decisions on the waiver of the provision of Article 56 of the Convention in respect of any or all of the Members from which requests for waiver have been received, together with any conditions attached to such a waiver.
- (vi) A decision to waive the provision of Article 56 may only be taken in respect of a Member which has submitted a request for waiver in accordance with subparagraph (ii) above.

* To be applied when the amendment to Article 56 of the IMO Convention has entered into force.

(vii) A decision to waive the provision of Article 56 will normally be taken only in respect of a Member which has discharged in full the requirements, at the date of submitting the request for waiver, of the financial undertaking given under the terms of any previous request for waiver.

(viii) In exercising its discretion, the Assembly will not normally consider an application for waiver from a Member whose payments are three years or more in arrears.

Rule 56ter

Any Member seeking election to the Council shall have discharged its obligations to the Organization or shall have committed itself at least one month before the Assembly to a schedule of payment submitted to the Secretary-General to do so and shall have complied with the terms of any previously agreed schedule of payment. Should any Member not meet these terms, that Member shall not be eligible to seek election at that Assembly."

RESOLVES FURTHER that the revised texts will apply for the twentieth and subsequent sessions of the Assembly.