

**IN THE THIRD SESSION OF THE THIRD
PARLIAMENT OF THE FOURTH
REPUBLIC OF GHANA**

**REPORT OF THE JOINT COMMITTEE ON
ROADS & TRANSPORT AND
CONSTITUTIONAL,
LEGAL AND PARLIAMENTARY AFFAIRS**

ON THE

**1991 AMENDMENTS TO THE
CONVENTION OF THE
INTERNATIONAL MARITIME
ORGANISATION (I.M.O.)**

FEBRUARY 2003

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1.0 INTRODUCTION

1.1 The 1991 Amendments to the Convention of the International Maritime Organisation (I.M.O.) was laid before the House on Thursday, 23rd January 2003 and subsequently referred to the Joint Committee on Roads & Transport and Constitutional, Legal and Parliamentary Affairs for consideration and report pursuant to Orders 188 and 178 of the Standing Orders of the House respectively and Article 75 (2) of the 1992 Constitution.

1.2 In deliberating on the Amendments to the I.M.O. Convention, the Committee had the benefit of further clarification from the Ag. Commissioner of the Shipping and Navigation Division of the Ministry of Roads and Transport and his technical team.

The Committee is grateful to them for their assistance.

2.0 REFERENCE DOCUMENTS

The Committee availed itself of the following documents in its deliberations:

- (1) The 1992 Constitution of the Republic of Ghana
- (2) The Standing Orders of the House
- (3) The Convention of the International Maritime Organisation
- (4) The International Maritime Traffic Facilitation Convention

3.0 BACKGROUND INFORMATION

The IMO is a specialized agency of the United Nations established in 1948 as a machinery for ensuring co-operation among governments in providing for regulations and practices relating to technical matters affecting international trade.

Ghana's economy is to a large extent dependent on foreign trade. The Shipping industry is therefore compelled to comply with a number of international practices and requirements in order to clear ships and cargo in the ports. The result is that the practices and requirements have created unnecessary delays in maritime traffic with increases in shipping cost.

To address the heavy and increasing burden imposed on the industry as a result of the increasing documentation requirements and lack of internationally standardized procedures, the IMO adopted the Convention on International Maritime Traffic Facilitation (FAL Convention) in 1965 which was also ratified by Ghana the same year.

It is however important to note that the Facilitation Committee, unlike other Committees of the IMO, has not been institutionalized. In an attempt to institutionalise the Facilitation Committee as one of IMO's main Committees, the IMO in 1999 through Resolution A 724 (17) adopted amendments to articles 11, 15, 21, 25, 56 of the IMO Convention and also added a new part (Part XI).

4.0 PURPOSE OF THE AMENDMENT

The purpose of the 1991 Amendments to the IMO Convention is to institutionalize the Facilitation Committee as one of the main organs of the IMO by amending articles 11, 15, 21, 25, 56 and adding a new part (Part XI) attached herein as Appendix A and B.

5.0 JUSTIFICATION OF PURPOSE

Ghana, a traditional maritime country, is largely dependent on foreign trade of which about 90% of the commodities traded are seaborne. Consequently, the institutionalization of the Facilitation Committee will help improve and address issues such as ship/port interface, electronic data interchange (EDI) programmes for the clearance of ships and cargo, harmonized reporting format and the use of IMO standardized facilitation forms for ships and cargo clearance in order to provide quality service delivery at our ports.

6.0 FINANCIAL OBLIGATION

Accepting the 1991 Amendments to the IMO Convention will not impose any financial obligation on Ghana. However, Ghana will continue to bear the travel and per diem allowances of its delegations to Facilitation Committee meetings.

7.0 OBSERVATIONS

The Committee in its deliberations made a number of significant observations and these are submitted as follows:

- i. The Committee noted that, the acceptance of the 1991 amendments to the IMO Convention will compliment the effort of Government aimed at promoting trade and investment.
- ii. It was also observed that, the full functioning of the Facilitation Committee will introduce measures aimed at attracting shipowners to our ports, thereby increasing government revenue.
- iii. Finally, the Committee observed that the facilitation of international maritime traffic in the ports will result in significant improvement in port operations, increase port throughput and revenue and also generate employment for the youth in the country.

8.0 RECOMMENDATION

The acceptance of the amendments by Ghana is long overdue as has been consistently recommended over the years in the reports of Ghana's delegation to the Facilitation Committee meetings.

By this approval, government's policy to promote Ghana as a shipping gateway to West and Central Africa would be achieved by having a standardized international maritime traffic system in place.

9.0 CONCLUSION

From the foregoing, it is important to note that Ghana, a member of the IMO Governing Council would be seen to be fulfilling her

international obligations by adopting the 1991 Amendments to the IMO Convention to ensure the institutionalization of the Facilitation Committee.

The Committee accordingly, recommends to the House for approval, the adoption of the 1991 Amendments to the International Maritime Organisation Convention.

Respectfully submitted.



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(CHAIRMAN, COMMITTEE ON
ROADS AND TRANSPORT)



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HON. KWAME OSEI-PREMPEH
(CHAIRMAN, COMMITTEE ON
CONSTITUTIONAL, LEGAL &
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ABIGAIL ABA ANSO (Ms.)
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19TH FEBRUARY 2003

APPENDIX A

SUMMARY OF PROVISIONS OF IMO CONVENTION

PART I

This part states the purpose of the IMO which among others provides a machinery for co-operation among Governments in the field of regulations and practices relating to international shipping.

PART II AND III

Part II & III enumerates the functions of the IMO and provides for the membership of the organization.

PART IV

This part deals with the main organs of the IMO namely, the Assembly, Council, Maritime Safety Committee, Legal Committee, Marine Environment Protection Committee and Technical Co-operation Committee

PART V

The Assembly – This is the highest governing body of the IMO. It consist of all the member states of the IMO and meets once every two years for regular sessions. The Assembly is responsible for approving the work programme and budget for the organization.

PART VI

The Council – The Council is made up of 40 member states elected by the Assembly for two year term. It is responsible for supervising the work of the organization under the directives of the Assembly.

PART VII

The Maritime Safety Committee – This is the highest technical body of the organization. Its main functions are to consider any matter within the scope of the organization concerned with aids to navigation, construction and equipment of vessels, manning, rules for the prevention of collision, handling of dangerous goods, marine casualty investigations, maritime safety procedures and requirements.

PART VIII

The Legal Committee - This Committee is responsible for drafting international maritime instruments and also deals with all legal matters within the scope of the organization.

PART X

The Technical Co-operation Committee: This Committee is required to consider any matter within the scope of the organization concerned with the implementation of technical co-operation projects for which the IMO acts as an executing or co-operating agency.

PART XI

Part XI deals with the Secretariat which comprises of the Secretary-General and other personnel of the organization.

PARTS XII AND XIII

These Parts deal with the finances of the organization as well as voting rights of member states.

PARTS XIV – HEADQUARTERS

This part provides for the headquarters of the organization which shall be located in London.

PART XV – This part deals with the relationship between the IMO and other United Nations agencies or bodies.

PART XVI – This part deals with the legal capacity, privileges and immunities that are to be accorded to the organization.

PART XVII – AMENDMENTS

This part deal with amendments to the convention.

PART XVIII – INTERPRETATION

This part deal with the interpretation of the Convention.

PART XIX AND XX

This parts deal with the final clauses of the convention such as signature and acceptance, withdrawal and entry into force provisions

APPENDIX B

ATTACHMENT 1

Resolution A.724(17)

Adopted on 7 November 1991
(Agenda item 15)

AMENDMENTS TO THE CONVENTION ON
THE INTERNATIONAL MARITIME ORGANIZATION
(Institutionalisation of the Facilitation Committee)

The Assembly,

RECALLING resolution A.640(16) adopted at its sixteenth regular session by which it decided to take the necessary steps at its seventeenth regular session to adopt amendments to the IMO Convention in order to institutionalise the Facilitation Committee in the IMO Convention,

HAVING CONSIDERED the recommendations of the Facilitation Committee on the proposed amendments to the IMO Convention and the views of the Council on these recommendations,

1. ADOPTS amendments to the Convention on the International Maritime Organization, the texts of which are contained in the Annex to this resolution, consisting of:

- the amendments to Articles 11, 15, 21, 25, 56 and 57;
- the addition of a new part part XI consisting of new Articles 47 to 51;
- consequential renumbering of existing parts XI to XX;
- consequential renumbering of existing Articles 47 to 77;
- consequential changes in the references to the renumbered Articles in Articles 5, 6, 7, 8, 66, 67, 68, 70, 72, 73 and 74;
- consequential changes to the references to the renumbered parts in Articles 15 and 25(a); and
- consequential change to the number of the renumbered Article referred to in appendix 11;

2. REQUESTS the Secretary-General of the Organization to deposit the adopted amendments with the Secretary-General of the United Nations in accordance with Article 72 (previously Article 67) of the IMO Convention and to receive instruments of acceptance and declarations as provided for in Article 73 (previously Article 68); and

3. 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 73 (previously Article 68) of the Convention.

ANNEX

AMENDMENTS TO THE CONVENTION ON
THE INTERNATIONAL MARITIME ORGANIZATION
(institutionalisation 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 provision 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.