

Explanatory Statement 1 of 2023

Amendments to the Convention on the International Maritime Organization

Practical and legal effect

1. The treaty action is the amendment of the Convention on the International Maritime Organization (IMO Convention) which establishes the International Maritime Organization (IMO) and, among other things, sets out its purposes, functions, membership, organs (being an Assembly, a Council, Committees and a Secretariat) and its legal status. The IMO Convention provided that English, French and Spanish would be its equally authentic texts. Australia accepted the IMO Convention on 13 February 1952.
2. The amendments to the IMO Convention constitute a minor treaty action for Australia and relate to expanding the size and terms of the Council, and expansion of official languages recognised by the IMO.
3. The practical, legal and financial effect of this treaty action is negligible. There are no legislative or regulatory amendments required as a result of these amendments to the IMO Convention, and the Office of Impact Analysis has confirmed that no Impact Analysis is necessary.

Nature and timing of proposed treaty matter

4. In 2017, Australia was elected to the IMO Council (Council) on a platform that included reforming the IMO to improve transparency, increase access to information, amend the Council structure and membership, and enhance the role of Council to be able to develop policy for the IMO. Australia is standing for re-election to Council in December 2023. At its 120th session in July 2018, the Council agreed to consider reforms to the Council to better position the IMO to achieve its objectives.
5. At the 31st session in 2019, the Assembly agreed to increase the Council membership terms to four years and expand the Council membership to 52. At the 32nd session of the Assembly in 2021, members agreed to amend the IMO Convention to enact these changes to Council, and to increase the number of languages considered to be authentic texts of the IMO Convention.
6. The proposed amendments to the IMO Convention are:
 - a. Article 16 would increase the size of the Council from 40 to 52 Members;
 - b. Article 17 would provide for the distribution of the additional 12 Members across the three categories of Council membership with totals of:
 - 12 being States with the largest interest in providing international shipping services;
 - 12 being States with the largest interest in international seaborne trade; and
 - 28 being States not elected under the other categories that have special interests in maritime transport or navigation and whose election to the Council would ensure the representation of all major geographic areas of the world;

- c. Article 18 would extend the term of Council Members from two years to four years;
 - d. Article 19(b) would increase the number of Members necessary to form a quorum to 34, to align with the increased size of the Council; and
 - e. Article 81 would add Arabic, Chinese and Russian as official languages of the IMO Convention resulting in the Arabic, Chinese, English, French, Russian and Spanish texts of the IMO Convention being recognised as equally authentic.
7. In accordance with Article 52 of the IMO Convention, the amendments will enter into force twelve months after two-thirds of the Member States accept them. The amendments will then apply to all Member States other than those Member States that, prior to the amendments taking effect, lodge a declaration that they do not accept the amendments. As of 15 February 2023, the IMO has 175 Member States, meaning 117 Member States would have to accept the amendments for them to enter into force.
8. As a strong proponent of IMO reform and the originator of these amendments, it is appropriate that Australia accept the amendments early and encourage other Member States to follow.

Reasons for Australia to take the proposed action relating to the treaty matter

9. Australia actively promotes reform at the IMO. Since Australia's election to the IMO Council in 2017, Australia has submitted papers seeking to improve transparency, increase access to information, amend the Council structure and membership, and increase the role of Council to be able to form policy for the IMO. Increasing the number of members and membership terms for Council would ensure a balance of Member State interests are represented and would encourage a more inclusive geographical representation.

Implementing Legislation

10. No legislative changes are needed to implement the proposed treaty action.

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