

1st General Assembly
International Organization for
Marine Aids to Navigation



18-21 February 2025
Singapore

b– Approval of the General Regulations and Financial Regulations

b.1.4– Delegation of responsibility

Delegation of responsibility from the General Assembly to the Council

Note on suspension and reinstatement of membership rights for Associate Members

BACKGROUND

At the Tokyo Conference in November 2023, the draft General Regulations of the Organization, including the Financial Regulations, were discussed.

In Article 2 of the draft General Regulations and Article 8 of the draft Financial Regulations the automatic suspension, termination and reinstatement of membership rights and the status of Associate and Affiliate members decided by the Council were agreed.

During the discussions, concerns were raised regarding Article 7.7(j) of the Convention, which stipulates that decisions on Associate Membership are the responsibility of the General Assembly, not the Council.

To address this, the Tokyo Conference agreed to propose a resolution for discussion at the first General Assembly. The resolution would delegate this responsibility from the General Assembly to the Council in accordance with Articles 7.1 and 8.8(a) of the Convention. For further details, refer to page 9 of the Tokyo Conference report (29 pages in total).

DISCUSSION

a. Relevant Articles:

The relevant draft Articles in the General Regulations and Financial Regulations are:

Draft Article 2.7 of the General Regulations:

“The Council may suspend Associate or Affiliate membership for unpaid fees in accordance with the arrangements set out in the Financial Regulations”.

Draft Article 2.10 of the General Regulations:

“The Council reinstates an Associate or Affiliate membership suspended under Article 2.9 when the Council is satisfied that the Associate Member or Affiliate Member has met the requirements set out by the General Assembly or the Council.”

Draft Article 2.11 (b) of the General Regulations:



“Associate or Affiliate membership may be terminated by the Council where a suspended Associate Member or Affiliate Member has not paid fees within twelve months of suspension for that non-payment. The Secretary-General will notify the Council of any such event at its next meeting. Such termination will take effect from the date of the meeting at which the Council terminates the membership; or”

Draft Article 8.1(b) of the Financial Regulations:

“For Associate Members and Affiliate Members:

- i. in the event that no payment is received by 1 July of the financial year, upon approval by the Council, membership rights may be suspended;
- ii. the Council shall be advised, at its second annual session of unpaid fees; and
- iii. on approval by the Council, after notification, membership may be terminated if fees remain unpaid after membership rights have been suspended for twelve months and the Associate Member or Affiliate Member has not agreed a payment schedule.”

LEGAL IMPLICATIONS

As included in the relevant draft Articles of the General Regulations and Financial Regulations, the procedure of suspending, reinstating or ending the membership rights and status due to non-payment of fees and in case of reinstatement according to draft Article 2.10 of the General Regulations after meeting requirements set out by the General Assembly is largely automated, with minimal discretion afforded to the Council as the decision-making body.

Leaving these decisions to the Council ensures that actions related to suspension, reinstatement, and termination can be taken twice a year at Council meetings, rather than waiting for the General Assembly, which convenes every three years.

This approach allows for faster sanctioning of members in arrears and quicker reinstatement once the necessary conditions are met.

Other decisions regarding the suspension of membership status for activities incompatible with the aims and objectives of the Organization remain explicitly within the purview of the General Assembly for Associate Members and the Council for Affiliate Members.

Article 8.8(a) of the Convention explicitly provides for the delegation of responsibilities from the General Assembly to the Council, which must then execute these responsibilities accordingly. Additionally, Article 7.1 of the Convention establishes that the General Assembly is the principal decision-making body of the Organization and holds all powers, unless otherwise specified in the Convention.

3. THE GENERAL ASSEMBLY IS REQUESTED TO

The General Assembly is requested to approve the attached draft Resolution on delegating certain responsibilities related to the suspension, reinstatement and termination of membership rights for Associate Members to the Council.