



## IMCO

INTERNATIONAL CONFERENCE ON  
MARINE POLLUTION, 1973  
Committee I  
Agenda item 3

CONSIDERATION OF THE ARTICLES OF THE DRAFT  
INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

Proposed amendment to Article 17

Submitted by the United States of America

At its thirtieth session (June 4-8, 1973), the IMCO Council created an Ad Hoc Working Group on Marine Environment Protection to formulate specific proposals for the creation of a Marine Environment Protection Committee within IMCO. That Working Group met from July 23-27, and unanimously recommended that a Marine Environment Protection Committee be established by the IMCO Assembly as a permanent body to perform functions relating to the prevention of pollution from ships. (The Report of the Working Group is contained in MP/CONF/INF.12). The Committee would be composed of all States Members of IMCO, and would include other States Parties to IMCO Conventions when the Committee performs functions under those Conventions. With respect to the 1973 Convention on the Prevention of Pollution from Ships, the Working Group agreed that:

In the event that the Conference determines to assign functions to the new Committee, one method would be to refer to "the appropriate permanent organ established by the Assembly of the Organization and charged with functions in respect of marine pollution.". In that event, upon acceptance of depositary functions by the Assembly, the new Committee would be the

appropriate permanent organ under the proposed Terms of Reference to act as provided in the Convention.

The IMCO Assembly will meet in November 1973 to consider the formal establishment of the new Committee in accordance with the recommendation of the Working Group. The following amendments would provide the necessary changes in the language of Article 17, along the lines proposed by the Working Group, to provide for the assumption by the new Marine Environment Protection Committee of functions regarding the development of amendments.

-Add to Article 17(3) after first sentence:

"For the purpose of this paragraph, 'the Committee' shall refer to the appropriate permanent organ established by the Assembly of the Organization and charged with functions in respect of marine pollution."

-Replace Article 17(3)(a)(i) and (ii) with:

"(i) Any proposed amendment to the Articles of the present Convention shall be submitted to the Committee for consideration. If adopted by a two-thirds majority of those present and voting in the Committee, the amendment shall be communicated by the Organization to all Contracting States for acceptance. Any Contracting State which is not a Member of the Organization shall be entitled to participate and vote when the amendment is considered by the Committee."

-Replace Article 17(3)(b)(i) and (ii) with:

"(i) Any proposed amendment to the Annexes to the present Convention (including the Appendices thereto) shall be submitted to the Committee for consideration. If adopted by a two-thirds majority of those present and voting in the Committee, the amendment shall be communicated by the Organization to all Contracting States for acceptance. Any Contracting State which is not a Member of the Organization shall be entitled to participate and vote when the amendment is considered by the Committee."

-Other references in Article 17 to "the Assembly" or "the Maritime Safety Committee" should similarly be changed to "the Committee".