



INTERNATIONAL CONFERENCE ON  
SAFETY OF LIFE AT SEA, 1974

## IMCO

### SUMMARY RECORD OF THE FIFTH MEETING

held at IMCO Headquarters, 104 Piccadilly, London, W.1,  
on Wednesday, 30 October 1974 at 9.35 a.m.

President: Rear-Admiral R.Y. EDWARDS (USA)  
Secretary-General: Mr. C.P. SRIVASTAVA (Secretary-General of IMCO)  
Executive Secretary: Captain A. SAVELIEV (IMCO)

A list of participants is given in SOLAS/CONF/INF.1/Rev.1 and Corr.1 thereto

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AGENDA ITEM 7 - CONSIDERATION OF A DRAFT INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 (SOLAS/CONF/D/3; SOLAS/CONF/D/4 and Corr.1; SOLAS/CONF/D/4/Add.1; SOLAS/CONF/D/5 and Corr.1; SOLAS/CONF/D/5/Add.1; SOLAS/CONF/D/8; SOLAS/CONF/D/12; SOLAS/CONF/C.2/9)(continued)

Chapters I and V (SOLAS/CONF/D/3, SOLAS/CONF/D/8)

Mr. MOHAN (India) referred to Regulations 7, 8 and 9 of Chapter I (SOLAS/CONF/D/3) and Regulation 12 of Chapter V (SOLAS/CONF/D/8). His delegation wished to point out that radar, gyro-compass, echo-sounding and radio direction-finding equipment, although desirable on board ships in the interests of safety, were merely aids to navigation; facilities for the maintenance of such equipment were likely to be a problem for developing countries, including his own, for a long time. Those countries would therefore find it very difficult to undertake the surveys provided for in Regulations 7, 8 and 9. In that connexion, the wording of Regulation 12(e) of Chapter V indicated that malfunction of equipment of that kind did not make a ship unseaworthy. His delegation therefore opposed mandatory surveys for such equipment and suggested that any provisions concerning its inspection and maintenance should be recommendatory.

Chapter II-1 (SOLAS/CONF/D/4, SOLAS/CONF/D/4/Corr.1, SOLAS/CONF/D/4/Add.1)

Mr. ERIKSSON (Sweden), Chairman of Committee II, introduced draft Chapter II-1 prepared by Committee II and the Drafting Committee. There was a mistake in SOLAS/CONF/D/4, paragraph 3, concerning Regulation 25: the reference to "Chapter II bis" should read "Chapter II-2".

The PRESIDENT suggested that, since there were no objections, the Conference adopt draft Chapter II-1 subject to that correction.

Chapter II-1 (SOLAS/CONF/D/4, SOLAS/CONF/D/4/Corr.1 and SOLAS/CONF/D/4/Add.1), as corrected, was adopted.

Mr. UNKLES (Australia), Chairman of the Drafting Committee, referring to the decision by Committee II to continue the use of both British and metric units (SOLAS/CONF/D/4/Corr.1), requested the Conference to decide whether it wished to adopt a similar decision for each Chapter of the Convention, or to extend the decision concerning Chapter II-1 to all the other Chapters.

The PRESIDENT suggested that, to simplify matters, the Conference might decide that the wording on measurement units prepared by Committee II (SOLAS/CONF/D/4/Corr.1) would be repeated in all the Annexes to the 1974 Convention, and that the Secretariat should be asked to make the necessary corrections.

It was so decided.

Chapter II-2 (SOLAS/CONF/D/5, SOLAS/CONF/D/5/Corr.1, SOLAS/CONF/D/5/Add.1, SOLAS/CONF/C.2/9)

Mr. ERIKSSON (Sweden), Chairman of Committee II, reviewed the salient points of the Committee's discussion on Chapter II-2 as described in its Report to the Conference (SOLAS/CONF/C.2/9, paragraphs 5-9): the prohibition of the use of steam as a fire-extinguishing medium except in certain special cases; the deletion of provisions relating to tonnage openings; more flexible requirements with regard to fire protection systems, as proposed by China; the possible deletion of Regulation 38; and various proposals concerning fire safety measures for tankers. The Committee had decided that the proposals which it had not approved might be considered later under the new amendment procedures.

Mr. MOHAN (India), referring to Regulation 55(d), said that in his country it had proved perfectly satisfactory for many years to free the wing tanks of ore-bulk-oil carriers of oil only as far as was practicable, since some thick sludge at the bottom was very difficult to remove, and then to gas-free them. His delegation therefore considered that Regulation 55(d) should be amended to read: "Combination carriers shall not carry solid cargoes, unless all cargo tanks are empty of oil and sludge as far as practicable and gas freed or unless in each case the Administration is satisfied with the arrangements provided."

Moreover, India took the view that Regulation 60(a) should apply only to very large crude carriers and very large tankers of 200,000 metric tons deadweight and over, because of the cost of installing the prescribed inert gas system, the expense and difficulty of its maintenance, including the lack of suitable after-sales service and spare parts facilities, and the difficulty and cost of training the necessary operators.

Mr. UNKLES (Australia) proposed the deletion of the comma between the word "passengers" and "and crew" in Regulation 3, new paragraph (v) (SOLAS/CONF/D/5, paragraph 11), so as to avoid any distinction between passengers' and crews' effects.

It was so decided.

Chapter II-2 (SOLAS/CONF/D/5, SOLAS/CONF/D/5/Corr.1 and SOLAS/CONF/D/5/Add.1) as amended, was adopted.

Appendix (SOLAS/CONF/D/12)

The Appendix (SOLAS/CONF/D/12) was adopted.

## AGENDA ITEM 8 - ADOPTION OF THE FINAL ACT OF THE CONFERENCE (SOLAS/CONF/D/1)

Mr. MANCINELLI (Argentina) said that, in paragraphs 11, 12 and 13 of the Spanish version, the word "documents" should be replaced by the word "acregado".

The PRESIDENT requested the Executive Secretary to have that amendment incorporated in the Spanish version of the Final Act.

The Final Act (SOLAS/CONF/D/1), as amended, was adopted.

## AGENDA ITEM 7 - CONSIDERATION OF A DRAFT INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 (SOLAS/CONF/D/2 and Corr.1, SOLAS/CONF/D/3, SOLAS/CONF/C.2/9)(resumed)

Articles

Mr. LONGE (Nigeria), Chairman of Committee I, said that the Committee had decided to delete Article VI, concerning suspension in case of war, and Article XIII, on territories, and consequently to delete the reference to territories in Article II. In addition, the Committee had voted not to include provisions on reservations in Chapter I.

Article XIII (SOLAS/CONF/D/2) and Regulation 2(d) of Chapter I (SOLAS/CONF/D/3) - Question of Territories

The PRESIDENT suggested that the Conference should first settle the question of territories, so that the consideration of all the Annexes could be concluded.

Mr. JACQUIER (France) said that his delegation had pointed out in Committee I that, in present circumstances, parts of Article XIII were still useful to some countries. However, his delegation was aware that there was a majority in favour of deleting that Article, and it would not request a vote on the matter; it nevertheless wished to point out that, if Article XIII was deleted, every reference to territories elsewhere in the Convention must also be deleted, and particularly the reference in Regulation 2(d) of Chapter I (SOLAS/CONF/D/3, paragraph 2).

Mr. HERNANDEZ ARMAS (Cuba) attached the greatest importance to the deletion of the second part of Regulation 2(d) which referred to territories; that deletion would simply be consequential on the deletion of Article XIII. In addition, he proposed that the first part of the paragraph should be amended to read: "An international voyage means a voyage carried out by a vessel flying the flag of a Contracting Government from the port of one country to a port outside that country". The present definition of an international voyage took no account of the question of the flag or of voyages between non-Contracting countries.

Mr. MAUL (German Democratic Republic) supported the Cuban proposal.

Mr. UNKLES (Australia), Chairman of the Drafting Committee, said that in the Drafting Committee's view, the intention of the second part of Regulation 2(d) was and always had been covered by the first part of the paragraph; that was so regardless of whether Article XIII was deleted. It would therefore be best to delete the second part of the paragraph.

Mr. IHEMA (United Republic of Tanzania) supported the French view that all references in the Convention to territories would have to be deleted if Article XIII was deleted.

The PRESIDENT suggested that the Conference should vote on the wording proposed by the Cuban delegation for the first part of Regulation 2(d).

Mr. QUARTEY (Ghana) thought it unnecessary to change the first part of the paragraph if the meaning of the second part was covered by the first part, as the Chairman of the Drafting Committee had indicated.

The Cuban proposal was rejected by 21 votes to 3, with 32 abstentions.

The PRESIDENT put to the vote the French suggestion that the words in square brackets in Regulation 2(d)(SOLAS/CONF/D/3) should be deleted.

The French suggestion was adopted by 48 votes to none, with 7 abstentions.

Regulation 2 (SOLAS/CONF/D/3) was adopted.

Mr. HERNANDEZ ARMAS (Cuba) wished to make it clear that originally, in Committee I, the amendment just adopted had been proposed by delegations other than the French delegation, including his own.

Mr. JACQUIER (France) said that his delegation laid no claim to the proposal, since it stemmed from the proposal in Committee I by other delegations to delete Article XIII.

Mr. LONGE (Nigeria), Chairman of Committee I, said that his Committee had agreed that deleting Article XIII would also mean deleting the second part of Regulation 2(d) of Chapter I. The doubts expressed at that time by some delegations should be resolved by the explanation given by the Chairman of the Drafting Committee that the purpose of the second part of the paragraph was in fact covered by the first part.

Mr. IWATA (Japan) said that in that case he would like it explicitly placed on record that the deletion of the second part of Regulation 2(d) of Chapter I in no way changed the meaning of the definition of an "international voyage".

Mr. HERNANDEZ ARMAS (Cuba) opposed that interpretation, which would be tantamount to retaining the second part of paragraph (d) and would conflict with the decision of Committee I to delete Article XIII.

The PRESIDENT said that the Conference merely had to spell out the fact that deletion of the second part of the paragraph did not change the meaning of the first part. That point would appear in the summary record.

He invited the Conference to take a decision on the deletion of Article XIII of the 1960 Convention, as proposed by Committee I.

It was decided to delete Article XIII of the 1960 Convention.

#### Articles I-V (SOLAS/CONF/D/2)

Mr. LONGE (Nigeria), Chairman of Committee I, said that Articles I to V had posed no problems for the Committee, which had merely decided to delete the reference to territories in Article II.

Articles I to V (SOLAS/CONF/D/2) were adopted.

#### Articles VI and VII (SOLAS/CONF/D/2)

Mr. LONGE (Nigeria), Chairman of Committee I, said that Article VI of the 1960 Convention did not appear in the draft because the Committee recommended its deletion.

It was decided to delete Article VI of the 1960 Convention.

Mr. LONGE (Nigeria), Chairman of Committee I, said that draft Articles VI and VII of the 1974 Convention had aroused no controversy in the Committee.

Articles VI and VII (SOLAS/CONF/D/2) were adopted.

Article VIII (SOLAS/CONF/D/2 and Corr.1, SOLAS/CONF/C.2/9)

Mr. LONGE (Nigeria), Chairman of Committee I, said that the proposed text of Article VIII was the result of detailed study by the Committee. The only question was whether it was necessary to include sub-paragraph (ii) of paragraph (d).

Mr. JACQUIER (France) said that before considering draft Article VIII, dealing with amendments, it might be best to decide whether the Convention should contain a clause on reservations. France opposed the inclusion of a reservations clause; but other delegations had made proposals in that regard, and consideration of the question was connected with consideration of the amendment procedure.

The PRESIDENT said that Committee I had decided against the inclusion of an Article on reservations, but that Committee II would favour it with respect to the technical Annex, except for Chapter I.

Mr. ERIKSSON (Sweden), Chairman of Committee II, reviewed the arguments put forward in his Committee (SOLAS/CONF/C.2/9, paragraphs 16-20) for and against an Article prohibiting reservations to the technical provisions of the Convention.

Mr. JACQUIER (France) thought that if any delegation intended proposing a reservations article, that Article should be considered before draft Article VIII, which concerned amendments.

Mr. SEKYEI (Ghana) pointed out that Committee I, which had been responsible for considering the Articles, had decided against the inclusion of a reservations clause. The Conference must first decide whether it wished to alter that decision.

The PRESIDENT said that Committee II had been concerned only with reservations to the technical provisions, which were the part of the Convention it had been responsible for examining.

Mr. MORALES ACOSTA (Mexico) favoured the prohibition of reservations to the technical provisions, except for Chapter I, but not to the prohibition of reservations to the Articles.

The PRESIDENT suggested that the Conference first decide whether the question of reservations should be considered before draft Article VIII.

Mr. GHIAFFAR (Pakistan) proposed that the matter be put to the vote.

Mr. SEKYEI (Ghana) asked whether the prohibition on reservations would apply to the entire Convention.

Mr. JACQUIER (France) said that the decision of Committee I not to include a reservations Article applied to the whole of the Convention. He believed, however, that the prohibition of reservations which was desired by some delegations would apply only to reservations to the Annex, except for Chapter I.

Mr. TARDANA (Indonesia) supported the decision of Committee I. It would enable any State to enter reservations with regard to any part of the Convention that might be incompatible with its interests or sovereignty, in conformity with the Vienna Convention on the Law of Treaties.

Mr. YAFAI (Democratic Yemen) pointed out that the Secretariat, in reply to Committee I, had indicated that none of the reservations formulated with respect to the 1960 Convention applied to the technical provisions. To prohibit reservations of that kind in the new Convention therefore seemed unjustifiable. Moreover, since most States were very jealous of their sovereignty, such a prohibition might hinder the ratification of the Convention.

He proposed that the Conference take the vote called for by Pakistan.

Mr. SUNG CHIH-KUANG (China) argued that international conventions must respect the sovereignty of States, and that every government must have the right to enter reservations. Committee I had already discussed the question in depth and had decided that the Convention should not contain a reservations clause. His delegation agreed with the Ghanaian delegation that a reservation to the Convention meant a reservation to the whole text, including the Articles. He supported the Pakistan proposal and thought it unnecessary to go back on the decision taken by Committee I.



Mr. ARCHER (UK), speaking on a point of order, observed that the two previous speakers, instead of saying whether or not the question of reservations should be considered at the present meeting, had already opened a debate on reservations by discussing whether reservations should apply to the Articles of the Convention. His delegation therefore wished to make a statement.

The PRESIDENT, in reply to a question from Mr. SEKYI (Ghana), said that if the Conference decided to include in the Convention a clause on the prohibition of reservations, the prohibition would apply only to reservations to the technical provisions in the Annex. It appeared that the Conference was ready to discuss the substance of the matter immediately.

Mr. ARCHER (UK) regretted having to re-open the debate on a point already covered by Committee I. The Chairman of the Committee had described the circumstances in which the Committee had voted against the inclusion of a reservations clause. His delegation favoured a clause prohibiting all reservations; but in a spirit of compromise, it was prepared to agree that the prohibition of reservations should apply to Chapters II and subsequent Chapters, i.e. to the technical aspects of the Convention.

In any diplomatic conference, governments had to abide by rules in order to avoid the risk of misunderstandings. In international law, the Vienna Convention on the Law of Treaties provided that, in the absence of a reservations clause in a treaty, reservations could be entered unless they were incompatible with the object and purpose of the treaty. Legally, therefore, and also from the practical standpoint, an Article on reservations should be included, in order to avoid difficulties. Such an Article had been included in the 1973 International Convention for the Prevention of Pollution from Ships, which was a very good precedent. His delegation was prepared to submit the text of an Article if the Conference so desired.

Mr. OZARAR (Turkey) supported the proposal of Pakistan and Democratic Yemen.

Mr. COOPER (Liberia) said that his delegation had proposed that the Committee should include an Article prohibiting reservations to the technical provisions of the Convention. Having heard the arguments of the United Kingdom representative, he would merely add that if no Article prohibiting reservations was included, the Safety Certificates issued under the Convention, certifying that the ship met the requirements of the Regulations annexed to the Convention, would in fact be invalidated. International friction would result and time and money would be wasted. That was undesirable.

Mr. LAMPE (Federal Republic of Germany) supported the views of the United Kingdom and Liberian representatives.

Mr. MITROPOULOS (Greece) endorsed the view of the United Kingdom representative. He hoped that the Article which the latter had suggested submitting to the Conference would soon be available.

Mr. JACQUER (France) said that the Vienna Convention on the Law of Treaties authorized a State signatory to a treaty to enter reservations unless they were incompatible with the aim of the treaty. The question was therefore whether the Convention for the Safety of Life at Sea could give rise to reservations. It was inconceivable that reservations would be formulated to the Convention on the International Regulations for Preventing Collisions at sea, yet that instrument contained no reservations clause. In the case of the Convention for the Safety of Life at Sea, it was not certain that the technical provisions might not give rise to reservations. Furthermore, since the amendment procedure allowed a State to reject an amendment, there was no reason why a State should not be able to enter reservations.

However, the prohibition of all reservations might make the ratification of the Convention more difficult. His delegation therefore proposed that there should be no reservations Article and that the question should be put to the vote.

Mr. IWATA (Japan) supported the view of the delegations of the United Kingdom, Liberia, the Federal Republic of Germany and Greece that no reservations should be permitted to the Annexes to the Convention. He believed that, as far as the safety of life at sea was concerned, there should be equal treatment, namely equal safety conditions, for all. An Article prohibiting any reservation concerning the technical aspects of the Convention should therefore be included.

Mr. SALVESEN (Norway) agreed that reservations with respect to the technical aspects of the Convention should not be permitted.

Mr. SEKYI (Ghana) agreed with the French representative that it was unnecessary to include a reservations clause. Contracting States must realize their responsibilities and observe the basic rules laid down by the Convention.

Mr. FORSYTH (Peru) and Mr. IHEMA (United Republic of Tanzania) said that, having heard the persuasive arguments of the French delegation, supported by the delegation of Ghana, they were firmly convinced that there should be no reservations clause in the Convention.

The meeting rose at 12.30 p.m.