



INTERNATIONAL CONFERENCE ON  
SAFETY OF LIFE AT SEA, 1974 -  
Agenda item 7

IMCO

CONSIDERATION OF A DRAFT INTERNATIONAL CONVENTION  
FOR THE SAFETY OF LIFE AT SEA, 1974

Comments on proposed amendments to Articles  
of the 1960 Safety Convention

Submitted by the United States of America

The following are comments on and proposed alterations to the draft Articles of the Convention, as submitted to the Conference under document SOLAS/CONF/4.

1. Assembly Resolution A.304(VIII), deciding to convene an international conference in October 1974 to conclude a new Safety of Life at Sea Convention, noted with concern that none of the numerous amendments to the existing Convention adopted by the Organization has yet come into force under the provisions of the existing Convention. The Assembly decided further that the principal objective of the Conference shall be to replace the existing 1960 Safety Convention by a new Convention, substantially in conformity with the technical provisions of the 1960 Convention, which shall incorporate:

- (a) provisions for rapid entry into force of the Convention;
- (b) improved and accelerated amendment procedures;
- (c) amendments to the 1960 Convention which have already been adopted by the Assembly; and
- (d) new regulations which are recommended by the Assembly for inclusion in the new Convention.

2. The United States supports Resolution A.304 in its entirety. In order to make effective use of the limited time available, the United States believes that the terms of reference in the Assembly resolution, and as stated above, should be strictly adhered to.

3. With regard to item (b) of the terms of reference, one must remember that prior to the establishment of IMCO, SOLAS Conferences were arranged periodically to update conventions to the advances made in technology. The establishment of IMCO was intended to provide, inter alia, machinery to systematically update existing conventions with technological advances of the marine industry without the need for periodic conferences. Many amendments to the 1960 SOLAS Convention have since been approved by that IMCO machinery. However, unfortunately, none has as yet been ratified by sufficient countries to bring them into effect internationally. This is not necessarily to be considered a fault of the flow of technical information through the IMCO process. It may, on the other hand, be considered a fault with the amendment procedures of the Convention itself.
4. Recognizing this as a weakness of the Safety Convention, other conferences in which IMCO has participated have incorporated a tacit amendment procedure in the conventions adopted by them. Nevertheless, while basically a tacit amendment procedure, these conventions differ in their detailed provisions. Inasmuch as the 1960 Safety Convention is one in which IMCO has had the most experience, the provisions of the new Safety Convention should be suitable and practicable for its intent. The United States favours a tacit amendment procedure for the Annex to the Convention, or to an Appendix, and an explicit procedure for an amendment to an Article of the Convention.
5. The United States agrees with the proposed amendments to Articles I, II and VII given in SOLAS/CONF/4. With regard to Article IX the following comments are offered.
6. The United States strongly supports the concept of Alternative II in sub-paragraph 2(f)(ii). Experience with amendments to the 1960 Safety Convention has shown that an explicit acceptance procedure for the Annex to the Convention is not practicable. To continue with this approach in the new Convention would perpetuate a demonstrably ineffective provision for amending safety requirements. We believe that the total time for the tacit amendment procedure, provided by sub-paragraphs 2(a), (b), (c) and (f)(ii) of Alternative II taken together, is sufficient for any contracting government to determine the acceptability of an amendment.
7. The United States is fully aware of the delays and difficulties attendant to the processing of international instruments through domestic constitutional

procedures. We agree that the Convention should provide adequate flexibility to allow a contracting government, which has not deposited an objection, sufficient time for parliamentary process before it can give effect to the provisions of an amendment. However, we are also of the view that a reasonable, but definite, period must be specified to ensure equitable application amongst contracting governments. In general, we can support the provision along the lines given in sub-paragraph 2(f)(ii-bis).

8. Subject to the foregoing the United States suggests as a simplification the deletion of sub-paragraph 2(f)(iii) and the insertion of the words "or to an appendix" between the words "Annex" and "shall" in the first line of sub-paragraph 2(f)(ii) of Alternative II.

9. In accordance with the foregoing the United States favours the deletion of the words and the square brackets at the end of sub-paragraph 2(g)(ii).

10. The United States views the "important nature" provision of paragraph 8 as a complication which is necessary only if the amendment procedure is so worded as to permit some contracting governments to not give effect to amendments which have been otherwise accepted.

11. The United States supports inclusion of a Reservations Article.

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