



INTERNATIONAL CONFERENCE ON
SAFETY OF LIFE AT SEA, 1974

IMCO

SUMMARY RECORD OF THE SECOND MEETING

held at IMCO Headquarters, 104 Piccadilly, London, W.1,
on Monday, 21 October 1974 at 2.35 p.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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ATTENDANCE OF OBSERVERS AT THE CONFERENCE (concluded)

Mr. CADETE (Portugal), speaking on behalf of his country's new Government, expressed his gratitude to Members of the Conference for their decision at the previous meeting and for the resulting invitation to attend the Conference transmitted by the Secretary-General. As a maritime country and a Contracting Party to the 1960 SOLAS Convention, Portugal looked forward to participation in the Conference and to continued close co-operation with IMCO. The new Government had started the procedure for full membership and hoped that arrangements would be completed shortly.

He welcomed the decision to invite Guinea-Bissau to participate in the Conference.

The PRESIDENT invited comments on the proposal by Cuba at the previous meeting, supported by China and Bulgaria, to invite an observer from the Provisional Revolutionary Government of South Viet-Nam to attend the Conference.

Mr. BACH (Republic of Viet-Nam) said that the Government of the Republic of Viet-Nam was the sole legal representative of the people of South Viet-Nam. The Republic of Viet-Nam was a Member of most of the specialized agencies of the United Nations and had participated fully in their activities; it was also a Contracting Party to the 1960 SOLAS Convention. It supported the principle of universality in the work of the community of nations, but maintained categorically that the self-styled "PRG" was not a government and had neither been recognized as such nor permitted to attend international conferences organized by the United Nations and the specialized agencies.

With regard to allegations made at the previous meeting, it was not true that the Paris Peace Agreement of 27 January 1973 provided for two Governments and two territories in South Viet-Nam: there was no reference to the "PRG" in any of its 23 Articles and no provision calling for partition into two separate countries.

In his opinion, the present highly technical Conference was not the appropriate place for dealing with political questions, and he proposed that it should not consider the Cuban proposal.

Mr. BENKERT (USA) endorsed the comments of the representative of the Republic of Viet-Nam, and urged that the Conference should not take political decisions which had not been taken by other United Nations organizations.

Mr. LAMPE (Federal Republic of Germany) and Captain GPAVES (Canada) agreed with the two previous speakers.

Mr. ARCHER (UK) said that following the Paris Peace Conference of 1973, his Government had recognized the Democratic Republic of Viet-Nam, (Hanoi), as the Government of North Viet-Nam and the Republic of Viet-Nam, (Saigon), as the Government of South Viet-Nam. It did not recognize any third government of the country and would vote against any motion to invite such a government to the Conference. He hoped, however, that the Conference would not attempt to deal with that political question.

Mr. CHOI (Republic of Korea) supported the views of the United States representative. The Conference should concentrate on the technical problem for which it had been convened.

The PRESIDENT put to the vote the proposal by the representative of the Republic of Viet-Nam that the Conference should not consider the matter further.

The proposal was adopted by 28 votes to 14, with 15 abstentions.

AGENDA ITEM 2 - ADOPTION OF THE AGENDA (SOLAS/CONF/1)

The Agenda for the Conference (SOLAS/CONF/1) was adopted.

AGENDA ITEM 3 - ADOPTION OF RULES OF PROCEDURE (SOLAS/CONF/2)

The Rules of Procedure (SOLAS/CONF/2) were adopted.

AGENDA ITEM 4 - ELECTION OF VICE-PRESIDENTS AND OTHER OFFICERS OF THE CONFERENCE

The following five Vice-Presidents were elected by acclamation:

Mr. EL-SAMMAK (Egypt), proposed by Mr. BIRTWHISTLE (Canada) and seconded by Mr. TRETIAK (Ukrainian SSR); Mr. ANCHORENA (Argentina), proposed by Mr. ERTEL (Poland) and seconded by Mr. ROZENTAL (Mexico); Mr. REINTNER (German Democratic Republic), proposed by Mr. TELICKA (Czechoslovakia) and seconded by Mr. EL-SAMMAK (Egypt); Mr. TARDANA (Indonesia), proposed by Mr. RAFFAELLI (Brazil) and seconded by Mr. JACQUIER (France); and Mr. SENGHOR (Senegal), proposed by Mr. JACQUIER (France) and seconded by Mr. TIGHILT (Algeria).

The PRESIDENT drew attention to Rule 7 of the Rules of Procedure (SOLAS/CONF/2) and added that the Secretary-General had appointed Captain Savoliev, Executive Secretary and Captain Sdougos, Deputy Executive Secretary of the Conference.

AGENDA ITEM 5 - APPOINTMENT OF CREDENTIALS COMMITTEE AND DRAFTING COMMITTEE

The PRESIDENT suggested that the following countries should serve on the Credentials Committee: Japan, Mexico, Poland, Switzerland and the United Republic of Tanzania.

It was so decided.

The PRESIDENT suggested that the Drafting Committee be composed of the following countries: Argentina, Australia, Belgium, Brazil, Cuba, the Federal Republic of Germany, Finland, France, the German Democratic Republic, Greece, Liberia, Mexico, the Netherlands, Norway, the USSR, the United Kingdom and the United States.

It was so decided.

AGENDA ITEM 6 - ORGANIZATION OF THE WORK OF THE CONFERENCE INCLUDING THE ESTABLISHMENT OF COMMITTEES AND THEIR TERMS OF REFERENCE (SOLAS/CONF/3)

Mr. SRIVASTAVA (Secretary-General) drew attention to the Secretariat's suggestions (SOLAS/CONF/3) concerning the structure and terms of reference of Committees, as well as the tentative timetable for the Conference. The Heads of Delegations who had met that morning considered that Committee II should start with Chapter II, and that at a later stage the Steering Committee should decide which of the two Committees would deal with Chapter I. They had also agreed that the Steering Committee should be authorized to invite consultants to its meetings.

The Secretariat's suggestions (SOLAS/CONF/3) were approved.

The PRESIDENT said that meetings of Committees I and II would be open to all delegations and observers.

He hoped there would be no occasion for convening the Steering Committee during the first week of the Conference.

STATEMENTS BY DELEGATIONS (concluded)

Mr. BENKERT (USA) said that his Government was gravely concerned about the fact that not one of the numerous amendments adopted since 1965 had come into force under the procedures of the 1960 Convention. That was not any criticism of IMCO or its Members. Indeed, IMCO which had been established to provide a more efficient alternative to periodic conferences had performed its mission admirably.

The defects of the amendment procedure owing to which none of the amendments had received the required number of explicit acceptances to bring them into effect had to be remedied. Evidently the explicit acceptance procedure was not workable. There were precedents adopted at other IMCO-sponsored conferences for a tacit amendment procedure, and the United States strongly supported such a procedure for the technical Annex to the Safety Convention. However, the explicit procedure for an amendment to an Article should be retained.

Amendments to the Regulations which improved safety of life at sea were vital, and provisions for their rapid acceptance were essential. As domestic constitutional procedures could cause delays, the Convention should be sufficiently flexible for a Contracting Government which had not filed an objection to be given sufficient time for parliamentary action before it gave effect to an amendment; but a reasonable and definite time limit should be set to give fair and equal treatment to all Parties to the Agreement.

In order to adhere to its timetable, the Conference should stay strictly within the terms of reference stated in Assembly Resolution A.304(VIII). The United States delegation agreed to the inclusion of a self-contained new chapter concerning fire protection for all vessels covered by the Convention. That would allow for the orderly expansion of the Regulations when new problems, such as special purpose vessels, were dealt with at some future date.

All the amendments adopted within IMCO since 1960 should be included without substantive change.

Mr. ARCHER (UK) said that he agreed to a great extent with the United States representative. The 1960 Conference had achieved a great deal, but the Convention had one serious shortcoming - the amendment procedure had not worked. Despite

the hard work done by committees and sub-committees, not a single amendment had come into force. The fact that the world merchant fleet had increased so greatly since 1960 made it all the more important to devise uniform safety standards and to ensure that they were uniformly applied. Now that membership of the Maritime Safety Committee would be opened to all Member States of IMCO, they all had an opportunity of contributing to the formulation of amendments, and that should allay the fears of countries which were anxious about having to introduce regulations before they were ready.

The main objectives of the present conference as defined in Assembly Resolution A.304(VIII) were to incorporate in a revised Convention the amendments already considered and the new Regulations recommended by the Assembly, to provide for the rapid entry into force of the Convention and to include an improved and accelerated amendment procedure. As all the new amendments and Regulations had been carefully sifted and argued, the Conference should not spend too much time on their detailed examination. Any significant new proposals should be referred to the Maritime Safety Committee.

Under Article IX paragraph (d) of the 1960 Convention, amendments came into force twelve months after they had been accepted by two-thirds of the Contracting Governments which, with the present number of Contracting Governments, meant that nearly sixty acceptances would be needed. In the past they had been slow to come in, and hence the proposal that technical amendments should come into force by the tacit approval procedure. In its proposal (SOLAS/CONF/6) the United Kingdom had sought to meet some of the objections made to that procedure.

The difficulties of some countries over the timing for bringing in amendments had to be recognized, but on the other hand important new safety measures should not be deferred indefinitely. Views might differ on detail and on the time needed to bring about changes, but no one could underestimate the importance of safety of life at sea and IMCO's vital role in securing it under all flags.

A successful outcome of the Conference was vital in bringing up to date internationally accepted rules to which merchant fleets should conform. In future, IMCO should pay greater attention to the enforcement of those rules,

so as to meet the greater risks to safety and of pollution of the environment which the high volume of marine traffic and new types of ships and dangerous cargoes involved.

The Conference had to concentrate on essentials and translate agreement into an effective instrument binding on all nations.

Mr. NIKOLIĆ (Yugoslavia) said that there were three essential aspects concerning amendments to the Convention. Firstly, the procedure for accepting amendments had to be made more speedy and efficient. Secondly, States' acceptance of amendments should in principle be in writing, with a reasonable but not unduly long deadline. In the interests of speedier ratification, it was desirable for amendments to be adopted by all - or nearly all - contracting countries. Thirdly, with regard to the principle of sovereign equality of States, it was desirable to ensure that non-acceptance by a State did not result in that State ceasing to be a Party to the Convention. Very careful consideration should be given to the question of whether a two-thirds majority should be required for every amendment, or whether a simple majority should be permitted for less important ones.

The PRESIDENT said that the matter would be taken up in Committee I.

Captain TARDANA (Indonesia) said his Government fully understood the principal objective of the 1974 SOLAS Conference as defined by the representatives of the United Kingdom and the United States. Nevertheless, it believed that any agreement concluded at an international conference in the form of a Convention or any other legally binding instrument should be as far as possible universally acceptable and capable of effective implementation.

The United Kingdom representative had said that he would like to see the Convention made binding upon all nations. It should be realized, however, that a number of conventions concluded at Conferences convened by IMCO were as yet not in force or could not be fully implemented, due to special difficulties faced by the developing countries which had not been taken into account at the time the Convention was adopted.

His delegation's concern was to maintain the balance of interest between the developed and developing countries in the IMCO forum. With regard to the revision of Articles IX and XI of the Convention, therefore, he would wish

to see provisions adopted which would not create too large a gap between those countries which were able fully to implement the Convention and those which were not. His delegation felt that all Members of the Organization, whether or not Contracting Governments or Parties to the Convention, should be given more freedom to choose whether or not to adopt or accept a convention or amendments thereto. Similarly, all Members of the Organization, whether or not Contracting Governments, should be entitled to participate and vote in the proceedings of the Maritime Safety Committee.

On the question of amendment procedures, he favoured the explicit acceptance procedure, but felt that it should be limited to the Articles and to Chapter I of the Convention. Regarding requirements for entry into force, his delegation felt that acceptance by two-thirds of contracting countries should be sufficient, in view of the fact that the 1960 Convention had come into force after being accepted by only 15 countries.

Mr. JACQUIER (France) said his Government attached great importance to the present Conference, since it was obviously vital to ensure that safety regulations, once adopted, were applied in practice. The rapid pace of technological development meant that it had become even more necessary to make provision for speedy amendment to the Convention and for the rapid entry into force of such amendments. He agreed with the United Kingdom representative that the objective of the Conference should be to develop an amendment procedure that would accelerate the process of adoption and entry into force, using the tacit amendment procedure when adopting amendments of a technical nature. The Conference should take the opportunity to incorporate into the Convention all amendments that had not yet entered into force.

Mr. GHAFFAR (Pakistan) drew attention to the difficulties faced by certain developing countries in adopting amendments to the Convention, difficulties which often proved impossible to overcome in spite of the realization by those countries of the importance of safety of life at sea. He considered that to penalize such countries by insisting that they withdraw from the Convention would be too harsh, and he urged the Conference to keep in mind the special problems of the developing countries.

Mr. RENTNER (German Democratic Republic) offered warm congratulations to the President. For his own part, he thanked delegations for the honour they had conferred on him.

One of the purposes of the Conference should be to incorporate in the Convention all the amendments adopted by IMCO, many of which had already proved their worth. In that context, a simplified amendment procedure and provisions for more rapid entry into force were essential.

Another objective should be to determine the future course of work on maritime safety, because technological progress in the maritime field was very rapid and regulations would constantly require revision.

The Conference should also encourage work on the new branches of technology. Automation, for instance, had revolutionized ship operation and brought with it the need for new international criteria for manning and watchkeeping. Regulations should be worked out for the new types of ships which were being developed. Life-saving appliances on board ship were specially important and his delegation welcomed IMCO's intention to revise Chapter III, so as to take advantage of the latest knowledge.

His delegation attached great importance to the work of the Conference and intended to contribute constructively to the formulation of the 1974 SOLAS Convention.

Mr. HELENIEMI (Finland) stressed that the chief consideration that should guide the Conference should be safety of life at sea. It should be recalled that attempts to enforce internationally a number of amendments to the 1960 SOLAS had failed. The main problem to be tackled, therefore, was that of the amendment procedures set out under Article IX: the aim should be to create a clear and simple procedure, and he believed that the method of tacit approval offered the only possible solution.

The meeting rose at 4.55 p.m.