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SITUATION WITH RESPECT TO RATIFICATION OF THE  
CONVENTION ON THE INTER-GOVERNMENTAL MARITIME  
CONSULTATIVE ORGANIZATION

Note by the Secretary-General

I. RATIFICATIONS

At the time of the fifth session of the Commission (19-28 March 1951), the Convention on the Inter-governmental Maritime Consultative Organization had been ratified by six countries: Canada, Greece, Ireland, the Netherlands, the United Kingdom and the United States of America. Since then, five additional ratifications have been received: those of Australia, Belgium, Burma, France and Israel. Thus, at the time of writing this note, the Convention has been ratified by eleven countries of which six (Canada, France, Greece, the Netherlands, the United Kingdom and the United States of America) each have a total tonnage of not less than 1,000,000 gross tons of shipping.

It may be added that in Argentina the Congress adopted a law (No. 13,910 of 13 August 1950) approving the ratification of the Convention. In Haiti, a law was passed on 2 September 1952 which authorizes the ratification. The instruments of ratification of these countries, however, have not been deposited so far with the Secretary-General of the United Nations.

According to article 60 of the Convention, the latter "shall enter into force on the date when 21 states of which seven shall each have a total tonnage of not less than 1,000,000 gross tons of shipping, have become parties to the Convention..."

## II. STEPS TAKEN BY GOVERNMENTS

The Secretary-General had, in due time, drawn the attention of the Member Governments to resolution 298 B (XI) "Situation in respect of ratification of the Convention on the Inter-governmental Maritime Consultative Organization", adopted by the Economic and Social Council on 12 July 1950.

Furthermore, the inquiry mentioned in resolution 2 adopted by the Commission at its fifth session was sent by the Secretary-General to the Member Governments which had not so far ratified the Convention, concerning the steps they have taken to do so.

In reply to these communications, information has been received as of 1 October 1952 from the following countries. The date on which the reply was made is indicated after the name of the country.

Afghanistan . . . . .	20 February 1951
Belgium . . . . .	24 May 1951
Burma . . . . .	15 and 29 May 1951
China . . . . .	8 August 1951
France . . . . .	2 May 1951
India . . . . .	30 August 1951
Luxembourg . . . . .	12 September 1950 11 April 1951
Pakistan . . . . .	25 August 1951
Philippines . . . . .	10 October 1950 15 January 1951
Sweden . . . . .	24 September 1951
Turkey . . . . .	22 June 1951
Union of South Africa . . . . .	1 August 1951

In addition, information has been received concerning steps taken by two non-member governments: Italy (March 1952) and Switzerland (October 1951).

Among the countries listed above, the following have ratified the Convention since their replies were sent out: Belgium, Burma, France.

In the other countries, the position as described in the replies is the following:

The Government of Pakistan has decided to defer ratification of the Convention till such time as the requisite number of the major maritime countries possessing more than one million tons gross of shipping ratify it. In Turkey, the Convention is being studied by the competent authorities and additional information on the subject will be sent to the Secretary-General.

The Chinese Government has not yet decided as to its acceptance of the Convention at this time. The Government of India has still under consideration the question of ratifying the Convention; it is taking the necessary steps to consult the interests concerned and to go through other necessary formalities to enable it to arrive at a decision in the matter as early as possible. The Swedish Government has not as yet taken a definite position on the question of the adhesion by Sweden to the Convention. Of special importance in that connexion is the position taken by other Scandinavian countries.

Afghanistan has no port and for that reason is unable to ratify the Convention. As Luxembourg has no seacoast and no shipping, the Government of Luxembourg has no direct interest in the matter. The Philippine Government is not at present in a position to consider favourably membership in the Inter-governmental Maritime Consultative Organization. The Government of the Union of South Africa does not intend, at this stage, to accede to the Convention.

The information regarding the position in Italy and Switzerland is as follows. In Italy, parliamentary action for approving ratification has already been initiated but, due to the fact that the procedure for ratification must go through its necessary stages, it is unlikely that the instrument will be deposited in the very near future. In Switzerland, the bill concerning maritime navigation will presumably be discussed by Parliament within the next year (i.e. 1952). If the law is passed, the ratification of the Convention will probably take place in 1953, unless something unforeseen arises.

### III. SUBJECTS REFERRED TO IMCO

By resolution 298 B (XI) mentioned above, the Economic and Social Council had instructed the Secretary-General to draw the attention of Member Governments to the fact that the handling of urgent and important problems such as the unification of maritime tonnage measurement and the pollution of sea water was dependent upon the establishment of IMCO and that, therefore, an early establishment of IMCO was desirable.

It may be pointed out that, in addition to the two problems specifically mentioned in this resolution, a number of subjects have been referred to IMCO.

The International Convention on Safety of Life at Sea (London, 1948), which is to come into force on 19 November 1952, assigns important duties to IMCO and its Maritime Safety Committee. This Convention also provides (article XV) for interim arrangements unless and until IMCO takes over the duties assigned to it.

The Preparatory Committee of Experts on Co-ordination of Safety at Sea and in the Air, which met in London (27 January - 6 February 1948) proposed in its report general measures for assuring such co-ordination in the future among the interested agencies: the International Civil Aviation Organization (ICAO), the maritime organization to be set up by the then forthcoming United Nations Maritime Conference (in other words: IMCO), the International Telecommunication Union (ITU) and the International Meteorological Organization (IMO) [now World Meteorological Organization (WMO)]. The Transport and Communications Commission at its third session (Lake Success, 21-30 March 1949) recommended in a resolution that these measures "should be followed by the organizations in co-ordinating their work on all problems of interest to two or more of the organizations." The Economic and Social Council, by resolution 227 E (IX) of 12 August 1949, instructed the Secretary-General to bring the resolution of the Commission to the attention of each of the organizations represented at the Preparatory Committee.

Since then, the absence of an intergovernmental organization competent for maritime questions has been publicly regretted many times by other organizations as it prevented joint action from being taken on such urgent matters as

search and rescue, improvements in combined maritime and aeronautical distress operations on high frequencies, information on ship's course and speed in ship's weather reports. For example, in 1951, both the Administrative Council of the ITU and the Council of ICAO noted that it had been impracticable to implement recommendation No. 7 of the International Administrative Aeronautical Radio Conference of the ITU relating to the co-ordination of the telecommunications of the aeronautical and maritime services for the requirements of safety at sea by the convening of experts from ITU, ICAO and IMCO, inasmuch as IMCO had not yet started functioning.<sup>1/</sup> The ICAO Search and Rescue Division decided at its fourth session (Montreal, September 1951) to strike from its work list the subject "Study of search and rescue problems requiring co-ordination with other international organizations, such as IMCO, ITU and IMO (now WMO)".

Co-ordination in fields other than safety was also made difficult, if not impossible, by the fact that there was no organization available for consultation on the maritime aspects of the problems under consideration.

During recent years, the World Health Organization (WHO) has been preparing International Sanitary Regulations (which have come into force on 1 October 1952, and "Provisions on safety and sanitary standards for pilgrim ships and for aircraft carrying pilgrims". In so doing, it has endeavoured to obtain the co-operation of maritime interests through an international organization in the same way as it has obtained the co-operation of aviation experts through ICAO. This, however, was not feasible due to the fact that IMCO is not yet functioning.

The International Radio Conference of the ITU (Atlantic City, 1947) adopted a recommendation suggesting "that the International Code of Signals Committee should affiliate with the International Maritime Organization upon the formation of the latter".

#### 4. ACTION TAKEN CONCERNING AN EARLY ESTABLISHMENT OF IMCO.

In the memorandum<sup>2/</sup> the Secretary-General submitted to the Economic and

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<sup>1/</sup> See Document E/CN.2/127.

<sup>2/</sup> Document E/1900, page 7.

Social Council at its twelfth session (New York, 20 February - 21 March 1951) on his twenty-year programme for achieving peace through the United Nations, he drew the Council's attention to the fact that the number of ratifications necessary for the entering into force of the Convention had not yet been obtained, although the Council had already referred a certain number of questions to that organization to be dealt with as soon as it begins to function. After having referred to resolution 298 B (XI), he added that the Council may wish to consider any further measures that might be taken to bring IMCO into existence as soon as possible.

During the sixth session of the General Assembly, in a statement delivered at the opening meeting (Paris, 15 November 1951) of the Second Committee,<sup>3/</sup> the Assistant Secretary-General in charge of the Department of Economic Affairs referred to the above mentioned memorandum by the Secretary-General and called the attention of the governments concerned to the situation arising from the fact that the maritime organization had not yet begun its work.

At the 16th session of the Joint Maritime Commission of the International Labour Organisation (Geneva, 22-24 May 1951), the seafarers' group suggested the adoption by the Commission of a resolution requesting the governments which had not yet done so to ratify the Convention on the Inter-governmental Maritime Consultative Organization as early as possible. This suggestion, however, was opposed by the shipowners' group which felt that it was not for the Commission to make such a recommendation, in particular because IMCO was not designed to deal with social questions and the matter was therefore outside the scope of the International Labour Organisation. It was finally agreed, as a compromise, that mention would be made in the Commission's report to the Governing Body, of the view expressed by the seafarers' group.

At the 17th session of the Joint Maritime Commission (Geneva, 13-15 May 1952) a similar proposal was put forward by the representatives of the seafarers with similar results.

The International Transport Workers' Federation, a non-governmental organization in category B consultative status, adopted at its last biennial

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<sup>3/</sup> See document A/C.2/SR.146, page 5.

congress (Stockholm, 16-23 July 1952) a resolution concerning the Convention on the Inter-governmental Maritime Consultative Organization, the text of which has been circulated as document E/CN.2/NGO/10.

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