TOWARD A WORLD MARITIME ORGANIZATION

Note from the Maritime Knowledge Centre (IMO)

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World Maritime
Organization
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TOWARD A WORLD MARITIME ORGANIZATION

A Half Century of Developments in Ocean Shipping

Government officials and private individuals concerned with ocean shipping and ocean travel are keenly interested in the preparations for the international conference scheduled to meet in February 1948 to establish an Intergovernmental Maritime Consultative Organization. An even half-century of developments in this field has led to the creation of this new organization that will provide machinery for multinational cooperation in merchant shipping.

Among the problems that have demanded international discussions have been: (1) the rendering of assistance to vessels in distress; (2) salvage of shipwrecked cargoes; (3) determination of legal responsibility and civil jurisdiction in collisions; (4) settlement of disputes between states on maritime matters; (5) standardization of tonnage measurements, rules of the road, and code signals; (6) deciding upon the right of inland states to possess merchant fleets; (7) treatment of foreign vessels in ports and harbors; and (8) wartime international coordination and allocation of tonnage for troop transport and for shipment of war supplies.

This article deals primarily with the program and structure of the significant bilateral and multilateral organizations created to deal with international shipping problems; in addition, however, to these organization aspects, it presents a consolidated treatment of one problem of outstanding importance which has been dealt with by international conferences and has resulted in the adoption of international conventions, namely, the promotion of human safety at sea. This topic, which has a universal, humanitarian appeal and which has been the object of international attention for over 50 years, is closely integrated with the program to be considered at the February conference, and will also be the subject of a special diplomatic conference to be held in London in April 1948.

The agreements adopted and discussions held at the various marine conferences, and the several maritime organizations themselves—some of which operated for a time and then vanished or were absorbed, others being but transitory outgrowths of the exigencies of war—all served a highly useful purpose. It has now become clear, however, that a partial attack on the complexities of maritime activity cannot solve the difficult and pressing problems emerging in present-day global shipping. To those who have studied the subject the necessity for a greater degree of continuity than was possible under previous arrangements has become increasingly apparent, and the solution appears to be the permanent international maritime organization for the creation of which the conference in February has been summoned.

International Maritime Committee

Among the earliest of the international organizations established to deal with maritime matters was the International Maritime Committee, unofficial in character, which was formally created in 1897. Nineteen conferences of this international committee, all concerned with legal phases of merchant shipping, were held from 1897 to 1937, inclusive. Among the subjects dealt with were collisions at sea, salvage and assistance at sea, limitations of shipowners’ liability, maritime mortgages and liens on ships, immunity of state-owned ships, and exemption clauses in bills of lading.
This committee assisted in the work of several diplomatic conferences, including the Third International Conference on Maritime Law, held at Brussels, at which were signed the conventions of September 23, 1910, for the unification of certain rules of law with respect to assistance and salvage at sea, and for the unification of certain rules relating to collisions at sea. The first of these is still in force with respect to the United States and other countries. The second, which the United States did not ratify, is also in force with respect to many governments.

The committee also assisted in the drafting of the convention for the safety of life at sea, signed at London on January 20, 1914. At its 1937 meeting, which was held at Paris, the committee adopted draft conventions for consideration by the interested governments relating to penal and civil jurisdiction in matters of collision and the attachment of vessels. It was contemplated that these 1937 draft conventions would be submitted to a diplomatic conference, but they have been held in abeyance awaiting a suitable opportunity for their presentation.

Sir Arthur Salter in his Allied Shipping Control, An Experiment in International Administration, proved to be “piecemeal and incomplete”. The Inter-Allied Shipping Committee, appointed in January 1917 by an Allied naval conference at London, also failed to solve the wartime shipping needs of Great Britain, France, and Italy.

In April, when the United States entered the war, the problems of shipping increased immeasurably as a consequence of the necessity of transporting American troops across the Atlantic and maintaining the life line of imports to the European Allies. An American war mission to England and France, headed by Colonel Edward M. House and including Bainbridge Colby, a member of the United States Shipping Board, arrived in London early in November. Several of its members met with the British War Cabinet, and agreement was reached upon principles for coordinating the allocation of available tonnage.

A memorandum outlining these principles was submitted, in Paris, to the subcommittee on importations and maritime transport of the Inter-Allied Conference held from November 29 to December 6, 1917. The Paris conference voted, through the subcommittee, to establish a standing committee which, consisting primarily of representatives of the United States, Great Britain, Italy, and France, should collect information for the purpose of maintaining at all times a broad survey not only of the general material needs of the various nations, but also of available shipping facilities. The subcommittee also authorized the appropriate representatives of the four countries constituting the new committee to take steps to secure the necessary exchange of information and coordination of policy and effort, and to establish a permanent office and staff for the purpose. The new committee received the name of Allied Maritime Transport Council.

In order to facilitate the work of the council, which met infrequently, a headquarters body known as the Allied Maritime Transport Executive was created. Broadly, the function of the executive was to correlate data continuously on the tonnage requirements of the Allied powers.

The council and its executive were successful in fulfilling their basic mission of analyzing in an illuminating way the tonnage resources and material requirements of the Allies and of recommend-

Allied Maritime Transport Council, 1917-1919

The Allies in the years 1914 to 1917 fully recognized the importance of shipping as a vital factor in waging war, but agreements for emergency allocations of tonnage prior to 1917, according to


3 It is not believed that the valuable work which has been done by the International Maritime Committee on an unofficial basis will be carried on by the proposed Intergovernmental Maritime Consultative Organization. It seems probable, rather, that satisfactory arrangements for cooperation will be made by which the proposed organization will recommend to its member governments the adoption of various proposals of the International Maritime Committee.


ing the most practical and most productive allocation of available vessels. The transocean and coastal shipment of troops, food, and equipment was materially aided and expedited by the council's activities.

With the signing of the Armistice the Allied Maritime Transport Council and the Allied Maritime Transport Executive ceased to play important roles in the control of shipping. Other organizations and other methods began gradually to be utilized in meeting the postwar seagoing transport problems. The council ceased to function on April 7, 1919, when it became a part of the Supreme Economic Council. The executive, with changed duties and changed personnel, continued in existence until February 7, 1920.

**League of Nations Organization for Communications and Transit, 1921-1946**

In article 23 (e) of the Covenant of the League of Nations (part I of the Treaty of Versailles) the signatories agreed that they would "make provision to secure and maintain freedom of communications and of transit", bearing in mind "the special necessities of the regions devastated during the war of 1914-1918". Part XII of the Treaty of Versailles, entitled "Ports, Waterways and Railways", provides (1) in article 338 that the régime for European inland waterways established by article 332-337 shall be superseded by one to be laid down in a General Convention . . . approved by the League of Nations; and (2) in article 379 that Germany shall "adhere to any General Conventions regarding the international régime of transit, waterways, ports or railways which may be concluded . . . with the approval of the League of Nations".

The Assembly of the League on December 9, 1920, resolved to call a conference to carry out the provisions of the treaty. The conference met in Barcelona in March and April 1921 and drew up a number of conventions including those contemplated in part XII of the Treaty of Versailles. The conference also formulated a set of rules for the organization of general conferences on communications and transit and of an advisory and technical committee. These rules were revised by the Third General Conference on Communications and Transit, in the summer of 1927, in the form of a Statute for the Organization for Communications and Transit and Rules of Procedure for the General Conferences. Finally a new statute, giving the Organization greater autonomy within the League, was approved by the Council of the League of Nations on January 29, 1938. Under this statute the work of the Organization was to be carried out by (1) a committee for communications and transit, of an advisory and technical character; (2) permanent or temporary special committees; (3) a permanent secretariat provided by the Secretary General of the League; and (4) general conferences and other meetings.

The Committee for Communications and Transit provided for by the 1938 statute was the successor of the Advisory and Technical Committee for Communications and Transit created under the earlier organic provisions. This committee was in one respect a subsidiary of the Communications and Transit Organization, in that it carried out the Organization’s work; in another respect it was independent of the Organization in that its composition was determined by the Assembly of the League. It was empowered to study and propose measures for insuring freedom of communications and transit; collect from the states which had taken part in the conferences information regarding the signing and ratification of conventions adopted by the conferences, as well as the accessions to such conventions; consider questions of conciliation and inquiry, falling within its competence, in disputes between states; and exchange information concerning communications and transit with appropriate tech-

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3 League of Nations, *Third General Conference on Communications and Transit, Geneva, August 23rd to September 2nd, 1927* (4 volumes, Geneva, 1927), vol. IV, p. 60. Although not mentioned in the title of these rules, an advisory and technical committee is provided for in them.
5 Articles 3 and 4 of the 1938 statute. Under article 4, the Assembly was to elect the states whose nationals were to form the Committee for Communications and Transit.
nical ministries of the states members of the organization and with certain other international bodies. It was also to prepare an annual report on the activities of the Organization for Communications and Transit and to forward the report to the members of the organization and to the council and the Assembly of the League, together with an indication of the program of the organization for the following year.12

This committee and its predecessor, the Advisory and Technical Committee, carried out their purposes during the 1920's and the fateful 1930's until the outbreak of war. It met for the last time in June 1939, after which its work was carried on as far as possible by the League Secretariat.13

The statute made provision, as stated above, for special committees in addition to the foregoing general committees. Of these special committees, one group consisted of seven subcommittees of the general committee, which were specifically named in the statute. They were to deal with air navigation, electric power, transport by rail, inland navigation, maritime ports and navigation, road traffic, and law. The members of these permanent subcommittees and also their chairmen were to be selected by the parent committee. In addition to the seven subcommittees mentioned, the committee was empowered to ask individual experts or temporary committees to undertake studies or submit information coming within the scope of the Organization.14 These permanent and temporary subcommittees or special committees conducted studies and prepared drafts for consideration on the subjects which were assigned them. A draft set of international regulations for the tonnage measurement of ships was, for example, one of the concrete productions of a special committee appointed to study this problem.15

As envisaged by the statute, the Secretary General of the League provided a permanent secretariat for the organization. This permanent secretariat took the form of the Communications and Transit Section of the League Secretariat.16 The Communications and Transit Section not only was active in the interbellum period but also continued to be active in assembling and publishing information during World War II.17

The functions of the League Secretariat, including the responsibilities pertaining to communications and transit, were formally turned over by the League to the United Nations in 1946 in accordance with (1) the resolution adopted by the United Nations General Assembly on February 12, 1946,18 and (2) the resolution adopted on the closing day of the last session of the Assembly of the League, held at Geneva from April 8 to 18, 1946.19

The three above-mentioned branches of the Organization for Communications and Transit—(1) the committee, (2) the subcommittees and special committees, and (3) the permanent secretariat—were in some respects built around the fourth or keystone branch: the general conferences. These conferences were charged with the conclusion or revision of international conventions concerned with communications and transit matters. They could be called at any time by the Council of the League and could also meet at the request of at least half of the members of the organization. The delegations of the members of the organization could take part in all the general conferences "as of right." The statute also provided that delegations of such other governments as might be invited by the Council of the League could participate in all or part of the proceedings of a particular general conference. Individuals selected by the Committee for Communications and Transit could participate in an advisory capacity.20

Four General Conferences on Communications and Transit were held, as follows: the Barcelona conference of 1921, referred to above; the second, at Geneva in 1928; the third, also at Geneva, in 1927, which is likewise mentioned above; and the
fourth, at Geneva, in 1931.22 Regarding these meetings, one observer noted in 1931 that the communications conference, after the labor conference, was the most important of those which sat regularly in direct connection with the League.

Among the accomplishments of the Organization for Communications and Transit may be mentioned its adoption at Barcelona of a declaration recognizing the right of states having no seacoast to possess a merchant fleet; the preparation at Geneva in 1923 of a convention on the international regime of maritime ports, which established the principle of the equality of treatment of vessels in maritime ports, irrespective of flag; and the preparation of draft international regulations and uniform methods covering the tonnage measurements of ships.23 The Organization also assisted in the settlement of disputes concerning communications and transit matters, a function not paralleled in the case of any other technical organ of the League.

The residual responsibilities of the Organization for Communications and Transit have been channeled into the United Nations. The activities of the appropriate organs of the United Nations in this field are outlined on subsequent pages.

**Combined Shipping Adjustment Board, 1942**

On January 28, 1942, the White House announced the creation of the Combined Shipping Adjustment Board by President Roosevelt and Prime Minister Churchill, "to adjust and concert in one harmonious policy the work of the British Ministry of War Transport and the shipping authorities of the United States Government."24 By an Executive Order of February 7, 1942 (no. 9054), President Roosevelt established a War Shipping Administration in the Executive Office of the President, which comprised the American section of the board. Although this bilateral board was created primarily to coordinate the work of the shipping authorities of the two countries, it was agreed that its members would confer with representatives of the Union of Soviet Socialist Republics, China, and such others of the United Nations as it might be necessary to consult in order to provide for the most effective utilization of the joint shipping resources of the United Nations.25

During its period of most active operation, in 1942-45, the board sought not only to obtain the fullest possible utilization of the available shipping but also to increase the available supply, in order to achieve the speedy and successful transportation of goods from raw-material sources to industrial centers and from the latter to the fighting fronts in the form of war essentials.

The board was able to exploit a vast pool of vessels. All American and British ships except certain coastal vessels were under requisition to their respective Governments. Moreover, the majority of ships under the flags of other United Nations, also under requisition by their governments, had been chartered for the duration of the European war to the British Ministry of War Transport or the War Shipping Administration or had been made available in some other way for utilization by one or the other of these bodies.26

The board continued in existence after the termination of active hostilities, and still maintains at least a pro forma existence, although in 1944 agreement was reached for the subsequent coordination of Allied shipping arrangements by a multilateral body, known as the United Maritime Authority.

**United Maritime Authority, 1945-1946**

Representatives of eight Allied countries which had agreed to coordinate their available shipping in the interests of the war effort met at London from July 19 to August 5, 1944. Their purpose was to discuss the best methods for insuring the continued availability of the tonnage resources of the various nations in the light of the changed conditions anticipated during the latter phases of the war. The countries represented were Belgium, Canada, Greece, the Netherlands, Norway, Poland, the United Kingdom, and the United States. Rep-

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22 *American Delegations to International Conferences . . . Fiscal Year Ended June 30, 1932* (Department of State publication 425, Conference Series 13), p. 18. The United States was represented at the third and fourth of the general conferences.


representatives of Denmark and of the French Committee of National Liberation also participated in the session, the Danish delegate being present in the capacity of an observer. In order to bring about the necessary adjustments in the already existing arrangements, the conference drew up, and signed on August 5, an agreement on principles having reference to the continuance of co-ordinated control of merchant shipping. In paragraph 1 of the agreement the contracting governments declared that they accepted as a common responsibility the provision of shipping for not only the military tasks but also for all other tasks necessary for the completion of the war in Europe and the Far East, and for the transport of supplies to "the liberated areas as well as . . . the United Nations generally and territories under their authority." Under the terms of paragraph 7(a) of the agreement, a central authority to exercise control was to come into operation upon the general suspension of hostilities with Germany. A planning committee was to begin work in London as soon as possible after the signing of the agreement, for the purpose of working out, on a basis satisfactory to the contracting governments, the details of the machinery required to enable the new agency to begin to discharge its functions. Paragraph 14 of the annex to the agreement made the Governments of the United States and the United Kingdom responsible, in consultation with the other contracting governments, for determining the date of the coming into operation of the central authority in accordance with paragraph 7(a) of the agreement.

Provision was made for the implementation of the principles laid down in the agreement by the establishment of a United Maritime Council and a United Maritime Executive Board, together constituting the central authority (which became known as the United Maritime Authority). The annex to the agreement provided that each contracting government should be represented on the council, which would meet when deemed necessary and at least twice a year.

The annex provided further that the executive board should be established with branches in Washington and London under the chairmanship, respectively, of the War Shipping Administration and the Ministry of War Transport, and that it should exercise through its branches the executive functions of the central authority. Under paragraph 9 of the agreement, the authority would remain in operation for a period not extending beyond six months after the general suspension of hostilities in Europe or the Far East, whichever might be later.

The United Maritime Authority came into operation, pursuant to the terms of the agreement, upon the suspension of hostilities in the Atlantic theater. Since many of the prior agreements for coordinated allocation of tonnage lapsed with the termination of hostilities in Europe, a chaotic condition in transportation might have arisen between the end of hostilities with Germany and the victory over Japan in the Pacific. The United Maritime Authority was successful in avoiding such a condition and in continuing the orderly and efficient utilization of ship tonnage in the common effort. During the period of its operation its membership was increased from eight to eighteen governments, and it finally controlled more than 90 percent of merchant-ship tonnage under Allied and some neutral registries, regulating the routes, cargoes, sailings, and freight and charter rates of these ships.

The final meeting of the United Maritime Executive Board was held in London from February 4 to 11, 1946. It included official delegates of France and Denmark as well as eight additional countries which had become associated with the organization since the signing of the agreement of August 5, 1944; namely, Australia, Brazil, Chile, India, New Zealand, the Union of South Africa, Sweden, and Yugoslavia. The delegates considered plans which they felt should be made, in view of the imminent termination of the controlled shipping pools of 17 million tons, to take care of various national shipping programs and to insure as smooth a transition as possible from wartime to peacetime operation of shipping. The most pressing point at issue was the question of prompt and efficient ocean transportation of UNRRA and other relief and rehabilitation cargoes to their
destinations. The board decided unanimously that further coordination was necessary until normal international shipping could be resumed. The result was a recommendation that governments represented on the United Maritime Authority should enter into a new but temporary agreement under which there would be established (1) a voluntary pool of shipping for the transportation of relief and rehabilitation cargoes, and (2) a consultative council to serve as a forum for the discussion of the shipping problems which might arise prior to the return to normal peacetime shipping activities.

The United Maritime Authority was terminated on March 2, 1946, in accordance with its decision to set September 2, 1945, as the date on which "the general suspension of hostilities" took place, such date beginning the last six months of its control over world merchant shipping.\(^a\)

**United Maritime Consultative Council and the United Nations**

Prior to the termination of the United Maritime Authority and its recommendation for the establishment of an interim consultative council to succeed it, the United Nations had already come into being and had begun to consider plans for promoting international maritime cooperation. Since the actions of the United Nations in this field in the year 1946 not only occurred simultaneously with the setting up and operation of the recommended consultative council, but also bore in part directly upon it, the two sets of parallel developments are dated together, in chronological sequence, in this section.

The Charter of the United Nations, signed at San Francisco June 26, 1945, provided, among other things, for the promotion of conditions of economic progress and development (article 55), and to that end it made provision for an Economic and Social Council and "such subsidiary organs as may be found necessary" (article 7). The Preparatory Commission which met at London in December 1945 to bring the United Nations into full operation suggested the establishment of a temporary or nuclear Transport and Communications Commission to review "the general field of international transport and communications in order to advise the Council on any machinery which it will be necessary to establish either as part of the United Nations or as a new specialized agency."\(^b\)

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**February 1946**

As stated above, the Council of the United Maritime Authority met in London from February 4 to 11, 1946, and decided to recommend the establishment of a temporary successor agency. Five days later, on February 16, 1946, the Economic and Social Council of the United Nations, also meeting at London, adopted a resolution creating a Temporary Transport and Communications Commission, as recommended by the Preparatory Commission in December 1945. The Economic and Social Council, in its resolution, expressed the opinion that establishment of formal relationships with existing intergovernmental agencies in the field of transport and communications would be premature, but it took into account the need for some form of preliminary contact with such organizations. It also recognized the need for advice on the practical problems involved and on the adequacy of the international structure in those fields. The functions of the Temporary Transport and Communications Commission were delimited to implementing these understandings.\(^c\) By further action of the council on February 18, 1946, the initial membership of the Temporary Commission was determined.

**March 1946**

On March 2 the United Maritime Authority expired, and on March 3 the United Maritime Consultative Council came provisionally into being. Part "A" of the relevant agreement provided that all the nations which had made a regular contribution of tonnage to the common tasks under the United Maritime Authority should continue to provide shipping on a voluntary basis for the imperative needs of UNRRA and the liberated areas. Part "B" of the agreement provided for the establishment of the United Maritime Consultative Council as a forum for the exchange of information and the discussion of mutual problems with the hope that the knowledge thus gained of the methods by which other governments met current shipping problems would be valuable to the individual governments in forming their own policies. The agreement also provided for a Ship-
ping Coordinating and Review Committee to consider and review UNRRA’s shipping requirements, and a Contributory Nations Committee, which was assigned the task of actually meeting the ocean-transportation requirements of UNRRA and of the liberated areas in an orderly and effective manner by adjusting ship space and cargoes.23

May 1946

The newly created Temporary Transport and Communications Commission met in New York in May and made its first report to the Economic and Social Council of the United Nations on May 25, 1946. In connection with a general survey of intergovernmental organization in the field of transport and communications, the report pointed out that aside from the United Maritime Consultative Council, which was temporary in character, the only standing intergovernmental bodies in the shipping field were the International Hydrographic Bureau and the International Commission for the Maintenance of the Lighthouse at Cape Spartel. The commission believed that in view of the lack of an over-all international organization in the field of shipping, an intergovernmental body should be set up to deal with technical matters in that field. The report outlined the general responsibilities which such a body should have.24

The commission also engaged in considerable discussion concerning the desirability of establishing a permanent Transport and Communications Commission of the Economic and Social Council of the United Nations. It was argued that such a commission could serve as a conciliatory body when disputes arose and would be in a position to indicate to the council when new agencies or agreements were needed. The temporary commission finally agreed unanimously to recommend the establishment of a permanent Transport and Communications Commission which should not act as an intermediary between the council and specialized agencies, but should serve in an advisory capacity, particularly with respect to coordination of specialized agencies. It was made clear in the report that specialized agencies were to report directly to the council and that the permanent commission would in no sense be “over” them.25

June 1946

Following the receipt of the above-mentioned report dated May 25, 1946, a committee of the Economic and Social Council requested the Secretary-General of the United Nations to seek the views of the United Maritime Consultative Council on the proposal for the establishment of an organization in this field. Accordingly, the Secretary-General, on June 13, 1946, sent a telegram to the Minister of Foreign Affairs of the Netherlands recounting the resolution of the Temporary Transport and Communications Commission and stating that the message was sent for the preliminary information of the United Maritime Consultative Council, to enable it to consider putting the question on its agenda.

The United Maritime Consultative Council duly convened for its first session at Amsterdam on June 18, 1946. Although the various delegations made significant reports on the shipping policies of their governments,26 the most important item on the agenda was the possible establishment of an intergovernmental body which would provide the means for a permanent forum on shipping. Before the meeting had taken action on the telegram of June 13 from the Secretary-General of the United Nations, it received a further telegram from that official, dated June 21, in which it was stated that the Economic and Social Council had, on that day adopted the recommendation of the temporary commission for the establishment of a permanent transport and communications commission.

The June 21 resolution of the Economic and Social Council provided that the temporary commission should continue to function until the permanent body was set up, during which period the temporary body was to assume the functions prescribed for the permanent commission. The resolution also provided that the new commission should examine fully the question of the establishment of a world-wide intergovernmental organization in the shipping field to deal with technical matters. The duties of the permanent Transport and Communications Commission included the

25 Ibid., pp. 7, 8, and 9.
26 Department of State Bulletin of July 14, 1946, pp. 64-65.
the responsibility of advising the Economic and Social Council in general matters concerning transport and communications; of receiving special delegations of authority from the Council on certain questions, particularly those for which no specialized agency exists; and of dealing with specific problems with respect to specialized agencies, on the request of the Council.  

On June 23, 1946, the Chairman of the first session of the United Maritime Consultative Council informed the Secretary-General of the United Nations by telegram, in response to his cable of June 21, that the question of a world-wide shipping organization was already included in the agenda of the meeting and that the United Maritime Consultative Council had discussed the question with the result that a resolution had been adopted to the effect that (1) the council took note of the view generally expressed that an intergovernmental body was likely to be required, and (2) the council would appoint a committee to consider in greater detail the possible constitution, scope, and procedure of such a body. The chairman added that the committee was to report its findings to the second session of the United Maritime Consultative Council, which would be convened prior to October 31, 1946, to consider the report and to make recommendations to the member governments.  

September 1946  

The Department of State announced on September 26, 1946, that pursuant to the wishes expressed by the member nations of the United Maritime Consultative Council at their June meeting it had invited those nations to the second and final session of the United Maritime Consultative Council at Washington from October 24 to 30, 1946. In addition to the consideration of the working committee's report and the resultant recommendations, the United Maritime Consultative Council had on its agenda the preparation of a reply to the United Nations concerning its request for the views of the United Maritime Consultative Council on the establishment of an intergovernmental maritime organization; a review of the working of the machinery set up by the former United Maritime Executive Board for the orderly transportation of certain cargoes after the termination of the United Maritime Authority; and a review of the progress made in the restoration of normal processes of international merchant shipping.  

October 1946  

The United Maritime Consultative Council met at Washington according to schedule for its final session and agreed to recommend to its 18 member governments the establishment through the machinery of the United Nations of a permanent shipping organization. It also agreed, as a temporary measure pending the creation of the permanent body, on the desirability of forming a further interim body designed particularly to handle such problems as might arise during the period of transition to the permanent organization. The interim body was denominated a Provisional Maritime Consultative Council. The four recommendations adopted on October 30, 1946, provided that—  

“(1) an Inter-Governmental Maritime Consultative Organization should be established as a specialized agency of the United Nations, as set forth in the draft convention for an Inter-Governmental Maritime Consultative Organization annexed hereto;  

“(2) each Member Government take appropriate action in requesting the Economic and Social Council to convene a conference of all interested governments for the purpose of adopting a constitution for an Inter-Governmental Maritime Consultative Organization as set forth in the annexed draft convention;  

“(3) in view of the fact that the United Maritime Consultative Council will cease to exist on October 31, 1946, a Provisional Maritime Consultative Council should be set up forthwith in accordance with the annexed Agreement for the establishment of a Provisional Maritime Consultative Council;  

“(4) government members of the United Maritime Consultative Council should accept as soon as possible the Agreement for a Provisional Maritime Consultative Council by notification to the  


Ibid., Dec. 15, 1946, pp. 1062-1068.
government of the United Kingdom in accordance with Article V (1) thereof.\(^a\)

Annexed to the recommendations were a draft convention for an intergovernmental maritime consultative organization and a document headed "Agreement for Provisional Maritime Consultative Council".

In a telegram of October 30, 1946, the chairman of the second session of the United Maritime Consultative Council informed the Secretary-General of the United Nations of the action taken.\(^b\)

**Provisional Maritime Consultative Council and the United Nations**

As in the case of the concurrent activities in 1946 of the United Maritime Consultative Council and the Temporary Transport and Communications Commission of the Economic and Social Council, likewise in 1947 both the Provisional Maritime Consultative Council and the permanent Transport and Communications Commission of the Economic and Social Council met independently but aware of each other's functioning.

The Government of the United States had notified the Government of the United Kingdom of its acceptance of membership in the Provisional Maritime Consultative Council in November 1946.\(^c\) The Economic and Social Council, at its session of December 10, 1946, in New York, had appointed the representatives of 12 countries who had been duly nominated by their respective governments to the permanent Transport and Communications Commission.\(^d\)

The permanent Commission began its first session on February 6, 1947, in New York. The provisional agenda, which had been prepared by the Secretariat of the United Nations, contained a proposal for the establishment of a world-wide intergovernmental shipping organization. This proposal was included in the agenda pursuant to the resolution adopted by the Economic and Social Council on June 21, 1946.\(^e\) In connection with this item of the agenda, the permanent Commission took note of (1) the comprehensive report of May 25, 1946, submitted by the Temporary Transport and Communications Commission in favor of an intergovernmental shipping organization, and (2) the similar recommendations of the United Maritime Consultative Council. The permanent Commission did not consider a more detailed study necessary. Accordingly it decided, in compliance with its terms of reference, to recommend to the Economic and Social Council the establishment of a world-wide intergovernmental organization to deal with technical matters in the realm of shipping. Since, however, the draft recommendations of the United Maritime Consultative Council were not limited to the technical field, the Commission proceeded to adopt a draft resolution which contemplated a range of activities broader in scope than those confined to technical aspects alone.

This resolution requested the Economic and Social Council to take action to the effect that the Secretary-General of the United Nations be instructed to call a conference for the purpose of establishing an intergovernmental shipping organization and to circulate with the invitations to the conference the draft convention prepared by the United Maritime Consultative Council, which should form the basis for discussion at the conference.\(^f\) The resolution specified that the conference should be held in Europe, preferably in the fall of 1947.\(^g\)

The Economic and Social Council, meeting on March 28, 1947, took note of the report of the first session of the Transport and Communications Commission and adopted a resolution requesting the Secretary-General of the United Nations among other things to convene a conference for the purpose mentioned; to circulate the draft convention prepared by the United Maritime Consultative Council to all of the invited governments with the notation that any comments or amendments which they might wish to offer in advance of the meeting should be sent to the Secretary-General for submission to the other governments and for later consideration at the conference; and to draw up a provisional agenda for the confer-

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\(^c\) *Department of State Bulletin* of Dec. 1, 1946, p. 1002; United States membership was effective Nov. 20, 1946. Of the other countries which had participated in the Washington meeting of October 1946, a sufficient number to bring the new Council into existence informed the Government of the United Kingdom of their acceptance of the "Agreement for Provisional Maritime Consultative Council".


\(^e\) *Department of State Bulletin* of Jan. 25, 1945, p. 106.


ence. The resolution also expressed the hope that the invited governments would give their delegations full powers to sign the convention. 44

At this juncture the newly created Provisional Maritime Consultative Council, replacing the defunct United Maritime Consultative Council, began its activities. Its first meeting was held at Paris from May 16 to 20, 1947, at the invitation of the French Government.

Under the terms of the agreement annexed to the recommendations adopted by the United Maritime Consultative Council at its Washington meeting in October 1946, the Provisional Maritime Consultative Council was designed to function temporarily, pending the establishment of the proposed world-wide organization, and in particular—"to provide machinery for cooperation among Governments in the field of Governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation"; to "encourage the removal of all forms of discriminatory action and unnecessary restrictions by Governments affecting shipping engaged in international trade"; to provide for consideration of the shipping problems which may be referred to the Council by the United Nations; and to arrange for information on matters before the Council to be disseminated among the member governments. 45 Included in the functions of the Provisional Maritime Consultative Council was the responsibility for advising on questions relating to the draft constitution of the proposed permanent maritime organization.

The agreement provided further that the membership of the Provisional Maritime Consultative Council should consist of those governments which notified the United Kingdom of their acceptance of the agreement from among the members of the former United Maritime Consultative Council or members of the United Nations; that an Executive Committee consisting of 12 member governments should be established after 20 governments had accepted the agreement; that the Council should determine at each meeting the place and time for its next session, the first meeting to be held at any time after March 1, 1947; that the agreement should enter into force when 12 governments, of

which 5 shall each have a total tonnage of not less than 1,000,000 gross tons of shipping, had accepted it; and that the agreement should terminate upon the entry into force of a constitution for a permanent intergovernmental organization or when membership falls below 12 members.

The following topics were discussed at the May 1947 meeting of the Provisional Council: (1) coordination of activities in the fields of aviation, shipping, and telecommunications affecting safety at sea and in the air; (2) economic discriminations in shipping; (3) the progress which had been made in restoring normal processes of international shipping business; and (4) uniformity of merchant-vessel statistics. It was decided to refrain from any discussion of the 1946 draft convention for a permanent organization in view of the full procedure adopted by the United Nations for the collection and distribution of comments and suggestions for amendments by the interested governments.

An important part of the work of the May 1947 meeting was concerned with item 1, which resulted in the appointment of a committee of three to serve on an inter-organization committee on coordination of activities in the field of safety.

The United Kingdom Government was requested to undertake the secretarial duties of the Council and to make arrangements for the calling of the next meeting of the Council in the event that another meeting might be deemed necessary before the establishment of the proposed world-wide organization.

Safety of Life at Sea as a Major Problem

One of the major problems in the field of international nautical affairs is the prevention of loss of life at sea. This subject has been dealt with not only by some of the maritime organizations mentioned in the preceding sections of this article but also by special international conferences on the subject. This problem is of such importance in the evolution of international maritime collaboration as to warrant more detailed treatment at this point.

The International Marine Conference, held at Washington from October 16 to December 31, 1889, was the first "full-dress" international meet-

ing to consider maritime problems. It dealt exclusively with questions of "safety for life and property at sea," and its deliberations might be described as one of the initial efforts on the technical side of international collaboration in the field of shipping. The plans for holding such a meeting originated in the United States, the host country. The agenda, even in the light of progress and experience gained throughout the years since 1889, is noteworthy.

The conference adopted resolutions or recommendations pertaining to:

Regulations for preventing collisions at sea, including rules concerning lights, sound signals for fog, speed of ships in fog, steering and sailing, and distress signals; 2

Regulations for the designation and marking of vessels;

Saving of life and property from shipwreck;

Qualifications for officers and seamen, including tests for sight and color blindness;

Lanes for steamers on frequented routes, with special regard to the avoidance of steamer collisions and the safety of fishermen;

Night signals for communicating information at sea;

Reporting, marking, and removing dangerous wrecks or other obstructions to navigation;


These regulations, which are a modification of the International Rules of the Road as adopted in 1864 by England and of those adopted by the United States in 1885 (23 Stat. 438), were enacted into law by the Congress of the United States in 1890 (26 Stat. 320) and, with some changes throughout the years, are still in force (33 U.S.C. 61 et seq.).


6 International Conference on Safety of Life at Sea, London, April 16-May 31, 1929; Report of the Delegation of the United States of America and Appended Documents (Department of State publication 14), p. 10. See also Executive Order 2458, Sept. 29, 1918.


8 International Conference on Safety of Life at Sea, pp. 16-17.

Notices of changes in lights, buoys, and other day-and-night danger marks;

Uniform system of coloring and numbering buoys; and

Establishment of a permanent international maritime commission.

The last-named topic represents perhaps the earliest suggestion considered at a formal international meeting for a permanent multilateral maritime body. However, the conference resolved "That for the present the establishment of a permanent international maritime commission is not considered expedient." 2

The maritime nations were made acutely aware of the urgent need for closer international cooperation in the field of safety at sea by the Titanic disaster of 1912. This tragedy was the immediate cause for the convening of a diplomatic conference in London in the latter part of 1913 to consider measures to prevent the future occurrence of such calamities. 3 The conference drew up the convention of January 20, 1914, for the safety of life at sea. The intervention of World War I as well as other less influential factors prevented the convention from coming into force completely, although several of the signatory countries adopted portions of it. 4

The Government of the United States did not ratify the convention of 1914, but it did undertake the direction of the services of derelict destruction, study and observation of ice conditions, and the conduct of the international ice patrol in the North Atlantic, which it was invited to do by article 7 of the convention. Pursuant to an Executive order these services were performed by the vessels of the United States Coast Guard. Foreign nations contributed pro rata shares for the maintenance of the services. 5

The years brought added knowledge in the technical matters covered by the convention of 1914 as well as marked advancements in ship construction. These changed conditions prompted the British Government to make proposals for the convening of a conference to revise and amend the convention of 1914. 6 The proposals were made in the autumn of 1927 to the Government of the United States, which replied in January 1928 agreeing that consideration should be given to the revision of the convention and suggesting that the conference be held in the spring of 1929. 7

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Before the conference met, another tragedy at sea focused the attention of the world on the importance of immediate safety measures. On November 13, 1928, the steamship *Vestris* sank off the Virginia Capes with the consequent loss of 110 lives.

The conference was held in London from April 16 to May 31, 1929. Out of its deliberations grew the existing convention for promoting safety of life at sea, which was signed on the last day of the meeting by the delegations of 18 governments. The United States became a party to this convention on August 7, 1936 (effective November 7), subject to three understandings bearing on American standards of safety.94

Another international conference concerned with safety at sea met in London on May 20, 1930, for the purpose of formulating international rules and regulations for determining the load lines of merchant vessels engaged in international trade. The 1929 conference had dealt with safety in respect to passenger ships. The British Government called the 1930 conference to consider the question of the seaworthiness of cargo ships. The conference closed its sessions on July 5, 1930, on which day the international load line convention and an accompanying final protocol were signed unanimously by the representatives of 27 governments participating in the conference.95

The question of the coordination of activities in the fields of aviation, shipping, and telecommunications, with respect to safety and rescue at sea and in the air, was brought to the notice of the Temporary Transport and Communications Commission of the Economic and Social Council of the United Nations in 1946 as one of the substantive problems requiring early attention. The Temporary Commission requested the Economic and Social Council to give formal authorization for the examination of this problem.96 The requested authorization was given by the Economic and Social Council at its second session, later in 1946.

The permanent Transport and Communications Commission, having replaced the Temporary Commission, took note of this action at its first session in February 1947. The permanent Commission also took cognizance of a note from the Government of the United Kingdom concerning the invitation of that Government for an international conference to revise the 1929 convention for promoting safety of life at sea, and recommended that the conference should be requested to invite the Provisional International Civil Aviation Organization, the Provisional Maritime Consultative Council, the International Telecommunication Union, and the International Meteorological Organization to appoint representatives to participate in a joint study of the means for coordination of the activities of the four organizations relating to air-sea rescue.

The Commission further proposed that a small interim committee consisting of representatives from the four organizations be set up, on the invitation of the Secretary-General of the United Nations, to prepare a factual report on the existing measures for coordination of safety and rescue arrangements and if possible to make recommendations for further measures based on the considered views of the four organizations. It was proposed that the report be sent to the Secretary-General for the information of the Transport and Communications Commission and that a copy be forwarded for the consideration of the Conference on Safety of Life at Sea.97

The Economic and Social Council on March 28, 1947, adopted a resolution based on the recommendations of the Transport and Communications Commission. The resolution took note of the fact that the Government of the United Kingdom was prepared not only to invite the interested governments to participate in the conference but also to convene a preparatory committee of experts to consider preliminaries to the conference. The resolution instructed the Secretary-General of the United Nations to pursue his study of this problem, to keep in touch with the work of the preparatory committee and the conference itself, and to advise the Transport and Communications Commission of developments in this connection.98

The resolution of the Economic and Social Council was considered fully by the delegates to the Paris meeting, in May 1947, of the Provisional Maritime Consultative Council, who decided that they should appoint three representatives of their

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97 *ibid*, pp. 16-17.
98 U.N. doc. E/408, Apr. 9, 1947, p. 3.
organization to serve on the proposed preparatory committee for the conference. The Governments of Norway, the United Kingdom, and the United States were elected to furnish one shipping representative each, whereupon the delegations of each of the three countries put forward the names of individual experts. The first meeting of the preparatory committee was planned to be held in London in October 1947 but was postponed until January 27, 1948. The Conference on Safety of Life at Sea is itself scheduled to meet in London on April 16, 1948.

Proposed Intergovernmental Maritime Consultative Organization

The Washington meeting of the United Maritime Consultative Council held in October 1946 agreed to recommend to the member governments the text of a draft convention for an intergovernmental maritime consultative organization. At this meeting the Council also proposed, as an interim measure pending the establishment of a permanent organization, that a Provisional Maritime Consultative Council be established.

The “scope and purposes” of the permanent organization, as set forth in article I of the draft convention, are identical with the purposes of the Provisional Maritime Consultative Council as set forth in the interim agreement and digested hereabove. In full, they are as follows:

“i. to provide machinery for cooperation among Governments in the field of Governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation;

“ii. to encourage the removal of all forms of discriminatory action and unnecessary restrictions by Governments affecting shipping engaged in international trade so as to promote the availability of shipping services to the commerce of the world without discrimination;

“iii. to provide for the consideration by the Organization of any shipping problems of an

international character involving matters of general principle that may be referred to the Organization by the United Nations. Matters which are suitable for settlement through the normal processes of international shipping business are not within the scope of the Organization;

“iv. to provide for the exchange of information among Governments on matters under consideration by the Organization.”

In article II the draft convention prescribes the functions of the organization as follows:

“Section 1. The functions of the Organization shall be consultative and advisory.

“Section 2. In order to achieve the objectives set out in Article I, the functions of the Organization in relation to matters within its scope shall be—

“(a) to consider and make recommendations upon matters arising under Subsections i and ii of Article I that may be remitted to it by Member Governments, by organs of the United Nations, or by other intergovernmental organizations, or upon matters referred to it under Subsection iii of Article I;

“(b) to draft conventions, agreements, or other suitable instruments, and to recommend these to Governments and to intergovernmental organizations, and to convene such conferences as may be necessary;

“(c) to provide machinery for consultation and exchange of information among Member Governments.

“Section 3. In those matters which appear to the Organization suitable for settlement through the normal processes of international shipping business, the Organization shall so recommend.”

The draft convention provides that the organization shall consist of an Assembly; a Council; a Maritime Safety Committee and such other subsidiary organs as may be established by the organization from time to time; and a secretariat.

The Assembly is to consist of delegates of all the member governments, each member government being entitled to one vote. Regular meetings of the Assembly are to be held at least every two years. Extraordinary meetings may be convoked when one third of the member governments notify the Secretary-General that such a meeting
is desired, or at any other time if considered necessary by the Council.

The functions of the Assembly will include the establishment of any temporary or, upon recommendation of the Council, permanent subsidiary bodies it may deem necessary; election of the member governments to be represented on the Council; deciding upon questions referred to it by the Council; consideration of the Council's reports; determination of the financial arrangements of the organization after studying the budget estimates and financial statements; referral to the Council of appropriate matters within the organization's scope; providing opportunity for exchange of information and of views among the member governments; and exercise of certain powers in connection with the establishment of the Maritime Safety Committee.

The Council of the organization will consist of sixteen member governments elected by the Assembly, eight to be governments of nations with the largest interest in the provision of shipping services, four to be governments of other maritime nations which have the largest interest in international trade, and the four remaining members to be elected with a view to adequate geographical representation. The Council will meet as often as may be deemed necessary, either on the call of the chairman or on the request of at least four of its members.

The Council is to inform any member government not represented on the Council of items on the agenda with which that government is directly concerned. In that event the government so concerned may take part in the discussions of that particular subject but will not be permitted to vote. The Council will also conclude arrangements covering the organization's relationship with other international bodies, subject to confirmation by the Assembly.

The provisions of the draft convention which concern the Maritime Safety Committee are tentative, and are intended to be developed in detail at contemplated technical conferences. The Maritime Safety Committee, under the tentative provisions, is to be comprised of fourteen member governments which the Assembly will select from nations having the greatest interest in maritime safety, eight of which are to be from the largest shipowning nations and six to be selected with a view to adequate representation of other nations having important interests in maritime safety and of major geographical areas. The Committee is to consider all matters concerning maritime safety which come within the scope of the organization, not only from the standpoint of preventive measures, such as standards of construction and equipment and rules for prevention of collisions, but also regarding the saving of life after casualties. Reports on its work and recommendations growing out of its studies will be submitted regularly to the Council for transmittal to the Assembly or to governments (when the Assembly is not in session), together with the Council's comments and recommendations.

The secretariat of the organization is to be composed of the Secretary-General to be appointed by the Council with the approval of the Assembly and such other staff members as may be considered necessary, the latter to be appointed by the Secretary-General with a view to efficiency and representation of a diversity of nations. All records considered necessary for the efficient functioning of all branches of the organization will be kept by the secretariat, which will also prepare, collect, and circulate the various documents of the Assembly, the Council, and the subsidiary organs. The Secretary-General and the other members of the secretariat will maintain their position as international officers and may not seek or receive instructions from any authority except the organization. The members of the organization undertake to respect this position by making no effort to exert influence over the secretariat.

The Secretary-General of the United Nations, in consonance with the resolution of the Economic and Social Council adopted on March 28, 1947, issued invitations on April 10, 1947, to the interested governments to attend the conference for the purpose of establishing an intergovernmental shipping organization. The dates of the meeting have now been set for February 19 through March 17, 1948. 

Ibid., p. 1006.
Ante, p. 9.
Conclusion

At long last the trend toward establishing a permanent world organization to deal with maritime questions is crystallizing. It is believed that the plans for such an international body will come to fruition at the forthcoming conference. If these plans are successful the organization will provide a greater continuity than was possible under the sporadic maritime conferences of the past, with their diversity of membership, or under the previous international bodies concerned with aspects of shipping. The benefits to be derived from this more closely integrated co-partnership will be partly economic, through the standardization of technical phases of shipping administration and the elimination of economic restrictions upon merchant shipping; partly humanitarian, in reducing loss of life from storms and accidents at sea; and partly political, in that every success in international cooperation on the technical level is a spur and a means of encouragement to international cooperation on the political level.

The new organization, it may be pointed out, is expected to cooperate with the International Civil Aviation Organization in some phases (especially safety phases) of air transport across the world’s seas. In discussing the transocean carriage of goods and passengers both by surface vessel and by air William L. Clayton, then Under Secretary of State for economic affairs, spoke as follows at the October 1946 session of the United Maritime Consultative Council:

“The power-driven vessel plying the free seas is the cheapest form of transportation in the world. For many years we shipped cotton from Houston to Shanghai at less cost than it took to bring it from Oklahoma to Houston. Man himself can now fly over the seas quicker than he can travel on the surface, but it seems safe to say that his goods will for the most part always travel on and not above the water.”

In a domain of such paramount importance to the welfare of mankind, the economic, humanitarian, and political benefits derived from international cooperation may well comprise a significant part of the mosaic of friendly interrelationship which the United Nations is steadily forming.

\*Department of State Bulletin of Nov. 3, 1946, p. 817.