CONSIDERATION OF THE ARTICLES OF THE DRAFT INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

Proposed amendment to Article 17
Submitted by the United States of America

At its thirtieth session (June 4-8, 1973), the IMCO Council created an Ad Hoc Working Group on Marine Environment Protection to formulate specific proposals for the creation of a Marine Environment Protection Committee within IMCO. That Working Group met from July 23-27, and unanimously recommended that a Marine Environment Protection Committee be established by the IMCO Assembly as a permanent body to perform functions relating to the prevention of pollution from ships. (The Report of the Working Group is contained in MP/CONF/INF.12). The Committee would be composed of all States Members of IMCO, and would include other States Parties to IMCO Conventions when the Committee performs functions under those Conventions. With respect to the 1973 Convention on the Prevention of Pollution from Ships, the Working Group agreed that:

In the event that the Conference determines to assign functions to the new Committee, one method would be to refer to "the appropriate permanent organ established by the Assembly of the Organization and charged with functions in respect of marine pollution." In that event, upon acceptance of depositary functions by the Assembly, the new Committee would be the
appropriate permanent organ under the proposed Terms of Reference
to act as provided in the Convention.

The IMCO Assembly will meet in November 1973 to consider the formal
establishment of the new Committee in accordance with the recommendation of
the Working Group. The following amendments would provide the necessary
changes in the language of Article 17, along the lines proposed by the
Working Group, to provide for the assumption by the new Marine Environment
Protection Committee of functions regarding the development of amendments.

-Add to Article 17(3) after first sentence:

"For the purpose of this paragraph, 'the Committee' shall refer
to the appropriate permanent organ established by the Assembly of
the Organization and charged with functions in respect of marine
pollution."

-Replace Article 17(3)(a)(i) and (ii) with:

"(i) Any proposed amendment to the Articles of the present
Convention shall be submitted to the Committee for consideration.
If adopted by a two-thirds majority of those present and voting
in the Committee, the amendment shall be communicated by the
Organization to all Contracting States for acceptance. Any
Contracting State which is not a Member of the Organization shall
be entitled to participate and vote when the amendment is considered
by the Committee."

-Replace Article 17(3)(b)(i) and (ii) with:

"(i) Any proposed amendment to the Annexes to the present Convention
(including the Appendices thereto) shall be submitted to the
Committee for consideration. If adopted by a two-thirds majority
of those present and voting in the Committee, the amendment shall
be communicated by the Organization to all Contracting States for
acceptance. Any Contracting State which is not a Member of the
Organization shall be entitled to participate and vote when the
amendment is considered by the Committee."

-Other references in Article 17 to "the Assembly" or "the Maritime Safety
Committee" should similarly be changed to "the Committee".