THIRD COMMITTEE: COMMERCIAL POLICY

SUB-COMMITTEE B (PROPOSED NEW ARTICLE 18A)

RESOLUTIONS OF THE MARITIME CONFERENCE

The Maritime Conference at present in session in Geneva which is drafting a Convention for an Inter-governmental Maritime Consultative Organization, has so far agreed on Articles I, II, III and part of Article VI of that Convention. The texts have been received by cable and have been adopted subject to drafting changes:

Article I - Scope and Purposes of the Organization
1. To provide machinery for co-operation among governments in the field of governmental regulation and practices relating to all kinds of technical matters affecting shipping engaged in international trade and to encourage general adoption of the highest practicable standards in matters concerning maritime safety and navigation efficiency;
2. To encourage removal of discriminatory action and unnecessary governmental restrictions affecting shipping engaged in international trade so as to promote the availability of shipping services to world commerce without discrimination; assistance and encouragement given by a government for developing its national shipping and for security purposes in itself does not constitute discrimination provided such assistance is not based on measures designed to restrict the shipping freedom of all flags taking part in international trade;
3. To provide for consideration by the Organization of matters concerning unfair restrictive practices by shipping concerns according to Article II of the Convention;
4. To provide for consideration of any matters concerning shipping that may be referred to the Organization by any organs of the United Nations (including its specialized agencies);
5. To provide for the exchange of information among governments on matters under consideration by the Organization.

Article II - Functions
1. The functions of the Organization shall be consultative and
advisory.

2. In order to achieve the objectives set out in Article I, the functions of the Organization relating to matters within its scope shall be:

(A) To consider and make recommendations upon matters arising under Article I, sub-paragraphs 1, 2 and 3 that may be remitted to it by Member governments, United Nations or other intergovernmental organizations or upon matters referred to it under Article I, sub-paragraph 4.

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

(C) To provide machinery for consultation and exchange of information among member governments.

3. In these matters which appear to the Organization as capable of settlement through the normal process of the international shipping business the Organization shall so recommend. When any matter concerning unfair restrictive practices is considered by the Organization as incapable of such settlement, the Organization shall consider it according to the applicable principles and precedents established by any organ of the United Nations having responsibilities in the general field of restrictive business practices.

Article III - Membership

1. Membership of the Organization shall be open to all states, subject to the following provisions:

2. Members of the United Nations may become members of the Organization by signing or otherwise accepting the present convention in accordance with the provisions of Article (XV).

3. States not Members of the United Nations which have been invited to send representatives to the International Maritime Conference held at Geneva in February/March 1948, may become Members by signing or otherwise accepting the present convention in accordance with the provisions of Article (XV).

4. Any state which does not become a member in accordance with paragraphs 2 and 3 may apply through the Secretary-General of the Organization to become a Member and shall be admitted as a Member upon its acceptance of the present convention in accordance with the provisions of Article (XV) provided that, upon the recommendation of the Council,
of the Council, its application has been accepted by two-thirds of
the Members of the Organization.

5. Any territory or group of territories to which the present
convention has been made applicable under the article dealing
with declarations by Members in respect of territories for whose
international relations they are responsible, by the Member having
responsibility for its international relations or by the United
Nations, may become an Associate Member of the Organization by
notification in writing given by such Member or by the United
Nations as the case may be to the Secretary-General of the
Organization.

6. Associate Members shall have the rights and obligations of a
Member of the Organization under the present convention to the
extent which shall be determined by the Assembly and subject to
this the word "Member" in the convention shall be deemed to include
Associate Member unless the context otherwise required.

7. No state or territory may become or remain a Member or
Associate Member of the Organization contrary to a resolution of
the General Assembly of the United Nations.

Article VI - The Council

1. The Council shall consist of sixteen Member governments:
   (A) Six of these shall be governments of the nations with
       the largest interest in providing international shipping
       services.
   (B) Six shall be governments of other nations with the
       largest interest in international seaborne trade.
   (C) Of the four remaining Members two shall be elected by
       the assembly from among the governments of nations having a
       substantial interest in providing international shipping
       services, and
   (D) Two shall be elected by the Assembly from among the
       governments of nations having a substantial interest in
       international seaborne trade.

2. In accordance with principles set forth in paragraph 1 of this
Article the first Council shall be constituted as follows:
   (A) The six Member governments with the largest interest in
       providing international shipping services being: Greece,
       Netherlands, Norway, Sweden, United Kingdom, United States.
   (B) The six Member governments with the largest interest in
       international seaborne trade being: Argentina, Australia,
Belgium, Canada, France, India.

(C) Two Member governments to be elected by the Assembly under paragraph 1, sub-paragraph (C) of this Article from a panel nominated by the six Member governments in paragraph 2, sub-paragraph (A) of this Article.

(D) Two Member governments elected by the Assembly under paragraph 1, sub-paragraph (D) of this Article from the Member governments having a substantial interest in international seaborne trade.

3. Except as provided in Annex, the Council shall determine for the purpose of paragraph 1 (A) of this Article, the Member governments with the largest interest in providing international shipping services and shall also determine, for the purpose of paragraph 1 (C) of this Article, the Member governments having a substantial interest in providing such services. Such determinations shall be made by a majority vote of the Council including the concurring votes of a majority of the Member governments represented on the council under paragraphs 1 (A) and (C). The Council shall further determine for the purpose of paragraph 1 (B) of this Article, the Member governments with the largest interest in international seaborne trade. Each council shall make these determinations at a reasonable time before the end of its period of office.

Article II was accepted against the votes of Finland and Sweden. In opposing the text the Scandinavian countries maintained that the shipping organization should only consider unfair, restrictive practices by a shipping concern if the question was referred to it by the International Trade Organization.

The following governments are represented at the International Shipping Conference: Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Finland, France, Greece, India, Iran, Ireland, Italy, Lebanon, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Poland, Portugal, Sweden, Switzerland, Turkey, United Kingdom, United States.