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**“Safety at Sea and the Conduct of Shipping:
Three International Conferences, 1889-1929”**

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“We are living in a time when the strong is often right against the weak. Let us hope that the laws will later prevail over strength. This question of safety at sea will be solved as the other one and it will always be your honour to have contributed to it in so a large extend”
Vice-amiral Gicquel des Touches to Albert Riondel, 1890.

The *Titanic* tragedy has often been presented as an event which made possible to consider the hitherto neglected matters of maritime safety. It was not the very first moment for the public opinion to become aware of these questions. Since the beginning of nineteenth century the Press had repeat philanthropic movement’ opinions on shipwrecks or collisions at sea. A new approach of the problem became possible when more people could be personally involved in ship damage or shipwreck and because of the « dramatic worldwide growth in maritime traffic and the rapid changes in maritime technology »¹. The magnitude of the disaster of *RMS Titanic* forced the politicians and public opinions to the conclusion that the real problem presented called for international solution but safety at sea was often considered by maritime nations and their governments in very varied ways and by shipowners as a limitation to profitability and interference within their business.

Even if in April 1912 there was quite a stir at a global scale, the substantial change for some European nations had really occurred in the previous period when they raised international policy about safety at sea concerning fishermen in the North Sea Region from 1826 to 1882². For the merchant marine the international Conference of Washington in 1889 was the first occasion to set the safety problem at a global scale³ following the 1873 dispute on shipping safety in Britain⁴. But, the loss of *RMS Titanic* proved a relative failure of the Washington project and above all the ineffectiveness of British regulations and the need to promote human element in the conduct of shipping.

¹ W. Labaree, W. M. Fowler JR., J. B. Hattendorf, J. J. Safford, E. W. Sloan, A. W. German, *America and the Sea : a maritime history*, Mystic, 1998, 416.

² Christian Borde, “The French State and Safety at Sea : Co-operation and conventions, 1839-1914”, David Starkey, Morten Hahn-Pedersen (eds.) *Bridging Troubled Waters. Conflict and Co-operation in the North Sea Region since 1550*, Fiskeri-og Sofartsmuseets Studiereserie, nr 17, Esbjerg, 2005, 199-219.

³ Christian Borde, *ibid.* ; Sarah Palmer, “Leaders and Followers : The Development of International Marine Policy in the Nineteenth Century”, *International Journal of Maritime History*, XVII-2 (2005), 299.

⁴ David M Williams, “State Regulation of Merchant Shipping 1839-1914: The Bulk Carrying Trades”, in Lars U. Scholl (comp.), *Merchants and Mariners: Selected Maritime Writings of David M. Williams* (Newfoundland, 2000) 127

Within the limits of this paper, we would like to bring up the action and strategy of shipowners federations concerning safety at sea between 1889 and 1929 at national and international scale, focusing on the French Shipowner Association. After being totally excluded of debates when the prestige of Nations was at stake during the Washington Conference in 1889, they could intervene directly on national policies⁵ and in the international scene when they became capable to organise in national and international federations. Finally the convening of the London conference of 1914 as a response to the *Titanic* disaster was of few consequences because it was only ratified by five powers, and the gap of fifteen years separating the organisation of second SOLAS conference in 1929 demands an explanation.

1) Safety at sea and the prestige of Nations : the International Marine conference of Washington

It was a surprise for French public opinion when at the beginning of 1888, the democrat Secretary of State Thomas Francis Bayard announced the initiative of an international diplomatic conference to be held at Washington on the rule of the road.⁶ The first meeting was provided on April 17th 1889 chaired by rear admiral Samuel Rhoads Franklin who had been Commandant of the European station and on July 1888 the United States solemnly invited France and some other European nations to that gathering⁷ but, contrary to all expectations, the conference was delayed until the Autumn of 1889 due to the condition laid down by the United Kingdom:

“Her Majesty’s Government regarding the subject for discussion as technical rather than political have expressed their readiness to send expert delegate on the conditions that the deliberations will in the first instance be confined to first session of program and will then be submitted to Her Majesty Government for approval they will thus not be plenipotentiaries. To this proposal Government of the United States have not yet replied. Her Majesty’s Government do not propose that their minister shall take part in conference unless the representatives of other powers be directed to do so”⁸

French diplomacy had a great experience of British monopoly on maritime matters and explained this uncompromising attitude by the persistent “bad temper with which Great Britain saw the United States to initiate such a prominent maritime issue”.⁹ Even if France was dealing with “Boulangisme” a major

⁵ Christian Borde, «La création du Comité Central des Armateurs de France (13 janvier 1903) : enjeux internationaux et nationaux du lobbying maritime français (1891-1906) », *Revue d’Histoire Maritime*, 5, (2006), 221.

⁶ Bill of US Senate feb 2d 1888, n° 5 1851 calendar n° 337

⁷ France, National Archives Centre des Archives Diplomatiques de Nantes (CADN), Unions internationales, 1166, Invitation des Etats-Unis le 30 juillet 1888.

⁸ *Ibid.* , Lord Salisbury au Ministre des affaires étrangères, juillet 1889

⁹ *Ibid.* , Ambassade de France, 26 janvier 1889 au ministre des Affaires étrangères, « confidentiel ».

political crisis, the benefits of future conference could be a renewal of diplomatic relations with the United States. Because of the celebration of the Centennial of the French Revolution and the organisation of the “Exposition Universelle” (world exhibition) in Paris, an “International Marine Conference to secure safety for life and property at sea”¹⁰ could have “a considerable political interest”¹¹. Essentially, that was a possible weakening of the British diplomatic position in world shipping which fascinated French politicians. Even if the great extension given to the conference program by Americans was the cause of British jealousy, the French naval attaché reminded to his government that this conference was above all “a big maritime event”. He asked for the venue of delegates from French department of Justice and department of Public works. In last analysis, the French diplomats summed the spirit of their participation to the conference of Washington : “Flattering the just self esteem of the United States and the importance of France as a maritime power”

The French maritime lobby was not formally organized at the time. It is not before the beginning of the 1890s that the Marseille ship owners laid the foundation of a Maritime Federation, but only in the purpose to promote their harbour interests. Actually, the French merchant marine was, as well as the American, in a complete decline, loosing 243.000 tons of sailing ships in the decade 1870-1880. The Parliament of the young third Republic voted in favour of bounties laws to encourage ship building and merchant shipping industry by an Act of 1881 which gave excellent results. The steam ships tonnage growing from 256.000 tons in 1879 to 310.000 tx in 1888, and Jules Charles-Roux of Marseilles and Jules Siegfried of Le Havre, both of them Members of Parliament and businessmen, obtained at the end of 1889 the prorogation of the bill of 1881 for the year 1890.

Apart from this parliamentary lobbying growing in influence, existed a lot of Newspapers, Journals, associations, congresses and societies devoted to philanthropy or technical maritime studies connected with safety matters. For instance, the Fith Congress of Maritime Rescue held in the naval harbour city of Toulon in 1890¹² had popularised the provisions of the Washington Conference, with a retired Director of naval Shipbuilding in the chair, M. Lisbonne. His reports devoted to sea rescue were dealing with signalisation of ships, speed of steamers and neutralization of the Newfoundland banks. These issues were hitherto particularly focused on the question of rescuing from ashore, but this Congress begun to deal with collisions at sea and on an international scope. It is important to underline that in 1889 a convention was concluded between France and Britain on reciprocal rescues of seamen on the shores of the two countries and their colonies. This accord with Britain could have been more important for coastal societies than the disposals of the Washington conference which was mainly devoted to the Atlantic steamers enterprises. But because of many shipwrecks and dramatic collisions at sea the French coastal communities were very interested in such developments.

¹⁰ *Ibid.* , The Secretary of State to French Embassy London, Washington July 30, 1888

¹¹ *Ibid.*, Jusserand ambassadeur de France en Grande-Bretagne à Eugène Spuller, ministre des Affaires étrangères, 21 septembre 1889.

¹² *Le Yacht*, 29 mars 1890.

In the same spirit, another retired Naval officer, Albert Riondel was studying and reporting the rule of the road since the 1870's according to its own experience : the Atlantic maritime lanes, traffic on very busy seas, in the straits and landings and above all the neutralization of the Newfoundland banks during the season of cod fishing. Riondel underlined that since many years the number of lights of sailing ships should have been reduced, in order that only one could be seen in the same moment. In his mind, sailing ships should be fitted with three lights as well as steamers. But the Washington conference disposed to maintain the status quo. According to Riondel, collisions at sea have three main causes: the speed of steamers always increasing, henceforth one ship can cut across another in two, and the too numerous rules concerning steamers. He demonstrated that frontal collisions actually were a very few, because on the Atlantic Ocean natural conditions were imposing two very different lanes eastbound and westbound. He thought that potential permanent lanes would have to be continually changed according to icebergs drift. For Riondel the solution seemed very easy : "The ship master must keep right in narrow straits, channels, narrows, according to article 21 of the rules of 1884".

The "Society for Colonial and Maritime Studies" (Société des Etudes Coloniales et Maritimes) was another association concerned with the rule of the road. In 1887 and 1890, this Society asked the French government for the publicity of inquiries and judgements of the Court of the French Admiralty for Shipwrecks (Commission Supérieure des Naufrages). For the Society, judgements of the Court martial should be open to the public, considering that "the public opinion has the right to be informed on the real causes of disasters and sea damages"¹³

Before the Washington Conference, the Geographical Society of Bordeaux (Société de Géographie de Bordeaux) sent to the French Minister of foreign affairs a project of the rule of the road in order to prevent collisions at sea prepared by two members Mrs Laneluc and Montreux, this report being drafted "At the request of several members of Parliament". In July 1889, the Chamber of Commerce of Bordeaux proposed to the minister that the both two authors would be able to attend the conference as French delegates. Other Chambers of commerce of Saint Malo and Granville, deeply preoccupied by fishing problems in Newfoundland, and the Chambers of commerce of Le Havre, and Dieppe recommended Albert Riondel for the same mission.¹⁴ Albert Riondel was not finally delegated to Washington perhaps because he vehemently continued to denounce the scandal of navigation of this time : « Nowadays one sunk each over and one leaved the people to be merciless drowned (...) a special convention is the most necessary because it is an unpunished crime, since too a long time. This crime is a disgrace for Mankind"¹⁵, emphasizing that assistance at sea was not yet compulsory and consequently "that an act considered as a crime inland is no more a crime at sea".

¹³ *Le Yacht*, 8 mars 1890.

¹⁴ CADN, 1166, 23 juillet 1889, La société de Géographie de Bordeaux au ministre des affaires étrangères

¹⁵ « L'assistance obligatoire sur mer et les collisions », *Le Yacht*, 12 avril 1890.

Against the obstructive attitude of the British, the mission of French delegates was not so easy, but on the 4th of November 1889 they could obtain that all the questions at the agenda would be treated during the conference and the British attempt to fell through the conference was temporarily broken. But they did not acknowledge defeat and in order to strengthen their delegation decided to send more maritime specialists to Washington. For them, the main object of the conference must be the rule of the road at sea and their purposes were just to update the international rules of September 1st 1884.

In concrete terms, the United States and nations proposed a great number of amendments: The U.S. delegates obtained that «every steam vessel which is under sail and not under steam is to be considered as a sailing vessel” and vice versa, but it means that there was still two kinds of vessels and in a time when cohabitation of Windjammers and Steamers became more and more difficult, it was poor a solution. With the progress of electricity the lights of ships became efficient and their intensity could correctly be measured, but the regulation proved difficult. One German delegate obtained that no light could be confused with another ashore and one of the British delegate laid particular stress on a ship without mizzen mast must wear a its head light astern on the forepart. In brief, the debate bogged down into details.

On the question of speed, the French Naval attaché managed to triumph with a very qualified position. He characterized three kinds of speed to be regulated: in high sea, in inner sea and in seas frequented by fishers boats. If the speed reduction in the vicinity of icebergs was not added to his nomenclature the principle of a special signal by fog, mist or falling snow was accepted. But the conference considered that the organization of lanes was not a topical question and the continental states as France, Italy and the Netherlands were above all preoccupied by the lights of their fishing boats. The commission in charge of the load lines regulation had to declare incompetent and she leaved it to the governments of nations to a later agreement.¹⁶ This long series of admendments changes nothing to the rules in force.

By coincidence, when the conference was at his end, began on the Mersey the demolition of the *Great Eastern*. Her hull was quite intact except a very light curvature of this giant construction. In spite of her calamitous commercial life the *Leviathan* had proved as an excellent trial of the longitudinal shipbuilding and of the double hull system opening the way to the great ships of the next century.

In some respects many objects withdrawn by the Conference of Washington 1889 could be an explanation to the so many causes of *Titanic* disaster and first the conference did not dispute of shipbuilding regulations and leaved these questions to National Registers who do not interfere in the very conception of naval architecture. Without double hull the riveted hull could be easily “unbuttoned” by another ship they collided with, alike the French liners *La Bourgogne* in 1898 or by the unexpected collision of *Titanic* in 1912. The conference did not found any agreement on phonic signals finally considered « more harmful than useful to safety navigation». The question of sounds

¹⁶ *Le Yacht*, 1^{er} février 1890.

signals proposed by Britain was under a long discussion and the principle of an extraordinary signal of distress was only agreed.

When the examination of the rule of the road was at an end on December 21st a last sitting was devoted to the destruction of the menace of derelicts in North Atlantic. But this problem with large economic consequences on British timber trade sund the death knell for the American marine conference when the proposition to create an International maritime commission was rejected as well. The position of the British Admiral Nares summed up this attitude at the end of the Conference. He pointed that the conference had above all confirmed the first regulations established by the United Kingdom since the 1860s' and that the new ideas put forward by other nations "could be good in theory but in practice it leaved a lot to be desire." For him the regulations must be as simple as possible "in order to be understood by the most ordinary intelligence, if not they could become a source of many hazards"¹⁷. The same attitude could be find in Admiral Chalmers testimony on regulations of boats during the British enquiry on *Titanic* disaster: "The voluntary action of the owners was carrying them beyond the requirements of our scale (for the number of boats), and when voluntary action on the part of ship owners is doing that, I think that any State Department should hold his hand before it steps in to make a hard and fast scale for that particular type of shipping. I considered that that scale fitted all sizes of ships that were then afloat, and I did not consider it necessary to increase it"¹⁸ As well as the British opposition, the absence of shipowners and shipbuilders caused the failure of the conference.

The British law of the road of 1864, partly uptaded at Washington in 1889 was still difficult to apply not only for diplomatic or technical reasons. The national legislations concerning liability of shipowners in case of collisions or shipwreck was divided in three sets therein governments were applying different systems of fundamental rules, one for France, Belgium, United States, Greece, Holland and Spain, another for Germany and Scandinavia, and in Britain the law may be strictly applied to foreign ships. These disparities created conflicts and difficulties in the context of a growing international shipping. After failures in 1885 and 1890, the Comité maritime international was firmly set up in 1897 "to resolve inconsistencies existing between the universal needs and the narrow limits of maritime laws"¹⁹. Chaired by Belgian politicians, the Committee was frequented by distinguished French jurists who became juridic advisers of the Comité Central des Armateurs de France (CCAF) hence its foundation in 1903. Passing the French speaking world, the Comité Maritime International was at the very juridic origin of major international maritime conventions. But in order to organise effective international regulation the shipping enterprises had to organise on national and supranational level.

¹⁷ *Le Yacht*, 18 janvier 1890.

¹⁸ *Loss of the Steam ship Titanic*, 1912, 49.

¹⁹ F. C. Autran, « La nécessité de l'unification du droit maritime résulte de la nature même des choses », *Vergleichende Rechtswissenschaft und Volkswirtschaftslehre-Revue de droit et d'économie politique comparée*, April 1905, 11.

2) The conduct of National shipping and safety at sea: the French aspect

Bolstered up by their international legal adviser, the continental ship owners could get organized at a national level setting up powerful federations. This evolution of ideas could be explained by several reasons : besides to a favorable context for internationalization in shipping, a focusing on national interests in order to break free from the Britain monopoly in the world of shipping, the return to protectionist customs system and, above all, the new concept of “defence patronale” (employers defence) against Trade-Unions or Labor. The employers were feeling that class conflict was growing up and this was one of the drivingforce for this movement reinforced by the regulations stated engaged by Labor governements.

Since the Second Empire, and during Parlementary debates, enquiries, in the Press or in specific literature, the spokespersons of French ship owners proclaimed the special nature of this industry and the international scope of the challenges it has to take up. It was not in France but in Denmak that was set up the first continental national Federation of Shipowners in 1900. On june 1901 the group of Scandinavian shipowners then wanted to set up nothing less but an “International Association of the Worldwide Shipowners” in order to associate the continental ship owners federations to the *Shipping Federation of United Kingdom*. They considered joining to this kind of “Internationale of the Employers” the German and Dutch ship owners. In the end, a simple *Nordisk Skibsrederforening*, (*Northern shipowner’s Association*) amalgamated the majority of merchant marine enterprises from Denmark, Sweden, Norway and Finland.

The German Shipowners Committee of defence (*Schutz Verein Deuscher Rheder*) was born on 1901, and in 1904 united 145 merchant shipping and was followed by a Central Committee of German Shipowners (*Zentralvereins Deutscher Rheder*)²⁰ who had immediately to manage with strikes. The official purpose of the federation was firmly focused on labor question: “to settle working conditions and engagement conditions for seamen and dock workers; to deal with the questions of wages in common and other labour force questions, to raise funds for social conflicts”. In France, the object of the ship owners federation (CCAF) set up in 1903 can all be summed up by a most centralizing expression: « Studying and defending the common interests of the French merchant shipping industry. » As the Spanish one, created the same year²¹, the Comité Central des Armateurs de France associated regional federations: the most important was the “Syndicat Marseillais de la Marine Marchande” of Marseilles who was the very first shipowner Federation as early as 1891 and in 1897 the “Syndicat des Armateurs du Nord” associated the shipowners of Dunkirk and Le Havre.

²⁰ *Satsung des Zentralvereins Deutscher Rheder*, H. O. Persiehl, Hambourg, (1907).

²¹ *Acta de las reuniones celebradas en Madrid los dias 8, 9 y 10 de noviembre de 1903 por los navieros españoles*, Bilbao, (1903).

All these federations organised a strong and efficient documentary service and had juridic consultants to overcome or improve national legislation and to deal with other federations. Safety at sea was not their first concern.

In a context of rough social struggles which began with the strike at Dunkirk in 1900, the act of April 17th 1907 was conceived by the French Radicals as a « new working class maritime law”²². In consideration of the ambitious program of French laws, it is difficult to compare with the similar acts of 1902 in Germany, 1906 in Britain and 1909 in the Netherlands. The French legislator wanted “to ensure to the workers of maritime industries all safety compatible with the risks of navigation, a life on board in accordance to the rules of safe hygiene, protecting their health, and finally working conditions established in order to have respect for the human rights of the man hiring its services, with the concern to ensure his energy and to fairly remunerate the extraordinary effort he must do in certain circumstances” One year after the *Titanic* disaster the American Secretary of Commerce the democrat William C. Redfield continue to make the link “à la française” between the social question and safety at sea, emphasizing the importance of human element in the conduct of Shipping: “In the last analysis the efficacy of all material precautions against marine disasters depends on the efficiency of the officers and crew who handle the ship and all that goes with it”²³. He also underlined the advance taken by the laws of Germany, Norway, the Netherlands and France on hygiene and health of “the forecandle and the engine room”. That was not the opinion of the national federations of Shipowners.²⁴ Instead of health and accommodation for their crews they did prefer a strict discipline.

The committee which was studying the French 1907 bill was composed with a majority of many delegates of several ministerial departments, Naval officers and members of the administration of Inscription maritime, but only two delegates of private industry, commandant Eugène Voisin for the CCAF and a delegate of Bureau Veritas. The French Shipowners Federation wanted one single text²⁵, but the act of 1908 was finally organized in four chapters: safety at sea, regulation to work at sea, penalties, dispositions about the visits of ships in order to control that “all parts of the ship must be in good conditions of building and navigation”. To reinforce the contractual nature of the visits of navigation inspectors, the ship owners could appeal against their decisions²⁶. About regulation of spare parts of the ships, the position of the CCAF seem contradictory with one single text, Voisin defended the existing old fashioned local regulations in order “not to subject to a uniform rule various types of navigations”, but the French Administration do not agree in order to apply a real national regulation, and perhaps to avoid cheating. The British regulation on load line free board was finally adopted in

²² *Instruction du Ministère de la Marine du 17 mai 1909 pour l'application de la loi du 17 avril 1907 sur la sécurité de la navigation maritime et l'organisation du travail à bor des navires de commerce.*

²³ William C. Redfield, *The Promotion of Safety to life at sea, letter from the secretary of Commerce relating to the international conference and the promotion of Safety to life at Sea*, (1913), 2.

²⁴ France, Archives nationales CAMT 52 AS 483, Observations présentées par le Comité des Armateurs et de la Chambre Syndicale des Constructeurs de Navires au sujet du programme de la Conférence internationale de Londres, 3 décembre 1912.

²⁵ *Ibid.*, séance de la commission mixte du 10 juillet 1907.

²⁶ *Ibid.*, Dépêche du ministre de la Marine du 11 juin 1909, appel des décisions des inspecteurs de la navigation.

France under control of Bureau Veritas²⁷. This was an opportunity for English maritime vocabulary to be officially adopted in the current French juridical nomenclature. No need of one universal convention to progress in the internationalization of shipping in a rough context of concurrence but also in the context of the Second Entente Cordiale: A British-French Conference was held in March 1909 to ratify the provisions of the two national rules in order to “take care of safety at sea and as possible to make easier shipping”, no changes in the national laws being necessary, but equivalence of both two laws was stipulated.

The first conference on Safety of Life at Sea was the consequence of the 24th and final recommendation of the British Enquiry on the loss of *RMS Titanic* :

“That (unless already done) steps should be taken to call an International Conference to consider and as far as possible to agree upon a common line of conduct in respect of (a) the subdivision of ships ; (b) the provision and working of live-saving appliances; (c) the installation of wireless telegraphy and the method of working the same, (d) the reduction of speed or the alteration of course in the vicinity of ice, and (e) the use of searchlights.”

The Conference was gathering thirteen maritime powers at Foreign Office in London from November 12th 1913 to January 25 1914. At this moment the new consensus seemed of importance regarding « all matters open to a uniform and efficient solution in diverse maritime nations and to cause an international accord”²⁸ and was, in a way, the return of the French-American spirit of 1889. But as soon as committee were sitting the shipowners became less enthusiastic an even hostile to safety measures taken in a great hurry or emotion. In France the Chambre consultative des Constructeurs de navires (The Ship building industry Federation) was sitting with the Comité Central des Armateurs de France in a joint commission “on the safety of passenger ships” decided by Fernand David the Secretary of Trade and Industry on October 22th 1912. The delegates of Shipowners and shipbuilders began to exclude of any safety measures coastal trade (cabotage) « in most countries reserved by national laws»²⁹ and equally short distance navigation (cabotage international), denying any International Conference the right to regulate on this part of shipping. The businessmen of French Shipping became, at the moment, supporters of French regulations of 1908 they ardently fought a few years before. The cause of such a reversal is to be found in open competition with foreign ships, but the British excepted by the accord of 1909. For the first time, French shipowners were obliged to hold up safety regulation in order to ensure their commercial interests. What was not good for French shipping in 1908 became essential to be applied to foreigners in 1913. They wanted their Government

²⁷ *Décret du 21 septembre 1908 approuvant le règlement de franc-bord dressé par le Bureau Veritas.*

²⁸ *Ibid.* Observations présentées par le Comité des Armateurs et de la Chambre Syndicale des Constructeurs de Navires au sujet du programme de la Conférence internationale de Londres, 3 décembre 1912.

²⁹ *Circulaire du Comité Central des Armateurs de France, N° 884, 565.*

“to insure efficiently national and international regulations on safety of navigation in order to avoid the French shipowners to fall in an obvious state of inferiority in front of their foreigner competitors”. The French government finally excluded from new ministerial committee the delegates of shipbuilders and shipowners notwithstanding their vehement protest in January 1914, and the British-French Committee was sitting without them.

3) The uncompromising International Shipping Conference

The Chamber of Shipping of the United Kingdom convened in July 1921 an International conference of ship owners for discussing of “matters affecting the common interests of the Shipping industry in all countries of the worlds.”³⁰ The International Shipping Conference (ISC) was set up as the British expression of a more extensive lobbying of shipping industry on a wide international scope. In order to preserve confidentiality of this instrument in social struggle the secret justified the following note :

*“Past experience of conferences on subjects of a technical character suggests that it is advisable that nothing should appear in the Press of the intention to hold the International Shipping Conference in November or of the Agenda of proceedings. It is suggested that it may prove a grave embarrassment to the delegates if the various technical matters which are to be debated become the subject of discussion in advance by those who must necessarily lack the knowledge and experience of the Members of the Conference (...) It is, perhaps, desirable that the notice of the proceedings at the Conference should be private and only such communication made to the Press as may be agreed at the Conference”*³¹

The lobby stressed the fact that international agreement among ship owners will benefit national interests of the respective countries which they serve and would enable them to render more effective assistance to their respective governments in maritime affairs. That was a praise of ideal sphere of influence of ship owners in the particular context of post war. Beyond this idyllic perspective of lobbying the International Shipping Conference (ISC) actually considers economic matters : the improvement of a Documentary organisation (charter parties and bills of lading), that is to say to capitalize an agreement on tramp trade between the members of the Chamber of Shipping of the United Kingdom and the Baltic and White Sea Conference.

The ISC was in reality quite hostile to diplomatic conferences and opposed to a systematic vision of safety at sea and she consequently stressed the “Great and embarrassing divergence of opinion on regulation of carriage of deck cargoes” disputed in England since the time of Samuel Plimsoll. Taking in charge the very question in order to find an economic solution, ISC considered the time “opportune for the introduction of International Load line regulation” and contrary to the selection of the maritime

³⁰ 52AS 407, Chamber of Shipping of the United Kingdom to CCAF, 14 juillet 1921.

³¹ *Ibid.*

nations concerned, “such committee consist of one member appointed by representatives of each country “. It is possible to explain this resoluteness: The conference wanted to point out the disparity of national laws as a limitation to international trade. There was actually a variable freeboard for vessels carrying deck loads or timber in some countries, no regulations in other countries and in Great Britain a stringent regulations against foreign vessels. War time was occasionnely put forward as “a great moment of freedom” and as a “general relaxation of such regulations without any evil consequences resulting” and revealed the proper characteristics of the Convention of London 1914 on this question of deck cargoes: unsound and inapplicable to all trades. According to ISC the ship owners should adopt fundamental principles: firstly, resist to “the pressure applied by labour, both nationally and internationally”, secondly, “frame reasonable rules bases upon their knowledge and experience” and finally “secure a maximum of safety with a minimum of inconvenience and waste”

The British domination was obvious in the compostion of delegation: Six British delegates for only two Americans and only one for each nation sitting at the conference of 1921: Denmark, France, Holland, Italy, Japan, Norway and Sweden. The ISC found fault with the dispositions on subdivision of passenger vessels in the convention of 1914. These dispositions were « incomplete, unsatisfactory and demands immediat revision ». The aim of this criticism was to reject the project of subdivision proposed by France during the “Informal” committee of the Board of Trade. The ships should be classified by types in order to adapt specific subdivisions³². The British project was actually to eliminate the ships with steerage passengers, particularly the French “cargos mixtes” to the benefit of ships fitted with third class close cabins.

About life saving appliances, ISC evaded and returned to British position before the war, before *Titanic* disaster, and even more before Plimsoll dispute : The appreciation must be leaved « upon the care of the navigator” and the bridges should not be « induly uncumbered with boat and other life saving appliances ». The opposition to any regulation became clearer : « It is undesirable to formulate hard and fast rules for the design of buoyancy apparatus, each of which should be considered on its merits so as to afford the greatest possible scope to ship owners their naval architects and shipbuilders to devise efficient apparatus and to provide for the stowage of such apparatus in a manner best calculated to attain the object in view”³³ And finally the motto « boats for all » adopted after the *Titanic* should be replaced by a new one : “safety for everybody”.

The conference consequently held at London by the Shipping Board on 2 and 17 December 1921 became “unofficial”. It was the result of discussions which had taken place between the United States Government and the British Government in the summer of 1920 and similar conversations between French and British Governments in May 1921³⁴. The meeting was organised at the invitation of the British government to discuss whether any modifications should be proposed and whether it would be

³² 52 AS 407, conseil d’administration du CCAF, 11 juillet 1922.

³³ Resolution passed 23,24, 25 nov 1921, p. 7

³⁴International Conference on Savety. *Notes of an informal conference on the Convention on Safety of Life at Sea (1914) held at The Board of Trade, London, during November and December, 1921 (With translation)*

necessary to summon a new diplomatic conference as in 1914. It was gathering four delegates of the United States of America, two of Belgium, five of France and six of Great Britain. The report emphasised « the great pressure under which the work had been completed » in reference with the lobbying of the International Shipping Conference and others groups of shipowners arguing that the experience of the war had shown that in some respects the Convention of 1914 required modifications. Conceived in the spirit of the French Radical of the 1900's, the proposition of the delegation of the United States had few chance to be accepted: "to impose upon all vessels in its waters such higher standards of safety and such provisions for the health, protection and comfort of passengers, seamen, immigrants and emigrants as it shall enact for its own vessels"³⁵. This program was rejected and the Conference did not feel competent to make a definite recommendation on this matter which appeared to involve diplomatic and constitutional questions of great importance. This is not before 1928 that the project of a new diplomatic conference was proposed by the British government.

Between 1921 and 1926 the ISC committees in annual meetings was carefully reporting on the matters related to the *Titanic conference* and on new questions to be update, but only "at the satisfaction of shipping interests." The contributions of National Shipowners Federations were supposed to support this programm and it was actually vital that no new national regulation interfered in the process lead by the Conference because, since 1921, the number of International organisations concerned by safety matters in shipping was growing up³⁶, and the Conference regretted this "great amount of overlapping"³⁷. A few of theses organisations found favour with ISC. Apart from the International Law Association, the Comité Maritime international as legal adviser, only the International Chamber of Commerce was considered as "the mouthpiece of the collective business world". Set up in June 1920 in the context of "European convalescence" by Great Britain, France, The United States, Belgium and Italy this association of businessmen had the following programm on maritime matters : institution of a permanent maritime committee dealing with navigation and loading operations in ports, unification of maritime laws and a strict opposition to marine and shipbuilding subsidies.

As soon as 1926, The International Shipping Conference was persuaded that the British Government would before long be in position to call an international Conference to revise the Convention on Safety at Sea, 1914. Considering its strong position and leading attitude in world shipping it decided to give this plan its blessing and did not hesitate to invite the governments of all maritime powers to do so. The terms of its resolution sounded as the triumph of free enterprise lobbying against state intervention: "It is desirable that the maritime Governments should hold a

³⁵ *Ibid.*, 11.

³⁶ "The international Labour Office, The Brussels Diplomatic Conference, The International Law Association, The Comité Maritime International, The International Health Office, The international Navigation Congress, The International Shipping Conference, as well as special conferences on particular subjects, are all dealing with more or less similar problems."

³⁷ *International Shipping Conference 1926, Dossier*, (1926), 23.

diplomatic conference, the success of which will, in the opinion of this conference, depend largely on the ability of Members in commending the policy of the Conference in their various countries". But the fifth resolution was less realistic and even contradictory within the context of return to protectionism: "in order to secure that the fullest possible effect should be given to the application of uniform standards, every maritime country should be ready to accept in respect of foreign vessels from foreign governments whose regulations are substantially equivalent, though not necessarily identical with their own, certificates that such regulations have been complied with. Experience shows that in absence of such a principle safety regulations are capable of being used as a mean of indirect flag discrimination ". That was, in reality, to applicate internationally the disposals of the Merchant shipping of 1925³⁸ as well as the Anglo-French agreement of March 1909.

conclusion

Before the opening of the second SOLAS conference the World Shipping Interest had attained its purpose with a wide partition between technical matters of Safety at Sea and the labor question, when the Maritime Navigation Sub-Committee of the League of Nations resolution of 1st December 1925 assumed the question of Labor at sea³⁹. Besides the lack of maritime expertise, the ISC complacently pointed the weak side of this Sub Committee, the absence of the United States and of Scandinavian nations, and concludes that it was "severely handicapped by the lack of a fully representative character"⁴⁰.

Secondly, the International shipping Conference had completed its control on the agenda of the new diplomatic Conference which had to be assumed by the British Governement. It was a manner to hide behind the rule book and to preserve the British monopoly on world shipping.

At the beginning of 1928, retired US navy Rear Admiral Albert Parker Niblack (1859-1929), President of the directing committee of an independent association, the International Hydrographic Bureau, Monaco ironically wrote to the ISC that its agenda had been " already hermetically sealed in a watertight compartment"⁴¹. The old American seafarer did not mince his words to qualify the position of the Conference : "It is absurd that an institution which is largely commercial should be able to crack the wip as to international agreements, and have charge of an international question."

Diplomatic policy, Labor and capital interest had broken up in the conduct of shipping and, in a sense, the expression of the German sociologist Ulrich Beck concerning "the Society of Risk" could be applied to the situation in 1929 : "Economy is not responsible for what it is triggering and politics is responsible for what it does not control"⁴².

³⁸ *An act to provide for the exemption, in certain circumstances, of Foreign ships and British Ships registered outside the United Kingdom from certain provisions of the merchant Shipping Acts (30th June 1925)*

³⁹ ISC 1926, Dossier, 24.

⁴⁰ Ibid. , 23.

⁴¹ CAMT, 52AS 407, Rear Admiral Niblack to the International Shipping Conference, January, 13th 1928.

⁴² Ulrich Beck, *Risikogesellschaft*, (1986), French translation : *La société du risque. Sur la voie d'une autre modernité*, (2001), p. 478.