

(b) Another example concerns oil pollution as the result of an act of war, and I do not think I need demonstrate the unfairness of imposing liability on an innocent shipowner in such circumstances.

INTERNATIONAL EFFORT TO FIND SOLUTION

You will observe that so far my evidence has been solely concerned with criticism of H.R. 14000 in its present form. I now come to the question of proposing remedies for a situation which has not only given concern to the U.S. Government, but also other governments, particularly the British Government, since the matter under consideration was highlighted by the unfortunate *Torrey Canyon* disaster last year. After that incident, the British Government immediately took action through the International Maritime Consultative Organization, commonly known as IMCO, which, as you are aware, is an agency of the United Nations on which the U.S. Government, as well as many others, is represented. IMCO decided that the proper body to investigate the position, particularly so far as concerns insurance and the legal questions, was the Comité Maritime International, known as the CMI, an organization composed of the national maritime law associations of some 29 nations, which has been instrumental in achieving a considerable degree of uniformity in international maritime law. The CMI promptly set up an international subcommittee under the chairmanship of Lord Devlin, whose reputation as a leading authority on maritime law is, I feel certain, well known to many of you.

The present position is that a working group of the subcommittee, under Lord Devlin's leadership, has made certain positive recommendations, and the full subcommittee is meeting on May 2 and 3 to consider these recommendations, which may be summarized as follows:

(1) A reversal of the burden of proof; that is, a requirement that the shipowner be liable for damages resulting from oil spillage unless he can affirmatively prove that it was caused without his fault;

(2) An increase in the limit of liability, within the structure of the 1957 Brussels Convention on Limitation;

(3) The recognition of the right of governments to recover the cost of protective measures to prevent or minimize the effects of pollution, following a spillage, as well as the cleaning up costs.

These recommendations would necessitate substantial changes in the present system of international maritime law. I should point out, in particular, that it is the legal opinion in many countries that as the law presently stands there is grave doubt in many cases as to whether any government has the right to recover such costs. The protection and indemnity associations for whom I speak support these proposals and earnestly hope that the U.S. Government will give consideration to delaying any legislation until IMCO has made its recommendations to the respective governments. Unilateral legislation in a matter of this sort by any one government cannot assist the endeavors of IMCO to reach a conclusion acceptable internationally.

PRESENT LAW INADEQUATE

Although these recommendations, as I have said, would result in substantial changes in the law, they would nevertheless preserve the