



IMCO

INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE FIRST PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Tuesday, 27 May 1969, at 11.10 a.m.

President: Admiral E.J. ROLAND (USA)

Secretary-General: Mr. Colin GOAD

Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1.

TM/CONF/SR.1

CONTENTS

	<u>Page</u>
Opening of the Conference and Address of Welcome	3
<u>Agenda item 1</u> - Election of President and Vice- Presidents of the Conference	4
<u>Agenda item 2</u> - Adoption of the Agenda	5
<u>Agenda item 3</u> - Adoption of Rules of Procedure	6
<u>Agenda item 4</u> - Appointment of Credentials Committee	8
<u>Agenda item 5</u> - Proposed Committee structure of the Conference and organization of work	8

TM/CONF/SR.1

OPENING OF THE CONFERENCE AND ADDRESS OF WELCOME

The SECRETARY-GENERAL welcomed delegates and also Mr. Rogers, Minister of State at the Board of Trade of the United Kingdom. He recalled that the IMCO Assembly, at its fourth regular session in September 1965, had decided to convene a conference to draw up an international convention establishing a uniform system of tonnage measurement. He hoped that the Conference - the fourth to be convened by IMCO - would meet with the same success as its predecessors, and would enhance IMCO's high reputation for serving the maritime industry within the framework of the United Nations.

Studies on the unification of tonnage measurement systems had been initiated by the League of Nations as long ago as 1925, and a draft convention together with proposed regulations had been drawn up in 1939. A conference was to have been convened under the auspices of the League of Nations with a view to adopting a universal convention, but that had been prevented by the outbreak of war. Work on the unification of tonnage measurement systems had been resumed soon after the establishment of the United Nations in 1945, and had been taken over by IMCO in 1959. Since then the study of tonnage measurement had been one of the major tasks of the Organization, and it was high time that that study was brought to fruition.

The task before the Conference was an extremely complex one, but he was confident that the combined technical and administrative experience that it would bring to bear on the problem would overcome all obstacles. He hoped that the Conference would succeed in drafting a convention embodying a simple system of tonnage measurement suitable for world-wide application.

TM/CONF/SR.1

Mr. ROGERS (UK), on behalf of the United Kingdom Government, welcomed those attending the Conference. The aim of the Conference was to evolve a universal and simplified system of tonnage measurement to supersede the various existing systems, which were unnecessarily complicated for new ships such as container carriers and car ferries, and produced illogical results. Much useful work had already been done on the problem by IMCO's Sub-Committee on Tonnage Measurement, culminating in proposals for three possible measurement systems for consideration by the Conference. There were as many as seven different proposals to consider, and he was glad to see that so many countries had been able to send experts to discuss such a complex question. The adoption of a universal system of tonnage measurement would affect a wide range of interests; and government departments, classification societies, pilotage and seafarers' organizations and international waterway authorities were all represented at the Conference. He paid tribute to the IMCO Secretariat for its thorough work in preparing the large body of documentation needed, and wished the Conference all success in its challenging task.

AGENDA ITEM 1 - ELECTION OF PRESIDENT AND VICE-PRESIDENTS OF
THE CONFERENCE

The SECRETARY-GENERAL called for nominations for the post of President of the Conference.

Mr. PROSSER (UK) proposed Admiral Roland (USA), whose experience in the field would be useful to the Conference in its difficult work.

Mr. LAWRENCE (Liberia), Mr. MUENCH (Israel) and Mr. DUBCHAK (USSR) supported that proposal.

Admiral Roland (USA) was elected President by acclamation.

Admiral Roland (USA) took the Chair.

The PRESIDENT expressed his appreciation of the honour accorded him and assured delegates that he would do his utmost to fill the role assigned to him. He called for nominations for the post of First Vice-President.

Mr. DUBCHAK (USSR) proposed Mr. Milewski (Poland).

Mr. MURPHY (USA) supported that proposal.

Mr. Milewski (Poland) was elected First Vice-President.

The PRESIDENT called for nominations for the post of Second Vice-President.

Mr. L. SPINELLI (Italy) proposed Mr. de Mattos (Brazil).

Mr. von der BECKE (Argentina) supported that proposal.

Mr. de Mattos (Brazil) was elected Second Vice-President.

He thanked delegates for the honour done to his country and himself.

The PRESIDENT called for nominations for the post of Third Vice-President.

Mr. WIE (Norway) proposed Mr. Kasbekar (India).

Mr. DUBCHAK (USSR) and Mr. WILLIAMS (Australia) supported that proposal.

Mr. Kasbekar (India) was elected Third Vice-President.

The PRESIDENT called for nominations for the post of Fourth Vice-President.

Mr. MUENCH (Israel) proposed Mr. Quartey (Ghana).

Mr. PROSSER (UK) supported that proposal.

Mr. Quartey (Ghana) was elected Fourth Vice-President.

AGENDA ITEM 2 - ADOPTION OF THE AGENDA (TM/CONF/1)

Mr. BREUER (Federal Republic of Germany) suggested that the agenda should make provision for a general debate. He further suggested that the order of agenda items 4 and 5 should be reversed, since it would be more logical to discuss the organization of work before appointing a Credentials Committee.

TM/CONF/SR.1

The PRESIDENT pointed out that a general debate was likely to take place in any case under agenda item 5. He suggested it would be preferable to leave the order of items on the provisional agenda unchanged.

Mr. WIE (Norway) supported that suggestion.

Mr. BREUER (Federal Republic of Germany) withdrew his proposal.

The agenda was adopted.

AGENDA ITEM 3 - ADOPTION OF RULES OF PROCEDURE (TM/CONF/2 and TM/CONF/2/Add.1)

Mr. ROCQUEMONT (France) drew attention to a number of proposals for amendment to the Provisional Rules of Procedure put forward by his delegation in TM/CONF/2/Add.1. Those proposals did not relate to the subject of tonnage measurement as such, but to points of general principle that his delegation would like to see adopted in all conferences culminating in the adoption of international conventions.

The first proposal relating to Rule 1, was that the Convention should be drafted in the name of Governments and not of States, and that the composition of delegations should include delegates in addition to representatives and advisers. The second proposal was a consequential amendment; the third proposal, relating to Rule 9, was a drafting amendment to obtain greater clarity, and the last proposal, relating to Rule 52, was to delete the word "full" before "powers" on the grounds that the Convention would be concluded in the name of Governments and not in the name of Heads of State.

Mr. DUBCHAK (USSR) supported the amendments proposed by the French delegation.

Mr. MENSAH (Secretariat) referring to the amendment proposed to Rule 1, pointed out that it was in fact United Nations practice to include advisers in Rules of

TM/CONF/SR.1

Procedure; a recent example was to be found in the Rules of Procedure adopted by the United Nations Conference on the Law of Treaties. Concerning the last proposal, it was United Nations practice to assume that participants in a conference were States, not Governments.

Mr. PROSSER (UK) said his delegation preferred the Provisional Rules of Procedure set out in TM/CONF/2 to remain unchanged, on the grounds that they represented normal United Nations practice.

Mr. MURPHY (USA) and Mr. WIE (Norway) supported that view.

The PRESIDENT suggested that the Conference should vote separately on each of the amendments proposed by France to the Provisional Rules of Procedure.

It was so decided.

The PRESIDENT invited the Conference to vote on the proposed amendment to Rule 1 of the Provisional Rules of Procedure.

The amendment was rejected.

The PRESIDENT invited the Conference to vote on the proposed amendment to Rule 3 of the Provisional Rules of Procedure.

The amendment was rejected.

The PRESIDENT invited the Conference to vote on the proposed amendment to Rule 9 of the Provisional Rules of Procedure.

The amendment was rejected.

The PRESIDENT said that since the Conference had rejected the proposed amendment to Rule 1, there was no need for a vote on the consequential change which would otherwise have been

TM/CONF/SR.1

necessary in Rule 52. He invited the Conference to vote on the adoption of the Provisional Rules of Procedure.

The Rules of Procedure (TM/CONF/2) were adopted by 34 votes to none.

AGENDA ITEM 4 - APPOINTMENT OF CREDENTIALS COMMITTEE

The PRESIDENT, acting in accordance with Rule 4 of the Rules of Procedure, proposed that the Conference should appoint Argentina, Bulgaria, Ireland, New Zealand and Nigeria as the members of the Credentials Committee.

Mr. PIRES (Brazil) supported the President's proposal.

The President's proposal for the membership of the Credentials Committee was adopted.

AGENDA ITEM 5 - PROPOSED COMMITTEE STRUCTURE OF THE CONFERENCE AND ORGANIZATION OF WORK (TM/CONF/11)

The PRESIDENT drew the attention of the Conference to TM/CONF/11, containing the Secretariat's proposals for the Committee structure of the Conference and the organization of its work. He noted that the view had already been expressed that the Conference should have a general debate on the basic concepts involved in the formulation of the new tonnage measurement system. The conclusions to be drawn from such a debate would enable the Conference to give the Committees adequate directives for elaborating one, or at the most two, basic proposals for consideration by the Plenary Conference with a view to the adoption of a Convention; any further proposals emerging from the committee stage could take the form of amendments to that basic proposal or proposals. A general debate could form the first part of the Conference's consideration of agenda item 5, after which it could discuss the committee structure of the Conference, establish the necessary committees and decide in which languages the Final Act and the other instruments of the Conference should be prepared.

TM/CONF/SR.1

He further drew attention to TM/CONF/3-9, TM/CONF/13 and TM/CONF/13/Add.1, which contained Governments' comments on a universal system of tonnage measurement; a series of proposals for such a system, with comments thereon; and the Secretariat's summary of the various comments submitted. He stressed the importance of Annex IV to TM/CONF/13, which provided a synopsis of the tonnage measurement parameters on which the different proposals already before the Conference were based.

Mr. de JONG (Netherlands) said that the Secretariat had proposed in TM/CONF/11 that a General Committee should consider questions relating to the legal aspects and general provisions of the proposed Convention, which would form the subject matter of its Articles, and that a Technical Committee should consider its technical aspects, which would be dealt with in the Regulations of the proposed Convention. Since the general and technical aspects of the proposed new system were closely related, identical principles should govern the work of both Committees. A general discussion was therefore essential if those principles were to be clearly identified. The five items enumerated in paragraph 2(b) of the general observations of the Danish Government (TM/CONF/3, page 5) would form a suitable basis for such a debate.

Mr. MUENCH (Israel) said that his delegation was thinking along much the same lines as the Netherlands delegation. In its general observations, Israel had listed three points as requiring preliminary general discussion (TM/CONF/3/Add.1, page 6). Those points broadly coincided with the three items recommended for general debate in paragraph 9 of the Secretariat's Note (TM/CONF/11, page 3). The desirability of some form of preliminary discussion seemed to be generally recognized, and a combination of the items suggested by the Netherlands and Israeli delegations would form an appropriate basis for it.

TM/CONF/SR.1

Mr. ROCQUEMONT (France) agreed with the representatives of the Netherlands and of Israel that some fundamental issues would need to be discussed, but suggested that the first step should be to examine the basic proposals already before the Conference, which were interlocking and comprehensive, so as to take account of all the preparatory work already done. Governments had had a year to examine those proposals and each proposal ought to be briefly introduced so that the Conference could consider its merits and drawbacks.

Mr. HUSSAIN (Pakistan) agreed with the French representative.

Mr. L. SPINELLI (Italy) said that each delegation should expound its Government's views, confirm those which had already been expressed, or explain any subsequent changes of position made as a result of urgent technical arguments. Naturally any delegation was free to modify its position in the light of the most up-to-date information. At least half the countries represented had not yet submitted their comments, so it would be useful to find out in a preliminary discussion the extent of common ground. The Netherlands and French views on working method were not incompatible.

Mr. KING (Kuwait) assumed that the French representative was proposing that the Conference should discuss basic proposals A, B, C and the Danish proposal in that order, after which the Technical Committee would be directed to analyse them in greater detail.

Mr. BORG (Sweden) agreed with the Netherlands representative.

Mr. ASSENS (Denmark) said that at the present stage it would suffice to have only a preliminary discussion in plenary meeting.

TM/CONF/SR.1

Mr. WIE (Norway) said that the basic proposals should be introduced briefly but that general principles must also be discussed in plenary meeting.

Mr. PROSSER (UK) said there would have to be some general discussion of the parameters and that would lead naturally to an examination of the individual proposals.

Mr. PIRES (Brazil) considered it advisable for the four basic proposals to be introduced, but not at length, either by the Secretariat or by a delegation, so as to ascertain the degree of support any one of them might command. Then the Conference could tackle the parameters.

Mr. BREUER (Federal Republic of Germany) said it would be a waste of time to discuss the basic proposals first, and urged that the working method advocated by the Netherlands and Danish representatives should be adopted.

The meeting rose at 12.35 p.m.



TM/CONF/SR.2
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**INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT OF SHIPS, 1969**

SUMMARY RECORD OF THE SECOND PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Tuesday, 27 May 1969, at 2.45 p.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1.

TM/CONF/SR.2

CONTENTS

	<u>Page</u>
<u>Agenda item 5</u> - Proposed Committee structure of the Conference and organization of work (continued)	3

TM/CONF/SR.2

AGENDA ITEM 5 - PROPOSED COMMITTEE STRUCTURE OF THE CONFERENCE
AND ORGANIZATION OF WORK (TM/CONF/3-12 and
Addenda) (continued)

Mr. PROSSER (UK) stressed the special importance of the Conference and the difficulties facing it in view of the numerous proposals submitted and the many amendments to those proposals.

As a first step, the Conference had to decide upon the way in which the study of the proposals could be approached so as to ensure that they would all be examined according to their merits, with due regard to the fact that some amendments constituted proposals in themselves.

As the Netherlands representative had said at the previous meeting, the general debate must first of all be directed towards determining what should be the aims of tonnage measurement within the framework of a new system, and to what needs those aims should correspond in the administrative field (determination of safety rules, calculation of dues by the authorities levying them, etc.). There should also be a thorough discussion concerning the main parameters to be used, their advantages and disadvantages so far as concerned, in particular, the relationship between the new system and the existing one, the probable future of the new system, the way in which it would be applied to existing vessels and the arrangements for its entry into force. Such a general discussion would lead to a better understanding of the points of view of the various delegations on all those questions.

For its part, the United Kingdom delegation wished to stress that, in spite of the difficulties, it was determined to do all it could to ensure the success of the Conference and to bring into being a new universal system of tonnage measurement.

TM/CONF/SR.2

A great deal of work had already been done on the subject, in particular by IMCO's Sub-Committee on Tonnage Measurement. The basic guiding principles which the Sub-Committee had originally adopted were largely reflected in the proposals submitted to the Conference. Unfortunately those principles had not yet led to a universal system and they would have to be examined in a wider context, and it would perhaps be necessary to modify them or to introduce new ones.

In the United Kingdom delegation's view, any new system must meet the following requirements: first, the system must be simple and easy to apply. Secondly, it must be possible to make a satisfactory comparison between ships measured by means of the system, so as to eliminate the anomalies of the present systems arising from the exemption of certain spaces. Thirdly, the new system must result in gross and net tonnages as close as possible to those at present in use, so as to obviate the need for modifying the various existing national and international regulations. Fourthly, it was essential to make sure before the entry into force of the new system that it would receive the approval of a large number of the Governments represented at the Conference and of the States possessing the greatest proportion of existing tonnage. Fifthly, the system of the tonnage mark, which gave rise to anomalies and functioned very imperfectly, should be eliminated from the new system. Sixthly, the position of existing ships must be safeguarded for a certain period and it must be ensured that the transition would take place without upheavals from the economic standpoint.

In view of those various considerations, the proposal which seemed most acceptable to the United Kingdom delegation was Proposal C, which made use of two parameters: gross volumetric tonnage and load displacement. Those parameters seemed satisfactory from the point of view of administrative formalities,

TM/CONF/SR.2

Safety Conventions and the calculation of dues. If the discussions should show that the Conference as a whole was in favour of adopting a single parameter, the United Kingdom delegation would be able to conform to that view, provided that the parameter was that of gross volumetric tonnage, as any other would be difficult to adapt to existing conventions.

Above all, a flexible attitude was called for, and it was to be hoped that all delegations would be prepared to make concessions with a view to arriving at a solution acceptable to all.

Mr. MURPHY (USA) was in favour of the suggestions made at the previous meeting by the Netherlands representative, which embodied the observations made by the Danish Government on page 5 of TM/CONF/3 and which, moreover, was in line with the indications given by the Secretariat in TM/CONF/11.

It was too soon to see whether agreement was possible on one or other of the proposals before the Conference. For the moment there could be only a general discussion which might bring out certain points of agreement contained in the proposals and show how they could be discussed in committee.

Although the work already carried out by IMCO, in which United States representatives had taken an active part, revealed that many points of disagreement still existed, certain principles could already be accepted by all: the need to adopt a system that could be universally applied, to devise a system that was simple and reasonable, to avoid influencing ship design, to agree on parameters having a real and practical meaning and to adopt a system which would not have unfavourable effects on the maritime transport industry in general.

TM/CONF/SR.2

The United States delegation suggested that a list of those common objectives, which were all equally important and which were connected one with another, should be drawn up and studied in a spirit of compromise. Such a procedure would enable agreement on certain points to be reached at the outset and would thus speed up the work of the committees, since the points of disagreement would at the same time be more clearly revealed.

Mr. BREUER (Federal Republic of Germany) supported unreservedly the observations made by the United Kingdom representative.

Mr. ROCQUEMONT (France) also agreed with the general statement made by the United Kingdom representative, as it showed clearly what the aims of the Conference should be. The French delegation also thought that ships must be able to be compared easily; in that respect it was important to take account of the needs of the users of tonnage measurement, namely, the ports, and to bear in mind the Resolution unanimously adopted by the International Association of Ports and Harbors at its meeting at Melbourne in March 1969 (TM/CONF/12).

The French delegation likewise thought that measurements giving figures similar to the existing ones for gross tonnage should be arrived at so as to avoid the need to modify conventions in force at present. Net tonnage could then be eliminated, in view of the existence of port tariffs. Finally, it would seem to be necessary to retain the tonnage values of existing ships until the new system applied to nearly all ships. The Melbourne Resolution did, indeed, express the wish that the transition period should be short, but it could be pointed out that, even if existing ships kept the same tonnage, a single tariff could be applied to existing and new ships by using a very simple equivalent coefficient.

TM/CONF/SR.2

Concerning the Danish proposal, the Government of that country had itself indicated that its proposal should be considered only as a variant of Proposal C. If that latter proposal appeared to command acceptance, it could be decided subsequently whether it was necessary to adopt a second parameter, for example total volume, as the United Kingdom delegation had suggested.

With regard to the common objectives mentioned by the United States representative, they had already been taken into account in the drafting of proposals A, B and C.

Mr. GUPTA (India) said that he, too, agreed with the remarks of the United Kingdom representative and also with the comments of the representatives of the United States and France.

The Indian delegation would be prepared to accept the Danish proposal.

Mr. CHRISTIANSEN (Norway) said he would like to make a few comments on the statements by the United Kingdom, United States and French representatives.

Generally speaking, the Norwegian delegation was in favour of the adoption of two parameters - for gross tonnage and net tonnage - which, to avoid upheaval in the maritime world, should be as close as possible to the tonnages of existing ships. Indeed, if the parameters differed too much, numerous national and international regulations would have to be altered, and that would take a considerable time. It was important, however, that the new universal system, which should be simple, should be brought into force as soon as possible. Moreover, if different parameters were applied to new ships, it would mean that for years there would be two parallel systems in operation.

TM/CONF/SR.2

It would be preferable if the new system could also be applied to existing ships. It ought to be possible, in the course of the discussions that would take place in committee, to arrive at a compromise on the basis of the proposals before the Conference.

The Norwegian delegation agreed that the tonnage mark system should be avoided, provided that existing ships with two sets of tonnages were authorized to retain them.

With regard to the transition period, it should obviously be very brief, bearing in mind the way in which the shipping industry had developed over the last ten years.

Mr. L. SPINELLI (Italy) agreed with the United Kingdom, United States and French representatives.

Above all, the new parameters that were to be adopted should be comparable and practical. Therefore the first question to be asked was what exact purposes those parameters should serve. In the first place, they should make it possible to measure the dimensions of the ship in order to determine the material services to be provided for ships (towage, berthing, etc.). Secondly, they must measure the earning capacity of the ship for the purpose of distributing as between ships of the same or of different types the costs of similar services rendered to all ships (harbour dues, expenses relating to safety, etc.). Lastly, the parameters chosen should make it possible to compare ships from a statistical point of view on an international basis.

In view of the difficulty of meeting all those requirements at once, it would be advisable to concentrate on a few of them and be content with an approximation as regards the others. In the opinion of the Italian delegation, the first requirement was undoubtedly the most important, particularly as it was often difficult to define earning capacity in view of differences in the size and nature of the cargo and the number of passengers carried.

TM/CONF/SR.2

The Italian delegation thought that there would be no great difficulty in relating the new parameters to existing regulations and conventions, even if the parameters were very different from the present figures, since the conventions, and the Load Line Convention in particular, already used factors which were applied to different types of ships used for very different purposes.

At the moment the Italian delegation was in favour of the Danish proposal or, failing that, Proposal C; but it would possibly change its views in the course of the discussions.

Mr. GRUNER (Finland) thought that the new system should be as simple and direct as possible and should satisfy two sets of objectives, the one commercial and the other administrative. It was clear that gross tonnage and net tonnage now no longer reflected either the true size or the true earning capacity of the ship. The shipowner's interest in tonnage measurement was limited to the further exemptions, and hence reductions in dues, which he could obtain. Moreover, the Moorsom system had given rise over the years to numerous interpretations which produced very different results when applied to large and small ships respectively.

Hence it was absolutely essential to work out a new system in which the parameters would correspond to some extent both to the present net tonnage - in order to avoid altering the apportionment of charges levied on different types of ships - and to the present gross tonnage - in order to safeguard the existing international conventions and to preserve the continuity of statistics.

In the light of the various proposals which had been put forward, it would obviously be impossible to arrive at a new system which would apply to existing ships as well as new ships.

TM/CONF/SR.2

It was vital that the Conference should look to the future rather than the past, and visualize the types of specialized ships which would be built in the future and the way in which their tonnage could be measured effectively. Like the Moorsom system, the new system would have to be capable of functioning for a hundred years or so, whereas all existing ships would probably have disappeared in thirty years' time.

The essential feature of the new system must be simplicity, because the more detailed the regulations, the easier it was to find loopholes. Moreover, in order to prevent tonnage figures being used solely to determine costs - and interpreted so as to reduce those costs - a parameter must be chosen which would make it possible to measure the earning capacity of the ship: either the effective cubic capacity or the deadweight tonnage of cargo ships.

Mr. WADA (Japan) said he was extremely interested in the establishment of a universal system of tonnage measurement, and hoped that the Conference would adopt a convention which would be acceptable to as many States as possible and, in any event, to all the great maritime nations.

Tonnage measurement contained implications for the safety of ships and the economics of shipping and the new system must take account of that. The Conference must approach its work with realism and with concern for the future.

It was desirable that the wording of the articles should be as close as possible to that of other maritime conventions and in particular the 1966 Convention on Load Lines. In regard to regulations on tonnage measurement, he was in favour of providing for gross and net tonnages which would make it possible to arrive at values as close as possible to present tonnages, in order to avoid any disruption of the shipping industry. He was broadly

TM/CONF/SR.2

in agreement with the views expressed by the representatives of the United States and Norway. The Norwegian proposal (TM/CONF/9/Add.1) was a valuable improvement on the original.

The Conference should begin by agreeing on the choice of parameters. Japan would like to see the present parameters retained, but simplified by taking the ship's moulded volume as its gross tonnage and by calculating its net tonnage by direct measurement of the passenger spaces and of certain cargo spaces. Japan was firmly opposed to the use of load displacement, which would complicate the calculation of port dues and of other taxes, and would make it more difficult for States to adopt the new provisions.

As to the tonnage mark system and the assignment of dual tonnages advocated by the IMCO Assembly in its Resolution A.48(III), it was difficult to apply and did not serve any practical purpose. Moreover, the majority of port authorities - starting with those of Japan - invariably used the higher tonnages.

Mr. DUBCHAK (USSR) expressed satisfaction at the progress made by IMCO. He hoped that it would enable the present Conference to adopt a universal tonnage measurement system which was called for by the rapid development of merchant shipping and of international transport.

The Soviet delegation shared the views expressed by the representative of Norway. The new tonnage measurement system would have to meet the following three criteria: (a) it should be applicable to all ships, both new and existing; (b) it should be based on two parameters, namely, gross tonnage, which defined the volume of the ship and was needed for statistical purposes and to meet the requirements of existing international conventions, and net tonnage which gave the ship's earning capacity; (c) it should not affect ship design or endanger the safety of navigation.

TM/CONF/SR.2

Mr. MURPHY (USA) said he wished to make it clear that in his earlier statement he had confined himself to expressing his views on the procedure to be followed and to singling out the points on which agreement appeared to have been reached.

In regard to the points of contention listed in the written observations submitted by Denmark (TM/CONF/3, page 5), the United States delegation thought that two tonnages (gross and net) should be used and that values as close as possible to the existing values should be obtained. His delegation supported the statements made by the representatives of Norway, Japan and the USSR.

Mr. MacGILLIVRAY (Canada) said he was in broad agreement with the views expressed by the representatives of the United Kingdom and France. Tonnage measurement had two purposes. In the first place, it enabled ships to be classified into categories for the purpose of determining the safety measures to be applied to ships of different sizes. Provided appropriate transitional arrangements were made, the future convention should not raise any problems in that respect. Secondly, it served as a basis for calculating port dues and other charges (canal and pilotage tariffs). The differences of view were explained by the differing economic situations of the various States. The cost of installations and services was closely linked to the size of the ships using them. The Canadian authorities consequently felt that if tonnage was to be used as a basis for calculating the dues and taxes to be levied, it should represent, in a simple manner, the ship's size as it affected the provision of those services and installations.

Accordingly, the Canadian delegation would support whichever system would best meet the following criteria: (1) the values produced should indicate the true size of the ship; (2) the calculations required should be simple and obtainable either from the ship's plans or from the ship itself; (3) the parameters

TM/CONF/SR.2

chosen should not lend themselves to manipulation or cause confusion;
(4) the system should not influence the design of ships.

Mr. NOZIGLIA (Argentina) shared the views expressed by the representative of the United Kingdom on the broad principles of the system, and said that he was prepared to accept Proposal C. The Finnish Proposal would perhaps be the only possible solution if the Conference decided to adopt one single parameter; but that would be liable to influence ship design and would prefer the new system to be based on two parameters. Finally, Argentina was not in favour of retaining the tonnage mark system, despite the fact that it was one of the States which had adopted it.

Mr. BACHE (Denmark) said he would confine himself to a few very general remarks. The Conference must take up the challenge and work out the new system, which was long overdue and which the maritime world was eagerly awaiting. The main feature of that system should be simplicity. Obviously there would have to be a transitional period, but the changeover from the old system to the new need not be unduly difficult, and users would doubtless manage to adapt themselves to the new provisions without too much trouble, once they had been formulated.

Mr. PEREIRA (Brazil) hoped that the new tonnage measurement system would be as simple and fair as possible and that it would be based on parameters expressing true values which would make it possible to compare vessels of different sizes. His preference was for the Danish proposal, which kept only one parameter, that of displacement, or for Proposal C.

Mr. de JONG (Netherlands) felt there was a need for two parameters, one of which would indicate the ship's volume and the other its cargo weight carrying capacity, if the requirements of all users were to be met. Those two parameters need not necessarily be indicated as gross and net tonnage. He favoured

TM/CONF/SR.2

a system under which two independent parameters would be calculated. The values of those parameters need not be close to existing tonnages. If such parameters were introduced and a suitable transitional period provided, the influence on ship design need not be feared, as the effect of one parameter would be counter-balanced by the effect of the other, and users of the new figures would have the opportunity to adjust their rates. At the end of the transitional period all ships should be provided with new tonnage certificates. Displacement and volumetric gross tonnage appeared best fitted to satisfy those requirements.

As regards the method of introducing the new provisions, he would refer participants to his written observations (TM/CONF/3, pages 36 and 37).

Mr. MUENCH (Israel) clarified his position (TM/CONF/3/Add.1) on certain basic points. In the first place, he considered that to introduce two new and completely independent parameters would merely complicate the situation. It would in fact be better to move towards the adoption of a single parameter - displacement - which would be adequate for most purposes and could be used to reach values close to existing tonnages by the application of suitable conversion factors. That was the system put forward by Denmark. It had the merit of simplicity, although it also had its drawbacks. In any case, scientific calculation had shown that it was impossible to devise any set of formulae which could eliminate all the anomalies and injustices of the present system.

Secondly, Israel had long favoured the use of the tonnage mark system, and was one of the few countries which had adopted it. In practice, however, the system was not workable, and the International Association of Ports and Harbors had recently recommended its abandonment (TM/CONF/12). The special problems of shipowners who had ships with exempted 'tween-decks or dual

TM/CONF/SR.2

tonnages must be solved in some other way and not by incorporating the tonnage mark system in the Convention.

Thirdly, port and harbour authorities and shipowners alike would be helped if the same system were made universally applicable to all ships, new and existing.

In short, his delegation supported the Danish proposal.

Mr. VAUGHN (Liberia), who reserved his right to revert to the question later on, stated that, for the reasons already advanced by the delegations of Norway, Japan and the United States, his country favoured the retention of two parameters, namely net and gross tonnages.

Mr. WILLIAMS (Australia) said that he agreed in the main with what had been said by the United Kingdom and French delegations; nevertheless, he believed that the best formula was that of the single parameter - displacement - in respect of all ships. That was the solution favoured by the International Association of Ports and Harbors and embodied in the resolution adopted at its last conference. He did not foresee any major difficulties as a result, and he considered the retention of two parameters - net and gross tonnage - to be undesirable.

Mr. RUSSELL (South Africa) felt it would be better if gross tonnage were retained as the only parameter in Proposal C. He had discussed the matter with representatives of the authorities responsible for assessing dues in his country, and they had assured him that it was a simple matter to adapt tariffs to that parameter. Shipping economics had already been badly hit by the unfortunate effects of the tonnage mark system, which the International Association of Ports and Harbors had viewed with disfavour. The adoption of a new system might give rise to anomalies, but the same was true of any system which might be adopted.

TM/CONF/SR.2

Mr. GUPTA (India) considered that the adoption of a single parameter - displacement - was the course that had most to commend it.

Mr. PROSSER (UK), reviewing the preliminary exchange of views which had just taken place, said it appeared that although there was a wide measure of agreement on the five first principles put forward by the Sub-Committee on Tonnage Measurement and on the general aims of the system, there was some difference of opinion as to whether one or two parameters should be retained, whether or not they should be identical or even similar to the parameters at present in force, and as to the treatment of existing ships.

The United Kingdom was in favour of retaining two parameters: total volume and displacement. The former could be of great value both in relation to the administrative formalities with which the ship had to comply, and in the application of conventions; as for the concept of displacement, it could offer the most satisfactory way of dealing with the assessment of charges. It was quite easy to obtain those parameters from shipyards and that in itself would bring an undoubted simplification.

Several delegations had spoken in favour of a single parameter. In the view of the United Kingdom delegation, that solution would give rise to serious difficulties, particularly in regard to the terms on which the proposed convention would come into force and to the administrative processes already mentioned. The first of those two difficulties would not be eliminated by the application of a conversion factor. At all events, by invoking the concept of total volume it would be relatively easy to achieve the result which was being sought by all those dissatisfied with the present system.

More particularly, so far as the assessment of dues was concerned, the two-parameter solution seemed to be the most readily applicable.

TM/CONF/SR.2

His delegation considered that the tonnage mark system had not really worked; it was important to avoid penalizing existing ships; and therefore to seek a formula which would be flexible, easily implemented and would take the interests of existing ships into account.

To sum up, there appeared to be the following areas of disagreement: the number of parameters to be retained and the relationship which should exist between one or other formula and the present system. While it was definitely in favour of a two-parameter system, the United Kingdom delegation had not established any close a priori relationship between any future system and the present one.

Mr. ROCQUEMONT (France), summing up the discussion so far, said he had two main comments to make. The first related to the remarks of the representative of the United Kingdom, and the second to the question of the revenue-earning capacity of ships. It was impossible to prove that net tonnage was an exact reflection of that capacity. As Mr. Spinelli had said, it was as rough a reflection as total volume or displacement. Moreover, while a number of delegations admittedly saw a need to retain the two parameters of gross and net tonnage, it was worth noting that those two parameters as expounded in Proposals A and B were in many respects very different from existing concepts of gross and net tonnage. He asked, further, whether implementation would really be radically disrupted by the emergence of a new formula. The present formula was contrary to reason and logic, and all countries would benefit if it could be improved. There was no reason to fear a transitional period if it was the precursor of a better future. There seemed to him to be a consensus in favour of abolishing the tonnage mark system and he shared the view of the representative of the United Kingdom that it should not feature in a new universal system.

TM/CONF/SR.2

Mr. CHRISTIANSEN (Norway), replying to the remarks of the representative of France, expressed concern at the idea of displacement as a parameter, since he believed that it could easily be tampered with. It had the further drawback of penalizing ships which needed heavy ballast for reasons of safety and those whose hull needed to be strengthened to withstand pressure from ice.

The French representative had maintained that the gross and net tonnage formulae submitted by his country were very different from existing formulae; in that connexion, he recalled the view expressed by his delegation that the moulded volume concept should not be adopted. Both volumetric and net tonnages should be dealt with by a conversion factor calculated on the basis of data supplied by the shipyards. Tonnage measurement should express an idea of volume.

Mr. de JONG (Netherlands) agreed that net tonnage was not an exact measure of a ship's revenue-earning capacity. In his view, speed was every bit as important a factor, if not more so. Displacement and volumetric tonnage were two distinct parameters, which should remain as independent of each other as possible. His delegation took the view that it might be dangerous to adopt displacement alone, and he accordingly wished to support the reservations entered by the Norwegian delegation on the importance of ballast for ship's safety.

Mr. ERIKSSON (Sweden) recalled that his country was one of those which had devised Proposal C. Speaking of the concept of net tonnage, he pointed out that at the present time it was being used for the same purposes as gross tonnage. The existence of two volumetric parameters was a source of confusion. Cargo density, volume and weight could vary considerably and two parameters, each independent of the other, would give a better representation of the actual position. A solution which was based solely on displacement would also be fraught with danger.

TM/CONF/SR.2

Mr. PROHASKA (Denmark) introduced his remarks by saying that they did not necessarily represent the definitive position of his delegation. He regretted that he could not endorse the views of the representative of Norway, who regarded displacement as an unsatisfactory parameter because it could easily be tampered with. In point of fact, displacement was the one parameter which it was impossible to falsify. As for the assertion that passenger ships would be penalized, the exact opposite would be true, as Denmark had already made plain in its proposal. He instanced ferry-boats operating under a monthly or yearly contract system with the countries between which they travelled and he pointed out that the Conference should not allow its conclusions to be influenced by the situation with regard to large passenger liners which were in any case decreasing in number.

Any strengthening of the hull which was necessary to meet the danger of ice involved only a slight increase in displacement. Moreover, the vessels which would bear the heaviest penalties according to the Norwegian argument would be ice-breakers and those were for the most part State-owned.

He doubted whether net tonnage could express the revenue-earning capacity of a ship with accuracy, as speed was a very important factor. In his view, the use of conversion factors or tables would be no more difficult with one system than with another.

Mr. QUARTEY (Ghana) said that the problem of shelter decks was very important as far as Ghana was concerned, since it affected nearly the whole of its merchant fleet. He therefore urged that it should be borne in mind when the future convention was being prepared.

TM/CONF/SR.2

Mr. GRUNER (Finland) feared that the replacement of net tonnage by displacement might alter the present economic equilibrium and put certain types of ship at a disadvantage; for instance, there were ships which had to be strengthened for plying in ice-bound waters, small tankers and nuclear-powered ships. That parameter was not more representative of a ship's earning capacity than volumetric gross tonnage. It was difficult to check and it was neither practical nor in current use in the shipping industry.

The meeting rose at 5.55 p.m.



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INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE THIRD PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Wednesday, 28 May 1969, at 9.45 a.m.

President:	Admiral E.J. ROLAND (USA)
Secretary-General:	Mr. Colin GOAD
Executive Secretary:	Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1.

TM/CONF/SR.3

CONTENTS

	<u>Page</u>
<u>Agenda item 5</u> - Proposed committee structure of the Conference and organization of work (continued)	3

AGENDA ITEM 5 - PROPOSED COMMITTEE STRUCTURE OF THE CONFERENCE
AND ORGANIZATION OF WORK (continued)

Mr. de MATTOS (Brazil) said that the Conference should now choose between basic Proposals B and C or a combination of their elements for inclusion in a draft convention to be applicable to all States.

It would be impossible to devise a perfect system, and full consideration must be given to technical developments within the near future, or it would be obsolete before coming into full effect. Simplicity, uniformity of application and flexibility were essential.

Mr. CHRISTIANSEN (Norway) said that although he had been impressed by Mr. Prohaska's arguments at the previous meeting, he feared that they would cause serious practical difficulties.

Mr. GUPTA (India) observed that basic Proposals A and B had not secured much support, and most representatives seemed inclined to favour Proposal C and the Danish amendments. Time would be saved by examining the two last proposals with such modifications as they might require.

Viscount SIMON (Observer for the International Association of Ports and Harbors), speaking at the invitation of the President, introduced the IAPH statement (TM/CONF/12). IAPH was a non-governmental organization representing most of the large ports, and at its sixth biennial conference in March 1969 it had adopted a resolution concerning the tonnage measurement proposals. Port authorities did not have the technical knowledge needed for the present Conference, but as tonnage measurement was used fairly widely to assess port charges they had an interest and views to express which, he hoped, might be useful. IAPH had not indicated a preference for any one of the basic proposals before the Conference, but had only sought to identify the conditions which any system finally adopted ought to meet.

TM/CONF/SR.3

The statement in operative paragraph (1) of its resolution was probably common ground. In operative paragraph (2) IAPH advocated a system with only one set of tonnages in order to avoid the difficulties arising under the existing tonnage mark system. It could be based on both gross and net tonnage but, with the increasing size of ships, port authorities might in future tend to assess port dues on the basis of the former rather than the latter, because of the higher capital investment and increased operating costs due to having to handle larger ships.

The essence of operative paragraph (3) were perhaps more controversial, but it dealt with a very fundamental issue. If the new system, when approved, were not applied within a reasonable but short transition period to all ships, thus eliminating distinctions between old and new ships, and the new system was radically different from the old (e.g. that based on displacement), it would clearly not be merely a question of applying a standard charge as there would be no conversion factor. There would then have to be two separate schedules of charges, and in that event precisely similar ships might not be charged at the same rates.

In the past, shipowners had sometimes been released from the obligation of making costly alterations to existing ships, and in so far as tonnage limits affected requirements for particular safety equipment etc., such charges might be burdensome. The same results could presumably be achieved if Governments could agree that, notwithstanding the new basis for tonnage measurement, existing ships should continue to be accepted for such purposes in the same category in which they had been under the old basis for measurement. Subsequently, all ships would be given tonnages on the new basis that would apply for assessing dues. Port charges did not form a very substantial part of running costs, and the redistribution of the burden through a new system of tonnage measurement ought not to be too burdensome for any ship.

TM/CONF/SR.3

The statement in operative paragraph (4) was almost unnecessary, as the results of any new international agreement were seldom translated into action rapidly.

Mr. LEBER (Observer for the Panama Canal Company), speaking at the invitation of the President, said that he had been questioned by several delegations about the Company's attitude to a new system of tonnage measurement. Before addressing himself to that question, which he considered a logical one, Mr. Leber thought it advisable to give some background information on the Panama Canal.

By August 1969, the Canal would have been an international utility for 55 years and, in accordance with the non-discrimination provisions laid down in the Hay-Pauncefote Treaty of 1902 between the United States and the United Kingdom, it had been open to ships of all countries at all times on the sole condition that they could pay the toll. During its 55 years of existence, over 400,000 ships and 2 billion tons of cargo had passed through the Canal.

During its 55 years, the Canal had seen many changes, for example there had been changes in the pattern of commodities carried. To cite a few: in 1914 one of the main cargoes had been Chilean nitrates used in the manufacture of ammunition; but in 1968 the quantity had been negligible. Not much coal, except for refuelling, had passed through the Canal in the early days but now it was one of the main items. Petrol and petroleum products had constituted about 20 per cent of the traffic throughout the Canal's existence but the direction of flow had changed radically. With new discoveries in Alaska it was impossible to foretell future trends in petrol movement.

TM/CONF/SR.3

Greater changes had also occurred in the volume of traffic carried over various trade routes: United States inter-coastal traffic had initially accounted for over 50 per cent of the total but had dropped to about 5 per cent, whereas traffic following the U.S. East Coast route to the Far East - insignificant in the Canal's early years - now represented about 37 percent of Canal cargo transitted.

In the early days no difficulties had been encountered over the size or numbers of ships. The present average was 40 ships a day but a maximum of 65 ships had been handled in one day. Ships of up to 106 feet beam could be accepted regularly; and when the lake elevation was above 86 feet, ships up to 39 or 40 feet draught could pass through. Some large ships such as tankers were now too wide to get through the 110-foot Canal locks, and when loaded exceeded the maximum permissible draught. The locks had not been altered since the Canal's construction but all the towing locomotives had been made more powerful and efficient. Lights had been installed to allow for round-the-clock operation. Among other technical improvements, he mentioned that the 8-mile Gaillard cut was being increased in width from 300 to 500 feet, and that project would be completed in about a year, with the final 3 miles of widening costing about \$20 million.

While the Canal had seen all those changes, one important thing had not changed - namely, the toll rate charged which was still the same as in 1914. The Company had not yet finished a detailed study of how to develop the Canal's optimum capacity, but some tentative conclusions could already be drawn i.e. that two sets of towing locomotives were needed in each lane

TM/CONF/SR.3

at Gatun and Maritime Locks, as well as a sufficient and dependable water supply for anticipated higher volume of traffic, particularly during the dry season. These improvements would permit the passage of an estimated 24,000 to 25,000 ships a year compared to a little less than 15,000 during the fiscal year 1969. Other long-range studies were under way, including one on the possibility of building a sea-level canal, about which no decision had yet been taken.

The average toll was about \$6,500 per ship, the maximum being about \$32,000 for the largest ship which could at present be accepted.

The "Canal Zone Code" stipulated that tolls should be calculated in such a way as to cover, as far as practicable, operating and maintenance costs. There was therefore no profit motive nor should any additional burden fall on the United States taxpayer. While there was no need now to change toll rates, nor did the Canal Company so intend, the Company had recognized that there might have to be such changes at some future time and it was studying the possible effects of such action. The preliminary conclusions reached were that the effect of increased tolls would vary according to the commodity carried. Some might drop out with relatively small increases because it would be cheaper to use alternative means, but other traffic would be retained despite substantially increased tolls. At all events, many countries and firms were bound to be affected. It had been estimated that on an average tolls could be increased by about 25 per cent without too much loss of Canal traffic; but if the increase were higher, a considerable drop in the volume of traffic could be expected. Mr. Leber again emphasized that the Company was not at present proposing a change in toll rates.

TM/CONF/SR.3

In reply to a question, Mr. Leber said that the Company would try to use any system agreed on and accepted, in the desire to serve the international community as it had done for the past 55 years; but clearly much would depend on the system chosen by the Conference. Toll rates might have to be adjusted to ensure an adequate revenue, to comply with pertinent Codes, Laws, Treaties, etc. It would not be simple to work out a means of arriving at the same toll for similar types of ships and it might prove necessary to introduce differential tolls according to types of ship and the commodities carried. The present system was simple, the rate charged being 72 US cents in ballast and 90 US cents if laden (without regard to amount or type of cargo). He doubted whether his Company would favour a complex system of computing toll rates since that would undoubtedly arouse criticism and complaints of discrimination from Canal users.

Mr. LOLONG (Indonesia) said that in principle his delegation supported the views expressed by the United Kingdom, France, Sweden and the Netherlands on choice of parameters. It favoured two parameters, one indicating the size of the ship and the other the earning or load-carrying capacity. The real purpose of tonnage measurement was to serve as a basis for the calculation of charges by port and harbour authorities, and for that purpose it was gross tonnage and deadweight, rather than net tonnage, that was most commonly taken into account. He therefore thought it best to have gross tonnage as the first parameter, for use in estimating port dues.

Concerning the second parameter, he was attracted to the Finnish proposal because he felt that deadweight was a better criterion than displacement in estimating cargo capacity. He favoured a combination of the gross tonnage concept in Proposal C and the Finnish deadweight proposal.

TM/CONF/SR.3

He agreed with the view expressed by the United Kingdom and France that the use of dual tonnages should be dispensed with as it gave rise to too many complications, and also shared the Indian view that the time had come to take a decision on which parameters should be used.

Mr. GANTIOQUI (Philippines), referring to his delegation's paper TM/CONF/3/Add.4, said his delegation was in favour of Proposal C on the grounds that it was simple, capable of uniform application, and independent of type of ship, location and size of spaces, and constructional features.

Mr. DOINOV (Bulgaria) stressed that any new universal system of tonnage measurement should be logical, based on adequate technical foundations, and simple enough for world-wide application. His delegation had a strong sympathy for Proposal C but felt that a new system should include two parameters, one expressing the dimensions of the ship and the other its earning capacity. He shared the doubts expressed on the use of displacement as a second parameter, on the grounds that its application to ships of a certain design would create practical difficulties. It should be possible to find a second parameter which would reflect the ship's cargo and passenger capacity and would also be related to dimensions, and he thought that the parameter proposed by the USSR might be suitable. It was essential to ensure that any new universal system was applicable to both new and existing ships.

Mr. MURPHY (USA) said there seemed to be general agreement that two parameters were necessary, although there was considerable difference of view as to the type and derivation of those parameters. It was important not to inhibit discussion in the Technical Committee by too much detailed consideration of the different proposals, and he suggested that the Technical Committee should be formally charged with examining all proposals made with a view to deriving parameters which the Conference would later consider.

TM/CONF/SR.3

Mr. WIE (Norway) supported that suggestion. He reminded the Conference that there was already in existence a world merchant fleet totalling nearly 200 million gross tons; it was therefore vital that any new system adopted should also be suitable for existing ships.

Mr. KING (Kuwait) thought the Technical Committee should be presented with a minimum of alternatives to study. He suggested that the plenary should choose one, or at the most two, parameters on which the Committee could work.

Mr. ROCQUEMONT (France) agreed, adding that any solution adopted ought to be independent of consideration of possible problems in the transitional period, since problems of transition were bound to arise in any event. Since there was general agreement that any future system should not retain either the tonnage mark system or dual tonnages, he suggested that a decision should be taken to that effect before a choice was made of a single parameter or set of parameters on which the Technical Committee could work.

Mr. PROSSER (UK) agreed that the Technical Committee should be given a restricted choice; if it had to debate the merits of a great variety of systems, it was unlikely to reach agreement. The plenary could not avoid a certain amount of preliminary technical discussion if real progress was to be made.

Mr. GUPTA (India), Mr. de MATTOS (Brazil) and Mr. BORG (Sweden) supported that view.

Mr. de JONG (Netherlands) felt it was for the plenary to decide certain basic questions, namely whether there should be one or two parameters; whether the new Convention was to be applied without discrimination to both old and new ships; whether it was desirable to aim for tonnages as near as possible to those existing; and finally whether the system combining Proposals A and

TM/CONF/SR.3

B or proposal C was preferable. He agreed that the first step was to take a decision on a matter on which there was already broad agreement, namely that the tonnage mark system ought not to be used in any future system.

Mr. CHRISTIANSEN (Norway) supported what had been said on the need for two parameters, and agreed that the tonnage mark scheme should be abolished. The most recent Norwegian proposal, set out in TM/CONF/9/Add.1, contained no definitions of exempted spaces, open spaces or deductible spaces on the grounds that such definitions would lead to difficulties of interpretation. It made use of two parameters, gross tonnage and net tonnage. It eliminated the tonnage mark scheme but left open the possibility for recognition of open shelter-deck ships, because those ships served a special purpose in world trade.

It was important to arrive at tonnage values as near as possible to existing ones, so that existing and new ships could be treated alike and so that there should be the minimum delay before the Convention came into force.

He suggested that the Technical Committee should be asked to try to reconcile the two main schools of thought hitherto expressed, the C school and the "Norwegian" school. When the Committee had arrived at a compromise between those two alternatives, it could report back to the plenary meeting for further instructions.

Mr. ENDO (Japan) agreed that the Technical Committee should be given specific instructions on which to work. The plenary could decide such questions as whether there should be one or two parameters and whether or not dual tonnages should be retained; but technical considerations, such as what should

TM/CONF/SR.3

be the basis of those parameters, should be left to the Committee. If possible, the Committee should be given only two alternative parameters to study.

Mr. BREUER (Federal Republic of Germany) said that the plenary Conference needed clearly defined topics of discussion for its further work. A satisfactory list of items had been suggested by Denmark (TM/CONF/3, page 5, paragraph 2(b)). The first two were suitable for debate straight away. The remaining items could be taken up after decisions had been reached on those two points. That course would be preferable to embarking immediately on a discussion of Proposals A, B and C.

Mr. MURPHY (USA) said that he endorsed the views expressed by the Norwegian and Japanese representatives, and did not think the plenary Conference should take any action which would inhibit the discussion of technical questions by the Technical Committee. It might be helpful if the Technical Committee was instructed to examine Proposal C and the Norwegian Proposal as two main alternatives, but without prejudice to its consideration of the other proposals before the Conference.

The United States could agree to the elimination of the tonnage mark and the dual tonnage certificate, but thought that the shelter-deck exemption concept would need to be retained for economic reasons.

The individual discussion of the items suggested by Denmark in TM/CONF/3 would be an appropriate course for the Conference to follow.

Mr. BRINTON (Liberia) said that it was time to take a decision on the parameters to be used in the new system. The five points enumerated by Denmark would be suitable topics for consideration by the Technical Committee. His delegation

TM/CONF/SR.3

thought that two tonnages were necessary. The shelter-deck concept should be retained because of the large number of existing vessels of that kind; there would be excessive economic upheaval if it was eliminated. The interests of existing vessels also required that the new tonnages should be as close as possible to the present ones and that satisfactory transitional measures should be laid down for existing ships. In the latter connexion, Article 4(4) of the International Convention on Load Lines, 1966, would form a suitable precedent. The Technical Committee could decide what tonnage unit was to be used.

Whatever decisions were taken, the interests of shipowners must receive the fullest consideration. No type of vessel should be driven off the sea because of a new tonnage measurement system, and shipowners must be left in a position in which they could service world trade adequately while operating on a sound economic basis. Bearing in mind the importance of economic factors, his delegation favoured the Regulations proposed by Norway in TM/CONF/9/Add.1, which met all the requirements Liberia regarded as necessary if its fleet was to be maintained in its present state. The Norwegian proposal would constitute a useful basis for the work of the Technical Committee, which could perhaps consider Proposal C as an alternative. The Technical Committee should not, however, overlook points in the other proposals.

Mr. MILEWSKI (Poland) said that the consideration by the Technical Committee of two complete alternatives would take too long. Its work would have a more realistic basis if the plenary Conference first had a preliminary discussion along the lines suggested by the representative of the Federal Republic of Germany. In the Polish view, two parameters and two tonnages were necessary.

TM/CONF/SR.3

If the Conference found that criterion acceptable, it could go on to decide what methods should be used to calculate the two tonnages. The Technical Committee should be given clear instructions to work out suitable methods and report back to the plenary Conference. The tonnage mark question could be settled in plenary, but the Technical Committee would have to decide whether it was technically desirable to retain the tonnage mark. Whatever tonnage measurement system was adopted ought to apply to both new and existing ships, otherwise serious practical difficulties would arise.

Mr. GRUNER (Finland) drew the attention of the Conference to his country's proposal for a universal system of tonnage measurement (TM/CONF/8) and outlined the considerations set forth under the heading "The Finnish Proposal" on pages 7 - 11 of TM/CONF/3/Add.5.

Mr. de JONG (Netherlands) said that Proposal C had been objected to on the ground that it would be difficult to define open spaces; but the way in which the Panama Canal Rules were applied showed that no difficulties arose in practice if the Regulations were sufficiently detailed. The Netherlands Government was therefore suggesting a set of detailed Regulations as an amendment to that Proposal. The advantage of Proposal C was that it allowed designers to place 'tween-decks where they wished. With regard to Proposals A and B, in the form in which they were combined in TM/CONF/9/Add.1, the definition of a second deck was based on the old shelter-deck concept and would represent an obstacle to modern ship design and construction from the point of view of the development of container and roll-on/roll-off ships.

Mr. HABACHI (Observer for the Suez Canal Authority), speaking at the invitation of the President, said that the Suez Canal administration had always distinguished between two classes

of vessel. Under its Regulations, vessels were either in the light ("lège") or loaded condition ("chargé"); the former category comprised vessels on non-revenue-earning voyages and the latter all other vessels. The two main principles underlying the Suez Canal Regulations were the protection of the vessel's interests, i.e. humanitarian interests, and the establishment of the lowest possible tonnage. With the latter in mind, the Regulations provided for exempted spaces, which were either open spaces or spaces in which no cargo was carried. Those were the spaces which were not necessary to the vessel; all spaces which were necessary to the vessel were included in the tonnage. If a shipowner wished to make use of exempted spaces, their volume was ipso facto added to the tonnage.

The Technical Committee could usefully be instructed to define the tonnage, specify the positions of decks and decide whether a term such as "cargo capacity" would be preferable to "earning capacity". The Suez Canal Authority would be very glad to serve on the Technical Committee.

Mr. ROCQUEMONT (France) pointed out that governments had had little opportunity to study the Regulations proposed by Norway in TM/CONF/9/Add.1. However, they seemed to differ fundamentally from those in Proposal C, which were based on total displacement and total volume in that criteria involving position, nature and use were employed to determine the spaces to be taken into account in calculating the gross and net tonnages. A displacement-type system was less complicated and easier to interpret than one based on criteria of that kind, which could have repercussions on ship design. Coefficients were also a source of complication in the Norwegian proposal. It had been

TM/CONF/SR.3

claimed that the Norwegian proposal catered for shelter-deck vessels, but that was also true of Proposal C, since a vessel's certified displacement took account of the density of its cargo. All vessels could benefit from a displacement-based system. The Norwegian representative had asked exactly what form Proposal C now took. The answer surely was, the form in which it was originally submitted to governments.

The meeting rose at 12.30 p.m.



TM/CONF/SR.4
8 October 1969

Original: FRENCH

IMCO

**INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT OF SHIPS, 1969**

SUMMARY RECORD OF THE FOURTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Wednesday, 28 May 1969, at 3.55 p.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1

TM/CONF/SR.4

CONTENTS

	<u>Page</u>
<u>Agenda item 5</u> - Proposed committee structure of the Conference and organization of work (continued)	3

AGENDA ITEM 5 - PROPOSED COMMITTEE STRUCTURE OF THE
CONFERENCE AND ORGANIZATION OF WORK
(TM/CONF/3-12 and Addenda) (continued)

Mr. ERIKSSON (Sweden) said that the Conference's real choice lay between two proposals: on the one hand, that of Norway, and on the other hand, another which might be termed BC. Norway had put forward a compromise solution which delegations had not been able to consider in detail for lack of time, but he hoped that the Norwegian representative would speak in amplification of it before it was submitted to the Technical Committee.

His feeling was that the Technical Committee should be asked to present recommendations on both proposals, namely, the Norwegian proposal which replaced Proposals A and B, and the second proposal, which was based on Proposals B and C. The Committee might, after due consideration, be able to suggest improvements to the two proposals and possibly take from both of them features that could be brought together.

Turning to the question of the coming into force of the new system, he agreed with the view of the Netherlands representative that existing ships might retain the previous system for a transitional period of perhaps five years. That would make it possible to compare the old and the new methods. Perhaps the Conference could set up a special working group to look into the problems involved in the application of the new system to existing ships.

Mr. CHRISTIANSEN (Norway) recalled the fact that his Government had tried to simplify the Conference's work by eliminating one of the basic proposals; in the light of the comments submitted by a number of governments, it had since suggested certain amendments to some of the Regulations it had proposed.

TM/CONF/SR.4

One of the advantages of the Norwegian proposal was that it retained as parameters both gross and net tonnage, keeping them as close as possible to their present values. That meant that the new tonnage measurement system could be applied to all ships within a reasonable space of time, unhindered by difficulties arising from national legislation or international conventions. In addition, it did not involve reference to exempted spaces, deductible spaces, closed spaces or completely open spaces; it provided for the determination of gross tonnage by the calculation of the volume of under-deck spaces, multiplied by a conversion factor to take account of the volume of the ship's superstructures.

That method would allow the shipowner to provide bigger crew spaces, such as living accommodation and spaces for social amenities for the master and crew, without incurring a penalty.

His delegation's proposal retained the concept of the "open" shelter-deck, because even if shelter-deck vessels were destined to disappear, it was essential at the present time to devise a tonnage measurement system which could be applied to them.

In his view, the Technical Committee should scrutinize Proposal A, with the alternative suggestions contained in the Norwegian proposal, in addition to Proposal C, and should attempt to work out a text acceptable to the protagonists of both formulae.

Mr. PROSSER (UK) said that while the Norwegian proposal which replaced Proposals A and B contained interesting features, his delegation considered Proposal C to be more satisfactory.

TM/CONF/SR.4

The aim of the Conference was to draw up a Convention which could be accepted by those countries which owned the greater part of the world's tonnage; admittedly, the Norwegian proposal had been supported by Japan, Liberia and the United States, but Proposal C had the approval of quite a number of maritime powers. It was going to be difficult to reconcile the different points of view; and if the Conference asked the Technical Committee to consider the two basic proposals, it should assign very definite terms of reference to the Committee and ask it to pick out possible points of agreement as well as divergent features, since the actual decision would be taken by the Conference itself in plenary session. The Conference ought also to draw up a very precise timetable and to fix a deadline for the submission of the Technical Committee's recommendations.

Mr. GRUNER (Finland) pointed out that a tonnage measurement system based on displacement would be detrimental to ships of under 1,000 tons, and they constituted half the world's tonnage. For that reason he considered that if the Technical Committee was to be asked to formulate recommendations, it should take due account of vessels of that category.

Mr. GUPTA (India) commented that the Technical Committee was composed of Members who were also participants in the Conference; they could not adopt one attitude in committee and another in plenary session. Accordingly, it was for the full Conference to decide what procedure should be used to deal with the various proposals.

TM/CONF/SR.4

Mr. WIE (Norway) recalled that at the Load Lines Conference two proposals, those of the Soviet Union and the United States, had served as working documents, and said he saw no reason why the two tonnage measurement systems proposed should not be examined concurrently.

Mr. ROCQUEMONT (France) said that the procedural question was of minor importance. The main point was to reach a decision as soon as possible. The Technical Committee might, after all, arrive at a decision which the Conference in plenary session would not confirm. It was essential to know what was to be decided. It had been suggested that the Norwegian proposal and Proposal C might be harmonized. That might be feasible in the case of some items, such as the question of gross tonnage, and Norway might perhaps be asked to make a further effort to that end. On other points, however, the two proposals ran counter to each other. Proposal C provided for the certification of displacement. The Norwegian proposal employed the concept of net tonnage, making allowance for the types of space and their position on board by applying a relatively elaborate conversion factor. It was doubtful whether the Technical Committee would manage to solve that question any better than the plenary session.

Beyond that, it was worth pointing out that although a number of delegations had said they would accept two parameters, gross and net tonnage, their agreement was in fact an agreement on words only, since net tonnage, as envisaged in Proposal A, was to be calculated by deduction, while under the terms of Proposal B it would be calculated directly; the Norwegian proposal (TM/CONF/9/Add.1) embodied a new method of calculation;

TM/CONF/SR.4

and the Soviet Union's proposal again was different from the rest. There was, then, on the one hand Proposal C, which was clear and had not changed, and on the other hand an apparent agreement between a number of delegations which in reality were not of the same view.

Mr. MURPHY (USA) supported the United Kingdom representative's suggestion to refer the two proposals to the Technical Committee. That Committee would examine them with a view to arriving at a compromise or to singling out the points on which there was disagreement; and that would enable the Conference to discuss them and to find a final solution in plenary meeting.

Mr. MUENCH (Israel) recalled that the Sub-Committee on Tonnage Measurement, which was highly technical, had realized that it was impossible to arrive at a speedy solution or compromise and that the only way was to submit the three proposals to the Conference. There was therefore a certain risk attached to the United Kingdom proposal. Moreover, the fact of making a choice did not dispose of the technical difficulties. For instance, if the Conference decided to abolish the tonnage mark, the question would still have to be discussed at length from the technical standpoint. That would also be the case if a decision were taken in regard to the nature and number of parameters. It therefore seemed preferable that the Conference should give definite instructions to the Technical Committee, which could then make a thorough study of the Technical questions.

TM/CONF/SR.4

Mr. PROSSER (UK) explained that he had merely taken up a proposal submitted by the Norwegian delegation which had seemed to him to be good, provided the procedure which he himself had indicated was followed.

Mr. SPINELLI (Italy) thought that it would be better to entrust the study of the problem to a small committee which would be able to work more quickly. The Conference could not, however, refer the matter to the Technical Committee before it had taken a decision on a number of specific points. It seemed to be too early to set up a technical group to study the question of existing ships. If the Conference decided to instruct the Technical Committee or any other group to seek a compromise formula, that body should be sufficiently representative to ensure that the discussion would not have to be taken up again in plenary meeting.

Mr. de JONG (Netherlands) considered, as did the Italian representative, that the Conference should first of all take a decision on a number of points such as, for instance, the abolition of the tonnage mark and of the number of parameters and their nature.

Mr. ROCQUEMONT (France) once again stressed that, in his view, the question whether the proposals would be discussed in plenary meeting or in committee was only of secondary importance. What was important was to determine what questions were to be solved and in what order. Among the questions which arose, some were false and others were real. There were three in the former category. Should there be one or two parameters? Even if it were decided forthwith that two were required, it would still be necessary to determine

TM/CONF/SR.4

whether gross tonnage and net tonnage or total volume and displacement were to be adopted. Another question related to the need to have tonnages as close as possible to the existing tonnages. The usefulness of computers had been stressed. It must, however, be recognized that shipowners used different tonnage systems and that a difference of 20 per cent between two ships of identical design was quite usual. The important thing therefore was to have in future a tonnage system which made it possible for two identical ships to have identical tonnages. Finally, the question of transitional provisions was of no immediate importance. It would appear that those provisions would have to be the same irrespective of the tonnage system chosen because, in any case, the values would be different from the existing values. The important thing therefore was to reach agreement on what would be the ideal system for the future. The problem of transitional provisions should be dealt with independently from the choice of the tonnage system.

There were two real questions. The first concerned the tonnage mark. Could a certified parameter have several values entered in the tonnage certificate and used according to the draught of the vessel? The second question related to displacement. Should the displacement parameter be entered in the certificate? When the Conference had answered those two questions it would have taken a considerable step forward.

Mr. CHRISTIANSEN (Norway), referring to the experience of his country's shipbuilders and owners, who bought and sold ships abroad, thought it could be said that with a few exceptions (for example, the treatment of water-ballast, more particularly

TM/CONF/SR.4

for ore carriers), the differences between the tonnage measurement systems used were basically fairly slight.

Mr. SPINELLI (Italy) thought that the Conference should answer as soon as possible the basic questions formulated by Denmark in the observations in TM/CONF/3. For its part, the Italian delegation was in favour of a single parameter: displacement tonnage. If the majority of the Conference accepted that view, it would have to decide whether it was content with that parameter or whether it wished to combine it with conversion factors for the various kinds of ships, so as to bring the results of the new system close to existing figures. Such action would make it possible to shorten the transition period - which would have to be provided for in any case.

Mr. BREUER (Federal Republic of Germany) hoped that the Conference would be in a position to vote as soon as possible, at least on some questions.

The PRESIDENT noted that one of the essential questions was whether there should be one or two tonnages.

Mr. PROHASKA (Denmark) thought the Conference should reflect carefully on all aspects of that question before coming to a decision. So far, the majority of those in favour of a system with two tonnages took their stand essentially on tradition. But it had to be admitted that neither gross tonnage, which was supposed to indicate the real size of the ship, nor net tonnage, which was supposed to indicate its "earning capacity", any longer served the purposes which they were intended to fulfil. In fact, the best idea of the size of a ship

TM/CONF/SR.4

was most easily given by its displacement tonnage; and as, when he had a ship built, the owner chose the displacement which would yield him the greatest profit, it was still the displacement tonnage which gave the best idea of "earning capacity" - although that was itself very difficult to define, since it depended on variable factors.

The best system seemed, therefore, to be to define gross tonnage by displacement, taking, for example, a unit corresponding to 2 cubic metres. Starting from that gross tonnage, a net tonnage could be defined; but, in his opinion, that was unnecessary. At the present time port authorities were completely changing their methods and using net tonnage less and less.

In any case, there was no technical reason why two tonnages should be retained.

Mr. de JONG (Netherlands) remarked that the system of two parameters gave port authorities a certain latitude. If there was a move towards a single tonnage, perhaps some compensation would have to be sought by the introduction of other independent parameters.

Mr. CUNNINGHAM (USA), in reply to the Italian representative's statement in particular, observed that the system decided on must be devised with reference to the needs of the countries possessing the largest fleets and of the port authorities. In that connexion, he recalled the observations made by the representative of the International Association of Ports and Harbors. If the Conference decided to adopt the principle of a single tonnage, it would have great difficulty - as experience had shown - in adapting it to the different types

TM/CONF/SR.4

of ships. Should therefore the risk be taken of favouring certain types of ships, which all owners would then want to have built, or should it be left to the port authorities to solve that awkward question?

Proposal C, which had been submitted briefly to the Sub-Committee on Tonnage Measurement at its penultimate meeting, had received cursory and incomplete consideration. As far as he understood, it was intended to authorize all combinations of cubic capacity and displacement, leaving it to the port authorities to make a choice. Confirming what had been said by the Norwegian representative, he pointed out that the current tonnage system was applied in a very similar way in the various countries, and that its reform should be envisaged primarily with a view to its simplification.

The proposal to adopt displacement tonnage as the only parameter would result, for example, in making the same dues payable by ore carriers as by oil tankers. It seemed difficult to find any justification for such a system on economic grounds.

Mr. MILEWSKI (Poland) noted that, despite the technical arguments put forward by the Danish representative in favour of a single tonnage system, the largest shipowning countries were still in favour of the double criterion, so that the Conference would doubtless have to come round to that view. Moreover, he who could do more, could do less, and such a solution would therefore not greatly hamper those who wished to retain only one of those criteria.

TM/CONF/SR.4

Mr. ROCQUEMONT (France) recognized that the method of tonnage measurement should be independent of the type of ship concerned. Care should be taken to avoid creating a disadvantage which did not exist under current practice. He wished, however, to refute the allegations that Proposal C had not been sufficiently discussed; it was true that that proposal had been drawn up rapidly - because it was simple; but it had been possible for all the countries represented at the Conference to study it thoroughly, since it had been circulated by the Secretariat a year previously.

In preparation for subsequent discussion, the French delegation intended to hand to the Secretariat a note* on the way in which it considered it advisable to formulate the main problems which the Conference would have to solve.

The PRESIDENT invited the delegations to reflect carefully, especially on the basis of the observations made by Denmark (TM/CONF/3, page 5), so as to prepare for the subsequent discussions in plenary Conference, which should lead to clear decisions on the principal points raised.

The meeting rose at 5.35 p.m.

* subsequently issued as TM/CONF/WP.2



IMCO

INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE FIFTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Thursday, 29 May 1969, at 9.45 a.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1

TM/CONF/SR.5

CONTENTS

	<u>Page</u>
<u>Agenda item 5</u> - Proposed Committee structure of the Conference and Organization of work (continued)	3
<u>Agenda item 7</u> - Appointment of Drafting Committee	13

TM/CONF/SR.5

AGENDA ITEM 5 - PROPOSED COMMITTEE STRUCTURE OF THE
CONFERENCE AND ORGANIZATION OF WORK
(TM/CONF/3-12 and Addenda, TM/CONF/WP.2 and
TM/CONF/WP.3) (continued)

The PRESIDENT said that he wished, in view of certain comments, to assure the Conference that all the proposals before it had been submitted within the stipulated time limit. Also, it had been suggested that there was little point in referring some topics to the Technical Committee because they would be considered by the same representatives as would discuss them in plenary, but that was not the case. He drew attention to the need to allow the Technical Committee sufficient freedom of action and to the importance of elaborating a convention which would be ratified and come into force as quickly as possible.

Mr. DUBCHAK (USSR) spoke of the necessity of reaching a compromise on the main points on which views diverged. The difficulty of agreeing on the parameters to be adopted was complicated by the fact that the parameters indicated in Proposals A, B and C differed. The combination of Proposals A and B in the form of the Norwegian proposal (TM/CONF/9/Add.1) was therefore a help, since it narrowed the field down to two main proposals. The Norwegian proposal in fact represented a substantial compromise and great interest in it had already been expressed. There were considerable analogies between Proposal C and the Norwegian proposal. Both involved two parameters: gross tonnage, expressing the vessel's design features, and net tonnage, expressing its carrying capacity. In the case of Proposal C, the net tonnage was calculated by reference to displacement. Both proposals provided for gross tonnage; and if a compromise could be achieved between them in respect of that parameter, it should secure general acceptance. With regard to the second parameter, which was fundamentally a question of the ship's cargo or passenger capacity, there were

TM/CONF/SR.5

considerable objections to basing it on displacement; for example, it could not express the carrying capacity of refrigerated and passenger vessels or certain types of fishing vessels and vessels employing new means of propulsion. A new tonnage measurement system which was not applicable to all types of vessel was not a practical proposition. The selection of a second parameter required expert consideration by the Technical Committee.

The Soviet delegation therefore proposed that, with a view to determining the parameters for a new universal tonnage measurement system, the Conference should take up Proposal C and the Norwegian proposal (TM/CONF/9/Add.1) as the main alternatives for its consideration; that it should establish a Technical Committee; and that it should instruct that Committee to determine those parameters in the light of the two main proposals to which he had referred, and of the comments thereon.

Mr. ZAMBRANO (Venezuela) said that the Conference should aim at elaborating a universal tonnage measurement system which would do away with the need for different tonnage certificates according to the countries to which a vessel sailed, and which would also eliminate the unacceptable practice of permitted deductions, which all countries agreed should be abolished. The new system would have to reconcile national interests, in the form of maximum revenue, with the interests of shipowners.

Venezuela had reached certain conclusions after studying Proposals A, B and C and the Danish proposal. Firstly, the dual tonnage certificate should be abolished, because shelter-deck vessels had to pay port dues on the higher tonnage. Secondly, the tonnage mark system should, as a consequence, be done away with. Thirdly, two parameters should be adopted: gross tonnage and, as suggested in Proposal C, displacement tonnage. Lastly, the second parameter, although calculated in terms of displacement, should continue to be called "net tonnage" so as to obviate the need for amending domestic legislation.

TM/CONF/SR.5

Mr. DOINOV (Bulgaria) said that his delegation supported the Soviet proposal. If adopted, it would greatly facilitate the work of the Conference.

Mr. ROCQUEMONT (France) drew the attention of the Conference to TM/CONF/WP.2. He noted that most delegations had expressed interest in either Proposal C or the Norwegian proposal (TM/CONF/9/Add.1). There seemed to be a consensus in favour of the elimination of the dual tonnage certificate and the tonnage mark, a state of affairs which was reflected in the way in which question 1 in TM/CONF/WP.2 was formulated. The point of that question was to ascertain whether or not the Conference favoured a dual-value system, irrespective of the parameter chosen. The French delegation did not favour such a system. He wished to make it clear that his delegation visualized the suppression of the dual-value system as applying only to new vessels and not to existing ones. It was for the Conference to decide what treatment should be accorded to existing vessels. He felt that most delegations would reply "no" to question 1.

With regard to question 2, there was a difference of opinion between the two schools of thought represented by Proposal C and the Norwegian proposal. The USSR had rightly suggested that an attempt should be made to reconcile those two basic views and that the matter needed to be discussed by the Technical Committee, where a detailed debate on the subject would be necessary. He pointed out that the wording of question 2 was not to be taken as indicating that the displacement parameter should be the only value shown on the tonnage certificate. If a combination of parameters was adopted, more than one parameter should be indicated on the certificate. That would be the case with a number of the solutions which delegations seemed to favour. He thought that the answer to

TM/CONF/SR.5

question 2 would be in the affirmative whatever solution was selected, but in any case question 2 could not be answered until a detailed discussion had taken place on the advantages of a displacement-based system and on the method of calculating it, i.e. on the load line level to which the displacement should correspond.

Mr. MURPHY (USA) agreed with the Soviet suggestion that Proposal C and the Norwegian proposal should be selected as the two main alternatives for consideration by the Technical Committee. He also endorsed the French view that question 1 was likely to be answered in the negative by most delegations. The Plenary Conference could certainly answer question 1, but question 2 would require extensive discussion by the Technical Committee, as the French delegation had indicated. His delegation would answer question 2 in the negative, but the Technical Committee would nevertheless need to discuss the subject thoroughly before a conclusive reply could be given for the guidance of the Plenary.

Mr. L. SPINELLI (Italy) said that he too supported the Soviet proposal.

It was clear that the first question put to the Conference in TM/CONF/WP.2 was to be viewed in terms of the retention or abolition of the tonnage mark. The Conference should decide whether or not two tonnage values were necessary. The partisans of the two main schools of thought, as represented by Proposal C and the Norwegian proposal, could produce many arguments to support their views. An important point was that both proposals solved the problem of shelter-deck vessels, although Proposal C did so in a way which the Italian delegation preferred, since it would not give rise to any repercussions on ship design in the sense of making unnecessary decks compulsory. It was important that the two schools of thought should be reconciled, since the

TM/CONF/SR.5

Conference must be virtually unanimous in whatever decisions it took. The Technical Committee might succeed in working out a suitable compromise. Spain had suggested an average of displacement and volume. The Norwegian proposal also contained a possible compromise with regard to shelter-deck vessels. In view of that, the Conference should decide whether or not two figures were necessary. It could leave the second question put to it by the French delegation to be answered by the Technical Committee. A possible solution to the latter problem would be not to show the displacement but to adopt it as an essential basis for calculations. The point of the question was whether two figures were necessary or whether one would suffice, irrespective of how the figures were obtained.

Mr. PROHASKA (Denmark) said that, with regard to the first of the French questions, most owners would doubtless prefer to retain the **advantages** of a system whereby vessels had different tonnages at different times. As far as shelter-deck vessels were concerned, Denmark would not recommend the continuance of the tonnage mark scheme, although it thought that owners should be free to **choose** their own freeboards; that was a less troublesome solution and could be applied to ships with only one real deck. The advantages of a variable freeboard would not be secured by Proposal C, which also suffered from the drawback that, because of the emphasis on volume, owners might be tempted to minimize crew accommodation in order to reduce the tonnage.

The instructions given to the Technical Committee should be such as to allow it full freedom of action. On that understanding, his delegation supported the Soviet proposal.

Mr. PROSSER (UK) said that the Soviet representative's statement and the French representative's explanation of question 1 in TM/CONF/WP.2 had been helpful. The Conference seemed

TM/CONF/SR.5

to be concentrating its attention on basic Proposal C and the Norwegian proposal in TM/CONF/9/Add.1, and those two proposals could be referred to the Technical Committee for a broad examination. It could be asked to report back to the plenary meeting the following week, when some fundamental decisions might have to be taken. The Technical Committee might be able to reconcile the two proposals or at least clarify the points of disagreement and examine in greater detail certain issues about which misunderstandings had arisen, for example, the displacement parameter. The Conference should not unduly hamper the Technical Committee by attempting to vote now on fundamental issues. Nor did he favour voting at once on whether there should be one or two parameters because, apart from some issues, it ought to be possible to formulate a workable scheme based on only one of the basic proposals now before the Conference. It would be best for the Technical Committee to start from the highest common denominator of agreement. In the long run such a procedure should expedite business.

His delegation's reply to question 1 in the French Note (TM/CONF/WP.2) was in the negative.

Mr. de JONG (Netherlands) said that his delegation was ready to vote forthwith on questions 1 and 2 in the French Note.

Mr. GUPTA (India) agreed with the Soviet representative.

Referring to question 1 in the French Note he urged that nothing be done to disturb the status quo of existing shelter-deck ships of which there were many, particularly in the fleets of smaller countries. His Government would comply with the decision of the Conference concerning the rules for new ships of that type.

He agreed with the Italian representative's arguments concerning the tonnage mark system.

TM/CONF/SR.5

Mr. Gupta hoped that the Technical Committee would find means of reconciling basic Proposal C and the Norwegian proposal (TM/CONF/9/Add.1).

Mr. BORG (Sweden) agreed with what had been said by the Soviet representative.

The PRESIDENT, summarizing the discussion, suggested that the Conference might wish to instruct the Technical Committee to examine Proposal C (TM/CONF/6) and the Norwegian proposal (TM/CONF/9/Add.1) for purposes of selecting parameters, which might be volume and earning capacity, taking account of the observations by governments and those made during the discussion. There seemed a general consensus that the proposed convention should not embody the concept of dual tonnages as related to the tonnage mark. The Committee might be requested to report by the middle of the following week.

Mr. ROCQUEMONT (France) said he would be able to comment fully on the President's suggestions once they had been circulated in writing. There was undoubtedly agreement on the need to eliminate the concept of dual tonnages. However, a parameter based on earning capacity was too rigid, and as several delegations had pointed out, would lead to practical difficulties. Perhaps the Technical Committee might succeed in recommending a single parameter to cover both volume and earning capacity, in which case the instructions to it should not be worded too explicitly.

Mr. PROHASKA (Denmark) agreed that the suggested instructions to the Technical Committee were too precise.

Mr. MUENCH (Israel) said he had understood the Soviet representative to have suggested that the Technical Committee might try to find a compromise regarding the parameters, or to

TM/CONF/SR.5

specify the points on which views seemed to be irreconcilable. The Conference should not at that stage try to define the parameter itself, but simply instruct the Technical Committee to examine those put forward in Proposal C and the Norwegian proposal. If agreement could not be reached in the Committee, at least it might be able to submit a recommendation to the plenary meeting the following week.

Mr. de JONG (Netherlands) said that the Technical Committee's task at that stage should be confined to selecting one or more parameters and not to examining the proposals before the Conference as a whole.

Mr. ERIKSSON (Sweden) considered that the Technical Committee should be asked to examine the parameter of volume about which there seemed to be general agreement, and then to discuss whether there was any need for an additional one and, if so, what it should be.

The PRESIDENT said that a more general formula for instructions to the Technical Committee had now been circulated in the light of comments on his original suggestions. He invited comments on TM/CONF/WP.3, pointing out that the title should be amended to read "Instructions to the Technical Committee".

Mr. MADIGAN (UK) suggested that it might more accurately reflect the majority view if the words "for new ships" were added after the word "embody" in line 7 of paragraph 1.

Mr. NOZIGLIA (Argentina) supported that suggestion. It was important that a Convention framed in view of application in the future should not be over-burdened with **considerations relating** to existing ships, such as shelter-deckers; existing ships were in any case protected by the very considerable time lapse before

TM/CONF/SR.5

the Convention could come into force. His delegation favoured the use of two parameters, but felt they should be independent of one another if ship design were not to be adversely affected.

Mr. GUPTA (India) supported the amendment proposed by the United Kingdom, and suggested that the Technical Committee should not be asked to report until the evening of 3 June.

Mr. CUNNINGHAM (USA) thought the proposed amendment would be too restrictive, and might preclude agreement being reached on a system which would be applicable immediately. It was for the Technical Committee, not the plenary Conference to decide matters of application within the framework of the Articles.

Mr. de JONG (Netherlands) supported that view.

Mr. BACHE (Denmark) thought the second sentence of paragraph 1 too restrictive; mention should be made of the intention to retain the shelter-deck concept in the new Convention. He hoped that any decision taken as to whether there should be one or two parameters would not preclude further discussion of the Danish proposal, which was based on the principle of a single parameter.

The PRESIDENT said the instructions to the Technical Committee had purposely been made as broad as possible in order not to restrict discussion. The fact that shelter-deckers were not mentioned should not be taken to imply that they were to be omitted from the proposed Convention. The only restriction in the instructions had been to exclude the concept of dual tonnages as related to the tonnage mark, since there seemed already definite agreement on that point.

Mr. QUARTEY (Ghana) suggested that to safeguard the interests of shelter-deck ships, the phrase "but should take into account the continued use of shelter-deck ships" should be added at the end of the second sentence in paragraph 1.

TM/CONF/SR.5

Mr. KING (Kuwait) thought it should be made clearer that the Technical Committee were merely holding a preliminary meeting, with the limited purpose of deciding on the parameter or parameters to be used in the proposed Convention.

The PRESIDENT pointed out that the instructions to be given to the Technical Committee would not preclude discussion of any of the questions contained in its terms of reference, which were set out in TM/CONF/11.

Mr. MADIGAN (UK), Mr. QUARTEY (Ghana) and Mr. GUPTA (India) withdrew their proposed amendments.

The PRESIDENT suggested that the Conference should issue to the Technical Committee the instructions set out in TM/CONF/WP.3.

It was so decided.

The PRESIDENT invited attention to the Secretariat Note TM/CONF/11, which outlined the proposed committee structure of the Conference. He suggested that the Conference approve the proposed committee structure and organization of work outlined in the paper, and establish a General Committee and a Technical Committee to take action as described therein.

It was so decided.

Mr. ROCQUEMONT (France) suggested that, in order to avoid the same kind of overlapping between the work of the General and Technical Committees as had occurred during the 1966 Conference on Load Lines, the General Committee should be specifically instructed not to deal with issues directly connected with the implementation of the Convention. It should also avoid dealing with the questions of transitional measures, and with the question of certificates.

TM/CONF/SR.5

The PRESIDENT confirmed that the General Committee would be instructed to that effect. He added that it would also be advisable if the Committees' respective Chairman could keep in close contact so that conflicting decisions could be avoided.

AGENDA ITEM 7 - APPOINTMENT OF DRAFTING COMMITTEE

The PRESIDENT reminded the Conference that, according to the Rules of Procedure, the Drafting Committee was to be appointed by the Conference on the proposal of the President, and was limited to nine members. He proposed that the Drafting Committee should consist of the representatives of Argentina, Belgium, France, Norway, Poland, Spain, USSR, United Kingdom and the United States.

It was so decided.

The meeting rose at 12.30 p.m.



IMCO

INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE SIXTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Tuesday, 3 June 1969 at 9.45 a.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1.

TM/CONF/SR.6

CONTENTS

	<u>Page</u>
<u>Agenda item 8</u> - Examination of reports of Committees	3
First Report of the Technical Committee to the Conference	3
First Report of the Credentials Committee	9
First Report of the Technical Committee to the Conference (resumed)	12

AGENDA ITEM 8 - EXAMINATION OF REPORTS OF COMMITTEES

First Report of the Technical Committee to the Conference
(TM/CONF/C.2/4)

The PRESIDENT asked participants to discuss the Report paragraph by paragraph. He invited the Chairman of the Technical Committee to introduce the report.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, said that a large majority of members had been in favour of embodying two figures in tonnage (paragraph 2(a)), while the Committee as a whole had agreed that the values of gross and net tonnages obtained by the new system should be as close as possible to existing gross and net tonnages (paragraph 3). Under paragraph 2(b), a majority had supported the proposal to use volume for the formula determining gross tonnage, while under paragraph 2(c) a majority had favoured using displacement for the formula determining net tonnage. It should be noted that in both cases the Committee had envisaged the possibility of applying other parameters in addition to the main parameters. Paragraphs 2(d), (e), (f) and (g) related to the problem of the shelter-deck concept, which had now been discussed sufficiently to make clear exactly what was meant. Majorities had emerged in favour of retaining the open shelter-deck concept for existing ships, of applying it to new ships, of applying it to net tonnage only in the case of new ships, and of not allowing frequent changes from open to closed shelter conditions.

He wished to urge that the Conference agree to include in the Preamble or in a recommendation, a statement to the effect that gross tonnage should be used as the basis for statistical calculations connected with the application of the Convention, while net tonnage should be used as the basis for dues, especially harbour dues.

TM/CONF/SR.6

Paragraph 2(a)

Paragraph 2(a) was unanimously approved.

Paragraph 2(b)

Mr. PROHASKA (Denmark) said that, in his opinion, the majority decision in favour of using volume to determine gross tonnage might have been different if the question had been worded differently. Members of the Committee had been called upon to decide between displacement volume on the one hand and all other kinds of volume, without specification, on the other. In his view, the result had proved unjust to the concept of displacement which, as computer calculations had shown, was as accurate as any other parameter. He therefore hoped that at a later stage the Technical Committee would have an opportunity to make a more detailed examination of the various proposals submitted.

Mr. ROCQUEMONT (France) said that his delegation had voted in favour of volume and hoped that the proposal would rally wide support. However, he wished to make it clear that by volume the French delegation understood total volume, without exemptions or exclusions. If that understanding were not correct, he wished to reserve his right to propose a different parameter, such as displacement.

Mr. PRIVALOV (USSR) agreed with the previous speaker, but hoped that technical questions would not be discussed in plenary. He assumed that the Committee would be able to continue its examination of the various proposals, although he agreed that it would be useful if the Conference could now approve the first Report.

TM/CONF/SR.6

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, supported the statements made by the French and Soviet representatives. The various views on volume expressed in the Committee were not far apart, and the Committee should be given the possibility of studying the problem in greater detail at a later stage.

The PRESIDENT put to the vote the proposal contained in paragraph 2(b).

Paragraph 2(b) was approved by 36 votes to none.

Paragraph 2(c)

Mr. PRIVALOV (USSR) said he wished to explain why his delegation had not voted in favour of displacement under paragraph 2(c). The various proposals that had been made in the past in support of using displacement to determine net tonnage had never led to any practical results, and he could therefore see no reason for taking the proposal up again. Furthermore, as he had stated in the Committee, use of the concept of displacement would not encourage shipowners to take steps to enhance safety or to improve the comfort and well-being of seafarers by such measures as air-conditioning, larger power reserves, the development of new equipment or the introduction of nuclear propulsion. The whole question of adequate ballast would also arise. Nor was it clear how the concept of displacement could be applied to the more recent innovations, such as hydrofoils, hovercraft and submarine transport.

TM/CONF/SR.6

It should also be noted that there was no linear relationship between displacement and net tonnage. Calculation of the relationship $\frac{NRT}{D}$ gave a range of 0.167 to 0.356 in the case of dry cargo ships, and 0.462 to 0.709 for passenger ships. Those figures revealed a very wide range even within groups of ships of the same type; so it was obvious that a very long period of adaptation, perhaps fifteen years or even more, would be needed before the new regulations could come into force. Furthermore, use of the concept of displacement would have undesirable consequences for small ships and thus for countries possessing fleets of small ships. It would also lead to inequality of treatment between vessels navigating in tropical and in northern waters. For all those reasons he thought that the whole question required further study, and in particular the Norwegian proposal contained in TM/CONF/9/Add.1.

With regard to the proposal by the Chairman of the Technical Committee, he felt that it was not possible for the Conference to take a final decision on the definition of net and gross tonnage. Above all, attention should be given to the resolution adopted by the International Association of Ports and Harbors (IAPH) at its Melbourne meeting, which stated that any new system should lead to a set of tonnages irrespective of the ship's draught or amount or disposition of cargo carried. In his view, IAPH should be consulted before any decision was taken.

Mr. CHRISTIANSEN (Norway) fully supported the previous speaker.

TM/CONF/SR.6

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, pointed out that the Committee had merely recommended that displacement should be used as the main parameter, leaving open the question of adding other parameters, and that it had not suggested that there was a linear relationship between displacement and net tonnage. Various methods had been proposed for solving the problem of small ships and passenger ships.

Mr. PROHASKA (Denmark), replying to a point raised by the Soviet representative, said that it would be difficult to produce a system corresponding closely to present figures for net tonnage as national practices varied so widely. The figures quoted were not relevant, since it had never been intended to establish a linear relationship between displacement and net tonnage. It should be noted that proposals had been made to deal with the problem of passenger space and water-ballast space, and those proposals would be studied in detail at a later stage. In his view, it was still too early to criticize the concept of displacement as the basis for determining net tonnage.

Mr. ROCQUEMONT (France) recalled that there was nothing new about the proposal to use the concept of displacement, which had been the basis of Proposal C submitted a year ago. In reply to the criticisms made by the Soviet representative, he wished to point out that the chief advantage of the displacement method was its simplicity as compared with present methods of calculating net tonnage. It also took into account the question of cargo density, which the concept of volume alone did not. In his view, a system based on both displacement and volume would produce a very balanced result.

TM/CONF/SR.6

He had been surprised by the Soviet reference to the IAPH resolution adopted in Melbourne, which he took to be an argument in favour of using the concept of displacement. The Melbourne resolution condemned only the "tonnage mark" system, which allowed ships to change frequently from one tonnage to another; it did not invalidate the proposal to use displacement to determine net tonnage.

The Soviet representative had also claimed that certain spaces used to increase safety or comfort would be penalized under the proposed new system. However, it should be noted that shipbuilders always took the criterion of earning capacity into account when they provided greater power reserves, strengthening or air-conditioning. The United Kingdom representative had already made an excellent reply to that point in the Committee.

With regard to novel types of ships, such as hovercraft, hydrofoils and submarine merchant vessels, he thought that no real problem arose. In the case of the first two categories, the weight of the vessel concerned rather than its displacement could be calculated, while the displacement of submarine tankers could be taken as the value corresponding to operation on the surface.

Mr. MURPHY (USA) said he understood that the Conference was at present engaged in **discussing generalities and that** the various problems raised during the debate would be examined at a later stage by the Technical Committee.

In reply to a question from the PRESIDENT, Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, said that it was not intended that displacement should be used as the sole parameter for the determination of net tonnages, but rather as the main parameter to which others would be added in the case,

TM/CONF/SR.6

for example, of passenger ships or smaller vessels, after further deliberation by the Technical Committee.

Mr. PROHASKA (Denmark) showed with the aid of a diagram that a foreseeable development of cargo transport by container ships, which would have considerable deck weight but limited hold volume, would make the displacement factor extremely relevant to net tonnage, as well as to the earning capacity of such ships.

The PRESIDENT invited the Conference to vote on paragraph 2(c).

Paragraph 2(c) was approved by 24 votes to 10.

Paragraph 2(d)

After Mr. de JONG (Netherlands) and Mr. GUPTA (India) had evoked the question of a time limit for the retention of the "open" shelter-deck concept for existing ships, the PRESIDENT invited the Conference to vote on the text as drafted, the question of a time limit to be left to the Technical Committee for further consideration.

Paragraph 2(d) was approved by 36 votes to none.

First Report of the Credentials Committee (TM/CONF/C.4/1)

Mr. von der BECKE (Argentina), Chairman of the Credentials Committee, presented the first Report. Paragraphs 5 and 6 referred to comments made during that examination with regard to the credentials of certain representatives.

Mr. DUBCHAK (USSR) declared that his Government could not recognize the credentials presented by the representatives of Chiang Kai-shek who did not represent China, nor by the delegations of the puppet regimes of South Korea and Saigon.

TM/CONF/SR.6

Referring to paragraph 7 of the Report, he stated emphatically his opinion that the Chairman of the Credentials Committee had exerted his authority, thus departing from the traditional impartiality of Chairman of a subsidiary body.

Mr. FU-SUNG CHU (China) protested against the injection of political issues into the deliberations of the Conference. His delegation, he said, represented the only legitimate government of China, recognized as such by a majority of sovereign States and by the United Nations Organization and all its specialized agencies, including IMCO. The credentials of his delegation had, moreover, been examined by the Credentials Committee and found to be in good order. Any statement or reservation to the contrary should be regarded as entirely out of place and out of order.

Mr. VAN LE (Viet-Nam) said that statements of a political character were out of order in the deliberations of a purely technical Conference. He had no intention of delaying the Conference further in its work, but would merely observe that his delegation was quite accustomed to unjustified attacks delivered in the interests of propaganda.

Mr. HAROON (Pakistan) said that his Government did not recognize the credentials of the self-styled representatives of China, believing that the Government of the People's Republic of China alone was entitled to represent that country.

Mr. GANTIOQUI (Philippines) reminded the Conference that its tasks, already complex, would be rendered even more difficult by the introduction of political questions. The United Nations Organization, of which IMCO was a member body, had recognized the Governments of China, Korea and Viet-Nam. He considered that the presence at the Conference of representatives of those Governments was perfectly in order.

TM/CONF/SR.6

Mr. KIM (Korea) regretted the introduction of political issues into the deliberations of the Conference. As far as his own country was concerned, the Government of the Republic of Korea was the only legal government and had been recognized as such by the General Assembly of the United Nations. That Government, which belonged to twelve specialized agencies, had been admitted to IMCO in 1962. Its credentials had been accepted by the Credentials Committee of the present Conference. He urged the Conference to lose no further time in proceeding with the tasks with which it had been entrusted.

Mr. OSMAN (United Arab Republic) said that his Government recognized only the Government of the People's Republic of China as representative of that country.

Mr. NIKOLIĆ (Yugoslavia) said that in order to expedite the work of the Conference he would approve the report of the Credentials Committee. He stressed, however, that such approval should not be construed as recognition by Yugoslavia of the credentials of the representatives of Chiang Kai-shek of the so-called Republic of Korea and of the régime of Saigon.

Mr. INGERSOLL (USA), supported by Mr. HINZ (Federal Republic of Germany), deplored the introduction of political issues into an essentially technical conference. The Governments whose credentials had been called in question by previous speakers were members of the United Nations or its specialized agencies and as such had been entitled to receive invitations to participate in the present Conference. Their credentials had been found in order by the Credentials Committee. There appeared, therefore, to be no reason for delaying the adoption of the Report of that Committee, so that the real work of the Conference could continue.

TM/CONF/SR.6

Mr. ROCQUEMONT (France) said that the French delegation could not allow the debate to conclude without stating that, in its view, China's place ought to be occupied by a representative of the Government of the People's Republic of China and not by a representative of the Taipei authorities.

The PRESIDENT suggested that the Conference adopt the first report of the Credentials Committee, with the understanding that comments and observations made during discussion of that report would be included in the summary record.

The first Report of the Credentials Committee was adopted.

First Report of the Technical Committee to the Conference (resumed)

Paragraph 2(e)

Paragraph 2(e) was approved by 19 votes to 6.

Paragraph 2(f)

Mr. MURPHY (USA) felt that it might be appropriate at the present stage of the discussion to make it clear that the principal objective of the United States, and doubtless of most participants in the Conference, was to find ways and means of simplifying and unifying international arrangements for tonnage measurement, by a system which would have no adverse effects on the safety of navigation. A further important consideration was that the new system should result in the least possible disturbance of the existing economic situation. For that reason he endorsed the remark in paragraph 3 of the Report that the values of gross and net tonnages obtained by the new system should be as close as possible to existing tonnages.

Bearing those general observations in mind, he confessed to some concern about the provision proposed in paragraph 2(f), since the open shelter-deck concept currently applied both to

TM/CONF/SR.6

gross and to net tonnage. Moreover, the provision of that paragraph appeared to be in conflict with those of paragraphs 2(d) and 2(e), concerning which the Conference had already come to a decision.

The record of the voting in the Technical Committee with regard to paragraph 2(f) showed that the Committee had been far from unanimous in agreement on the matter, and for that reason he wondered whether it could not be referred back to that Committee for further open discussion. Finally, he observed that most port authorities throughout the world were adopting gross tonnage as a basis for calculation, and expressed the view that it would be desirable, if not essential, for the Conference to arrive at clear definitions both of gross and net tonnage so that the provisions of the eventual Convention might have the best possible chance of acceptance by those authorities. The basic issue at stake in that connexion was the establishment of a sound system for the levying of dues and other port charges. Port authorities could not be obliged to follow such a system, so that the Conference's conclusions could not be mandatory. Nevertheless, the Conference could make a recommendation, subject to further deliberation, taking account, for example, of the question of water-ballast deduction and that the open shelter-deck concept should apply to net tonnage only.

Mr. GUPTA (India) supported the previous speaker's suggestion that the Conference prepare a statement of purpose, which would provide generally acceptable guidance in the levying of dues and charges throughout the world.

TM/CONF/SR.6

Mr. QUARTEY (Ghana), referring the Committee to paragraphs 2(d) and 2(e), observed that the open shelter-deck concept appeared to have been definitely accepted. He supported the remarks by the representative of the United States, reiterating that the initial aim of the Conference was to prepare a generally acceptable and applicable Convention on tonnage measurement, which would take account of the shelter-deck category of ships of all types, both existing and new.

Mr. de JONG (Netherlands), referring to paragraph 3 of the Report, said that its substance had never been the subject of a vote in the Technical Committee. Before the statement in that paragraph could be endorsed by the Conference, the whole question of values had to be examined further, both with regard to different categories of ships and within individual categories themselves. Until that matter had been further examined, the shelter-deck issue could not, in his opinion, be satisfactorily solved.

Mr. ROCQUEMONT (France) confirmed his delegation's support for paragraph 2(f). All the matters with which the Report dealt were inter-related, and the decision on paragraph 2(f) must therefore be compatible with the earlier decisions taken. For shelter-deck ships, there was an obvious advantage in a certified tonnage based on displacement; but to maintain that advantage under a certified tonnage based on volume would require the perpetuation of the present system of exemptions for certain spaces. A suggestion had even been made that the "advantage" in question should be extended to single-deck ships. His delegation would strongly deplore any such decision, for it would open the door to abuses and be unacceptable to port authorities.

TM/CONF/SR.6

Lastly, his delegation had no objection to the suggestion that the Conference should draw up a recommendation on the use of the tonnages as agreed upon.

Mr. MURRAY SMITH (UK) said his delegation generally agreed with the views expressed by France. It was also in broad agreement with the philosophy expounded by the United States, apart from the question dealt with in paragraph 2(f). Certainly the Conference was not in a position to dictate to the port authorities on the parameter to be used as a basis for the levying of dues. On the other hand, there might be some purpose in embodying in a recommendation the Conference's understanding concerning the use of tonnages, provided that there was no intention to allow changes in load line at regular intervals, thus perpetuating the deficiencies of the international tonnage mark scheme.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, endorsed the stand taken by France and the United Kingdom. An affirmative decision in respect of paragraph 2(f), was implicit in the decisions taken on paragraphs 2(a) and 2(b). The question of a recommendation, to be included, possibly in the Preamble to the Convention, could be left aside for the time being; but it was vital for advancing the work that a decision should be taken immediately on paragraph 2(f).

Mr. PROHASKA (Denmark) disagreed with that view; under paragraph 2(b), the decision was one of principle, but the final formula for the calculation of net tonnage had still to be worked out and the Conference had before it two different proposals on that point. The representative of Ghana had raised an important point, namely that, if paragraph 2(f) was approved, identical ships would be treated differently by the port authorities, depending on their date of entry into service.

TM/CONF/SR.6

Acceptance of such a situation was inconceivable. He would accordingly suggest that the question be referred back to the Technical Committee for further consideration.

He could support the United States suggestion to define in a recommendation the use to be made of the gross and net tonnages. It was doubtful, however, whether the port authorities could be brought to use the net tonnage, in view of their expressed preference for gross tonnage as the basis for the levying of dues.

Mr. CHRISTIANSEN (Norway) said that his delegation endorsed the stand taken by Denmark, the United States, Ghana and India. If different treatment had to be accorded to identical ships according to age, difficulties would be created for the port authorities and also for the shipping industry throughout the lengthy transitional period to be envisaged.

Mr. ERIKSSON (Sweden) said his delegation was in agreement with the views expressed by France, the United Kingdom and Italy.

Mr. KENNEDY (Canada) also supported those views. It was essential for the Conference to arrive at a realistic parameter on which the port authorities could place reliance; if that were done, the difficulties envisaged would evaporate of themselves.

Mr. PROHASKA (Denmark) pointed out that the port authorities in the Melbourne declaration had made no pronouncement on the merits of the International Tonnage Mark scheme. There had been no trouble whatsoever arising out of the application of the shelter-deck concept over the past 50 years, and there was no reason to anticipate difficulties in the future from its perpetuation.

TM/CONF/SR.6

Mr. HINZ (Federal Republic of Germany) recalled that his delegation had voted in favour of paragraph 2(f) in the Technical Committee. It was against gross tonnage being based on volume as requiring the perpetuation of the present illogical exemptions under the shelter-deck concept. What was desirable was one parameter on the ship's size that could be expressed without exemptions.

Mr. MURRAY SMITH (UK) disagreed with the view that new ships would of necessity be put at a serious disadvantage to existing ones by the provision in paragraph 2(f). In the Technical Committee the previous day, the representative of the Chamber of Shipping of the United Kingdom had made it plain that if paragraph 2(f) was approved, ship designers would take the provision into account during the transitional period prior to the Convention coming into force. In other words, design would be such as to earn no penalty or a very small penalty vis-a-vis existing shelter-deck ships.

Mr. ROCQUEMONT (France) reiterated the principle upheld by his delegation that the future system must first be determined before tackling problems of the transitional period.

Mr. PROHASKA (Denmark) disagreed with the view expressed by Germany concerning gross tonnage. The whole matter needed to be thoroughly thrashed out in the Technical Committee when all the possibilities that existed could be taken into account.

Mr. de JONG (Netherlands) agreed with France that a fair and simple system was required, with suitable rules for the transitional period. His concern was increasing that continued efforts to compromise might lead to results agreeable to none of the parties concerned, including the port authorities. It might therefore be better simply to vote now on the system set out in Proposal C, with a view to eliciting the exact measure of support it enjoyed.

TM/CONF/SR.6

Mr. CUNNINGHAM (USA) observed that, if it was true that all ports would adopt gross tonnage as the basis for the levying of dues, there was no need to provide any parameters in the new system other than total volume. However, it would take some fourteen years before the use of gross tonnage would become universal, and in the meantime other generally acceptable rules were certainly required.

The PRESIDENT said there were two alternative courses of action open to the Conference: to vote on paragraph 2(f) as it stood, or to refer the question dealt with in that paragraph back to the Technical Committee for further consideration. Either way, voting might be influenced by the decision on the United States suggestion that the Conference should adopt a recommendation embodying its understanding of the use of tonnages.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, suggested that, accordingly, the Conference first decide on the question of the proposed recommendation.

Mr. ROCQUEMONT (France) agreed, laying stress on the fact that the statement would be a recommendation, since the matter could not be dealt with in the Convention itself. The Conference should then proceed to vote on paragraph 2(f). Time would not allow of referring such a basic question back to the Technical Committee.

Mr. PROSSER (UK) said his delegation could agree on the drawing up of a recommendation, but the content would have to be discussed in detail at a later stage.

TM/CONF/SR.6

Mr. MURPHY (USA) suggested that at that stage it would also be advisable to leave open the question of how the recommendation was to be dealt with; i.e. whether it was to be included in the Preamble to the Convention, in the Convention itself, or in the Final Act of the Conference.

Mr. PRIVALOV (USSR) said that a statement of the kind envisaged could only take the form of a recommendation; it could in no wise be an integral part of the Convention itself.

Mr. GRUNER (Finland) asked to be enlightened on the possible effect of a recommendation attached to a Convention that would not come into force until some ten to fifteen years had elapsed.

The PRESIDENT put to the vote the question of whether it was the wish of the Conference that its understanding of the use of tonnages be suitably expressed in a recommendation of the Conference. It would be his intention to refer the drafting of such a statement to the General Committee.

There were 33 votes in favour of the proposition.

Mr. de JONG (Netherlands) considered that it would be more fitting to make a recommendation on the use of tonnage figures in connexion with international conventions already in existence, such as the Load Line Convention and the Safety of Life at Sea Convention.

The PRESIDENT put paragraph 2(f) to the vote.

There were 23 votes in favour and 12 against.

The PRESIDENT ruled that the matter dealt with in paragraph 2(f) was a matter of substance and accordingly, under the Conference's Rules of Procedure, would require a two-thirds majority for adoption.

TM/CONF/SR.6

After some further discussion on procedure, the PRESIDENT noted a general consensus in favour of taking a second vote on paragraph 2(f).

There were 25 votes in favour and 13 against.

Mr. ROCQUEMONT (France) said that, in the circumstances, he would challenge the President's ruling that the matter was one of substance, since otherwise the end result would be a minority view imposed on the majority.

Mr. PROSSER (UK) did not question that the matter was one of substance, but suggested that the best procedure in the circumstances would be to adjourn the meeting so as to give time for reflection and to take a roll-call vote on paragraph 2(f) immediately on resumption.

After some further discussion on procedure, the PRESIDENT put to the vote his ruling that the matter dealt with in paragraph 2(f) was one of substance, on the understanding that if the ruling was upheld, a roll-call vote on the paragraph would be taken at the next meeting.

The President's ruling was upheld by 18 votes to 17.

The meeting rose at 1.15 p.m.



IMCO

INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE SEVENTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Tuesday, 3 June 1969, at 3.10 p.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1.

TM/CONF/SR.7

CONTENTS

	<u>Page</u>
<u>Agenda item 8</u> - Examination of Reports of Committees (continued) First Report of the Technical Committee to the Conference (concluded)	3

TM/CONF/SR.7

AGENDA ITEM 8 - EXAMINATION OF REPORTS OF COMMITTEES (continued)

First Report of the Technical Committee to the Conference
(TM/CONF/C.2/4) (concluded)

The PRESIDENT reminded the Conference that a roll-call vote had been requested on paragraph 2(f) of the Technical Committee's Report, namely: "The open shelter-deck concept for new ships should apply to net tonnage only".

Mr. ROCQUEMONT (France) pointed out that the procedural difficulty which the Conference had encountered in connexion with the application of the shelter-deck concept to new ships might very possibly occur again during its later discussions. As the Netherlands representative had remarked, it was important to make sure that questions were formulated in such a way as to avoid any risk of ambiguity. If, in the matter under consideration, the question had been formulated as: "Must the open shelter-deck concept for new ships apply to gross tonnage?", the Conference would have been able to give a negative answer without there being any need to have recourse to the two-thirds majority.

The PRESIDENT remarked that if the required two-thirds majority was not obtained, it would be considered that the Conference had not reached a decision on that point and the matter would be referred back to the Technical Committee for further consideration. He called for a roll-call vote on paragraph 2(f) of the Technical Committee's Report.

Spain, having been drawn by lot by the President, was called upon to vote first. The result of the vote was as follows:

In favour: Spain, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, Venezuela, Argentina, Australia, Belgium

TM/CONF/SR.7

Bulgaria, Cameroon, Canada, Czechoslovakia, Federal Republic of Germany, France, Ireland, Italy, Kuwait, Mexico, Netherlands, New Zealand, Nigeria, Pakistan, Poland, Portugal, South Africa.

Against: United States of America, Brazil, China, Denmark, Finland, Ghana, Greece, India, Indonesia, Japan, Liberia, Norway.

Abstentions: Viet-Nam, Yugoslavia, Israel, Philippines.

There were 26 votes in favour and 12 against, with 4 abstentions. Having obtained the required two-thirds majority, paragraph 2(f) was adopted.

Paragraph 2(g)

Mr. GUPTA (India) was afraid the introduction of a time-limit would reduce the importance shipowners would attach to the decision to keep the open shelter-deck concept.

Mr. PROHASKA (Denmark) supported the Indian representative's view. He recalled moreover that, when paragraph 2(d) was being considered, he had stressed the need to make clear whether paragraph 2(g) referred only to new ships or whether it applied equally to existing ships.

Mr. QUARTEY (Ghana) considered that by limiting the possibilities for change, the Conference would be acting against the interests of shipowners, which it was important to safeguard. Responsibility for the decision should be left to the administrative authorities.

Mr. ROCQUEMONT (France) said it had been clear to all the members of the Technical Committee that paragraph 2(g) concerned only new ships. It would doubtless have been preferable to say so in the Report.

TM/CONF/SR.7

The French delegation's opposition to frequent changes was based essentially on the Melbourne recommendation and on the fact that port authorities did not want a ship to be able to change its tonnage during a voyage. In that respect, the case of oil tankers was particularly significant since, although they were heavily laden on the outward passage and light for the return, they kept the same set of tonnages. Once a shipowner had chosen a value, he should keep to it for a reasonable period, which in the French Government's opinion might be fixed at five years.

Mr. PROHASKA (Denmark) pointed out that the question had a legal aspect which should not be overlooked. In point of fact, no one had the right to forbid a shipowner to change from a closed to an open shelter-deck and vice versa; and if the port authorities refused to issue him a new tonnage certificate, he would keep his old certificate with a tonnage lower than the one certified. The solution would therefore be to allow him to obtain a new certificate if his tonnage increased, but not if it decreased.

Mr. ROCQUEMONT (France) pointed out that the French delegation, in its amendments to Proposal C, had given all the clarifications required on that point, since it had suggested that reductions in certified displacement should be prohibited for five years, but not increases.

The PRESIDENT, recalling the statement made by one of the delegates that the recommendation of the Technical Committee extended only to new ships, noted that there was no indication to that effect in the Report. That point was important.

TM/CONF/SR.7

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, admitted that the point had not been explicitly dealt with during the debate. Perhaps the Conference could take a double vote, dealing first with new ships and then with existing ships.

Mr. GRUNER (Finland) noted that the representative of France had referred to the fact that ships should not alter their tonnage during a voyage. That might be feasible in the case of long-distance voyages, but what about the coasting trade?

Mr. KING (Kuwait) pointed out that the decision taken on paragraph 2(d) implied the possibility of changing from open to closed shelter-deck and vice versa.

Mr. GUPTA (India) endorsed that view.

Mr. ROCQUEMONT (France) explained, for the benefit of the representative of Finland, that he had spoken of "voyage" **only** in passing. In fact, the French Government's proposal did not make use of that term; its intention was merely to fix the minimum period which should separate two alterations of certificate leading to a reduction in certified displacement, except in the case of a change of flag or extensive modifications to the ship.

As far as voting on the question of existing ships was concerned, that was a matter of secondary importance; transitional provisions could not be placed on the same footing as permanent provisions.

Mr. ERIKSSON (Sweden) supported the latter remark made by the French representative. All the details had been clearly set out in documents distributed a year earlier, and it would be inappropriate to reopen the question.

TM/CONF/SR.7

Mr. QUARTEY (Ghana), noting that the proposed restrictions would apply only in the case of an increase of tonnage and not of a reduction, wondered what point the paragraph would have if it referred only to new ships.

Mr. SIMPSON (Liberia) urged the Conference not to lose sight of the fact mentioned by the representative of Kuwait that the shelter-deck concept itself, which the Conference had decided to retain for existing ships and apply to new ships for net tonnage, implied that the shipowner could change from open to closed shelter-deck and vice versa. Considerable caution should be exercised in interpreting that concept.

Mr. Rocquemont had quoted the case of tankers in support of the French argument; but tankers could have two freeboards and they were continually changing them.

Mr. CHRISTIANSEN (Norway) shared the view of the representative of Liberia. He did not see how the Conference could limit the application of the provisions of the 1966 International Convention on Load Lines.

Mr. WILSON (UK) said that the ships which the Conference was discussing had more or less disappeared. The comments in the documents before the Conference showed that most maritime countries applied the tonnage mark system, and with that system the load line no longer changed. The question under discussion, namely changes of the load line, arose when there were tonnage openings. When tonnage openings existed, it was sometimes necessary to change the load line for each voyage the ship made, and that created enormous administrative difficulties.

TM/CONF/SR.7

Mr. CHRISTIANSEN (Norway) recalled that the Conference had decided to abolish the tonnage mark. Norway, too, had tried the open shelter-deck system and, in its opinion, that system had never given any trouble to shipowners. The application of the tonnage mark system should have put an end to all administrative formalities, but the system had not proved to be effective. Many shipowners had begun, in all good faith to reduce their tonnage, but they had lost a lot of money as a result. Endeavours were now being made to prevent too frequent changes from closed to open shelter-deck. In the Norwegian delegation's view, shipowners should be left free to decide for themselves in that regard. That would entail more complex formalities, but formalities had never prevented a ship from putting to sea.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee pointed out that there was a difference between a load line certificate and a tonnage certificate. The main point was that a tonnage certificate should not be changed to a lower figure before a certain time had elapsed, except in very special circumstances.

The PRESIDENT said he was in favour of adding the words "for new ships" to the text of paragraph 2(g); but he would prefer such a proposal to be put forward by the Chairman of the Technical Committee.

Mr. L. SPINELLI (Italy) Chairman of the Technical Committee, mentioned that he had already made that proposal.

Mr. ROCQUEMONT (France) endorsed Mr. Spinelli's remarks on the subject of load line marks. It had been said that the resultant measurements were likely to be out of step with the International Convention on Load Lines, 1966. That problem had been investigated, and what was being proposed did not run counter to the provisions of that Convention. Should the

load line be lowered within the set period, the displacement would not be lowered; it would have to remain constant. The shipowner would not ask for the load line to be lowered either.

To his mind, what was needed was to simplify the terms of paragraph 2(g). It was being asked whether the paragraph applied to new ships; furthermore, when the paragraph was being drafted, no one knew what the Conference would decide on the preceding paragraphs. It had been decided that the shelter-deck concept should be retained solely for whatever was used to replace net tonnage, and that net tonnage should be replaced by displacement. Therefore, **what was now at issue** was a question of displacement. Accordingly, the question might be framed as follows: "Should frequent reductions in certified displacement be allowed in the case of new ships?"

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, supported the French proposal, but said he would prefer to see the expression "certified displacement" replaced by the expression "net tonnage", which had been used hitherto.

Mr. ROCQUEMONT (France) accepted that amendment to his proposal.

The PRESIDENT noted that the Conference had before it two texts, one proposed by the Technical Committee and the other submitted by France. It should, therefore, decide which one it wished to vote on.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, considered that, for procedural reasons, the Conference would be better advised to vote on the Committee's text. In that case, **the** words "for new ships" should be added, and the interpretation given by the representative of France should be accepted.

TM/CONF/SR.7

Mr. GRUNER (Finland) wondered what construction should be placed on the word "frequently".

Mr. PROHASKA (Denmark) said it must be made quite clear that an increase could always be granted, should the shipowner so request. There should be no restrictions.

Mr. GUPTA (India) also wondered what was the exact meaning of the word "frequently".

Mr. MUENCH (Israel) supported the amendment of the representative of Italy. In his view, the Conference was not required at the present juncture to give a definition of the word "frequently". Its task was merely to give general guidance to the Technical Committee.

Mr. ROCQUEMONT (France) pointed out that the French and English versions of paragraph 2(g) were not absolutely identical.

Mr. QUARTEY (Ghana) asked to which authorities paragraph 2(g) was addressed.

The PRESIDENT said that the Conference had the task of drawing up a Convention and it would be for the Parties to that Convention to see that it was applied.

Mr. NADEINSKI (Executive Secretary) reminded the Conference that, in accordance with its Rules of Procedure, the Conference had first to vote on the Italian amendment, which was furthest removed from the original text, and then on the text of paragraph 2(g) itself, unless it decided to adopt some other procedure.

After an exchange of views, the PRESIDENT put the Italian amendment to the vote.

The amendment was adopted.

TM/CONF/SR.7

The PRESIDENT proposed that the Conference vote on the following text:

"For new ships changes from closed to open shelter-deck conditions should not be allowed at frequent intervals".

He added that members of the Conference voting in favour of that text would be declaring themselves opposed to frequent changes.

That text was adopted by 29 votes to 11.

Paragraph 3

The PRESIDENT remarked that paragraph 3 had been submitted to the Conference for information only. The Technical Committee could now continue its work on the basis of the decisions of the Conference.

The meeting rose at 4.20 p.m.



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IMCO

~~FOR PARTICIPANTS ONLY~~

INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT, 1969
OF SHIPS

~~PROVISIONAL~~ SUMMARY RECORD OF THE EIGHTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Tuesday, 10 June 1969, at 12.10 p.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.1

/Rev. 2 and Corr. 1.

~~N.B. Corrections to be incorporated in the final summary record of the meeting should be submitted in writing (two copies in French or English), preferably on the provisional summary record, to the Documents Officer, Committee Room 2 and after the Conference to the IMCO Secretariat, 22 Berners Street, London, W.1, not later than 8 July 1969.~~

CONTENTS

	<u>Page</u>
<u>Agenda item 8 - Examination of Reports of Committees</u> (continued)	3

AGENDA ITEM 8 - EXAMINATION OF REPORTS OF COMMITTEES

~~(TM/CONF/C.2/5; TM/CONF/WP.5; TM/CONF/9/Add.1)~~
(continued)

Second Report of the Technical Committee (TM/CONF/C.2/5; TM/CONF/WP.5;
TM/CONF/9/Add.1)

Mr. SPINELLI (Italy) ^{Chairman of the Technical Committee,} ~~speaking in his capacity as Chairman~~
^{I.} ~~of the Technical Committee,~~ said that, in accordance with the
Conference's instructions (TM/CONF/WP.5), the Committee had
considered a net tonnage formula based on displacement as a
principal parameter. In the light of the difficulties it had
encountered, it had decided to ask the Conference to amend its
terms of reference to enable it to study a formula based on the
proposal submitted by Norway (TM/CONF/9/Add.1).

The PRESIDENT stated that, in its instructions of 3 June
(TM/CONF/WP.5), the Conference had taken a decision of substance;
however, the amendment of the Technical Committee's terms of
reference was a matter of procedure which could be decided by a
simple majority vote, pursuant to Rule 28, paragraph 2, of the
Rules of Procedure.

Mr. MURPHY (USA) proposed that the Conference should instruct
the Committee to study an alternative formula for net tonnage
based on the Norwegian proposal contained in TM/CONF/9/Add.1 and
as modified later, in order to consider its merits.

Mr. GUPTA (India) and Mr. PROSSER (UK) supported that
proposal.

Mr. ROCQUEMONT (France) did not think it was good policy to
alter the Technical Committee's terms of reference in mid-session.
The French delegation considered that, with only four weeks to
complete its work, the Conference had taken a very wise decision
when, on 3 June, it ^{had} adopted principles constituting an acceptable
basis for discussion. It was doubtful whether, within the time-
limits imposed on it, ^{the Conference} ~~it~~ would succeed in choosing ~~a net tonnage~~
a formula which could be included in the Convention.
for net tonnage

Mr. DE JONG (Netherlands) agreed with the French representative that a change in its terms of reference was liable to jeopardise the outcome of the Committee's work.

The PRESIDENT proposed that the Conference should decide whether to authorize the Technical Committee to study a new formula for net tonnage.

The proposal was adopted by 33 votes to 6.

The PRESIDENT then put to the vote the proposal submitted by the United States delegation which reproduced the wording used in paragraph 3 of the Second Report of the Technical Committee, by which the Committee would be empowered "to study also an alternative formula for net tonnage based on the Norwegian proposal contained in TM/CONF/9/Add.1 and as modified later".

The United States proposal was adopted by 33 votes to 3.

The meeting rose at 12.45 p.m.



IMCO

INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE NINTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Thursday, 19 June 1969, at 9.40 a.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1

TM/CONF/SR.9

CONTENTS

	<u>Page</u>
<u>Agenda item 8</u> - Examination of Reports of Committees (concluded) - Second Report of the Credentials Committee	3
<u>Agenda item 9</u> - Adoption of the Final Act of the Conference and any instruments, recommendations and resolutions resulting from its work	3

TM/CONF/SR.9

AGENDA ITEM 8 - EXAMINATION OF REPORTS OF COMMITTEES (concluded)
- Second Report of the Credentials Committee
(TM/CONF/C.4/2)

Mr. von der BECKE (Argentina), Chairman of the Credentials Committee, presented the second Report of that Committee.

The Report was adopted.

AGENDA ITEM 9 - ADOPTION OF THE FINAL ACT OF THE CONFERENCE AND ANY INSTRUMENTS, RECOMMENDATIONS AND RESOLUTIONS RESULTING FROM ITS WORK (TM/CONF/C.1/5, TM/CONF/C.1/6, TM/CONF/C.1/8, TM/CONF/C.1/9; TM/CONF/21, TM/CONF/23, TM/CONF/25, TM/CONF/26, TM/CONF/27)

Draft text of the Final Act of the International Conference on Tonnage Measurement, 1969 (TM/CONF/C.1/6)

The PRESIDENT invited the Conference to examine the draft Final Act, paragraph by paragraph.

Paragraph 1

Paragraph 1 was adopted.

Paragraph 2

The PRESIDENT pointed out that, in conformity with the Report of the Credentials Committee which the Conference had just adopted, the Malagasy Republic should be added to the list of States represented at the Conference.

Paragraph 2, thus amended, was adopted.

Paragraphs 3 - 11

Paragraphs 3 to 11 were adopted.

Paragraph 12

E Mr. L. SPINELLI (Italy) drew attention to the need to reverse the order of the last two Recommendations so as to observe the order followed in TM/CONF/C.1/8.

It was so decided.

TM/CONF/SR.9

Mr. MADIGAN (UK) said that the words "of ships" should be added at the end of the title of the Convention as given in Recommendation 1.

It was so decided.

The PRESIDENT pointed out that the square brackets could not be removed until the Conference had adopted the draft Recommendations.

Paragraph 12, as amended, was adopted subject to that reservation.

Paragraph 13

Paragraph 13 was adopted.

Mr. ROCQUEMONT (France), said, with reference to the title of the Final Act, that the term "tonnage measurement" had very wide connotations. He proposed, therefore, that in every case the words "of ships" should be added to the title of the Conference and also to that of the Convention.

It was so decided.

The Final Act of the Conference, thus amended, was adopted.

Draft recommendations (TM/CONF/C.1/8)

Recommendations 1, 2 and 3 were adopted.

Mr. KLEINBLOESEM (Netherlands) submitted the recommendation relating to Article 17 proposed by his delegation (TM/CONF/26), the purpose of which was to enable port authorities and other interested parties to obtain all the information on the new tonnages of ships which they required, in order to adapt their charges.

Mr. ROCQUEMONT (France) seconded that proposal.

Mr. KASBEKAR (India) considered that no clause should be included in the Convention for the sole purpose of facilitating the task of port authorities.

TM/CONF/SR.9

Mr. HINZ (Federal Republic of Germany) concurred in that view.

Mr. PROSSER (UK) also was opposed to the Netherlands proposal, on the ground that it was found to give rise to confusion.

The proposal was rejected by 30 votes to 9.

Draft Text of Articles of an International Convention on Tonnage Measurement of Ships, 1969 (TM/CONF/C.1/5)

Preamble

Mr. BLOEMBERGEN (Netherlands), seconded by Mr. BIEULE (Argentina) considered that in the English version the definite article "the" should be added before the word "conclusion".

It was so decided by 7 votes to none.

The preamble was adopted, thus amended.

Articles 1 and 2

Articles 1 and 2 were adopted.

Article 3

Mr. ROCQUEMONT (France) proposed the deletion of subparagraph (2)(c). Although at first sight the provision was acceptable, it was, in fact, contrary to a principle on which the Conference was in general agreement and which it had borne constantly in mind namely, the avoidance of disruption in the economic balance as between existing ships. Indeed, as the new formulae applicable to the calculation of tonnage measurement had been arrived at on the basis of average values, it might be expected that the owners of half the existing ships would wish to take advantage of the reduced net tonnage values made possible under the Convention. The port authorities, seeing their revenue diminish in consequence, would increase their charges, to the detriment of the owners of the other half of the fleet.

TM/CONF/SR.9

Mr. de MATTOS (Brazil) and Mr. OMAR (United Arab Republic) supported the proposal made by the representative of France.

Mr. KASBEKAR (India) opposed it. He reminded the Conference that the Convention was meant to apply to as large a number of ships as possible, and moreover that the transitional period granted to existing ships was restricted to twelve years. The provision in sub-paragraph (c) was therefore perfectly logical, and should help in speeding up the application of the new tonnages to those ships.

Mr. HINZ (Federal Republic of Germany) agreed with the observations of the representative of India, and added that it was for the port authorities and other interested parties to adapt their charges in the light of the provisions of the Convention.

The French proposal was rejected by 30 votes to 5.

Article 3 was adopted.

Article 4

Mr. FOTIADIS (Greece) submitted the amendment to paragraph (1) proposed by his delegation (TM/CONF/23). That amendment, the text of which was taken from the International Convention for the Safety of Life at Sea, would take account of the problems that arose in the case of ships which, while normally engaged in domestic voyages, occasionally extended them to the port of another country.

Mr. BIEULE (Argentina) seconded the proposal.

Mr. GERDES (Netherlands) supported by Mr. PROSSER (UK), commented that there was no need for the amendment, since the situation of such ships was covered by the provisions of Article 5 concerning cases of force majeure.

The amendment proposed by Greece was rejected by 36 votes to 3.

Article 4 was adopted.

Mr. von der BECKE (Argentina) saw with satisfaction that the River Plate, as it could not be otherwise, was included

TM/CONF/SR.9

among the exceptions listed in Article 4(c) which ratified the international criteria expressed in the Argentine/Uruguayan declaration of 1961 on its external limits.

He also expressly requested to have recorded in the records of the session that Argentina did not accept the reservation made by the United Kingdom on that subject.

Mr. PROSSER (UK), maintained his reservation, and asked that his statement should be incorporated in the summary record of the meeting.

Articles 5 - 7

Articles 5, 6 and 7 were adopted.

Article 8

Mr. PROSSER (UK) said that his delegation had proposed an amendment to paragraph (2) of Article 8 and to paragraph (3) of Article 10. The text of that proposal was to be communicated forthwith to participants. The aim was to replace the text of paragraph (2) by the following text: "A copy of the certificate shall be transmitted as early as possible to the requesting government."

Mr. VAUGHN (Liberia) endorsed the amendment proposed by the United Kingdom.

Mr. MÜENCH (Israel) recalled that many delegations had urged the need to transmit to a requesting government all the calculations made to determine the tonnages, and not merely the results of those calculations. In his view, if an Administration wished to have exact knowledge of a ship, it must have available at least some of the elements of the calculations.

Mr. ROCQUEMONT (France) and Mr. WIE (Norway) were not, in principle, in favour of the amendment proposed by the United Kingdom and thought that, in any case, the Conference could not take a decision before it knew the terms of the text submitted by the United Kingdom.

TM/CONF/SR.9

The PRESIDENT invited the Conference to examine those paragraphs of Article 8 for which no amendments had been proposed.

Paragraph (1)

Paragraph (1) was adopted.

Paragraph (3)

Paragraph (3) was adopted.

Paragraph (4)

Paragraph (4) was adopted.

Article 9

Paragraph (1)

Paragraph (1) was adopted.

Paragraph (2)

Mr. GUPTA (India) seconded by Mr. HINZ (Federal Republic of Germany) proposed the deletion of the word "exactly".

The proposal by India was adopted.

Paragraph (2), thus amended, was adopted.

Article 9, as amended, was adopted.

Article 10

Paragraph (1)

Mr. L. SPINELLI (Italy), speaking in his capacity as Chairman of the Technical Committee, recalled that that Committee had proposed that the words "use of accommodation, number of passengers" should be inserted between the words "capacity" and "assigned load line".

Mr. de JONG (Netherlands) supported that proposal.

TM/CONF/SR.9

Mr. GUPTA (India) observed that it would be regrettable to cancel a tonnage certificate unless there was a considerable alteration in the number of passengers.

Mr. PROSSER (UK) thought that the amendment to Article 10 proposed by the United Kingdom delegation met the wishes of the Indian representative since, according to that proposal, the Administration could decide not to apply the provisions of Article 10 in cases where the tonnage had not undergone any appreciable change.

Mr. L. SPINELLI (Italy) suggested that the United Kingdom delegation should specify in its text the extent of the change which, in his view, could be between 1 and 2 per cent.

Mr. PROSSER (UK) preferred to retain his text since a change expressed in a percentage could be of considerable amount in the case of a large ship.

The amendment proposed by the United Kingdom was rejected by 20 votes to 11.

Mr. MURRAY SMITH (UK) feared that, if the number of passengers was mentioned, a difference of one or two passengers might entail the cancellation of the certificate. He proposed that the expression "passenger capacity" should be used.

Mr. L. SPINELLI (Italy), seconded by Mr. MURPHY (USA) proposed that the words "a change ..." in the penultimate line of paragraph (1) should be replaced by the words "an increase ...".

Mr. ROCQUEMONT (France) was not opposed in principle to the Italian proposal but wondered whether a new paragraph should not be drafted since, in some cases, the certificate might be cancelled in order to decrease the tonnage.

The Italian proposal was adopted by 34 votes to none.

TM/CONF/SR.9

Article 12, paragraph (1).

Mr. NADEINSKI (Executive Secretary) proposed amending the first line to read: "...flying the flag of a State the Government of which is a Contracting Government...". In reply to a question by Mr. NICHOLSON (Australia), Mr. NADEINSKI explained that there was no need to amend the corresponding phrase in Article 11 since the authority to which it referred was definitely that of the Government.

Mr. L. SPINELLI (Italy) thought that, in sub-paragraph (b) and in paragraph (3), the words "main characteristics" should be used as in the Regulations, rather than "main features". The proposal was supported by Mr. MURPHY (USA).

The amendment was adopted.

Paragraph (1), as amended, was adopted.

Paragraph (2)

Mr. KING (Kuwait) proposed to substitute the words "any undue delay" for the words "any delay". The proposal was supported by the delegation of India and opposed by that of the United Kingdom.

The amendment was rejected by 16 votes to 10.

Paragraph (2) was adopted.

Paragraph (3)

Mr. L. SPINELLI (Italy), for the same reasons which had prompted his proposal for an amendment to Article 10, proposed that the paragraph should be amended to read: "... differ from those entered on the International Tonnage Certificate (1969) so as to lead to an increase in its tonnage ...".

TM/CONF/SR.9

Mr. MURPHY (USA) supported the proposal but suggested amending it to read: "...an increase in the gross or the net tonnage ...".

The amendment proposed by Mr. Spinelli, modified as suggested by Mr. Murphy, was adopted.

Mr. GUPTA (India) expressed some fear lest the paragraph should give the impression that the Government concerned would be immediately notified only if the inspection revealed that there had been some structural alterations to the ship. Was it thoroughly understood that the Government would be notified also if a wrong use was being made of the exempted spaces?

The PRESIDENT thought there could be no doubt on that point.

Paragraph (3), as amended, was adopted.

Article 12 as a whole was adopted, as amended.

Article 13

Article 13 was adopted without objection.

Article 14

Mr. OSMAN (United Arab Republic) stated that his delegation, which had been unable to vote for the adoption of that Article in the General Committee, was still obliged to maintain the same reservations in the plenary meeting. He would be making a statement on the matter when the final vote on the Convention was taken.

Article 14 was adopted.

Article 15

Mr. NICHOLSON (Australia) thought the requirement prescribed in sub-paragraph (a) as it stood was likely to produce an unnecessary amount of paper and accordingly proposed the deletion of everything after the words "provisions of the present Convention".

TM/CONF/SR.9

The PRESIDENT, in reply to a question by Mr. BACHE (Denmark), said the object of supplying the specimen certificates mentioned in sub-paragraph (a) was to communicate them to the Organization.

Mr. NADEINSKI (Executive Secretary) said Mr. Nicholson's amendment ought logically to include also the deletion of the words "a sufficient number of", leaving the sub-paragraph reading simply: "(a) specimens of their certificates ... Convention;"

Mr. NICHOLSON (Australia) agreed.

Mr. ROCQUEMONT (France) preferred the original text. The French Government found the similar specimen certificates which it received under Article 26 of the Load Line Convention extremely useful.

The New Zealand delegation supported the proposal amendment.

The Australian amendment was rejected by 17 votes to 12.

Mr. de JONG (Netherlands) submitted a draft amendment (TM/CONF/25), the purpose of which was to add to Article 15 a new sub-paragraph (d) providing for the communication as between governments of details of tonnage measurement calculations. It seemed to him that such a measure would help to standardize the interpretation of the Regulations.

Mr. NADEINSKI (Executive Secretary) thought the drafting would be improved by calling the existing Article 15 paragraph (1) and by making the amendment into a separate paragraph (2). Lines 2-4 would require amending to read: "... by the Government of the State the flag of which the ship is flying ...".

Mr. MURPHY (USA) was not in favour of the proposal. He thought specific cases should be settled between governments directly. It could not be expected that all governments should hold themselves ready at all times to communicate documents of the type referred to.

TM/CONF/SR.9

Mr. MADIGAN (UK) supported that view. It seemed to him unnecessary to include in the Convention a provision that would involve such an excessive amount of work. It would be better to leave governments to settle any difficulties on a bilateral basis.

The proposed amendment was supported by the delegations of France and the United Arab Republic.

The amendment was rejected by 28 votes to 3.

Article 15 was adopted.

The meeting rose at 12.30 p.m.



TM/CONF/SR.10
8 October 1969

Original: ENGLISH

IMCO

INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE TENTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Thursday, 19 June 1969, at 2.35 p.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1.

TM/CONF/SR.10

CONTENTS

	<u>Page</u>
<u>Agenda item 9</u> - Adoption of the Final Act of the Conference and any instruments, recommendations and resolutions resulting from its work (continued)	3

AGENDA ITEM 9 - ADOPTION OF THE FINAL ACT OF THE CONFERENCE
AND ANY INSTRUMENTS, RECOMMENDATIONS AND
RESOLUTIONS RESULTING FROM ITS WORK
(TM/CONF/C.1/5; TM/CONF/C.1/9;
TM/CONF/18; TM/CONF/19; TM/CONF/24;
TM/CONF/28 (continued)

Draft Text of Articles of an International Convention on Tonnage
Measurement of Ships, 1969 (TM/CONF/C.1/5)(concluded)

Article 16

Paragraph (1)

Mr. FILA (Poland) said that unfortunately, the General Committee had rejected a proposal to use the same wording in Article 16 as appeared in Article 10 of the 1960 Safety Convention. His delegation, like many others, believed that the draft Convention under consideration ought to be universal and that all States whatever their political and economic systems should be able to accede to it on equal terms. Accordingly, he proposed the insertion of the words "or other international treaties" after the words "International Court of Justice" in paragraph (1).

Mr. BEVANS (USA) opposed the Polish amendment on the ground that it referred to the "all States formula" which was a political issue outside IMCO's purview. IMCO should use the traditional clause for international conventions negotiated under United Nations auspices. Neither IMCO nor its Secretariat were competent to determine which entities were States.

The Polish amendment, if adopted, would render Article 16 unworkable, since the United Nations Secretary-General had clearly stated several times that he would require precise instructions from the General Assembly for deciding which entities, not States Members either of the United Nations or of the Specialized Agencies, were in fact States. A declaration

TM/CONF/SR.10

in the same sense had been made by the Secretary-General of IMCO at the Facilitation Conference in 1965. The Polish amendment could only entail a long and possibly bitter discussion, thereby frustrating the purpose of the Conference, which was to prepare a widely acceptable Convention on tonnage measurement.

Mr. OSMAN (United Arab Republic) supported the Polish amendment though it was not entirely satisfactory. However, it was a step in the right direction.

Mr. GLUKHOV (USSR), supporting the Polish amendment, pointed out that the IMCO Council and Assembly were competent to decide which entities were States entitled to sign, accept or accede. International instruments were adopted by the Organization as such and not by its executive head, so the United States representative's argument was unconvincing.

Mr. PROSSER (UK) opposed the Polish amendment for the reasons given by the United States representative. The Secretary-General of IMCO should not be asked to take political decisions which, in any case, he was not empowered to do under the IMCO Convention.

Mr. DOINOV (Bulgaria), supporting the Polish amendment, said it was consistent with the purpose of the draft Convention, namely, the introduction of a new uniform system that would be applied as widely as possible throughout the world.

Mr. CHU (China) opposed the Polish amendment. A similar proposal had been rejected by a decisive vote in the General Committee.

Mr. KIM (Republic of Korea) fully endorsed the United States representative's argument.

TM/CONF/SR.10

Mr. COLOVIĆ (Yugoslavia) said that he was in favour of the Polish amendment because a restriction on the rights of non-Member States of the United Nations and its Specialized Agencies to accede to international instruments violated the principle of universality and the rules of international law. To debar existing States recognized by many others was discriminatory, and he could not vote for Article 16 as it stood.

The PRESIDENT put the Polish amendment to Article 16, paragraph (1) to the vote.

The amendment was rejected by 25 votes to 7.

Article 16 as a whole was adopted without change.

Article 17

Paragraph (1)

Mr. de JONG (Netherlands) introducing his delegation's amendment to Article 17, paragraph (1) (TM/CONF/24) explained that the amendment was necessary because the proposed wording for that paragraph was obscure as world tonnage was not clearly defined. Instead, therefore, of a percentage of an undefined world fleet, a fixed figure of 10 million gross tons would seem to his delegation to be preferable. The number of governments specified was too high as it would enable a small number of States to prevent the Convention from coming into force.

Mr. ROCQUEMONT (France) said that inevitably the wording of Article 17, paragraph (1) must be approximate until the draft Convention came into force. There was no exact parallel in any other international instrument. The figure of 65 per cent was based on statistics derived from Lloyd's Register. So far no delegation had objected to it on legal grounds, in spite of the fact that there was as yet no universal criterion for defining gross tonnage.

TM/CONF/SR.10

Mr. NADEINSKI (Executive Secretary) said that he had pointed out in the General Committee that no other Convention for which IMCO was a depositary contained a similar clause. However, the statistical data issued by Lloyd's Register had been used for calculating percentages of gross world tonnage in the Regulations for Preventing Collisions at Sea. The provisions of the IMCO Convention concerning elections to the Council and to the Maritime Safety Committee and those relevant to calculating budgetary contributions, were also based on national gross tonnages derived from Lloyd's Register. Presumably the Conference would wish to follow the same course, unless it decided otherwise.

Mr. de JONG (Netherlands) pointed out that there was no information available on the merchant fleet tonnages of certain countries. For that reason a fixed figure would have been preferable, but he would not press his amendment.

Article 17 was adopted without change.

Article 18

Paragraphs (1) and (2)

Paragraphs (1) and (2) were adopted without change.

Paragraph (3)

Mr. BLOEMBERGEN (Netherlands) proposed the deletion of the words "of the present Convention" at the end of paragraph (3)(d) as they were superfluous.

Mr. ROCQUEMONT (France) supported the Netherlands amendment.

The Netherlands amendment was adopted by 5 votes to 4.

Paragraph (3), as amended, was adopted.

Paragraphs (4), (5) and (6)

Paragraphs (4), (5) and (6) were adopted without change.

Article 18 as a whole was adopted.

Article 19

Paragraph (1)

Paragraph (1) was adopted without change.

Paragraph (2)

Mr. NADEINSKI (Executive Secretary) said that, in order to conform to United Nations practice, the Secretariat wished to suggest an editorial change whereby the words "the deposit of an instrument with" would be substituted for the words "a notification in writing addressed to" and the word "denunciation" substituted for the word "notification" in paragraph (2).

Mr. MURPHY (USA) said that he had no objection to such a modification if it would bring the wording of Article 19 up to date.

Mr. ROCQUEMONT (France) observed that the point had not been discussed in the General Committee, the members of which might have been better qualified to judge the comparative merits of the two alternative wordings. As far as his own delegation was concerned, its expert on "public" international law had already left London.

The PRESIDENT put to the vote the modification suggested by the Secretariat.

The modification was adopted by 32 votes to one.

Paragraph (2), thus modified, was adopted.

Paragraph (3)

Mr. NADEINSKI (Executive Secretary) pointed out that a consequential amendment would have to be made in paragraph (3). The words "instrument of denunciation" should be substituted for the word "notification".

It was so decided.

Article 19, as a whole and as amended, was adopted.

TM/CONF/SR.10

Article 18, paragraph (6)

Mr. NADEINSKI (Executive Secretary) said that in view of the changes accepted in Article 19, another consequential amendment would have to be made in Article 18, paragraph (6). The words "the deposit of an instrument with" should be substituted for the words "a notification in writing to".

It was so decided.

Article 18, as thus further amended, was adopted.

Article 20

Paragraph 1(1)(a)

Mr. BACHE (Denmark) asked whether any change should be made in paragraph 1(a) which referred to a notification in writing.

Mr. NADEINSKI (Executive Secretary) said that in the past notifications in writing had been accepted because, within the Organization, the procedure in respect of territories for whose external relations an administering authority or a Contracting Government was responsible was regarded as less formal.

Article 20 was adopted without change.

Articles 21 and 22

Articles 21 and 22 were adopted without change.

Final paragraphs (TM/CONF/C.1/5, page 17)

The final paragraphs were adopted without change.

TM/CONF/SR.10

Annex I - Regulations for determining Gross and Net Tonnages of Ships (TM/CONF/C.1/9)

Regulation 1

Regulation 1 was adopted without change.

Regulation 2

Paragraphs (1) - (3)

Paragraphs (1) to (3) were adopted without change.

Paragraph (4)(a)

Paragraph (4)(a) was adopted without change.

Paragraph (4)(b)

Mr. ROCQUEMONT (France) said that in the General Committee his delegation had announced its intention of submitting a new draft for the introductory wording of paragraph 4(b), (TM/CONF/C.1/SR.15, page 7). He thought the wording approved by the General Committee was difficult to understand. He believed many delegations shared that view. The French delegation had therefore proposed a new text (TM/CONF/19) which involved no substantive changes.

Mr. PROSSER (UK) said that the text proposed by the French delegation was an improvement on the wording before the Conference. His delegation therefore supported the French proposal.

Mr. L. SPINELLI (Italy) agreed that the text proposed by France was an improvement. He nevertheless wished to point out that under paragraph (5) of the French proposal, certain spaces would be included among the enclosed spaces by virtue of the second sentence and yet would continue to be designated as excluded spaces because of the first sentence. He therefore proposed

TM/CONF/SR.10

the addition of the words "shall be called enclosed spaces and" after the word "three conditions" in the second sentence of the paragraph (5) proposed by France.

Mr. GUPTA (India) said that he was uncertain as to the interpretation of the second sentence of what would become paragraph (4).

Mr. ROCQUEMONT (France) said that the sentence to which the Indian representative had referred was to be seen in the light of the principle that certain spaces were initially assumed to be enclosed spaces. Under the French proposal, paragraph (4) would first reflect that presumption; paragraph (5) would then deal with certain spaces - what he would call "suspect" spaces - which, although presumed by their nature to be enclosed, would be excluded from being considered as enclosed spaces: those were the spaces enumerated in what would become sub-paragraphs (a) to (e), which merely repeated the earlier text. Those spaces could become enclosed by virtue of their fittings even though their position might exclude them from consideration as enclosed spaces.

Mr. NADEINSKI (Executive Secretary) suggested that the objection raised by Italy could be met by the substitution of the words "shall be treated as" for the words "must be included in the" in the fourth and fifth lines of the paragraph (5) proposed by France. He also suggested that in the first line of that paragraph the Conference might substitute the words "of this paragraph" for the word "hereunder", and that in the third line it might replace the full stop by a semicolon, and then substitute the words "provided that" for the word "Nevertheless" at the beginning of the following sentence.

TM/CONF/SR.10

Mr. ROCQUEMONT (France) said that his delegation could agree to the change suggested by the Executive Secretary for the first line of its proposed paragraph (5). With regard to the modification suggested in the third line, his delegation would prefer the second sentence to remain separate, so as not to weaken the force of the paragraph. With respect to the change suggested in the fourth and fifth lines, his delegation preferred the wording proposed by Italy.

Mr. de JONG (Netherlands) said that his delegation had no objection to the wording proposed by France or to the changes suggested in that wording, except that it would prefer the words "shall not be considered as enclosed spaces" in the second line of the proposed paragraph (5) to be replaced by the words "shall not be included in the volume of enclosed spaces". The reason was that a space of the kind defined in sub-sub-paragraph (iv), even though an excluded space, should not be called an open space, because if it was, spaces in superstructures near it could be called excluded spaces.

Mr. PROHASKA (Denmark) said that in principle he supported the French proposal, although the text would be clearer if it first referred to spaces with openings and enumerated the three conditions, and then defined excluded spaces. He also felt that a less negative formulation was desirable. He suggested that an informal group should prepare a new text for consideration by the Conference, and that the discussion of paragraph 4(b) should be adjourned until the text was available.

It was so decided.

TM/CONF/SR.10

Paragraph (5)

Paragraph (5) was adopted without change.

Paragraph (6)

Mr. PROHASKA (Denmark) proposed the addition, at the end of the paragraph, of wording to the effect that the permanent marking should consist of the letters "CC". Those letters would have the advantage of expressing not only the English term "cargo compartment" but also the French term "caie à cargaison".

Mr. MURRAY SMITH (UK) said that a universally acceptable system of marking cargo spaces would be very desirable if the prospective Convention came into force. His delegation could agree to the use of the letters "CC".

Mr. ROCQUEMONT (France) drew attention to his delegation's proposal concerning the definition of water-ballast spaces (TM/CONF/28). Unless that definition was adopted, a space which was a water-ballast space could be used for cargo. The question was bound up with the marking of cargo spaces. If a satisfactory decision was taken on the matter of marking, it might not be necessary to press for the definition which his delegation had proposed in TM/CONF/28.

Mr. MURPHY (USA) said that his delegation was opposed to the inclusion in the Convention of any definition of non-cargo spaces. The essence of the prospective Convention was the measurement of cargo spaces; the text need not therefore concern itself with non-cargo spaces. The paragraph was complete as it stood, although his delegation would have no objection to provision for a uniform international marking system.

TM/CONF/SR.10

The PRESIDENT noted that no formal proposal had been made with regard to a system of marking.

Mr. MURRAY SMITH (UK) formally proposed that the words "with the letters CC" should be added at the end of the paragraph. He thought that such a stipulation would make the definition proposed by France superfluous.

Mr. ERIKSSON (Sweden) said that the form of marking proposed by the Danish and United Kingdom representatives would serve no useful purpose; shipowners would mark cargo spaces in such a way that it would be impossible to find the letters.

Mr. QUARTEY (Ghana) suggested that it might meet the Swedish objections if the dimensions of the letters "CC" were indicated in the definition.

Mr. PROHASKA (Denmark), in reply to the point raised by the Swedish representative, said the marking could in fact be important in cases where a surveyor suspected that a ship was using for cargo, compartments not certified for that purpose. To overcome the problem of finding small markings when re-measuring, he suggested that the letters should be required to be not less than 3 inches (75 millimetres) in height.

Mr. MURRAY SMITH (UK) proposed that the amendment he had put forward earlier be expanded to read "... with the letters CC. Such letters shall be so positioned that they are readily visible, and are at least 10 centimetres in height".

Mr. PROHASKA (Denmark) suggested some editorial changes to the amendment proposed by the United Kingdom. He proposed that the last sentence of paragraph (6) should be further amended to read:

"Such cargo spaces shall be certified by permanent marking with the letters CC (cargo compartment), to be so positioned

TM/CONF/SR.10

that they are readily visible, and not to be less than 100 millimetres (4 inches) in height".

The PRESIDENT put to the vote the United Kingdom proposal, as further amended by the Danish representative.

The amended United Kingdom proposal was adopted by 37 votes to none.

The PRESIDENT invited comments on the French proposal to add to paragraph (6), a sub-paragraph defining water-ballast spaces (TM/CONF/28).

Mr. GUPTA (India) strongly supported the proposal. It was important for water-ballast spaces to be identified so that Administrations could check on them if they so wished.

The PRESIDENT put the French proposal to the vote.

The French proposal was rejected by 23 votes to 11.

Paragraph (6), as amended, was adopted.

Paragraph (7)

Adopted without change.

Regulation 3

The PRESIDENT drew attention to a proposal submitted by the Netherlands delegation for reconsideration of the open shelter-deck concept for gross tonnage (TM/CONF/18).

Mr. de JONG (Netherlands) said his delegation proposed introducing a correction factor into the formula for gross tonnage which would prevent a serious imbalance between future gross and net tonnages of open shelter-deck ships and ships with increased freeboard. There was a danger that the new tonnage measurement rules would decrease the safety of small ships by encouraging owners to build such ships with the minimum freeboard, whereas large container ships would tend to be constructed with

TM/CONF/SR.10

a low depth value and with high deck cargoes, or would be built as awning deck ships. The diagrams attached to the Netherlands paper, in which the proposed correction was applied to 70 ships, showed that the resulting gross tonnage figures would still be slightly above existing figures. Adoption of the Netherlands proposal would result in simplification, since the formulae for gross and net tonnage would be very nearly the same.

The PRESIDENT recalled that the plenary had already decided (as was pointed out in the Netherlands paper) not to apply the open shelter-deck concept for gross tonnage. The Netherlands proposal would therefore require a decision by the Conference to re-open consideration of that question.

Mr. PROSSER (UK) thought the Netherlands proposal was a very serious one, which could determine the success or failure of the whole Conference. It would mean a reconsideration of the fundamental basis of the proposals now coming before the plenary as a result of weeks of work in committee, and would make it impossible to produce a Convention that would be ready for signature on the date agreed. He sympathized with those who had supported the shelter-deck concept in the initial stages, but pointed out that his delegation had been willing to compromise in the interests of reaching an agreement that would be acceptable to the majority. At the present stage it was essential to limit discussion to proposals approved in committee if any progress was to be made. The United Kingdom delegation therefore would vote against the amendment proposed by the Netherlands and also against a French proposal concerning a new formula for net tonnage.

Mr. ROCQUEMONT (France) pointed out that there was no parallel between the Netherlands proposal and his delegation's proposal, since the latter did not call in question decisions taken earlier by the Conference. He suggested that the French proposal should be considered first; the Conference should then

TM/CONF/SR.10

decide whether or not to discuss the Netherlands proposal. This latter might well become superfluous, should the French proposal be adopted.

Mr. QUARTEY (Ghana) asked whether the basis for the Netherlands proposal was the decision by the Technical Committee to base net tonnage not on displacement, as the plenary had decided on 3 June, but on volume of cargo spaces.

Mr. de JONG (Netherlands) said his delegation did not wish to re-open the question of net tonnage, but to revise the approach to gross tonnage. If that were not done he feared the Convention might never be enforced.

Mr. CONTOGEOORGIS (Greece) supported the Netherlands proposal.

The PRESIDENT put to the vote the Netherlands proposal to re-open consideration of the open shelter-deck concept for gross tonnage.

The proposal was rejected by 26 votes to 4.

Regulation 3 was adopted.

The meeting rose at 5.35 p.m.



TM/CONF/SR.11
8 October 1969

Original: FRENCH

IMCO

INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE ELEVENTH PLENARY MEETING
held at Church House, Westminster, London, S.W.1,
on Friday, 20 June 1969, at 9.40 a.m.

President: Admiral E.J. ROLAND (USA)
Secretary-General: Mr. Colin GOAD
Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2 and Corr.1.

TM/CONF/SR.11

CONTENTS

	<u>Page</u>
<u>Agenda item 9</u> - Adoption of the Final Act of the Conference and any instruments, recommendations and resolutions resulting from its work (concluded)	3

TM/CONF/SR.11

AGENDA ITEM 9 - ADOPTION OF THE FINAL ACT OF THE CONFERENCE AND ANY INSTRUMENTS, RECOMMENDATIONS AND RESOLUTIONS RESULTING FROM ITS WORK (TM/CONF/C.1/9; TM/CONF/WP.7; TM/CONF/22; TM/CONF/17; TM/CONF/20) (concluded)

Annex I - Draft Regulations for determining Gross and Net Tonnages of Ships (TM/CONF/C.1/9) (concluded)

Regulation 2, paragraphs (4) and (5) redrafted

The PRESIDENT invited the Conference to revert to Regulation 2, in order to take a decision on the new text drawn up by the drafting group (TM/CONF/WP.7).

Mr. ROCQUEMONT (France) approved the text, which he considered preferable to the one previously submitted by the French delegation (TM/CONF/19); more particularly because of the useful link it established between paragraphs (4) and (5). Although there were differences in the presentation, the two texts agreed perfectly in spirit.

The drafting group's proposal was supported by the United Kingdom and Italian delegations.

Paragraphs (4) and (5) were adopted by 34 votes to none, as redrafted.

The PRESIDENT requested the Secretariat to make the drafting changes consequential to the adoption of that amendment (renumbering the succeeding paragraphs and corresponding changes in the Appendices).

Mr. Ter HAAR (Netherlands) submitted an amendment to Regulation 2 drawn up by his delegation (TM/CONF/22), the object of which was to make an addition to the text whereby the open spaces of deck-houses would be excluded.

The proposal was supported by the delegation of Yugoslavia.

The proposed amendment was rejected by 11 votes to 4.

Regulation 2, as a whole and as amended, was adopted.

TM/CONF/SR.11

Regulation 4

Mr. ROCQUEMONT (France), commenting on his delegation's note (TM/CONF/17) on the work of the Technical Committee, said he did not think the draft Convention submitted to the Conference was the best that could be expected from an international conference and from the consideration of the divergent opinions represented in it. That impression, which was shared by several delegations, had created an undesirable feeling of unease.

The French delegation had given proof of the fact that it was not opposed to compromise solutions; but it considered that the one proposed for gross and net tonnages was not a good one and that it was even likely to jeopardize the ratification and implementation of the Convention. His delegation wished to avoid a situation in which, through sheer weariness, a majority adopted a text which would very soon have to be called into question at a new international conference, and it thought it was still possible to salvage principles which it considered essential. For that purpose, there was no need to go back on decisions already taken, as the Conference had decided on 3 June that displacement should be used for calculating net tonnage, and on 10 June it had merely decided that the Technical Committee should also study a variant of the Norwegian proposal "in order to consider its merits". His delegation, which was conscious above all of the drawbacks of that variant, thought that it was a matter for the Conference alone to choose between the different formulae proposed.

He stressed the heterogeneous character of the Technical Committee's proposals which he described as regrettable, since they involved elements which were so far from being independent that several delegations had suggested adopting only one parameter.

TM/CONF/SR.11

The Technical Committee had given as the reason for its choice the wish to establish a system giving net tonnage values as close as possible to the existing figures. He was not opposed a priori to that criterion; but he considered that its adoption would be very difficult, seeing that the Committee itself had deliberately chosen a system which, in at least two cases - namely passenger ships and ships of the shelter-deck type - gave values very different from the existing ones. Was it, moreover, very important to seek the attainment of such an approximation when the Convention was intended much more to be applied to new ships than to existing ships? It was unfortunately to be feared that Regulation 4, as proposed to the Conference, would influence ship design. The Technical Committee had only sought to obtain the best formula mathematically and had not concerned itself about that influence.

The Conference had had great difficulty in defining cargo spaces, and the brief and vague text which it had adopted revealed its uncertainty on the subject. There was a danger that such lack of precision might result in a lack of uniformity in the way the various Administrations would implement the Convention. Regulation 4 introduced a paradoxical innovation into shipbuilding; by raising the upper deck of a ship, naval architects would be able to increase the gross tonnage and reduce the net tonnage. In spite of the objections that had been urged against Proposal C, it would at least have been known that the two tonnages would vary in the same sense, whatever the parameter - whether displacement or volume - to which the naval architect directed his attention. With the system now proposed under which the two tonnages would vary in opposite senses, it was to be feared that the port authorities would increasingly abandon net tonnage and would fix charges for ships on the basis of gross tonnage alone. Perhaps it would have been a good

TM/CONF/SR.11

Against: Indonesia, Ireland, Israel, Italy, Japan, Korea, Liberia, New Zealand, Nigeria, Norway, Philippines, Poland, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia, Australia, Bulgaria, China, Czechoslovakia, Denmark, Federal Republic of Germany, Ghana, Greece.

Abstaining: Netherlands, Switzerland, United Arab Republic, Republic of Viet-Nam, Canada, Finland, Iceland, India.

The proposal was rejected by 25 votes to 11, with 8 abstentions.

Mr. VANCRAEYNEST (Belgium), Chairman of the General Committee, reminded the Conference that, on 18 June, the General Committee had adopted two amendments to the English text of paragraph (1) of Regulation 4 (TM/CONF/C.1/SR.16, page 9).

Mr. NADEINSKI (Executive Secretary) agreed that there had been an error which would be put right. The following amendments to the English text of paragraph (1) had in fact been requested: the replacement of the colon at the end of the first sentence by a comma; the replacement of the words "in the above formula", in line 4, by "in which formula" and, in the first line of page 9, the replacement of the word "where" by "in which".

Regulation 4 was adopted, as amended.

Regulation 5

Mr. FOTIADIS (Greece) introduced the draft amendment submitted by his delegation (TM/CONF/20) which proposed three changes.

The PRESIDENT put to the vote the first proposal, which was supported by Liberia, for the addition, in paragraph (3)(i), of the words "or to another owner" after "if the ship is transferred to the flag of another State".

That proposal was rejected by 28 votes to 4.

TM/CONF/SR.11

The PRESIDENT noted that there was no support for the second proposal to word paragraph (3)(ii) as follows:
"If the ship undergoes alterations or modifications which the Administration deems to be a substantial variation in her existing net tonnage".

The PRESIDENT invited the Conference to discuss the third proposal, which was to replace the words "twelve months", in paragraph (3) by "six months".

Mr. FOTIADIS (Greece) said he could not understand why there had to be a delay of twelve months when the net tonnage was reduced, whereas, if it were increased, a new certificate would be issued immediately.

Mr. VAUGHN (Liberia) said he was in favour of the proposal.

Mr. ROCQUEMONT (France) opposed it. The Conference had decided that changes from open shelter-decks to closed shelter-decks, or vice-versa, should take place only rarely. That adverb implied a time lapse of not less than a year; otherwise port authorities would be justified in maintaining that changes in net tonnage were too frequent.

The proposal was rejected by 27 votes to 5.

Regulation 5 was adopted.

Regulation 6

Mr. NICHOLSON (Australia) asked why the word "shall" was used in paragraph (2), whereas the word "may" was used in paragraph (3).

Mr. L. SPINELLI (Italy) explained why there was a difference in the verb used: "the first case was that of a firm rule; the

TM/CONF/SR.11

second was a case of Administrations being left free to spare themselves tiresome calculations for the measurement of spaces the volume of which was insignificant.

Regulation 6 was adopted.

Regulation 7

Regulation 7 was adopted.

Mr. NADEINSKI (Executive Secretary) drew attention to the fact that Arabic figures were used for the numbering of paragraphs and sub-paragraphs in the Articles whereas, in the Regulations, Roman figures were used for sub-paragraphs. He suggested that, for the sake of uniformity, Arabic figures should be used throughout.

The PRESIDENT noted that that suggestion met with general agreement.

It was so decided.

Appendix 1

Mr. FOTIADIS (Greece) requested the replacement of the words "HATCH OR ERECTION" by the word "ERECTION" in Figure 6.

The proposal, having been seconded, was put to the vote.

There were 9 votes in favour of the proposal and 9 votes against.

The proposal was rejected.

Appendix 1 was adopted.

Appendix 2

Mr. ROCQUEMONT (France) asked why, in the first column, the round numbers 100, 1,000, 10,000 were repeated.

Mr. CAIRNS (UK) explained that that was for reasons of convenience, since the magnitude of the interval altered and for intermediate volumes it was necessary to proceed by interpolation.

TM/CONF/SR.11

Mr. ROCQUEMONT (France) said he failed to see why interpolation should only be used for volumes in the vicinity of round numbers.

Mr. VAUGHN (Liberia) agreed with that observation.

The PRESIDENT put to the vote the proposal that the numbers 100, 1,000, 10,000 should not be repeated.

The proposal was adopted by 14 votes to 1.

Mr. PROHASKA (Denmark) suggested that the horizontal lines in the table in Appendix 2 should be deleted.

The PRESIDENT noted that that suggestion met with general agreement.

Annex II - Certificate

Mr. GUPTA (India) said he did not think there had been unanimity during the discussions as to the details which the country carrying out the measurement of a ship should communicate by means of the certificate. Some delegations had not been in favour of transmitting copies of the calculations. For its part, his delegation considered that, as in the case of the certificate of registry, particulars of the chief volumetric factors used in calculating gross and net tonnage, and of the manner in which the total figure had been arrived at, should be entered on the reverse side of the certificate. In that way, the certificate would provide a simple means of checking that spaces intended for a specific purpose were in fact used in that way.

Mr. ROCQUEMONT (France) seconded that proposal. In his view, it was indeed illogical that, after the designation, location and length of the spaces had been given, there should be no indication of their volume, whilst the sum total of those volumes served as the basis for the figures for gross and net tonnage given on page 1 of the certificate.

TM/CONF/SR.11

Mr. VAUGHN (Liberia) said he thought that anyone reading a document always tended to add up any figures given in a column; he was not in favour of altering the existing text.

Mr. GUPTA (India) agreed with the suggestion made by the French representative and supported by the Netherlands representative. To make things clearer, a short note could, if necessary, be added, to the effect that the volumes had been used for calculating the gross and net tonnages shown on page 1 of the certificate.

Mr. CONTOGEOORGIS (Greece) considered that the certificate in its existing form provided sufficient information from the point of view of Article 12, paragraph (1)(a) and (b) of the Convention.

The Indian proposal was rejected by 24 votes to 13.

Annex II as a whole was adopted.

Mr. NADEINSKI (Executive Secretary) drew the attention of the Conference to a drafting point. The figure of one-twentieth of a foot given between brackets in paragraph (1) of Regulation 7 was not the exact equivalent of 1 centimetre. It would therefore be preferable to delete the brackets and to read "to the nearest centimetre or one-twentieth of a foot".

It was so decided.

Mr. PROHASKA (Denmark) pointed out that the same difficulty arose in regard to other Regulations of the Convention. He wondered whether it would not be preferable to delete all references to measurements other than those of the metric system.

Mr. NADEINSKI (Executive Secretary) explained that the question had been the subject of a lengthy discussion in the Conference on Load Lines, which decided to use the metric

system and to show between brackets values as near as possible in English measurements.

Mr. ROCQUEMONT (France) supported the proposal by Denmark.

Mr. MURPHY (USA) thought, on the contrary, that the deletion of indications in English measurements would give rise to difficulties for delegations which represented States where such measurements were used officially.

The Danish proposal was rejected by 16 votes to 3.

Mr. OSMAN (United Arab Republic), recalling that his delegation had reserved the right to make a statement when it had voted against Article 14 (Prior Treaties, Conventions and Arrangements) made the following statement:

"The United Arab Republic has, by its active participation in this Conference, manifested its interest in the attempt to reach a uniform system of tonnage measurement of ships. The United Arab Republic has itself been applying a uniform system of tonnage measurement, namely, that of the Suez Canal.

The existence of such a uniform system for ships using the Suez Canal is essential if the United Arab Republic is to discharge properly its obligations with regard to navigation through the Canal, namely, to secure equal treatment for all ships. This is in accordance with the Constantinople Convention of 1888 and with the declaration by the Egyptian Government dated 24 April 1957 and registered with the United Nations. The Convention drawn up by this Conference is an improvement on the status quo ante. It can be regarded as a first step towards the establishment of a universal system.

Nevertheless, the hard fact remains that, in many respects, a diversity of systems of tonnage measurement will persist for a long time to come. There will, for instance, be, for the same flag, one system for existing ships and another for new ships.

TM/CONF/SR.11

We do not know at present whether all States entitled to become parties to the Convention will do so. On the other hand, we do know for certain that, as a result of Article 16, a number of States are excluded from becoming parties to the Convention. The Suez Canal Authority will thus be placed in an extremely difficult situation both from a practical point of view and from a legal point of view as the multiplicity of tonnage measurement systems is incompatible with its obligations relating to navigation in the Canal.

For these reasons, the delegation of the United Arab Republic whilst signing the Convention on behalf of the United Arab Republic will be bound to make a reservation to the effect that its signature will not in any way prejudice the full application of the Suez Canal Tonnage system at present in force for ships using the Suez Canal".

The PRESIDENT put to the vote the whole text of the International Convention on Tonnage Measurement of Ships, 1969.

The text of the Convention, as a whole and as amended was adopted by 37 votes to none, with 3 abstentions.

The meeting rose at 12.30 p.m.



IMCO

~~FOR PARTICIPANTS ONLY~~

INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT, 1969
OF SHIPS

-- ~~PROVISIONAL~~ SUMMARY RECORD OF THE TWELFTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Monday, 23 June 1969, at 10.45 a.m.

President: Admiral E.J. ROLAND (USA)

Secretary-General: Mr. Colin GOAD

Executive Secretary: Mr. V. NADEINSKI

A list of participants is given in TM/CONF/INF.1/Rev.2
and Corr.1

~~H.B. Corrections to be incorporated in the final summary record of the meeting should be submitted in writing (two copies in French or English), preferably on the provisional summary record, to the Documents Officer, Committee Room 2 and after the Conference to the IMCO Secretariat, 22 Berners Street, London, W.1, not later than 8 July 1969.~~

CONTENTS

	<u>Page</u>
<u>Agenda item 1</u> → Signature of Final Act of the International Conference on Tonnage Measurement of Ships, 1969	3
<u>Agenda item 2</u> → Signature of International Convention on Tonnage Measurement of Ships, 1969	4
<u>Agenda item 3</u> → Closure of Conference	5

SIGNATURE OF FINAL ACT OF THE INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT OF SHIPS, 1969

The PRESIDENT opened the Final Act for signature by members of all delegations which had participated in the Conference.

The Final Act was accordingly signed by the delegations of the following countries:

Argentina	Kuwait
Australia	Liberia
Belgium	Malagasy Republic
Brazil	Mexico
Bulgaria	Netherlands
Cameroon	New Zealand
Canada	Nigeria
China, Republic of	Norway
Czechoslovakia	Pakistan
Denmark	Peru
Federal Republic of Germany	Philippines
Finland	Poland
France	Portugal
Ghana	South Africa
Greece	Spain
Iceland	Sweden
India	Switzerland
Indonesia	Union of Soviet Socialist Republics
Ireland	United Arab Republic
Israel	United Kingdom
Italy	United States of America
Japan	Venezuela
Korea, Republic of	Viet-Nam, Republic of
	Yugoslavia

SIGNATURE OF INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT
OF SHIPS, 1969

The PRESIDENT opened the Convention for signature by all delegations having full powers, pointing out that, if any signature was to be subject to subsequent acceptance, the delegation concerned must ^{so} state ~~this~~ before signing and annotate its signature to that effect.

The Convention was accordingly signed by the delegations of the following countries:

Argentina	Korea, Republic of
Belgium	Kuwait
Brazil	Liberia
Bulgaria	Norway
Canada	Pakistan
China, Republic of	Philippines
Denmark	Poland
Federal Republic of	Portugal
Germany	Switzerland
Finland	Union of Soviet
Ghana	Socialist Republics
Greece	United Arab Republic
Iceland	United Kingdom
Indonesia	United States of America
Ireland	Venezuela
Israel	Yugoslavia
Italy	

Mr. ROCQUEMONT (France) said he was unable to sign the Convention and made the following statement:

- "(1) Owing to the change in government taking place this very day in France, the French delegation is unable to sign the Convention here and now. It wishes to make it quite clear, however, that the reasons for which it is postponing signature are purely formal ones.
- (2) The French delegation notes that the Convention fails to satisfy it on various points; in particular, the determination of net tonnage is not such as will facilitate the establishment of an objective system of charges for port services and may have an anti-economic influence on the structure of such charges as well as on ship design itself. It could therefore prove necessary to revert to this point at a later stage.
- (3) Nevertheless, in a spirit of goodwill and conciliation, the delegation will propose to the French ^Government that it grant the necessary powers for the signature of the Convention in the near future".

The PRESIDENT announced that forty-seven States had signed the Final Act and thirty-one the Convention; the signature of the United Arab Republic had been accompanied by a reservation. The signing of the Final Act and of the Convention completed the work of the Conference.

CLOSURE OF CONFERENCE

The PRESIDENT expressed his thanks to those who had elected him, in particular the United Kingdom delegation, and his appreciation of the spirit of co-operation and willingness to compromise shown by all participants in reaching a solution

to the tangled problem of tonnage measurement. That IMCO had now reached maturity was due not only to the work of its ^Members but also to the remarkable efficiency of the Secretariat, which had never been more in evidence than at the present Conference, and he paid tribute to the work of the Chairmen and Secretaries of the General and Technical Committees, and of all IMCO's officers and staff.

Mr. PROSSER (UK) said he hoped the Conference had achieved something of lasting benefit. It had been a most enjoyable experience for his delegation to act as host to the Conference. He expressed his appreciation of the work of the IMCO Secretariat and of the admirable way the President had conducted the deliberations.

Mr. KOLESNICHENKO (USSR) associated himself with the tributes paid to the President, to the Chairmen of the Conference's Committees, and to the IMCO staff.

Mr. SUZUKI (Japan) said the Convention was a step forward towards an eventual unified international tonnage measurement system, and his delegation would make every effort to ratify it in the near future. He hoped that the spirit of co-operation shown at the Conference would assure the ^{future success of the} ~~Convention's future~~ Convention. ~~success.~~ The solution reached had unavoidably been a compromise but his delegation would continue to strive towards a better one. He thanked the President for his excellent leadership, and the Chairmen and Secretaries of the Committees for their useful work.

Mr. GUPTA (India) said that he wished to associate his delegation with the remarks of the previous speakers. The Conference had been very fortunate in its choice of President. Special tributes were also due to the Chairman of the Technical Committee for his consideration and patience, to the host country and its delegation for their hospitality and to the Secretariat of IMCO for its efficiency.

Mr. WIE (Norway) expressed the hope that Governments would ratify the Convention in a spirit of compromise, so that shipowners and port authorities could benefit from it. The success of the Conference was due in great measure to the qualities of its President. Particular thanks were to be paid to the Secretary-General of IMCO and his staff for their work and to the host country for its hospitality.

Mr. MURPHY (USA) said that the world now had an opportunity to consider a tonnage measurement procedure which was logical and far simpler than the existing systems. Those whose task it would be to assess it should realize that the Conference had considered not only the technical aspects of tonnage measurement but also the future economics of the shipping industry. His delegation hoped that the Convention would come into force quickly. It associated itself with the tributes and thanks expressed by previous speakers.

Mr. ROCQUEMONT (France) said that his delegation warmly associated itself with the tributes paid to the President of the Conference, the Chairman of its Committees and the Secretariat of IMCO.

The PRESIDENT declared the Conference closed.

The meeting rose at 12.20 p.m.