



IMCO

INTERNATIONAL CONFERENCE ON
TONNAGE MEASUREMENT OF SHIPS, 1969

General Committee

SUMMARY RECORD OF THE THIRTEENTH MEETING

held at Church House, Westminster, London, S.W.1,
on Monday, 16 June 1969, at 3.00 p.m.

Chairman: Mr. R. VANCRAEYNEST (Belgium)
Vice-Chairman: Mr. P. NIKOLIĆ (Yugoslavia)
Committee Secretary: Mr. V. NADEINSKI

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

TM/CONF/C.1/SR.13

CONTENTS

	<u>Page</u>
<u>Agenda item 3</u> - Consideration and preparation of the draft text of Articles of a Convention on Tonnage Measurement (concluded)	3

AGENDA ITEM 3 - CONSIDERATION AND PREPARATION OF THE
DRAFT TEXT OF ARTICLES OF A CONVENTION
ON TONNAGE MEASUREMENT (TM/CONF/C.3/1)
(concluded)

Article 11 - Acceptance of Certificate

The CHAIRMAN commented that in view of the discussion at that morning's meeting the letter "s" within square brackets in the title and first line of the Article should be deleted.

It was so decided.

Mr. GERDES (Netherlands) proposed that discussion of Article 11 should be re-opened, and drew attention to a point that was of importance for his country: provision should be made for verification of certificates issued before the coming into force of the Convention which would prove that a ship was in fact an existing ship. He accordingly proposed the addition of a new sentence: "Tonnage certificates of ships which under the Articles of this Convention are existing ships shall be provided with a stamp and a statement issued by the national authorities indicating that the ship is an existing ship".

Mr. CONTOGEOGRIS (Greece) thought the addition unnecessary; the certificate mentioned the date on which the ship was built, and that would indicate whether it was a new or an existing ship.

The CHAIRMAN pointed out that since there had been no support for the Netherlands proposal discussion of Article 11 could not be re-opened.

Article 11, as amended by the deletion of "s", was approved.

TM/CONF/C.1/SR.13

Article 12 - Control

Paragraph (1)

Mr. MADIGAN (UK), speaking as Chairman of the Drafting Committee, drew attention to a difficulty that had arisen in that Committee over the use of the two words "control" and "inspection" in the text of Article 12, particularly in view of the French concern that the word "contrôle" should be used throughout in the French text. The Drafting Committee had felt some hesitation in agreeing to the use of two different words in the English text where only one was used in the French, since control was a delicate matter affecting relations between Contracting Governments and it was important to avoid misunderstandings.

Mr. MARINI (Italy) thought there was no reason why the word "inspection" could not be used both in the French and English texts, as well as the word "control". Since in French "contrôle" implied an end and "inspection" a means to that end, the French text could use "contrôle" in the heading of the Article and "inspection" in the body of it.

Mr. KASBEKAR (India) agreed. There was nothing illogical in the use of the two words; the only difficulty had lain in finding a French equivalent, but the Italian representative had indicated a solution.

Mr. DARAM (France) said that on the contrary it seemed to him illogical not to use the same word in the body of the Article as in the heading. In French "inspection" implied a general examination with a view to exercising control, whereas "contrôle" was an altogether different and much more specific operation. It was most important as far as the French text was concerned to make clear which of the two was meant.

Mr. QUARTEY (Ghana) recalled that it had been agreed in the Drafting Committee that the basic intent of the Article was to provide for inspection of the ship to see that the certificates

TM/CONF/C.1/SR.13

carried were the right ones, and not to provide for control in the strict sense, since the ship was in fact controlled by the State whose flag it was flying.

Mr. GERDES (Netherlands) agreed that "inspection" was the appropriate word for the English text. He suggested that the title should be expanded to read "Inspection in Foreign Harbours".

Mr. MADIGAN (UK) suggested that the various objections could be met if the phrase "control by means of" were added after the word "to" in paragraph (1), line 2 (English text).

Mr. MARINI (Italy) supported the United Kingdom suggestion.

Mr. DARAM (France) said that that phrase would cause difficulties in the French text.

Mr. QUARTEY (Ghana) suggested that the title of the Article be amended to read "Verification of Certificate" since that was the actual purpose of the inspection.

Mr. GERDES (Netherlands) said that would not solve the problem of what kind of inspection or verification was meant.

The CHAIRMAN pointed out that the title of the Article had no legal validity; it was the text of the Article itself that was binding. He therefore proposed that in the English text the word "Inspection" be substituted for "Control" as the title of the Article, to bring it into line with the text that followed.

It was so decided.

Paragraph (1) was approved.

Paragraph (2)

Approved without comment.

Paragraph (3)

Mr. HINZ (Federal Republic of Germany) pointed out that for the sake of consistency the words "International Tonnage

TM/CONF/C.1/SR.13

Certificate (1969)" should be substituted for "Tonnage Certificate" in line 2.

Thus amended, Article 12 was approved as a whole.

Articles 13 - 15

Approved without comment.

Article 16 - Signature, Acceptance and Accession

It was decided to insert the date "23 June 1969" in the blank spaces in line 2 of paragraph (1) and in line 8 of paragraph (2).

Article 16 was approved as amended.

Article 17 - Coming into Force

Paragraph (1)

The CHAIRMAN recalled that the United Kingdom representative had asked for Article 17 to be considered together with Article 3(2)(d).

Mr. WIE (Norway) proposed that "thirty-six" be inserted in the space between square brackets in line 1.

Mr. CONTOGEOORGIS (Greece) and Mr. KASBEKAR (India) supported that proposal.

Mr. MILEWSKI (Poland) proposed a period of twelve months, in view of the need for the Convention to come into force as soon as possible.

Mr. GLUKHOV (USSR) agreed. The provisions of the Convention made it possible for both owners and Administrations to take the necessary measures to enforce it much more quickly than if entirely new tonnage certificates had had to be prepared, particularly since those provisions would relate largely to new ships.

TM/CONF/C.1/SR.13

Mr. PROSSER (UK) supported by Mr. SUZUKI (Japan), Mr. BACHE (Denmark) and Mr. HINZ (Federal Republic of Germany) proposed a period of twenty-four months.

The CHAIRMAN put to the vote the Norwegian proposal to insert the word "thirty-six" in line 1.

The Norwegian proposal was rejected by 14 votes to 6.

The CHAIRMAN put to the vote the Polish proposal to insert the word "twelve" in line 1.

The Polish proposal was rejected by 19 votes to 5.

The CHAIRMAN put to the vote the United Kingdom proposal to insert the word "twenty-four" in line 1.

The United Kingdom proposal was adopted by 25 votes to none.

The CHAIRMAN invited the Committee to express an opinion as to how the expressions "merchant fleets" and "World's merchant shipping" should be interpreted.

Mr. KASBEKAR (India) pointed out that the Committee Secretary had informed the Committee (TM/CONF/C.1/SR.9, page 4) that IMCO had always used the Lloyd's Register of Shipping statistics as its source of tonnage figures for national merchant fleets and the world's merchant shipping. He thought the Organization should follow that practice in connexion with the tonnages to be calculated under Article 17(1).

Mr. DARAM (France) asked whether the Lloyd's Register of Shipping statistics included coastwise vessels and vessels used on the North American Great Lakes.

Mr. NADEINSKI (Committee Secretary) said that the figures for the United States and Canadian fleets given in Lloyd's Register of Shipping Statistical Tables for 1968 included vessels

TM/CONF/C.1/SR.13

registered at ports on the Great Lakes.

The Committee approved the use by the Organization of the figures given in Lloyd's Register of Shipping Statistical Tables, for the purpose of determining tonnages under Article 17(1) of the prospective Convention.

Mr. GLUKHOV (USSR) proposed that the square brackets in the second and fourth lines should be replaced by the words "twenty-five" and "sixty" respectively.

Mr. CONTOGEOORGIS (Greece) proposed that the figures in question should read "twenty-five" and "eighty" respectively.

Mr. MILEWSKI (Poland) supported the Soviet proposal and said that the insertion of the lower percentage would result in the Convention being implemented more quickly.

Mr. PROSSER (UK) said that his delegation had always taken the view that the new Convention should not come into force until it had been accepted by States representing a majority of the world's tonnage. He therefore proposed that the figures in question should be "twenty-five" and "sixty-five" respectively.

Mr. GERDES (Netherlands) proposed the insertion of the figures "twenty" and "fifty-five" respectively.

Mr. WIE (Norway), Mr. KASBEKAR (India), Mr. SUZUKI (Japan), Mr. MURPHY (USA) and Mr. MARINI (Italy) said that they supported the United Kingdom proposal.

Mr. GLUKHOV (USSR) withdrew his delegation's proposal concerning the figure "sixty" in favour of the United Kingdom proposal to insert the figure "sixty-five".

The CHAIRMAN noted that the Greek and Netherlands proposals had not been supported. He put the United Kingdom proposal to the vote.

The proposal was adopted by 26 votes to none.

TM/CONF/C.1/SR.13

The CHAIRMAN suggested that the Committee delete the square brackets round the figure "16" in the seventh line.

Paragraph (1), thus amended, was approved.

Paragraph (2)

The CHAIRMAN suggested that the Committee replace the square brackets in the third line by the word "twenty-four", as a consequence of its decision regarding the first line of paragraph (1).

Paragraph (2), thus amended, was approved.

Paragraph (3)

Approved without comment.

Paragraph (4)

The CHAIRMAN suggested that the Committee delete the square brackets round the figure "18" in the fifth line.

Paragraph (4), thus amended, was approved.

Article 17 was approved as amended.

Articles 18 - 21

Approved without comment.

Article 22 - Languages final paragraphs

Mr. BILOA TANG (Cameroon) said that in the French version the words "les deux textes étant également authentiques", which had recently been adopted by the United Nations Conference on the Law of Treaties for the text of the Vienna Convention on the Law of Treaties, would be preferable to the words "les deux textes faisant également foi".

It was decided to retain the wording proposed by the Drafting Committee.

Article 22 was approved without amendment.

TM/CONF/C.1/SR.13

Mr. DARAM (France) said that, from the point of view of presentation, a substantial space should be left between the paragraph commencing "The present Convention" and the testimonium clause.

The CHAIRMAN said that that point would be taken care of when the text was retyped. He suggested that the Committee insert the words "this twenty-third day of June 1969" after the words "DONE at London".

It was so decided.

Article 3, paragraph (2)(d) (concluded)

The CHAIRMAN invited the Committee to take a decision on the figure to be inserted.

Mr. CONTOGEOORGIS (Greece) said that the new Convention should not apply to existing ships at all. The owners of those ships would suffer considerable economic harm, and there would be substantial technical difficulties when it came to measuring existing ships. Consequently, both shipowners and Administrations would find themselves faced with a serious situation as a result of the application of the prospective Convention to existing ships. Since it had been decided that the new Convention was to apply to them, the period of time to elapse before it did so must be as long as possible, in order to forestall such situations. He therefore proposed that the square brackets be replaced by the words "twenty-five".

Mr. SUZUKI (Japan) said that his delegation was in broad agreement with the views expressed by the Greek representative. He realized that the owners of existing ships and Administrations might share those views, but he felt that due-charging authorities would wish the period in question to be a short one. He hoped that the various interests involved could be reconciled, but he nevertheless wished to express his support for the Greek Proposal.

Mr. DARAM (France) said that the proposal to delay the application of the prospective Convention to existing ships for twenty-five years meant that it would be unlikely to apply to existing ships at all, since the vast majority of them would probably have been scrapped before the end of that period. He realized that a problem existed, and thought it could be solved by stipulating a period of fifteen years. Existing ships would be technically obsolete by then and alterations in their tonnages would be unlikely to cause economic upheavals. He therefore proposed the replacement of the square brackets by the word "fifteen".

Mr. HINZ (Federal Republic of Germany) supported the French proposal.

Viscount SIMON (IAPH) said that he wished to remind the Committee of the Resolution which his Association had adopted at its Melbourne Conference stressing the importance of the application of the new tonnage measurement rules to all vessels. He now realized that that was an idle hope. There were practical reasons for keeping the transitional period as short as possible. The existence of two parallel tonnage measurement systems made it difficult for port authorities to assess in advance the proportion of new to existing vessels in the total number of ships that would call at their ports. If the new overall tonnage figure was higher than the existing figure, new ships would contribute more than their fair share. The shorter the transitional period for existing ships, the quicker the time would come when all ships were charged on the same basis.

Mr. DOINOV (Bulgaria) endorsed the views expressed by the previous speaker. A certain period was necessary to enable owners and others to prepare for the implementation of the new system to existing ships. He therefore proposed that the square brackets should be replaced by the word "five".

TM/CONF/C.1/SR.13

Mr. PROSSER (UK) said that his delegation had always thought that the date on which the new Convention should begin to apply to existing ships was a very vital question. The negotiation of a simpler and improved tonnage measurement system had only been possible on the understanding that the owners of existing vessels would have adequate time in which to prepare for the changeover. The stipulation of an adequate period would be conducive to the economic welfare of the shipping industry. On the other hand, the interests of due-charging authorities had to be considered, as the Observer for the International Association of Ports and Harbours had pointed out. The United Kingdom had always thought, and continued to think that a fifteen-year transitional period would be appropriate; however, in the light of the decision which the Committee had taken that the new Convention should come into force twenty-four months after the date specified in Article 17(1), and bearing in mind that that date would be some time after the date on which the Convention was opened for signature, the United Kingdom would be satisfied with a transitional period of twelve years. He therefore proposed that the square brackets be replaced by the word "twelve".

Mr. WIE (Norway) said that a fairly long period was necessary. He therefore supported the Greek proposal.

Mr. MUHEIM (Switzerland) said that, in the interests of due-charging authorities, the co-existence of two tonnage measurement systems for too long a period ought to be avoided. His delegation therefore supported the Bulgarian proposal.

Mr. GLUKHOV (USSR) said that his delegation endorsed the views expressed by the Observer for the International Association of Ports and Harbours. It was therefore in favour of the Bulgarian proposal.

Mr. QUARTEY (Ghana) said that the Conference had laid considerable emphasis on the need to avoid placing any parties to the shipping industry in economic difficulties. In pursuance of that principle, it was trying to evolve a new tonnage measurement system which would result in tonnages as close as possible to the existing tonnages. In addition, the Committee had, in Article 3(2)(c) given owners an option to request that the new Convention be applied to existing ships. The purpose of those moves was to reduce the number of ships which would ultimately be involved in economic difficulties when the changeover occurred. Those factors should be taken into consideration in deciding on the length of the transitional period.

Mr. MacGILLIVRAY (Canada) said that particular attention should be paid to the problems of due-charging authorities. His delegation was in favour of the shortest possible period during which the two systems would operate side by side. It preferred the Bulgarian proposal to the United Kingdom suggestion.

Mr. GERDES (Netherlands) said that the Committee should bear in mind that the new Convention would include several provisions which had been introduced in order to guarantee the economic future of many existing ships. His delegation was therefore opposed to any stipulation which would entail a change of tonnage detrimental to their interests. Consequently, it supported the Greek proposal.

Mr. MILEWSKI (Poland) supported the Bulgarian proposal.

Mr. MARINI (Italy) supported the United Kingdom proposal.

Mr. MURPHY (USA) said that he was in favour of a five-year period as being the most equitable solution in the face of conflicting interests. His delegation continued to think that if the new system of measurement were as close as possible to the existing one, it should be applied to existing ships within

TM/CONF/C.1/SR.13

a relatively short period. Such a provision would also be more fair for port authorities and those responsible for determining dues.

Mr. DARAM (France) withdrew his proposal in favour of that made by the United Kingdom.

Mr. HINZ (Federal Republic of Germany) said that in that case he would support the United Kingdom proposal.

The CHAIRMAN ruled the discussion closed, and put to the vote the Greek proposal that the figure "twenty-five" be inserted in square brackets in Article 3, paragraph (2)(d).

The proposal was rejected by 17 votes to 6.

The Bulgarian proposal to insert the figure "five" was rejected by 18 votes to 10.

The United Kingdom proposal to insert the figure "twelve" was approved by 25 votes to none.

Article 3 was approved as amended.

Recommendation on uses of gross and net tonnages

The CHAIRMAN invited the Committee to consider the recommendation on uses of gross and net tonnages submitted by the Drafting Committee (TM/CONF/C.3/1, Annex, Page 17).

Mr. GERDES (Netherlands) proposed the deletion of the words "relating to the overall tonnage or commercial capacity of merchant fleets", in the first sentence, as they were unnecessary.

Mr. MARINI (Italy) said he could support the amendment; but the title and text would then have to be modified so as to refer solely to gross tonnages, otherwise the wording would be ambiguous.

Mr. HINZ (Federal Republic of Germany) said that the Netherlands amendment evaded the issue. The text under consideration was much less stringent than the one originally discussed, and if retained at all should at least be explicit. The wording in the second square bracket should be "useful capacity" so as to conform to that approved for paragraph (5) in Article 2 containing the definitions.

Mr. PROSSER (UK) said that he could support the Netherlands amendment or the wording suggested by the Drafting Committee, except that the word "useful" was not very satisfactory. The word "functional" would have been better.

Mr. HINZ (Federal Republic of Germany) and Mr. NICHOLSON (Australia) agreed that the word "functional" was preferable.

Mr. MURPHY (USA) proposed that the wording should follow that approved in Article 2, paragraphs (4) and (5). To the best of his recollection, the General Committee had agreed on the term "useful capacity" in the latter paragraph.

Mr. CONTOGEOORGIS (Greece) considered that the term "earning" was preferable to "useful" because there were spaces in ships other than cargo and passengers spaces which were not taken into account for purposes of calculating net tonnage.

Mr. QUARTEY (Ghana) said that the word "useful" was inappropriate in the context and should be replaced by the word "earning" or "operational".

Mr. GERDES (Netherlands) agreed with the United States representative.

The CHAIRMAN put to the vote the United States proposal that the same wording be used in the first sentence of the recommendation as that used in Article 2, paragraphs (4) and (5).

The proposal was approved by 29 votes to none.

TM/CONF/C.1/SR.13

The CHAIRMAN put to the vote the proposal by several delegations that the decision to insert the word "useful" in Article 2, paragraph (5) be reconsidered.

The proposal was rejected, 13 votes being cast in favour and 13 against.

Mr. KASBEKAR (India) proposed the substitution of the word "ships" for the word "fleets" at the end of the first sentence in the recommendation.

Mr. MARINI (Italy) supported the amendment.

The amendment was approved.

Mr. MADIGAN (UK), Chairman of the Drafting Committee, said that the words "of ships" should be inserted at the end of the title of the International Convention on Tonnage Measurement. They had been omitted by mistake.

TM/CONF/C.3/1 as a whole was approved, as amended.

Mr. NADEINSKI (Committee Secretary), referring to the Technical Committee's paper (TM/CONF/C.2/WP.41), concerning Regulations 5 and 8, said that the General Committee might postpone consideration of Regulation 8 and refer the Technical Committee's suggested text direct to the Drafting Committee. The text could then be reviewed on 18 June when all the Regulations were being examined.

It was so decided.

Danish proposal

Mr. BACHE (Denmark) said that his delegation wished to submit for the Committee's consideration a proposal similar to one put forward by the French delegation recommending that Administrations, when issuing tonnage certificates, should

indicate what the new tonnage would be when the system became applicable. In that way, port authorities would obtain comparable data for judging the practical effects that the new system would have for different types of ships.

Mr. CONTOGEOORGIS (Greece) pointed out that the matter had been discussed by the Technical Committee at the end of the previous week, and an overwhelming majority had pronounced in favour of one figure only being stated on the Certificate.

Mr. DARAM (France) supported the Danish proposal: such a clause was necessary for comparative purposes and in order to establish whether a dual system of port dues would be necessary for new ships on the one hand and existing ships on the other.

The CHAIRMAN said that the text of the Danish proposal would be circulated the following day and could be discussed on 18 June.

It was so decided.

The meeting rose at 5.45 p.m.

Handwritten text, possibly bleed-through from the reverse side of the page. The text is extremely faint and illegible.

Handwritten initials or a small mark.

