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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.

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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.

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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.

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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

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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.

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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

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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.

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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.

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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.

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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.