



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.

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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.

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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.

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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

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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

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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.

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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.

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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.

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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.