



## 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

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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

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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.

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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

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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

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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

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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.



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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

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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

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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.

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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.

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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.