



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.