



## IMCO

### INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT OF SHIPS, 1969

General Committee

#### SUMMARY RECORD OF THE FIRST MEETING

held at Church House, Westminster, London, S.W.1,  
on Friday, 30 May 1969, at 10.10 a.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 and Corr.1.

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AGENDA ITEM 1 - ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN  
OF THE COMMITTEE

Mr. MILEWSKI (Poland) called for nominations for the post of Chairman of the Committee.

Mr. HINZ (Federal Republic of Germany) proposed Mr. Vancraeynest (Belgium).

Mr. VAUGHN (Liberia) supported that proposal.

Mr. Vancraeynest (Belgium) was unanimously elected Chairman.

Mr. Vancraeynest (Belgium) took the Chair.

The CHAIRMAN called for nominations for the post of Vice-Chairman.

Mr. DUBCHAK (USSR) proposed Mr. Nikolić (Yugoslavia).

Mr. CUNNINGHAM (USA) supported that proposal.

Mr. Nikolić (Yugoslavia) was unanimously elected Vice-Chairman.

AGENDA ITEM 2 - ADOPTION OF THE AGENDA (TM/CONF/C.1/1)

The Agenda was adopted without comment.

AGENDA ITEM 3 - CONSIDERATION AND PREPARATION OF THE DRAFT  
TEXT OF ARTICLES OF A CONVENTION ON  
TONNAGE MEASUREMENT (TM/CONF/4 and 4/1,  
TM/CONF/5 and Add.1 and 2, TM/CONF/6  
and Add.1, TM/CONF/7 and TM/CONF/8)

Mr. NADEINSKI (Committee Secretary) said there were a number of different proposals for Articles of a future international convention before the Committee. Proposal A, including a set of Articles as suggested by the Maritime Safety Committee together with comments and proposals by Member Governments, was contained in TM/CONF/4, with some additional amendments to Articles 3 and 17 proposed by Israel in TM/CONF/4/1. Proposal B, comprising the identical Articles and comments

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thereon, was contained in TM/CONF/5, with additional recently received proposals for amendment in TM/CONF/5/Add.1 and Add.2. Proposal C, including the same Articles, was contained in TM/CONF/6, with additional comments by Israel in TM/CONF/6/Add.1. The draft Articles were similar under all the proposals, except that Proposals A and B differed from Proposal C with regard to Article 2(4), Article 3(3) and 3(4), Article 10 and Article 17.

Member Governments in submitting their comments had sometimes referred to Proposals A and B together and sometimes to only one of the proposals; comments would therefore be repeated where appropriate. Two further documents containing draft Articles were TM/CONF/7 (the Danish Proposal) and TM/CONF/8 (the Finnish Proposal). He suggested that the Committee might wish to proceed by taking one of the sets of draft Articles as a basis for discussion, taking into account all the relevant comments regarding those same Articles made in other documents.

The CHAIRMAN suggested that the Committee should take as a basis for its work Basic Proposal C (TM/CONF/6).

It was so decided.

Basic Proposal C for a Universal System of Tonnage Measurement (TM/CONF/6)

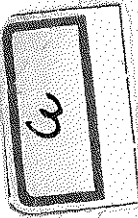
Preamble

It was decided to defer discussion of the Preamble until consideration of the Articles had been completed.

Article 1 - General Obligation under the Convention

Paragraph (1):

Paragraph (1) was approved without change.



Paragraph (2)

Mr. DARAM (France), referring to his Government's proposal on page 4 of TM/CONF/6, said that paragraph (2) served no useful purpose and should be deleted. Article 17 (Coming into Force) was sufficient to cover the coming into force of the Convention.

Mr. GERDES (Netherlands) thought that the Article could be simplified by combining paragraphs (1) and (2). The historical reason for the existence of a separate paragraph (2) was that, in former conventions, Article 1 had contained a provision that Contracting Governments should undertake legal measures (as distinct from other measures) to give effect to the Convention. He suggested that for greater clarity the phrase "... and take all legal measures which may be necessary to that end" should be added at the end of paragraph (2).

Mr. KASBEKAR (India) pointed out that draft article 1 was modelled on the corresponding Article in the 1966 Convention on Load Lines. Although paragraph (2) of the Article might seem redundant, he thought it should be retained because it made clear what were the obligations of Contracting Governments.

Mr. WIE (Norway) and Mr. BORG (Sweden) supported that view.

Mr. QUARTEY (Ghana) also thought paragraph (2) should be retained since it was essential to the sense of the Article. Whereas under paragraph (1) Contracting Governments merely undertook to give effect to the provisions of the Convention, under paragraph (2) they committed themselves to take actual practical steps to implement it.

Mr. BACHE (Denmark) agreed with the Netherlands delegation that the word "legal" should be inserted in the text of paragraph (2) to bring the Article into line with the 1966 Convention on Load Lines.

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Mr. DARAM (France) pointed out that in his country international law was held to take precedence over domestic law. If, therefore, any government undertook to give effect to a Convention, it was legally bound to take the statutory measures necessary to implement it. Paragraph (2) was accordingly unnecessary.

Mr. O'SULLIVAN (Ireland), Mr. CUNNINGHAM (USA), Mr. BIEULE (Argentina), Mr. OSMAN (United Arab Republic), Mr. SUZUKI (Japan) and Mr. DUBCHAK (USSR) supported that view.

The CHAIRMAN put to the vote the French amendment on page 4 of TM/CONF/6.

The amendment was adopted by 24 votes to 5.

Article 1, as amended, was approved.

#### Article 2 - Definitions

##### Introductory wording

The CHAIRMAN said that the English version of the introductory wording contained a typographical error, and should be corrected to read: "For the purpose of the present Convention, ...".

The introductory wording, as corrected, was approved.

##### Paragraphs (1) and (2)

Approved without comment.

##### Paragraph (3)

Mr. BIEULE (Argentina) proposed that "International Voyage" should include a voyage over water and should not be restricted to sea voyages only. That proposal was not supported.

Mr. DARAM (France) drew attention to his Government's proposal and comments (TM/CONF/6). He stressed the inadvisability of using the term "country", which had no meaning in international law.

Mr. PROSSER (UK) said that his delegation strongly urged the retention of the original text, despite the objection raised by France. It was taken from the 1960 Safety Convention and the 1966 Convention on Load Lines, and had been adopted only after lengthy discussion.

Mr. BORG (Sweden), Mr. GERDES (Netherlands), Mr. KASBEKAR (India), Mr. HINZ (Federal Republic of Germany), Mr. WIE (Norway), Mr. SUZUKI (Japan) and Mr. MILEWSKI (Poland) expressed support for the United Kingdom view.

Mr. DARAM (France) noted that many delegations preferred the original text. His Government nevertheless continued to attach great importance to its proposal.

Mr. MURPHY (USA) said that his delegation found the original wording adequate and clear. The fact that it was used in the 1960 Safety Convention and the 1966 Convention on Load Lines meant that it had already acquired some significance internationally. A change in the wording might suggest that the tonnage measurement convention differed in some way from the other two Conventions. The paragraph should therefore be left as it stood.

The CHAIRMAN invited the Committee to vote on the French proposal.

The proposal was rejected by 18 votes to 2.

Paragraph (3) was approved without change.

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Paragraphs (4) and (5)

The CHAIRMAN pointed out that paragraph (4) used the words "a ship the keel of which is laid" whereas the corresponding wording in the French amendment (TM/CONF/6), as well as in TM/CONF/4, spoke of "a ship for the construction of which a contract has been signed". There was a considerable difference between the two formulae.

Mr. UTTLEY (UK) proposed the addition of the words "for each Contracting Government" at the end of paragraph (4).

Mr. LOLONG (Indonesia) said that his delegation supported the Swedish proposal for paragraph (4) (TM/CONF/6).

Mr. von der BECKE (Argentina) suggested that the words "for the Government the flag of which is borne by that ship" should be added at the end of paragraph (4).

Mr. BACHE (Denmark) drew attention to his Government's proposal in TM/CONF/6.

Mr. KASBEKAR (India) pointed out that the definitions given in paragraphs (4) and (5) were closely connected with the topic being discussed by the Technical Committee. Further consideration of those definitions should therefore be postponed until the Technical Committee had reached some conclusions.

Mr. MURPHY (USA) said there had been many references in plenary to the extent to which the new convention should apply to existing vessels. That was another reason for postponing consideration of paragraphs (4) and (5).

Mr. GERDES (Netherlands) agreed. The definition of a new ship was a matter of great importance to the Netherlands delegation.



Mr. DUBCHAK (USSR) expressed his support for the idea of postponing the discussion on paragraphs (4) and (5). He suggested that the matter be taken up again when the plenary had reached the necessary decisions.

It was so decided

### Article 3 - Application

Mr. HINZ (Federal Republic of Germany) and Mr. Kasbekar (India) said that discussion of Article 3 should be postponed, as had been done in the case of Article 2.

Mr. BACHE (Denmark) said that other elements in Article 3 could still be discussed, since they did not affect the general question of applicability to new ships.

### Paragraphs (1) and (2)

Paragraph (1) was approved without change.

### Paragraphs (3) and (4)

Consideration of paragraphs (3) and (4) was deferred.

### Article 4 - Exceptions

#### Paragraph (1)

The CHAIRMAN suggested that as there was no definition of overall length either in the Articles or in the Regulations, the point might be referred to the Technical Committee. Speaking as a naval architect, he expressed a preference for the same definition as that used in the 1966 Convention on Load Lines.

Mr. DARAM (France) said that according to the French version of paragraph (1)(b), which was at variance with the English, the exception in that clause was applicable to new ships. Therefore, consideration of the clause should be postponed until the question of parameters had been settled.

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Mr. PROSSER (UK) urged the Committee to accept paragraph (1) as it stood; it was already specific enough and need not be referred to the Technical Committee.

Acceptance of the Swedish amendment (TM/CONF/6, page 14) would mean that ships of considerably larger size would be excluded from the scope of the convention.

Mr. NICHOLSON (Australia) said that paragraph (1)(b) might with advantage, be held over in case the Technical Committee proposed a displacement parameter.

Mr. WIE (Norway) said that paragraph (1)(b) was acceptable as it stood and need not be referred to the Technical Committee.

Mr. BORG (Sweden) and Mr. DUBCHAK (USSR) were in favour of referring paragraph 1(b) to the Technical Committee.

Mr. HINZ (Federal Republic of Germany) also favoured that course. If the Technical Committee recommended a displacement parameter, paragraph (1)(b) should follow closely the analagous definition in the 1966 Convention on Load Lines.

The proposal to refer paragraph (1)(b) to the Technical Committee was adopted by 21 votes to one.

Mr. NADEINSKI (Committee Secretary) reminded representatives that the Technical Committee had to conclude its work by 13 June or at latest 16 June, otherwise there would not be enough time left for drafting and discussions in the present Committee and in plenary, and preparation of the Conference's final documents.

Mr. HINZ (Federal Republic of Germany) explained that he had simply wished the Committee to hold over consideration of paragraph (1)(b) until the Technical Committee had reported on parameters to the plenary.

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The CHAIRMAN said that might be preferable, and then paragraph (1)(b) need not be referred to the Technical Committee.

Mr. KASBEKAR (India) observed that there were technical considerations at stake: hence the decision on the definition of length must be deferred. If a minimum length were inserted, it should be the same as that specified in the 1966 Convention on Load Lines.

The CHAIRMAN, speaking in his personal capacity, said that the term "overall length" did not constitute a definition. Something more precise was needed.

Mr. PROSSER (UK) said that the Committee might defer consideration of paragraph (1)(b) until the Technical Committee's recommendation concerning parameters had been submitted in plenary.

The CHAIRMAN said that it would be best not to go back on a vote already taken; accordingly paragraph (1)(b) would be referred to the Technical Committee for advice on the need to define the term "overall length" and the minimum length to be specified in that paragraph.

Paragraphs (2)(a),(b) and (c)

Mr. PROSSER (UK) said that his delegation wished to make it clear that the inclusion of paragraph (2)(c) in Article 4, in no way affected the status in international law of waters excluded from the scope of the Convention by that Article.

Paragraphs 2(a),(b) and (c) were approved.

Additional paragraph proposed by the United Kingdom

Mr. PROSSER (UK) proposed an additional paragraph for inclusion in Article 4, which could be modelled on Article 7 - "Force majeure" in the 1966 Convention on Load Lines.

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The draft Convention under consideration was intended to apply to all ships engaged on international voyages apart from the exceptions laid down in Article 4. Therefore, its provisions would apply to fishing vessels over a certain length and that was acceptable to the United Kingdom delegation. The great majority of British fishing vessels of such size did not engage on international voyages, but they did operate in distant waters and occasionally were obliged for various reasons, such as having to land a sick seaman, to enter foreign ports. His proposal was designed to remove any possible doubts as to the status of such vessels.

Mr. WIE (Norway), supporting the United Kingdom proposal, said that his Government was in the same position.

Mr. HINZ (Federal Republic of Germany) asked for the United Kingdom proposal to be circulated in writing before a final decision was taken.

It was so decided.

#### Article 5 - Ascertainment of tonnages

Mr. HINZ (Federal Republic of Germany) suggested that the Committee could discuss the substance of both Articles 5 and 6 by inserting square brackets around the words "gross tonnage and load displacement", wherever they occurred. It need not then postpone their consideration until the Technical Committee had arrived at a decision concerning parameters.

Mr. DARAM (France), Mr. de MATTOS (Brazil), Mr. GERDES (Netherlands) and Mr. LEVY (Israel) agreed.

Mr. KASBEKAR (India) maintained that it was necessary first for the Technical Committee to pronounce on the two fundamental issues.

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Mr. QUARTEY (Ghana) said the discussion of Articles 5 and 6 would be disjointed if such a procedure were followed.

Mr. BACHE (Denmark) favoured something on the lines of the French amendment (TM/CONF/6, page 16).

The meeting rose at 12.35 p.m.