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IMCO

INTERNATIONAL CONFERENCE ON TONNAGE MEASUREMENT OF SHIPS, 1969

SUMMARY RECORD OF THE SIXTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Tuesday, 3 June 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 8 - EXAMINATION OF REPORTS OF COMMITTEES

First Report of the Technical Committee to the Conference
(TM/CONF/C.2/4)

The PRESIDENT asked participants to discuss the Report paragraph by paragraph. He invited the Chairman of the Technical Committee to introduce the report.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, said that a large majority of members had been in favour of embodying two figures in tonnage (paragraph 2(a)), while the Committee as a whole had agreed that the values of gross and net tonnages obtained by the new system should be as close as possible to existing gross and net tonnages (paragraph 3). Under paragraph 2(b), a majority had supported the proposal to use volume for the formula determining gross tonnage, while under paragraph 2(c) a majority had favoured using displacement for the formula determining net tonnage. It should be noted that in both cases the Committee had envisaged the possibility of applying other parameters in addition to the main parameters. Paragraphs 2(d), (e), (f) and (g) related to the problem of the shelter-deck concept, which had now been discussed sufficiently to make clear exactly what was meant. Majorities had emerged in favour of retaining the open shelter-deck concept for existing ships, of applying it to new ships, of applying it to net tonnage only in the case of new ships, and of not allowing frequent changes from open to closed shelter conditions.

He wished to urge that the Conference agree to include in the Preamble or in a recommendation, a statement to the effect that gross tonnage should be used as the basis for statistical calculations connected with the application of the Convention, while net tonnage should be used as the basis for dues, especially harbour dues.

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Paragraph 2(a)

Paragraph 2(a) was unanimously approved.

Paragraph 2(b)

Mr. PROHASKA (Denmark) said that, in his opinion, the majority decision in favour of using volume to determine gross tonnage might have been different if the question had been worded differently. Members of the Committee had been called upon to decide between displacement volume on the one hand and all other kinds of volume, without specification, on the other. In his view, the result had proved unjust to the concept of displacement which, as computer calculations had shown, was as accurate as any other parameter. He therefore hoped that at a later stage the Technical Committee would have an opportunity to make a more detailed examination of the various proposals submitted.

Mr. ROCQUEMONT (France) said that his delegation had voted in favour of volume and hoped that the proposal would rally wide support. However, he wished to make it clear that by volume the French delegation understood total volume, without exemptions or exclusions. If that understanding were not correct, he wished to reserve his right to propose a different parameter, such as displacement.

Mr. PRIVALOV (USSR) agreed with the previous speaker, but hoped that technical questions would not be discussed in plenary. He assumed that the Committee would be able to continue its examination of the various proposals, although he agreed that it would be useful if the Conference could now approve the first Report.

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Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, supported the statements made by the French and Soviet representatives. The various views on volume expressed in the Committee were not far apart, and the Committee should be given the possibility of studying the problem in greater detail at a later stage.

The PRESIDENT put to the vote the proposal contained in paragraph 2(b).

Paragraph 2(b) was approved by 36 votes to none.

Paragraph 2(c)

Mr. PRIVALOV (USSR) said he wished to explain why his delegation had not voted in favour of displacement under paragraph 2(c). The various proposals that had been made in the past in support of using displacement to determine net tonnage had never led to any practical results, and he could therefore see no reason for taking the proposal up again. Furthermore, as he had stated in the Committee, use of the concept of displacement would not encourage shipowners to take steps to enhance safety or to improve the comfort and well-being of seafarers by such measures as air-conditioning, larger power reserves, the development of new equipment or the introduction of nuclear propulsion. The whole question of adequate ballast would also arise. Nor was it clear how the concept of displacement could be applied to the more recent innovations, such as hydrofoils, hovercraft and submarine transport.

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It should also be noted that there was no linear relationship between displacement and net tonnage. Calculation of the relationship $\frac{NRT}{D}$ gave a range of 0.167 to 0.356 in the case of dry cargo ships, and 0.462 to 0.709 for passenger ships. Those figures revealed a very wide range even within groups of ships of the same type; so it was obvious that a very long period of adaptation, perhaps fifteen years or even more, would be needed before the new regulations could come into force. Furthermore, use of the concept of displacement would have undesirable consequences for small ships and thus for countries possessing fleets of small ships. It would also lead to inequality of treatment between vessels navigating in tropical and in northern waters. For all those reasons he thought that the whole question required further study, and in particular the Norwegian proposal contained in TM/CONF/9/Add.1.

With regard to the proposal by the Chairman of the Technical Committee, he felt that it was not possible for the Conference to take a final decision on the definition of net and gross tonnage. Above all, attention should be given to the resolution adopted by the International Association of Ports and Harbors (IAPH) at its Melbourne meeting, which stated that any new system should lead to a set of tonnages irrespective of the ship's draught or amount or disposition of cargo carried. In his view, IAPH should be consulted before any decision was taken.

Mr. CHRISTIANSEN (Norway) fully supported the previous speaker.

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Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, pointed out that the Committee had merely recommended that displacement should be used as the main parameter, leaving open the question of adding other parameters, and that it had not suggested that there was a linear relationship between displacement and net tonnage. Various methods had been proposed for solving the problem of small ships and passenger ships.

Mr. PROHASKA (Denmark), replying to a point raised by the Soviet representative, said that it would be difficult to produce a system corresponding closely to present figures for net tonnage as national practices varied so widely. The figures quoted were not relevant, since it had never been intended to establish a linear relationship between displacement and net tonnage. It should be noted that proposals had been made to deal with the problem of passenger space and water-ballast space, and those proposals would be studied in detail at a later stage. In his view, it was still too early to criticize the concept of displacement as the basis for determining net tonnage.

Mr. ROCQUEMONT (France) recalled that there was nothing new about the proposal to use the concept of displacement, which had been the basis of Proposal C submitted a year ago. In reply to the criticisms made by the Soviet representative, he wished to point out that the chief advantage of the displacement method was its simplicity as compared with present methods of calculating net tonnage. It also took into account the question of cargo density, which the concept of volume alone did not. In his view, a system based on both displacement and volume would produce a very balanced result.

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He had been surprised by the Soviet reference to the IAPH resolution adopted in Melbourne, which he took to be an argument in favour of using the concept of displacement. The Melbourne resolution condemned only the "tonnage mark" system, which allowed ships to change frequently from one tonnage to another; it did not invalidate the proposal to use displacement to determine net tonnage.

The Soviet representative had also claimed that certain spaces used to increase safety or comfort would be penalized under the proposed new system. However, it should be noted that shipbuilders always took the criterion of earning capacity into account when they provided greater power reserves, strengthening or air-conditioning. The United Kingdom representative had already made an excellent reply to that point in the Committee.

With regard to novel types of ships, such as hovercraft, hydrofoils and submarine merchant vessels, he thought that no real problem arose. In the case of the first two categories, the weight of the vessel concerned rather than its displacement could be calculated, while the displacement of submarine tankers could be taken as the value corresponding to operation on the surface.

Mr. MURPHY (USA) said he understood that the Conference was at present engaged in **discussing generalities and that** the various problems raised during the debate would be examined at a later stage by the Technical Committee.

In reply to a question from the PRESIDENT, Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, said that it was not intended that displacement should be used as the sole parameter for the determination of net tonnages, but rather as the main parameter to which others would be added in the case,

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for example, of passenger ships or smaller vessels, after further deliberation by the Technical Committee.

Mr. PROHASKA (Denmark) showed with the aid of a diagram that a foreseeable development of cargo transport by container ships, which would have considerable deck weight but limited hold volume, would make the displacement factor extremely relevant to net tonnage, as well as to the earning capacity of such ships.

The PRESIDENT invited the Conference to vote on paragraph 2(c).

Paragraph 2(c) was approved by 24 votes to 10.

Paragraph 2(d)

After Mr. de JONG (Netherlands) and Mr. GUPTA (India) had evoked the question of a time limit for the retention of the "open" shelter-deck concept for existing ships, the PRESIDENT invited the Conference to vote on the text as drafted, the question of a time limit to be left to the Technical Committee for further consideration.

Paragraph 2(d) was approved by 36 votes to none.

First Report of the Credentials Committee (TM/CONF/C.4/1)

Mr. von der BECKE (Argentina), Chairman of the Credentials Committee, presented the first Report. Paragraphs 5 and 6 referred to comments made during that examination with regard to the credentials of certain representatives.

Mr. DUBCHAK (USSR) declared that his Government could not recognize the credentials presented by the representatives of Chiang Kai-shek who did not represent China, nor by the delegations of the puppet regimes of South Korea and Saigon.

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Referring to paragraph 7 of the Report, he stated emphatically his opinion that the Chairman of the Credentials Committee had exerted his authority, thus departing from the traditional impartiality of Chairman of a subsidiary body.

Mr. FU-SUNG CHU (China) protested against the injection of political issues into the deliberations of the Conference. His delegation, he said, represented the only legitimate government of China, recognized as such by a majority of sovereign States and by the United Nations Organization and all its specialized agencies, including IMCO. The credentials of his delegation had, moreover, been examined by the Credentials Committee and found to be in good order. Any statement or reservation to the contrary should be regarded as entirely out of place and out of order.

Mr. VAN LE (Viet-Nam) said that statements of a political character were out of order in the deliberations of a purely technical Conference. He had no intention of delaying the Conference further in its work, but would merely observe that his delegation was quite accustomed to unjustified attacks delivered in the interests of propaganda.

Mr. HAROON (Pakistan) said that his Government did not recognize the credentials of the self-styled representatives of China, believing that the Government of the People's Republic of China alone was entitled to represent that country.

Mr. GANTIOQUI (Philippines) reminded the Conference that its tasks, already complex, would be rendered even more difficult by the introduction of political questions. The United Nations Organization, of which IMCO was a member body, had recognized the Governments of China, Korea and Viet-Nam. He considered that the presence at the Conference of representatives of those Governments was perfectly in order.

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Mr. KIM (Korea) regretted the introduction of political issues into the deliberations of the Conference. As far as his own country was concerned, the Government of the Republic of Korea was the only legal government and had been recognized as such by the General Assembly of the United Nations. That Government, which belonged to twelve specialized agencies, had been admitted to IMCO in 1962. Its credentials had been accepted by the Credentials Committee of the present Conference. He urged the Conference to lose no further time in proceeding with the tasks with which it had been entrusted.

Mr. OSMAN (United Arab Republic) said that his Government recognized only the Government of the People's Republic of China as representative of that country.

Mr. NIKOLIĆ (Yugoslavia) said that in order to expedite the work of the Conference he would approve the report of the Credentials Committee. He stressed, however, that such approval should not be construed as recognition by Yugoslavia of the credentials of the representatives of Chiang Kai-shek of the so-called Republic of Korea and of the régime of Saigon.

Mr. INGERSOLL (USA), supported by Mr. HINZ (Federal Republic of Germany), deplored the introduction of political issues into an essentially technical conference. The Governments whose credentials had been called in question by previous speakers were members of the United Nations or its specialized agencies and as such had been entitled to receive invitations to participate in the present Conference. Their credentials had been found in order by the Credentials Committee. There appeared, therefore, to be no reason for delaying the adoption of the Report of that Committee, so that the real work of the Conference could continue.

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Mr. ROCQUEMONT (France) said that the French delegation could not allow the debate to conclude without stating that, in its view, China's place ought to be occupied by a representative of the Government of the People's Republic of China and not by a representative of the Taipeh authorities.

The PRESIDENT suggested that the Conference adopt the first report of the Credentials Committee, with the understanding that comments and observations made during discussion of that report would be included in the summary record.

The first Report of the Credentials Committee was adopted.

First Report of the Technical Committee to the Conference (resumed)

Paragraph 2(e)

Paragraph 2(e) was approved by 19 votes to 6.

Paragraph 2(f)

Mr. MURPHY (USA) felt that it might be appropriate at the present stage of the discussion to make it clear that the principal objective of the United States, and doubtless of most participants in the Conference, was to find ways and means of simplifying and unifying international arrangements for tonnage measurement, by a system which would have no adverse effects on the safety of navigation. A further important consideration was that the new system should result in the least possible disturbance of the existing economic situation. For that reason he endorsed the remark in paragraph 3 of the Report that the values of gross and net tonnages obtained by the new system should be as close as possible to existing tonnages.

Bearing those general observations in mind, he confessed to some concern about the provision proposed in paragraph 2(f), since the open shelter-deck concept currently applied both to

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gross and to net tonnage. Moreover, the provision of that paragraph appeared to be in conflict with those of paragraphs 2(d) and 2(e), concerning which the Conference had already come to a decision.

The record of the voting in the Technical Committee with regard to paragraph 2(f) showed that the Committee had been far from unanimous in agreement on the matter, and for that reason he wondered whether it could not be referred back to that Committee for further open discussion. Finally, he observed that most port authorities throughout the world were adopting gross tonnage as a basis for calculation, and expressed the view that it would be desirable, if not essential, for the Conference to arrive at clear definitions both of gross and net tonnage so that the provisions of the eventual Convention might have the best possible chance of acceptance by those authorities. The basic issue at stake in that connexion was the establishment of a sound system for the levying of dues and other port charges. Port authorities could not be obliged to follow such a system, so that the Conference's conclusions could not be mandatory. Nevertheless, the Conference could make a recommendation, subject to further deliberation, taking account, for example, of the question of water-ballast deduction and that the open shelter-deck concept should apply to net tonnage only.

Mr. GUPTA (India) supported the previous speaker's suggestion that the Conference prepare a statement of purpose, which would provide generally acceptable guidance in the levying of dues and charges throughout the world.

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Mr. QUARTEY (Ghana), referring the Committee to paragraphs 2(d) and 2(e), observed that the open shelter-deck concept appeared to have been definitely accepted. He supported the remarks by the representative of the United States, reiterating that the initial aim of the Conference was to prepare a generally acceptable and applicable Convention on tonnage measurement, which would take account of the shelter-deck category of ships of all types, both existing and new.

Mr. de JONG (Netherlands), referring to paragraph 3 of the Report, said that its substance had never been the subject of a vote in the Technical Committee. Before the statement in that paragraph could be endorsed by the Conference, the whole question of values had to be examined further, both with regard to different categories of ships and within individual categories themselves. Until that matter had been further examined, the shelter-deck issue could not, in his opinion, be satisfactorily solved.

Mr. ROCQUEMONT (France) confirmed his delegation's support for paragraph 2(f). All the matters with which the Report dealt were inter-related, and the decision on paragraph 2(f) must therefore be compatible with the earlier decisions taken. For shelter-deck ships, there was an obvious advantage in a certified tonnage based on displacement; but to maintain that advantage under a certified tonnage based on volume would require the perpetuation of the present system of exemptions for certain spaces. A suggestion had even been made that the "advantage" in question should be extended to single-deck ships. His delegation would strongly deplore any such decision, for it would open the door to abuses and be unacceptable to port authorities.

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Lastly, his delegation had no objection to the suggestion that the Conference should draw up a recommendation on the use of the tonnages as agreed upon.

Mr. MURRAY SMITH (UK) said his delegation generally agreed with the views expressed by France. It was also in broad agreement with the philosophy expounded by the United States, apart from the question dealt with in paragraph 2(f). Certainly the Conference was not in a position to dictate to the port authorities on the parameter to be used as a basis for the levying of dues. On the other hand, there might be some purpose in embodying in a recommendation the Conference's understanding concerning the use of tonnages, provided that there was no intention to allow changes in load line at regular intervals, thus perpetuating the deficiencies of the international tonnage mark scheme.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, endorsed the stand taken by France and the United Kingdom. An affirmative decision in respect of paragraph 2(f), was implicit in the decisions taken on paragraphs 2(a) and 2(b). The question of a recommendation, to be included, possibly in the Preamble to the Convention, could be left aside for the time being; but it was vital for advancing the work that a decision should be taken immediately on paragraph 2(f).

Mr. PROHASKA (Denmark) disagreed with that view; under paragraph 2(b), the decision was one of principle, but the final formula for the calculation of net tonnage had still to be worked out and the Conference had before it two different proposals on that point. The representative of Ghana had raised an important point, namely that, if paragraph 2(f) was approved, identical ships would be treated differently by the port authorities, depending on their date of entry into service.

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Acceptance of such a situation was inconceivable. He would accordingly suggest that the question be referred back to the Technical Committee for further consideration.

He could support the United States suggestion to define in a recommendation the use to be made of the gross and net tonnages. It was doubtful, however, whether the port authorities could be brought to use the net tonnage, in view of their expressed preference for gross tonnage as the basis for the levying of dues.

Mr. CHRISTIANSEN (Norway) said that his delegation endorsed the stand taken by Denmark, the United States, Ghana and India. If different treatment had to be accorded to identical ships according to age, difficulties would be created for the port authorities and also for the shipping industry throughout the lengthy transitional period to be envisaged.

Mr. ERIKSSON (Sweden) said his delegation was in agreement with the views expressed by France, the United Kingdom and Italy.

Mr. KENNEDY (Canada) also supported those views. It was essential for the Conference to arrive at a realistic parameter on which the port authorities could place reliance; if that were done, the difficulties envisaged would evaporate of themselves.

Mr. PROHASKA (Denmark) pointed out that the port authorities in the Melbourne declaration had made no pronouncement on the merits of the International Tonnage Mark scheme. There had been no trouble whatsoever arising out of the application of the shelter-deck concept over the past 50 years, and there was no reason to anticipate difficulties in the future from its perpetuation.

Mr. HINZ (Federal Republic of Germany) recalled that his delegation had voted in favour of paragraph 2(f) in the Technical Committee. It was against gross tonnage being based on volume as requiring the perpetuation of the present illogical exemptions under the shelter-deck concept. What was desirable was one parameter on the ship's size that could be expressed without exemptions.

Mr. MURRAY SMITH (UK) disagreed with the view that new ships would of necessity be put at a serious disadvantage to existing ones by the provision in paragraph 2(f). In the Technical Committee the previous day, the representative of the Chamber of Shipping of the United Kingdom had made it plain that if paragraph 2(f) was approved, ship designers would take the provision into account during the transitional period prior to the Convention coming into force. In other words, design would be such as to earn no penalty or a very small penalty vis-a-vis existing shelter-deck ships.

Mr. ROCQUEMONT (France) reiterated the principle upheld by his delegation that the future system must first be determined before tackling problems of the transitional period.

Mr. PROHASKA (Denmark) disagreed with the view expressed by Germany concerning gross tonnage. The whole matter needed to be thoroughly thrashed out in the Technical Committee when all the possibilities that existed could be taken into account.

Mr. de JONG (Netherlands) agreed with France that a fair and simple system was required, with suitable rules for the transitional period. His concern was increasing that continued efforts to compromise might lead to results agreeable to none of the parties concerned, including the port authorities. It might therefore be better simply to vote now on the system set out in Proposal C, with a view to eliciting the exact measure of support it enjoyed.

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Mr. CUNNINGHAM (USA) observed that, if it was true that all ports would adopt gross tonnage as the basis for the levying of dues, there was no need to provide any parameters in the new system other than total volume. However, it would take some fourteen years before the use of gross tonnage would become universal, and in the meantime other generally acceptable rules were certainly required.

The PRESIDENT said there were two alternative courses of action open to the Conference: to vote on paragraph 2(f) as it stood, or to refer the question dealt with in that paragraph back to the Technical Committee for further consideration. Either way, voting might be influenced by the decision on the United States suggestion that the Conference should adopt a recommendation embodying its understanding of the use of tonnages.

Mr. L. SPINELLI (Italy), Chairman of the Technical Committee, suggested that, accordingly, the Conference first decide on the question of the proposed recommendation.

Mr. ROCQUEMONT (France) agreed, laying stress on the fact that the statement would be a recommendation, since the matter could not be dealt with in the Convention itself. The Conference should then proceed to vote on paragraph 2(f). Time would not allow of referring such a basic question back to the Technical Committee.

Mr. PROSSER (UK) said his delegation could agree on the drawing up of a recommendation, but the content would have to be discussed in detail at a later stage.

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Mr. MURPHY (USA) suggested that at that stage it would also be advisable to leave open the question of how the recommendation was to be dealt with; i.e. whether it was to be included in the Preamble to the Convention, in the Convention itself, or in the Final Act of the Conference.

Mr. PRIVALOV (USSR) said that a statement of the kind envisaged could only take the form of a recommendation; it could in no wise be an integral part of the Convention itself.

Mr. GRUNER (Finland) asked to be enlightened on the possible effect of a recommendation attached to a Convention that would not come into force until some ten to fifteen years had elapsed.

The PRESIDENT put to the vote the question of whether it was the wish of the Conference that its understanding of the use of tonnages be suitably expressed in a recommendation of the Conference. It would be his intention to refer the drafting of such a statement to the General Committee.

There were 33 votes in favour of the proposition.

Mr. de JONG (Netherlands) considered that it would be more fitting to make a recommendation on the use of tonnage figures in connexion with international conventions already in existence, such as the Load Line Convention and the Safety of Life at Sea Convention.

The PRESIDENT put paragraph 2(f) to the vote.

There were 23 votes in favour and 12 against.

The PRESIDENT ruled that the matter dealt with in paragraph 2(f) was a matter of substance and accordingly, under the Conference's Rules of Procedure, would require a two-thirds majority for adoption.

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After some further discussion on procedure, the PRESIDENT noted a general consensus in favour of taking a second vote on paragraph 2(f).

There were 25 votes in favour and 13 against.

Mr. ROCQUEMONT (France) said that, in the circumstances, he would challenge the President's ruling that the matter was one of substance, since otherwise the end result would be a minority view imposed on the majority.

Mr. PROSSER (UK) did not question that the matter was one of substance, but suggested that the best procedure in the circumstances would be to adjourn the meeting so as to give time for reflection and to take a roll-call vote on paragraph 2(f) immediately on resumption.

After some further discussion on procedure, the PRESIDENT put to the vote his ruling that the matter dealt with in paragraph 2(f) was one of substance, on the understanding that if the ruling was upheld, a roll-call vote on the paragraph would be taken at the next meeting.

The President's ruling was upheld by 18 votes to 17.

The meeting rose at 1.15 p.m.