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UNIFICATION OF MARITIME TONNAGE MEASUREMENT

Memorandum by the Secretariat

Tonnage measurement serves both technical and commercial purposes. It is used for the registration and identification of the ship itself, for the calculation of dues, tolls, and taxes relating to calls at ports, passing through locks, canals etc., and for the determination of quantity of goods which may be carried according to their nature and type.

Gradually different countries began to establish special tonnage legislation. Britain has the earliest known record of legislation of that sort, which seems to have been adopted in 1422. In France the earliest record is dated 1681, when the volume of a ship was expressed in tons of forty-two cubic feet (French measurement), on the assumption that four wine barrels had approximately this volume and weighed approximately one ton.

The law which formed the foundation for modern measurement rules was passed in England in 1854 and was based on the "Moorsom" System of tonnage measurement.

Many benefits would result from the adoption of a world-wide system of tonnage measurement, such as simplification of statistics, better understanding by shipowners and operators of the size of the vessels they purchase or employ, elimination of the need of re-measurement, equity in taxation etc.

Several countries have for a long time paid special attention to the unification of maritime tonnage measurement of ships. Although international agreement on a wide basis has not yet been achieved, it is a fact that recently the international character of this problem has been reaffirmed by proposals which have been made and by decisions which have been taken.

A short survey of international meetings relating directly or indirectly to the subject of unification of maritime tonnage measurement

is given below.

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/In 1860,

In 1860, the European Danube Commission adopted the English System of tonnage measurement (Act of 1854) as a basis for tolls. This seems to be one of the first attempts toward international uniformity of tonnage. It is interesting to note also that in a law enacted in Great Britain in 1862, it was stated that any foreign vessel belonging to a nation which had adopted the British system of measurement under the Act of 1854 - as stated in their national certificates - would be accepted at British ports without re-measurement.

A special Commission called "International Tonnage Commission" met at Constantinople in 1873 and the final report of this Commission was signed on 18 December of that year. The main questions dealt with at this international meeting were: gross and net tonnage measurement and Suez Canal dues.

In 1888 the Scandinavian countries proposed the creation of an international maritime organization to deal with technical matters such as tonnage measurement etc. The proposal was brought up at the Washington Maritime Conference of 1889, but it was opposed by Great Britain and Germany and was finally rejected.

The International Institute of Statistics, after having reviewed the diverse methods of assessing tonnage measurement of vessels at its meeting in Paris in 1889, urged the adoption of international tonnage rules but the resolution taken on this particular subject did not bring any definite result.

The Pan-American Conference which met in Washington in 1890 recognized that an unnecessary number and variety of tonnage taxes and dues existed and that such a situation occasionally opened the way to discriminatory practices. The recommendations of the Conference, unfortunately, were inadequate because they had been prepared without taking sufficiently into account the difficulties involved in the tonnage question.

The Baltic and International Maritime Conference considered, in 1907, the rationalization of tonnage by means of plans which were to be financed by a general levy on tonnage, and after the war of 1914-18 the Conference extended its activities to matters of general regulations such as among others tonnage measurement, but no conclusion on a universal system of tonnage measurement was attained.

In 1921 the International Chamber of Commerce passed a resolution recommending the universal application of a uniform system for determining the net tonnage of ships.

Later the matter was taken up by the League of Nations Communications and Transit Committee, and a Technical Committee set up by it completed after several years of study the draft "International Regulations for Tonnage Measurement of Ships" based on the English system, the text of which was circulated to governments in 1939. Due, however, to the second World War the

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matter could not be advanced further at that moment.

At its Congress held at Montreux in June 1947, the International Chamber of Commerce considered a report on Barriers to the International Transport of goods, prepared by a committee of experts. Amongst the subjects of primary importance, mention was made in the report of the tonnage measurement of ships. The necessity was stressed of adopting a set of international rules as soon as possible. It was pointed out that the existing diversity of regulations made it necessary for ships when calling at certain ports to be re-measured for the calculation of duties, an obligation which leads to extra expenses and useless delays.

The International Chamber of Commerce Congress then adopted the following recommendations for submission to the competent authorities:

"Adoption of standardized regulations for measurement of shipping tonnage so as to avoid fresh measurement being taken in certain ports of call for calculation of duties."

At the request of the International Chamber of Commerce the report, after its adoption by the Congress, was submitted to the Transport and Communications Commission of the United Nations at its second session held in Geneva in April 1948.

Also in 1947 a conference was convened in Oslo by the Norwegian Government which was attended by delegates of Belgium, Denmark, Finland, France, Iceland, the Netherlands, Norway, Sweden and by observers of Great Britain and the United States. A "Convention for a Uniform System of Tonnage Measurement of Ships" was signed on 10 June 1947. The Conference decided inter alia to attach to the Convention as an annex the "International Regulations for Tonnage Measurement of Ships" issued through the League of Nations and dated 30 June 1939, and that they will therefore now become the regulations for the measuring and marking of ships by all the contracting Governments under the Convention. This stipulation appears in article 1. (For more detailed information on the Oslo Conference, see Annex.)

In accordance with the decision adopted by the Conference and stipulated in the Final Act, a first meeting of tonnage experts was held in Oslo in April 1948, at which the following Governments were represented: Denmark, Finland, France, Great Britain, Netherlands, Norway, Sweden, and the United States. (See Annex.)

From the past developments of which a brief summary has been given above, it appears that for some time many countries have devoted much interest to tonnage measurement of ships owing to the pertinence and importance of this question. It may be added that recently some countries have indicated their willingness and desire to solve this problem in the near future on a wide international level and, if possible, on a world-wide

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basis. For instance, in the text of the Final Protocol (see Annex) of the Oslo Conference of 1947, this trend of opinion was given following these lines:

"....It is the desire of the Signatories to the said convention, that all other maritime countries will join them in their endeavours to establish a world wide uniformity of tonnage measurement and for that purpose accede to the convention and apply the Regulations attached thereto, which they find most appropriate for the time being...."

Moreover, in the course of the conference meetings, mention was made that the convention should be considered only as the start to a really universal convention and hope was expressed that before long there would be a demand for a world-wide conference. In this respect it was suggested in the course of the discussions that nations which are not signatory powers should not be precluded from convoking a conference which would consider the results achieved by the Oslo Conference and work along these lines.

In view of the fact that the "International Regulations for Tonnage Measurement of Ships" issued through the League of Nations were adopted by the Oslo Conference and attached as an annex to the Oslo Convention, it would appear that a definite understanding on the way in which tonnage measurement of ships could be made exists amongst many countries. Therefore, should the opportunity arise of submitting this matter to a world-wide conference, it would seem that it might lead to an agreement on a wider scale.

Since the Inter-governmental Maritime Consultative Organization has been established by the convention concluded at the United Nations Maritime Conference held in Geneva from 19 February to 6 March 1948, it would appear that the study of the problem of unification of maritime tonnage measurement falls within the field of that organization, whose purposes and functions, as stipulated in the convention, are inter alia:

Article 1

"....(a) To provide machinery for co-operation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation...."

Article 3

"....(b) To provide for the drafting of conventions, agreements, or other suitable instruments, and to recommend these to Governments and to inter-governmental organizations, and to convene such

/conferences

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conferences as may be necessary;

....(c) To provide machinery for consultation among Members and the exchange of information among Governments."

The Transport and Communications Commission might therefore deem it useful that the attention of the Inter-governmental Maritime Consultative Organization be drawn to this problem.

## ANNEX

## OSLO CONFERENCE ON TONNAGE MEASUREMENT OF SHIPS

A Conference on Tonnage Measurement was held in Oslo from 29 May to 10 June 1947.

This Conference was convened by the Norwegian Government following the work mainly done after the war on this matter by Norway in close co-operation with the Netherlands.

Mr. L. Aall, Chief of Division for Tonnage Measurement in the Royal Norwegian Ministry of Finance and Customs opened the Conference.

The following Governments were represented by delegates: Belgium, Denmark, Finland, France, Iceland, Netherlands, Norway, Sweden.

The following Governments were represented by observers: Great Britain, United States.

Mr. L. Aall (Norway) was elected Chairman.

The following committees were set up:

Credential Committee

Committee ad hoc (regarding some points of procedure)

Main Committee

Drafting Committee

In his opening address the Chairman stressed the usefulness and importance of obtaining uniform tonnage rules.

He mentioned that the Regulations the Conference was going to deal with now were based on the English System for Tonnage Measurement already used by an overwhelming majority of sea-faring nations.

He pointed out that in his opinion a system deviating from the English one (for instance the Suez or Panama Canal) would cause a great amount of work in connection with the adjustment of dues levied on tonnage and that this decision would influence the construction of ships and interfere with various matters.

Three different drafts of the Convention were submitted to the Conference: Norwegian, French, and Swedish, and the Conference agreed to use the Swedish Draft as a basis for the discussion.

## ANALYSIS OF THE CONVENTION

The purpose of the Convention is pointed out in the preamble by stating that the participating Governments have resolved to conclude a convention for a uniform system of Tonnage Measurement of ships,

"considering that differences in the regulations for Tonnage measurement of ships and in the application of such regulations may lead to serious inconveniences consisting in unequal treatment of the ships, and cause hindering formalities and unnecessary costs;"

/and

and

"desiring therefore to give practical effect to the preparatory work over a number of years, with a view to removing such differences, by establishing uniform regulations for tonnage measurement of ships based on the System applied by most maritime countries...."

The Conference decided first to attach to the Convention, as an Annex, the "International Regulations for Tonnage Measurement of Ships" issued through the League of Nations and dated 30 June 1939, and that they will therefore now become the regulations for the measuring and marking of ships by all the contracting Governments under the Convention. This stipulation appears in Article 1.

The competent authority for the measurement and marking of ships is determined by Article 2 in which it is stated that "the government concerned fully guarantees the completeness and the efficiency of the measurement and marking".

The certificate itself is called "International Tonnage Certificate in accordance with the Convention concluded in Oslo on the tenth of June 1947" (Article 3).

Article 4 stipulates the conditions under which the Government of a country to which the Convention applies may require any ship which belongs to any other country to which the Convention also applies to be measured and marked.

The Conference, after discussing the language to be used in the certificate, decided (Article 5) that it shall be drawn up in the official language of the country by which it is issued. If that language is not English, the text of the certificate should be rendered in English "in part or in full, as may be considered appropriate".

On the other hand it was decided that the certificate shall be the one given in Appendices 1 and 2 of the Annex (League of Nations model).

Articles 6, 7, and 8, respectively, deal with the conditions required for the remaining in force of the certificate, with the obligation for contracting Governments to recognize a certificate issued by another contracting Government or a Government under its authority, and with the process according to which a ship shall be subject to control with respect to Tonnage Measurement when in a port of a country to which it does not belong but to which the Convention applies.

It has been stipulated in that particular instance that "in no case must the exercise of such control cause any expense or delay to the ship".

The privileges attached to the Convention apply to ships holding an International Tonnage certificate (Article 9).

/Conditions

Conditions upon which a ship is entitled to the privileges attached to the Convention are given for different cases in Article 10.

The Government of Norway will serve as an intermediary for collecting and distributing all documents such as texts of laws, decrees, regulations, and reports which contracting Governments undertake to communicate to each other. (Article 11), as well as all modifications of the Convention and the Regulations which may be proposed by any contracting Government (Article 12), and to convene conferences for the purpose of such revisions whenever "five or one-third, whichever is the lesser, of the Contracting Governments express a desire to that effect."

Articles 13 and 15 give the conditions upon which a contracting Government has the right to declare its desire that the Convention shall apply also to overseas territories, colonies, etc. and the Government of Norway will therefore receive from and communicate to all Governments the necessary information in its capacity of Bureau Power.

It has been decided that the English and French texts shall be authentic. (Article 14).

Article 15 deals with the case of accession to the Convention by a Government.

The date of coming into force of the Convention has been fixed to be the 1st of the year 1948, provided that at least five ratifications have been deposited by that date. (Article 16), and any contracting Governments can denounce the Convention "at any time after the expiration of five years from the date on which the Convention comes into force."

Remark: This Convention was modeled on the Load-Line Convention.

#### FINAL PROTOCOL

In the Final Protocol of the Conference the following statement which is of particular interest, was made: "...It is the desire of the signatories to the said Convention that all other maritime countries will join them in their endeavour to establish a world-wide uniformity of Tonnage Measurement, and for that purpose accede to the Convention and apply the Regulations attached thereto, which they find most appropriate for the time being..."

This point of view was mentioned on various occasions in the Conference meetings. For instance, in the course of the discussions one delegate stated that he felt that the Convention should be considered only as a start for a real universal convention, and another delegate pointed out, in the address he made at the last meeting, that "...he /also hoped



also hoped that before long there would be a demand for a truly world-wide conference on this subject."

The signatories to the Final Protocol agreed also, that:

"....In order to avoid different application and interpretation from the countries, the governments of which are signatories or acceding parties to the said convention, shall meet at least every second year in order to secure the uniform application and interpretation of the Regulations, and to make to the contracting governments recommendations to that effect..."

#### MEETING OF TONNAGE EXPERTS

The first meeting of Tonnage Experts took place in Oslo (April 1948) before the Regulations were translated into the languages of the various countries. The purpose of the meeting was to attempt to make interpretations of certain articles in the Regulations.

A certain amount of recommendations concerning such interpretations of Articles were made, to be recommended for acceptance by the signatories to the Convention.

As regards the Formulae of Measurement (Ref. Article 4 of the Convention), it was recommended that more uniformity be attained, that a mutual exchange of national formulae now used should take place as soon as possible, and that at the next meeting of Tonnage Experts this subject should be taken up for further consideration in the light of the experience gained.

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