

Doc.TD/L.251
29 June 1983

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

Sixth session
Belgrade, Yugoslavia
6 June 1983
Agenda item 13 /b/

UNCTAD ACTIVITIES IN THE FIELD OF SHIPPING

Draft resolution proposed by the President of the Conference^{1/}

The United Nations Conference on Trade and Development,
Considering that maritime transport is one of the essential supports for the harmonious development of the economies of developing countries,

Reaffirming the importance of shipping in international trade, and the need for developing countries to participate more effectively in world shipping,

Recalling General Assembly resolution 35/56 of 5 December 1980, the annex to which contains the International Development Strategy for the Third United Nations Development Decade, which calls, inter alia, for the increase in the participation by developing countries in world transport of international trade and, to this end, for appropriate structural changes to be carried out where necessary and for the international community to continue to take the necessary steps to enable developing countries to compete more effectively and to expand their national and multinational merchant fleets so as to increase their share

^{1/} Group B's acceptance of those paragraphs which require work by the UNCTAD secretariat is dependent on its understanding that this does not require extra financial resources.

Dok.TD/L.251
29.lipanj 1983.

KONFERENCIJA UJEDINJENIH NARODA ZA TRGOVINU I RAZVOJ

VI zasjedanje
Beograd, Jugoslavija
6.lipanj 1983.
točka 13 /b/

AKTIVNOSTI UNCTAD-a NA POLJU POMORSTVA

Tekst Nacrta rezolucije predloženog od strane Predsjednika Konferencije^{1/}

Konferencija Ujedinjenih naroda za trgovinu i razvoj,
Smatrajući da je pomorski prijevoz jedan od najbitnijih oslonaca skladnog razvoja privreda zemalja u razvoju,

Potvrđujući važnost pomorstva u međunarodnoj razmjeni i potrebu zemalja u razvoju da sudjeluju efikasnije u svjetskom pomorstvu,

Pozivajući se na Rezoluciju Generalne skupštine 35/56 od 5. prosinca 1980., aneks koji sadrži strategiju međunarodnog razvoja u Trećoj razvojnoj dekadi UN, koja je izmedju ostalog tražila povećanje udjela zemalja u razvoju u svjetskom prijevozu međunarodne trgovine, i u vezi s tim odgovarajuće strukturalne promjene koje će se izvršiti tamo gdje su potrebne, i da međunarodna zajednica nastavi s poduzimanjem neophodnih koraka kako bi omogućila veću konkurenčnost zemalja u razvoju i proširivanje njihove nacionalne i multinacionalne trgovačke flote u svrhu što je

^{1/} Grupa "B" prihvata one članove koji traže odredjenu aktivnost Tajništva UNCTAD-a samo ukoliko ne iziskuju dodatna finansijska sredstva.

substantially with a view to reaching as close as possible to 20 per cent of the dead-weight tonnage of the world merchant fleet by 1990.

Recalling the resolution unanimously adopted by the Ad hoc Intergovernmental Working Group on the Economic Consequences of the Existence or Lack of a Genuine Link between Vessel and Flag of Registry at its first session,

Recalling also General Assembly resolution 37/209 of 20 December 1982 which convenes a Preparatory Committee for the United Nations Conference on Conditions for Registration of Ships,

Noting with concern that the world shipping industry is undergoing a sustained serious crisis which inhibits the fleets of all countries from operating in a situation of economic viability and which poses particular problems for developing countries,

Noting also that the participation of developing countries in the carriage of bulk and refrigerated cargoes is relatively low and further noting their determination to increase substantially their share in the transportation of these cargoes,

Conscious that the problems prevailing in the world shipping industry can be solved through negotiations and co-operation at the international level,

Expressing satisfaction that the pre-conditions for the entry into force of the United Nations Convention on a Code of Conduct for Liner Conferences in 1983 have been met.

Noting the views and concerns expressed by a number of developed and developing countries - both States parties to the Convention on the Code of Conduct for Liner Conferences and those which are in the process of becoming contracting parties - on the actions needed for the preparations

bliže moguće povećanju njihovog udjela s obzirom na postizanje /cilja od/ 20% /učešća u/ toniči svjetske trgovacke flote do 1990,

Pozivajući se na Rezoluciju jednoglasno usvojenu od strane Ad hoc Medjuvladine radne grupe za ekonomske posljedice postojanja ili nepostojanja stvarne veze izmedju broda i zastave upisnika, na njezinom prvom zasjedanju,

Pozivajući se također na Rezoluciju Generalne skupštine 37/209 od 20. prosinca 1982. koja saziva Pripremni odbor za Konferenciju UN o uvjetima upisa brodova,

Uzimajući na znanje sa zabrinutošću da svjetsko pomorstvo prolazi ozbiljnu krizu koja onemogućuje flotama svih država ekonomično poslovanje i koja stvara posebne probleme za zemlje u razvoju,

Uzimajući također na znanje da je sudjelovanje zemalja u razvoju u prijevozu rasutog i smrznutog tereta relativno malo, uzimajući dalje na znanje njihovu odlučnost da štoviše povećaju njihov udio u prijevozu ovih tereta,

Svjesni da problemi koji prevladavaju u svjetskom pomorstvu mogu biti riješeni pregovaranjem i suradnjom na međunarodnoj razini,

Izražavajući zadovoljstvo da su preduvjeti za stupanje na snagu Konvencije UN o kodeksu ponašanja linijskih konferencijskih ispunjeni u 1983,

Uzimajući na znanje gledišta i zabrinutost izraženu od izvjesnog broja razvijenih zemalja i zemalja u razvoju - i države ugovornice Konvencije UN o kodeksu ponašanja linijskih konferencija, i one koje su u postupku da postanu ugovorne stranke - u akcijama potrebnim za pripreme koje

concerning the implementation of the Convention in full conformity with its provisions, after its entry into force,

1. Requests the Secretary-General of UNCTAD to review and update the report by the UNCTAD secretariat "Ship and port financing for developing countries" /TD/B/C.4/190/ in order to determine the availability of financial resources and organizational arrangements for the developing countries in their efforts to increase their participation in the world seaborne transport of international trade, as envisaged in General Assembly resolution 35/56 bearing in mind relevant resolutions of UNCTAD on the financing of ships in their context, paying particular attention to the special problem of the least developed countries;

2. Requests the Secretary-General of UNCTAD, bearing in mind General Assembly resolution 35/56 to examine the structure of the world shipping industry with the aim of identifying causes and effects of protectionist policies and monopolistic practices where they may exist, particularly over the carriage of bulk and refrigerated cargo and taking into account the reports, including the recommendations, of the group of experts on dry bulk cargoes and of the group of experts on the transport of liquid hydrocarbons when they are available, as well as all information supplied to these groups, with a view to drawing up conclusions and, if necessary, recommendations on possible adjustments of these policies and practices and to report thereon to the Committee on Shipping;

se odnose na provodjenje u život Konvencije u potpunoj suglasnosti s njezinim odredbama, nakon njezina stupanja na snagu,

1. Zahtijeva od Glavnog tajnika UNCTAD-a da pregleda i upotpuni izvještaj Tajništva UNCTAD-a "Financiranje brodova i luka za zemlje u razvoju" /TD/B./C.4/190/ u svrhu određivanja raspoloživih finansijskih izvora i organizacijskih dogovora za zemlje u razvoju u njihovim nastojanjima da povećaju svoj udio u svjetskom pomorskom prijevozu medjunarodne trgovine, kao što je sadržano u Rezoluciji Generalne skupštine br. 35/56, imajući u vidu odgovarajuće rezolucije UNCTAD-a koje se odnose na finansiranje brodova s naročitom pažnjom na posebni problem najmanje razvijenih zemalja;

2. Zahtijeva da Glavni tajnik UNCTAD-a, imajući na umu Rezoluciju Generalne skupštine br. 35/56 ispita strukturu svjetske pomorske privrede u cilju određivanja uzroka i učinaka protekcionističke politike i monopolističke prakse gdje one postoje, posebno u pogledu prijevoza rasutog i smrznutog tereta i uzimajući u obzir izvještaj s preporukama Grupe stručnjaka za suhi rasuti teret i Grupe stručnjaka za prijevoz tekućih ugljikovodika kada one budu dostupne, kao i sve informacije dostavljene tim grupama s obzirom na izvodjenje zaključaka i, ako je neophodno, preporuka za moguće prilagodjavanje takvih politika i takvih praksa, i da izvijesti o tome Komitet za pomorstvo;

3.^{2/} Urges the expeditious completion of the work on conditions for the registration of ships, including particularly the establishment of a genuine link between the vessels and flag States, taking into account paragraph 1 /b/ of the resolution adopted by the Ad hoc Intergovernmental Working Group on the Economic Consequences of the Existence or Lack of a Genuine Link between Vessel and Flag of Registry at its first session and including the need for the flag States to exercise effectively their jurisdiction and control over the ships;

Invites all States members of UNCTAD to participate actively in the work of the Preparatory Committee and the plenipotentiary conference of the United Nations on the conditions for registration of ships called for explicitly in General Assembly resolution A/37/209 on the United Nations Conference on the Conditions for Registration of Ships;

4. Requests the Secretary-General of UNCTAD to undertake a study of policies of governments and of practices in the world shipping industry which might be detrimental to the interests of developing countries, particularly investment and support policies in this sector;

5. Further requests the Secretary-General of UNCTAD to undertake a preliminary study for consideration by the Committee on Shipping on the freight rate levels and structures of liner shipping and of selected non-liner commodities, covering dry cargoes of all kinds and liquid cargoes of vegetable origin, and of their possible effects on the exports of developing countries, in conformity with the work programme of the Committee on Shipping;

2/ Liberia reserves its position on this paragraph.

3. Potiće^{2/} brže dovršenje posla o uvjetima upisa brodova, uključujući posebno uspostavljanje stvarne veze izmedju brodova i država zastave, uzimajući u obzir član 1 /b/ Rezolucije prihvaćene od strane Ad hoc Medjuvladine radne grupe za ekonomske posljedice postojanja ili nepostojanja stvarne veze izmedju broda i zastave upisnika, na svom prvom zasjedanju, i uključujući potrebu država zastave da efikasno vrše svoju nadležnost i nadzor nad brodovima;

Poziva sve države članice UNCTAD-a da aktivno sudjeluju u radu Pripremnog odbora i Konferencije UN vladinih opunomoćenika o uvjetima upisa brodova, izričito sazvana u Rezoluciji Generalne skupštine A/37/209 o Konferenciji UN o uvjetima za upis brodova;

4. Zahtijeva da Glavni tajnik UNCTAD-a izradi studiju o politici vlada i praksi u svjetskoj pomorskoj privredi koja bi mogla imati štetne posljedice na interes zemalja u razvoju, naročito u pogledu ulaganja i politike pomoći na tom sektoru;

5. Traži nadalje da Glavni tajnik UNCTAD-a izradi prethodnu studiju koju će podnijeti Komitetu za pomorstvo, a koja treba obuhvatiti visine vozarina, strukture linijskog brodarstva i izabrane ne-linijske robe, obuhvaćajući suhe terete svih vrsta i tekuće terete biljnog porijekla i njihov eventualni učinak na izvoze zemalja u razvoju u skladu s programom rada Komiteta za pomorstvo;

2/ Liberia zadržava pravo rezerve na ovaj član.

6. - Urges the early completion of the ongoing international negotiations in the areas of:

/a/ Maritime legislation, including marine insurance, and the elaboration of model national maritime legislation;

/b/ Liens and mortgages, in accordance with the arrangements currently being discussed between the UNCTAD and IMO secretariats in order to avoid possible duplication of work between them;

- Further urges the Group of Experts which shall examine and recommend possible principles for developing model rules for multimodal container tariffs and the Ad hoc Intergovernmental Group on Maritime Fraud and Piracy to expedite their work on these areas;

7. Requests the Secretary-General of UNCTAD to prepare for the Committee on Shipping a preliminary study on a non-mandatory model agreement for feeder services and transhipment ports, and also to examine the modalities of foreign investments in ports, as well as rights and duties of container terminal operators and users;

8. Calls upon the Secretary-General of UNCTAD to:

/a/ Undertake an in-depth study on the development of bulk terminals, their physical characteristics, management, operation and availability and conditions of international financing and to invite donor countries and financial institutions to send to the UNCTAD secretariat, upon request, relevant information for issuing every two years addenda to the SHIPASSIST Directory, the coverage of which shall be extended to the availability and conditions of international financing for port development;

/b/ Elaborate, in close collaboration with the relevant commercial parties, a standard form and model provisions for multimodal transport documents;

6. - Potiče što brže dovršenje započetih medjunarodnih pregovaranja na područjima:

/a/ pomorsko zakonodavstvo uključujući pomorsko osiguranje i izradu modela nacionalnog pomorskog zakonodavstva;

/b/ privilegije i hipoteke u skladu sa sadašnjim pregovorima koji se vode izmedju Tajništva UNCTAD-a i Tajništva IMO-a, da bi se izbjeglo eventualno podvostručavanje rada medju njima;

- Nadalje potiče da Grupa stručnjaka koja treba ispitati i preporučiti moguće principe za razvoj modela pravila za multimodalne kontejnerske tarife i da Ad hoc Medjuvladina grupa za pomorsku prijevaru i piratstvo ubrza svoj rad na ovim područjima;

7. Zahtijeva da Glavni tajnik UNCTAD-a pripremi za Komitet za pomorstvo prethodnu studiju o ne-obveznom modelu sporazuma za razvozne službe i prekrcajne luke, i takodjer da ispita modalitete stranih ulaganja u luke, kao i prava i obveze poduzetnika kontejnerskog terminala i korisnika;

8. Poziva se Glavni tajnik UNCTAD-a da:

/a/ poduzme iscrpujuću studiju o razvoju terminala za rasutе terete, njihovim fizičkim osobinama, upravljanju, poslovanju, djelovanju, mogućnostima i uvjetima za medjunarodno financiranje, i da pozove države - darovateljice i finansijske ustanove da dostave Tajništvu UNCTAD-a na /njegovo/ traženje odgovarajuću obavijest radi objavljivanja svake dvije godine dodatka u Vodiču za pomoć brodovima, /s tim da/ njihov obujam bude proširen na mogućnosti i uvjete međunarodnog financiranja razvoja luka;

/b/ izradi u uskoj suradnji s odnosnim trgovackim strankama, standardni oblik i model odredbi za dokumente u multimodalnom prijevozu;

/c/ Elaborate guidelines to be disseminated on the application of computer software packages to multimodal transport;

9. Requests the UNCTAD secretariat to prepare a draft programme of action for co-operation among developing countries in the area of shipping, ports and multimodal transport and to submit it to the Committee on Shipping for consideration at its eleventh session. The Committee on Shipping is requested to ensure that the Committee on Economic Co-operation among Developing Countries is kept informed of its deliberations on this subject;

10. Calls upon the UNCTAD secretariat to continue to provide substantive support for technical assistance to the developing countries financed by the United Nations Development Programme and other financial sources, including the provision of commentaries, workshops, seminars, etc., in order to take the domestic measures needed for the implementation of conventions adopted under the auspices of UNCTAD. In this context, the availability of resources in non-convertible currencies for financing such work should also be taken into account, in accordance with the policy of the United Nations Development Programme to assist developing countries;

11. Invites those States members of UNCTAD which have not yet become Contracting Parties to the United Nations Convention on a Code of Conduct for Liner Conferences, which is to come into force in October 1983, to consider ratifying or acceding to that Convention;

12. Invites also those States members of UNCTAD which have not yet become Contracting Parties to the United Nations Convention on International Multimodal Transport of Goods and the United Nations International Convention on

/c/ razradi smjernice koje će se podijeliti radi primjene kompjutorske obrade u multimodalnom prijevozu;

9. Traži da Tajništvo UNCTAD-a pripremi nacrt programa rada za suradnju medju zemljama u razvoju na području brodarstva, luka i multimodalnog prijevoza i podnijeti ga na razmatranje Komitetu za pomorstvo na njegovom jedanaestom zasjedanju. Traži se da Komitet za pomorstvo osigura Komitetu za ekonomsku suradnju medju zemljama u razvoju stalnu obavještenost o svojim raspravama o tom predmetu;

10. Poziva se Tajništvo UNCTAD-a da nastavi s osiguranjem stvarne podrške za tehničku pomoć zemljama u razvoju financirane od strane Programa UN za razvoj i drugih finansijskih izvora, uključujući pružanje komentara, simpozije, seminare itd, da bi se poduzele neophodne unutrašnje mjere radi primjene konvencija usvojenih pod pokroviteljstvom UNCTAD-a. U tom pogledu, raspoloživost izvora u ne-konvertibilnim valutama za financiranje takvog rada trebalo bi se također uzeti u obzir u skladu s politikom Programa razvoja Ujedinjenih naroda za pomoć zemljama u razvoju.

11. Poziva one države članice UNCTAD-a koje još nisu postale stranke ugovornice Konvencije UN o kodeksu ponašanja linijskih konferencijskih, a koja će stupiti na snagu u listopadu 1983, da razmotre mogućnost ratificiranja ili pristupanja ovoj Konvenciji;

12. Poziva također one države članice UNCTAD-a koje još nisu postale stranke ugovornice Konvencije UN o multimodalnom prijevozu robe i Medjunarodne konvencije UN o prijevozu robe morem 1978. /Hamburška pravila/ da razmotre

on the Carriage of Goods by Sea, 1978 /Hamburg Rules/ to consider ratifying or acceding to those Conventions;

13. Calls on all States members of UNCTAD which have become parties to the United Nations Convention on a Code of Conduct for Liner Conferences, or are in the process of so doing to take prompt measures for its implementation at the national level in complete conformity with its scope and provisions, bearing in mind the annexes to the Final Act:

14. Requests the Secretary-General of UNCTAD to prepare a comprehensive progress report on the implementation of the United Nations Convention on a Code of Conduct for Liner Conferences by contracting States and to submit the report to the Committee on Shipping.

Doc.TD/L.251/Add.1
29 June 1983

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

Sixth session
Belgrade, Yugoslavia
6 June 1983
Agenda item 13 /b

UNCTAD ACTIVITIES IN THE FIELD OF SHIPPING

Statement of administrative and financial implications by the UNCTAD secretariat

The draft resolution contained in document TD/L.251 has financial implications relating to operative paragraph 8 /c/, which calls upon the Secretary-General of UNCTAD to elaborate guidelines to be disseminated on the application of computer software packages to multimodal transport. It is estimated that computer expenditures in this context will amount to approximately \$ 50,000 per annum.

mogućnost ratificiranja ili pristupanja navedenim Konvencijama;

13. Poziva sve države članice UNCTAD-a koje su postale stranke ugovornice Konvencije UN o kodeksu ponašanja linijskih konferenciјa ili koje su u postupku da to postanu, da poduzmu hitne mјere za njezinu primjenu na nacionalnoj razini u potpunoj suglasnosti s njezanim ciljem i odredbama, vodeći računa o dodacima Završnog akta:

14. Traži da Glavni tajnik UNCTAD-a pripremi sveobuhvatni izvještaj o primjeni Konvencije UN o kodeksu poнаšanja linijskih konferenciјa od strane država ugovornica i da o tome podnese izvještaj Komitetu za pomorstvo.

Dok.TD/L.251/Add.1
29. lipanj 1983.

KONFERENCIJA UJEDINJENIH NARODA ZA TRGOVINU I RAZVOJ

VI zasjedanje
Beograd, Júgoslavija
6. lipanj 1983.
Točka 13 /b/

AKTIVNOSTI UNCTAD-a NA POLITIJI POMOBSTVA

Izjëva Tajništva UNCTAD-a o upravnim i finansijskim posljedicama

Nacrt rezolucije sadržan u dok. TD/L.251 ima financijske posljedice koje se odnose na čl.8 /c/, koji poziva Glavnog tajnika UNCTAD-a da razradi smjernice koje će biti podijeljene radi primjene kompjutorske obrade u multimedialnom prijevozu. Procijenjeno je da će troškovi kompjutera iznositi oko \$ 50.000 na godinu.

Prevela: A.S.

D O D A T A K

Izabrani dokumenti UNCTAD-a donešeni
u razdoblju od srpnja 1977. do veljače 1983.

- TD/B/C.4/186 - Merchant fleet development, Guidelines for developing countries;
- TD/B/C.4/187 - Shipment of bulk cargoes between developing countries;
- TD/B/C.4/203 - Control by transnational corporations over dry bulk cargo movements;
- TD/B/C.4/196 - Directory of services for technical assistance in shipping and ports to developing countries;
- TD/B/C.4/204 - Technical assistance and training in shipping and ports;
- TD/B/C.4/230 - Availability of technical assistance in shipping and ports to developing countries;
- TD/B/C.4/242 - Technical Assistance and Training: directory on SHIPASSIST;
- UNCTAD/SHIP/
196 - Directory on Services on technical Assistance /SHIPASSIST/;
- TD/B/C.4/242 - Practices of liner conferences in relation to container tariff rules and the feasibility of preparing model container tariff rules;
- TD/B/AC.20/8 - The Practicability and Desirability of International Agreement on Container Standards. Report by the UNCTAD Secretariat;
- TD/B/C.4/195 - Container Standards for International Multimodal Transport;
- TD/B/C.4/236 - Status of the Convention on International Multimodal Transport of Goods;
- TD/B/C.4/249 - Status of the UN Convention on the Carriage of Goods by Sea;
- TD/B/C.4/206 - Status of the Convention of a Code of Conduct for Liner conferences /vidi takodjer dok. TD/B/C.4/INF.31 i TD/B/C.4/INF.34/;
- TD/B/C.4/240 - Status of the Convention of a Code of Conduct for Liner conferences /vidi takodjer dok. TD/B/C.4/INF.31 i TD/B/C.4/INF.34/;

TD/B/C.4/ISL/27 - Legal and documentary aspects of marine insurance contract /Add.1 i Corr.1/;

TD/B/C.4/220 - Open-registry fleets. Report;

TD/B/AC.34/2 - Conditions for registration of ships;

DOKUMENTI Ad hoc Medjuvladine grupe za ekonomske posljedice postojanja ili nepostojanja stvarne veze izmedju broda i zastave upisnika:

TD/B/C.4/AC.1/3 - Report of the First Session held from 6-10 February 1978;
/vidi takodjer: TD/B/C.4/177/.

TD/B/C.4/AC.1/8 - Report of the Second Session held from 14-22 January 1980;
/vidi takodjer: TD/B/C.4/191 i TD/B/784/.

A.S.