

United Nations Conference on the Law of the Sea

Geneva, Switzerland
24 February to 27 April 1958

Summary Records of the 15th Plenary Meeting

Extract from the *Official Records of the United Nations Conference on the Law of The Sea, Volume II (Plenary Meetings)*

the Canadian proposal, which proposed that the breadth of the territorial sea be fixed at six miles and that of the contiguous zone at twelve miles. In the hope that a uniform international rule would result, the Argentine delegation had voted for the joint proposal submitted by India and Mexico (A/CONF.13/C.1/L.79) and for the Colombian proposal (A/CONF.13/C.1/L.82 and Corr.1). It would have voted for the United States proposal (A/CONF.13/C.1/L.29) had the references to compulsory arbitration and the period required for the acquisition of fishing rights in foreign territorial waters been amended as the Argentine delegation had suggested to the authors.

85. Mr. GARCIA AMADOR (Cuba) said that his delegation had voted against article 3 adopted by the First Committee (A/CONF.13/L.28/Rev.1, paragraph 25) which established exclusive fishing rights for coastal States in a contiguous zone of twelve miles, as it considered that proposal unjustified and unjustifiable as a generally applicable rule. In the Third Committee, the Cuban delegation had expressed itself in favour of granting preferential fishing rights in situations in which they were justified mainly on economic grounds. In the opinion of the Cuban delegation, international law could not permit all coastal States to enjoy rights in the high seas regardless of the needs of every other State or to ignore the interests and rights acquired by other States in the zone in question, in particular, the historic fishing rights a State had acquired by reason of the fact that its nationals had engaged in fishing from time immemorial and without interruption. For these reasons his delegation had voted against the other proposals formulated at the Conference, and in favour of the proposal submitted by the United States of America.

86. Mr. ULLOA SOTOMAYOR (Peru) explained that, in accordance with the statement made by his delegation at the 56th meeting of the First Committee on withdrawing its proposal relating to article 3 (A/CONF.13/C.1/L.133 and Add.1 and 2), it had again voted on the present occasion in favour of certain proposals which, although they were not identified with the position of Peru on the matter, were more consistent with Peruvian views or represented some advance on the positions furthest from those of his country which had been maintained at the Conference. Those votes in no way changed the position of Peru, which remained intact, as did the acts of positive law in which it was expressed, as a result of which Peru, together with Chile and Ecuador, exercised jurisdiction over a maritime zone of 200 miles for the purpose of the conservation and utilization of the resources of the sea.

87. His delegation had voted against the United States proposal (A/CONF.13/L.29) because it was the furthest removed from Peruvian views and was, in particular, contrary to the interests and rights of that country, since it provided that States whose nationals had engaged in fishing near the coasts of another State for a period of five years would have acquired historic rights. Such a proposal, which was calculated to favour certain interests and to confer legitimacy on any kind of intrusion in fisheries, would have meant granting a privilege to the great fishing powers, which had been able to carry out such operations without any inter-

national control and without the consent of the coastal State.

The meeting rose at 6.35 p.m.

FIFTEENTH PLENARY MEETING

Friday, 25 April 1958, at 8.50 p.m.

President: Prince WAN WAITHAYAKON (Thailand)

Consideration of the report of the First Committee (Part I: articles 3 and 66) and of proposals relating to articles 3 and 66 (A/CONF.13/L.28/Rev.1, L.29, L.30, L.31, L.34) (continued)

1. Mr. BOCOBO (Philippines) explained that he had abstained from the vote on the United States proposal (A/CONF.13/L.29), because it was contrary to the Philippine Constitution.

2. Mr. BING (Ghana) said that his delegation had voted for five of the six proposals before the Conference, but each time with some misgivings. Ghana had a protein shortage and needed a wide and exclusive fishing zone. Article 3, as proposed by the First Committee (A/CONF.13/L.28/Rev.1, para. 25) had therefore suited it best, but it regretted that that text did not provide for the case of States whose large fishing industries depended upon fishing rights in waters which the article would have closed to them. It had voted for the United States proposal (A/CONF.13/L.29), as a compromise, but realized that the Conference could be successful only if its conclusions were generally accepted and that the adoption of the United States proposal would scarcely compel certain States, including three African countries, to abandon six miles of territorial sea. Moreover, his delegation could not accept without qualification the absolute sanctity of traditional fishing rights. The less-developed countries, such as his own, could not use traditional fishing grounds, whereas the countries already using those grounds were in a position to come and fish in Ghana's waters. His delegation had abstained from voting on the USSR proposal (A/CONF.13/L.30) because it was a mere restatement of that country's former position and not an attempt at compromise, and also because Ghana could see nothing in existing international law which prevented the establishment of a twelve-mile limit. It had voted for the eight-power proposal (A/CONF.13/L.34), although it did not represent enough of a compromise; he would have preferred an attempt at a regional compromise. In conclusion, he said he was sure that a compromise could be reached and hoped that a short debate would be permitted on the Cuban representative's suggestions on the subject.

3. Mr. TUNKIN (Union of Soviet Socialist Republics) said he had voted for the eight-power proposal as well as for his own delegation's proposal. He was convinced that it was the right of each State to establish the width of its own territorial sea. A width of three to twelve miles satisfied historical, geographic and economic interests, as well as those of coastal States and of international navigation.

**Consideration of the report of the Third Committee
(A/CONF.13/L.21, L.22, L.26, L.27, L.33)**

4. The PRESIDENT observed that several proposals had been put forward concerning the articles adopted by the Third Committee (A/CONF.13/L.21, annex).

5. Mr. HERRINGTON (United States of America) drew attention to the close interrelationship between the articles on conservation. It had been evident in the Third Committee that some delegations would not be able to accept articles 54 and 55 unless the procedure provided for in articles 57 to 59 concerning the settlement of disputes was approved, while others would not accept articles 57 to 59 unless articles 54 and 55 were adopted. It was therefore obvious that if a separate vote was taken on each article, a two-thirds majority could not be obtained in every case. The rejection of certain articles would, however, so alter the balance of the group that all the work done by the Third Committee would be lost.

6. The Third Committee in its report (A/CONF.13/L.21, para. 64) had recommended that the convention should consist of two parts, the first dealing with articles 49 to 59 A and the second with article 49, paragraph 1, article 60, article 60 A and any other new articles that might be adopted. The United States delegation considered, however, that article 49 as a whole did not relate to conservation, but primarily to fishing rights, and he moved that articles 50 to 59 A should be voted upon together, and the remainder separately.

7. Mr. CASTAÑEDA (Mexico) agreed in principle with the United States representative, but thought that the latter's idea should be followed to its logical conclusion and all the articles proposed by the Third Committee should be voted on together. Although article 60 A did not deal strictly with conservation measures, the differences between the various articles in the group suggested by the United States representative were even greater. He formally moved as an amendment to the United States motion that the Conference should vote on articles 49 to 60 A as a single group.

8. Mr. GOLEMANOV (Bulgaria) said that his delegation could not agree to the procedure proposed by the United States and Mexican delegations. For example, it would be difficult for it to vote on a group containing article 52, since that article contained the compulsory arbitration clause.

9. Mr. TREJOS FLORES (Costa Rica) supported the motions of the United States and Mexican delegations. The articles adopted by the Third Committee were the result of long negotiations and constituted an integral whole. If the articles were considered separately, some articles would not obtain the necessary majority and the whole convention would be jeopardized.

10. Mr. CORREA (Ecuador) also supported the United States and Mexican motions. The conservation articles were so closely interdependent that the elimination of any one article would disrupt the whole system. Moreover, the adoption of article 60 A was for some delegations an essential prerequisite for the adoption

of articles 57 and 58, and it would therefore be unfair to exclude article 60 A from a block vote. Approval of the two motions would in no way preclude delegations from expressing their specific views on individual articles, before the vote was taken.

11. Mr. CARMONA (Venezuela) observed that, in view of the different interests of coastal and fishing States, the articles had originally been divided into four or five groups for purposes of discussion. At the present stage, however, there was no need for such detailed division. The substantive provisions might be voted on together and then all the articles dealing with the settlement of disputes. In that way the interests of coastal and non-coastal States could be taken into account.

12. Mr. VERZIJL (Netherlands) said his delegation was anxious about the problem of reservations to the articles adopted by the Third Committee. According to paragraph 65 of the Committee's report, it was for the Conference to decide on the admissibility and extent of reservations. The decision of the Conference might considerably influence the votes of many delegates. For example, if no reservations were to be admitted to articles 49 to 60 A, some delegations might be obliged to vote against all the articles.

13. Mr. CORREA (Ecuador) observed that, if a vote was taken on articles 49 to 60 A *en bloc* and a subsequent vote was taken on the admissibility of reservations, the problem could be settled by a vote on the convention as a whole, which might include a reservations clause.

14. Mr. TUNKIN (Union of Soviet Socialist Republics) said that the logical consequence of the views put forward by the United States representative was to vote on all the articles adopted by the Third Committee as a whole. But those views were based on a wrong premise. Any convention might be nullified by the rejection of one article; nevertheless, it was the invariable practice of international conferences to vote on articles separately. It had been said that all the articles were interrelated, but that was also true of the articles on the continental shelf, which the Conference had voted on separately. The purpose of the Conference was to work out rules of international law which would be acceptable to all States, and the articles adopted by the Third Committee should therefore be put to the vote separately, so that each delegation could make its position clear. An exception could only be made in the case of the procedural articles.

15. Mr. OZERE (Canada) said that the articles adopted by the Third Committee represented progressive development of international law. If an agreement was not reached, there would be no international law concerning conservation. Some delegations had accepted the special rights granted to coastal States on the condition that the safeguard against any abuse of those rights contained in the article on compulsory arbitration was also adopted. His delegation therefore supported the United States motion, but it could not support the Mexican amendment, because the inability of some delegations to accept article 60 A might jeopardize the whole convention.

16. Mr. SÖRENSEN (Denmark) said that the articles adopted by the Third Committee were a well-balanced whole, in which the wide powers granted to coastal States were offset by guarantees against the abuse of those powers. The substantive and procedural articles should therefore be taken together. Article 60 A, in particular, was a safeguard for countries whose economy depended on their fisheries. For those reasons his delegation supported the Mexican amendment.

17. Sir Reginald MANNINGHAM-BULLER (United Kingdom) said that his delegation supported the United States motion, but not the Mexican amendment, since it could not accept article 60 A. That article did not deal with conservation, but with economics. In the Third Committee it had been adopted by a small majority after a short discussion, and the provision was not necessary to the balance of the articles as a whole. Many delegations preferred the South African draft resolution (A/CONF.13/L.27), and might have to vote against the articles as a whole if article 60 A were included.

18. Mr. SIKRI (India) said that his delegation supported the United States motion because the articles adopted by the Third Committee represented a delicate balance between the interests of coastal States and fishing States. He proposed an amended motion to the effect that articles 49 to 60 should be put to the vote as a whole, and article 60 A separately, since it had only obtained a small majority and did not deal solely with conservation.

19. Mr. ANDERSEN (Iceland) said that his delegation supported the United States motion as amended by Mexico, for the reasons given by the representative of Denmark. Those who did not favour article 60 A would be able to make reservations to it.

20. Mr. GANDJI (Iran) said that all the articles adopted by the Third Committee were interrelated and should be put to the vote together. His delegation therefore supported the United States motion together with the Mexican amendment. If the Mexican amendment were rejected, his delegation would support the Indian motion. His delegation intended to support article 60 A, but articles 49 to 60 were a whole. It was not necessary to put the articles to the vote individually because all the delegations had had ample opportunity to make the positions of their governments clear.

21. Mr. GOLEMANOV (Bulgaria) said that under rule 39 of the rules of procedure any delegation could ask for a proposal or amendment to be voted by division. Presumably, that rule applied to final texts as well.

22. The PRESIDENT said that a request for a vote by division was not enough. A formal motion to that effect would have to be made and put to the vote.

23. Mr. LAZAREANU (Romania) said that the procedure of voting *en bloc* had not been adopted by any of the committees, nor was it usual at international conferences. Although it was intended to enable the Conference to reach a concrete result, it would prevent those delegations whose views did not coincide with the division into groups from explaining

their position. The articles should therefore be put to the vote separately.

24. Mr. NGUYEN-QUOC-DINH (Republic of Viet Nam) said that his delegation attached great importance to article 60 A. It had withdrawn its joint proposal (A/CONF.13/C.3/L.60) in favour of the Icelandic proposal (A/CONF.13/C.3/L.79/Rev.1) which had been adopted as article 60 A. For that reason it supported the United States motion together with the Mexican amendment.

25. Mr. ASANTE (Ghana) expressed support for the Indian amendment. Although article 60 was not strictly concerned with conservation, it had been adopted by a large majority, and it would be a pity to associate it with article 60 A, which had not.

26. Mr. LUND (Norway) said that his delegation supported the Indian amendment, but not the Mexican amendment.

27. Mr. DEAN (United States of America) said that his delegation could not accept the Mexican amendment to its motion for the reasons given by the representatives of Canada and the United Kingdom. It could, on the other hand, accept the Indian amendment, since although article 60 A was of a different nature from the other articles, its inclusion would not affect the over-all balance.

28. Mr. DE OLIVEIRA RUIVO (Portugal) said that his delegation supported the United States motion together with the Indian amendment. If all the articles adopted by the Third Committee were voted *en bloc*, many delegations would have to vote against them because of their opposition to article 60 A.

29. The PRESIDENT suggested that the vote should first be taken on the Indian amendment to the Mexican motion, then on the Mexican motion and finally on the United States motion.

30. Mr. CORREA (Ecuador) considered that the Indian amendment was really a separate motion and that the Mexican motion should be voted on first.

31. After a brief procedural discussion, the PRESIDENT put to the vote the Mexican motion that articles 49 to 60 A should be put to the vote as a whole.

The motion was defeated by 36 votes to 20, with 15 abstentions.

32. The PRESIDENT put to the vote the Indian motion that the Conference should vote on articles 49 to 62 together and separately on article 60 A.

The motion was adopted by 44 votes to 11, with 14 abstentions.

33. Mr. TUNKIN (Union of Soviet Socialist Republics) protested against the working method, which placed States before a difficult choice. The procedure was contrary to the important principle of the equal sovereignty of States. Although his delegation had supported most of the articles concerned, it would be obliged to vote against the whole group.

34. Mr. GOLEMANOV (Bulgaria), Mr. LAZAREANU (Romania), Mr. LAMANI (Albania) and

Mr. OCIOSZYSKI (Poland) said they would be obliged to vote against articles 49 to 60 for the reasons given by the USSR representative.

35. The PRESIDENT called upon the Rapporteur of the Third Committee to introduce the report (A/CONF.13/L.21).

36. Mr. PANIKKAR (India), Rapporteur of the Third Committee, drew special attention to the recommendation in paragraph 64 of the report concerning the type of instrument to be adopted and its possible division into two parts. With regard to the question of reservations mentioned by the Netherlands representative, he said the Committee had left it to the Conference to decide the question. The general consensus had been that articles 49 to 59 formed a whole and that, if some delegations only accepted articles 54 and 55 without articles 57 to 59, and vice versa, it would be impossible to achieve a useful convention. With regard to reservations, it had been felt that reservations would be undesirable in respect of articles 49 to 50 A and that signatories should accept that set of articles completely or not at all. Some representatives had urged that no reservations whatever should be admitted.

37. Mr. TUNKIN (Union of Soviet Socialist Republics) withdrew his delegation's amendment (A/CONF.13/L.22) to article 55, because the new situation which had arisen would compel his delegation to vote against articles 49 to 60 as a group.

38. Mr. CORREA (Ecuador) said he would vote for the articles adopted by the Third Committee, owing to his delegation's wish to participate in the Conference's historic decision to consecrate as a legal principle the right of coastal States to the living resources of the waters adjacent to their territorial seas. That vote would also be an expression of his government's satisfaction at the fact that the policy of Ecuador and other countries bordering on the Pacific Ocean concerning the conservation of marine resources had constituted a precedent for decisions which were to become rules of international law.

39. His favourable vote would not mean, however, that his delegation approved of all the provisions that had been adopted, particularly those of articles 57 and 58. It was a pity that those provisions were so rigid as to make it difficult for some States to sign the convention. Nevertheless, the general principles underlying the group of articles were satisfactory, and articles 54 and 55, in particular, represented a step forward. It was a welcome development that provisions had been approved which required all States fishing in the high seas to observe conservation measures in the interests of the international community. In conclusion, he expressed support for article 60 A, as a legitimate recognition of the preferential rights of coastal States dependent primarily on fishing for their subsistence or economic development.

40. Mr. SOLE (Union of South Africa) introducing his delegation's draft resolution (A/CONF.13/L.27) said that he had abstained on all the votes on preferential rights in the Third Committee because, although South Africa sympathized with the position of countries

dependent on their fisheries, it could not support the argument that a specific article on the purely economic aspect of the problem was justified in a general convention. The draft resolution would be submitted to the Conference if article 60 A, based on the Icelandic proposal, failed to obtain the requisite two-thirds majority. The first preambular paragraph related in particular to Iceland, the Faroe Islands and Greenland and the second preambular paragraph to a larger group of countries economically dependent on fisheries. The purpose of the draft resolution was to secure the acceptance of a moral obligation for the opponents of article 60 A to take steps to agree with coastal States on fisheries regulations, having special regard to those States' dependence on the fishing industry. It was true that the resolution would not be binding, but States would at least assume a moral obligation by casting their votes. He asked that the vote should be taken by roll-call.

41. To dispel doubts that had been expressed concerning the use of the words "legitimate interests" in operative paragraph 1, he explained that the words should be construed to mean legitimate interests in accordance with recognized principles of international law, and not particular claims put forward by States.

42. Mr. CORREA (Ecuador) said that the South African draft resolution (A/CONF.13/L.27) reproduced some of the provisions contained in the draft resolution which his delegation had submitted to the Third Committee (A/CONF.13/C.3/L.89) but not the principal ones. His delegation had withdrawn its draft resolution in order not to prejudice the adoption of article 60 A. But if that article were not adopted, his delegation would propose amendments to the South African draft resolution, in particular to replace the operative paragraph by the operative paragraph of his delegation's draft resolution.

43. Mr. ANDERSON (Iceland) appealed to delegations to vote in favour of article 60 A, which was very important to his country, rather than in favour of the South African draft resolution.

44. Mr. BOCOBO (Philippines) said that, in the Third Committee, his delegation had withdrawn the joint Philippines and Viet-Nam amendment (A/CONF.13/C.3/L.60) in favour of the original Icelandic proposal (A/CONF.13/C.3/L.79). In its revised form, however, the Icelandic proposal, which had since become article 60 A, referred only to the case of Iceland. His delegation therefore supported the South African draft resolution.

45. Mr. PETREN (Sweden) said that despite its sympathy for the special situation of Iceland, his delegation would have to vote against article 60 A; firstly, because the full effect of that article could not be estimated until a decision was reached regarding the territorial sea and fishing zones; secondly, because it was too vague, especially in referring to the vast concept of economic development, and in placing no limitation on the area of the high seas to which it would apply.

46. Mr. MÜNCH (Federal Republic of Germany)

proposed that no reservations should be allowed to articles 49 to 60.

47. Mr. TUNKIN (Union of Soviet Socialist Republics) said that if no reservations were allowed, governments would either have to accept a convention which they did not fully support, or reject it entirely. Past experience showed that if a convention was freely accepted at an international conference, reservations were not dangerous. If, however, a convention did not answer the needs of some States, a limitation concerning reservations would not save it from failure. For those reasons, he opposed the proposal of the Federal Republic of Germany.

48. Mr. MÜNCH (Federal Republic of Germany) proposed that his delegation's proposal that no reservations should be allowed to articles 49 to 60 should be put to the vote before the articles themselves.

It was so agreed.

49. The PRESIDENT put the proposal of the Federal Republic of Germany to the vote.

The result of the vote was 31 in favour and 24 against, with 10 abstentions. The proposal was not adopted, having failed to obtain the required two-thirds majority.

50. The PRESIDENT put articles 49 to 60 (A/CONF. 13/L.21, annex) as a whole to the vote. He drew attention to the drafting changes to those articles proposed by the Drafting Committee of the Conference (A/CONF.13/L.26) and announced that, in the absence of any objection, those changes would be considered as having been adopted together with the articles.

A vote was taken by roll-call.

Canada, having been drawn by lot by the President, was called upon to vote first.

In favour: Canada, Ceylon, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Ghana, Guatemala, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Liberia, Mexico, Nepal, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Portugal, Spain, Switzerland, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Republic of Viet-Nam, Yugoslavia, Argentina, Australia, Bolivia, Brazil, Burma.

Against: Czechoslovakia, France, Federal Republic of Germany, Greece, Hungary, Japan, Monaco, Netherlands, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic.

Abstaining: Republic of Korea, Peru, Saudi Arabia, Sweden, Tunisia, Turkey, United Arab Republic, Venezuela.

Articles 49 to 60 were adopted by 44 votes to 16, with 8 abstentions.

51. Mr. PFEIFFER (Federal Republic of Germany), explaining his vote on articles 49 to 60, pointed out that those articles granted very important rights of unilateral control over fishing in the high seas to the coastal State. In spite of the drawbacks for German

fisheries contained in some of the provisions, his delegation, to show its readiness to co-operate and to accept a compromise solution, had been prepared to vote in favour of the articles as a whole, on condition that the powers of the coastal State were made subject to strict arbitral control. It had indeed been for that reason that he had proposed that no reservations should be allowed to those articles. The Conference had voted to reject that proposal immediately prior to adopting articles 49 to 60, and, as a result, his delegation feared that the purpose of the articles as a whole could be undermined by reservations. Accordingly, it had been reluctantly obliged to vote against articles 49 to 60.

52. The PRESIDENT put article 60 A to the vote.

At the request of the representative of Iceland, a vote was taken by roll-call.

Denmark, having been drawn by lot by the President, was called upon to vote first.

In favour: Denmark, Ecuador, El Salvador, Ghana, Guatemala, Iceland, India, Indonesia, Iran, Mexico, Nepal, Nicaragua, Panama, Peru, Saudi Arabia, Tunisia, United Arab Republic, Uruguay, Venezuela, Republic of Viet-Nam, Yugoslavia, Argentina, Bolivia, Brazil, Burma, Canada, Chile, Colombia, Costa Rica, Cuba.

Against: France, Federal Republic of Germany, Italy, Japan, Monaco, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Romania, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Albania, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic.

Abstaining: Dominican Republic, Finland, Hungary, Ireland, Israel, Republic of Korea, Liberia, Philippines, Switzerland, Thailand, Turkey, Union of South Africa, United States of America, Australia, Austria, Ceylon, China, Czechoslovakia.

The result of the vote was 30 in favour and 21 against, with 18 abstentions. Article 60 A was not adopted, having failed to obtain the required two-thirds majority.

53. Mr. SIKRI (India), referring to the additional article proposed by the Drafting Committee (A/CONF. 13/L.26, part III), said that many delegations found the term "fishing boats", used in that article, too restrictive. He therefore proposed an amendment replacing the words "fishing boats" by the words "fishing vessels, boats or craft", and adding after the word "concerned" the words "according to the law of that State".

It was so agreed.

54. The PRESIDENT put the Drafting Committee's amended proposal for an additional article (A/CONF. 13/L.26) to the vote.

The proposal was adopted by 65 votes to none, with 1 abstention.

55. Mr. CORREA (Ecuador) observed that, since article 60 A had not been adopted, only article 49, paragraph 1 and article 60 remained in the second section of the convention recommended by the Third Committee. It might therefore be unnecessary to provide for a second section.

56. Mr. SIKRI (India) said that his delegation, which had made the original proposal for a division into two sections, agreed with the Ecuadorian representative's views.

57. Mr. WALL (United Kingdom) asked whether there were likely to be any new articles for inclusion in the second section of the convention.

58. The PRESIDENT said that the First Committee might produce some other articles, but that they would not reach the Conference until later. He suggested that the Conference should now decide on the principle of embodying the articles in a convention and should leave it to the Drafting Committee to establish the contents.

It was so agreed.

59. Mr. GARCIA AMADOR (Cuba), introducing his delegation's proposal for a preamble to the convention (A/CONF.13/L.33), said that the International Law Commission had approved such a text at its seventh session,¹ but had decided to delete it at the eighth session, when the articles had been amalgamated in a single draft. His delegation had redrafted some of the paragraphs of the preamble to adjust them to the deliberations of the Conference. The proposed preamble referred to all the basic ideas and economic and scientific considerations taken into account in the articles.

60. Mr. TUNKIN (Union of Soviet Socialist Republics) suggested that the Cuban proposal should be referred to the Drafting Committee.

It was so agreed.

61. The PRESIDENT invited the Conference to give its decision on the draft resolution on international fishery conservation conventions (A/CONF.13/L.21, annex).

The draft resolution was adopted.

62. The PRESIDENT invited the Conference to give its decision on the draft resolution on the procedure of abstention (A/CONF.13/L.21, annex).

63. Mr. TUNKIN (Union of Soviet Socialist Republics) requested a vote on the draft resolution.

The result of the vote was 31 in favour and 20 against, with 8 abstentions. The draft resolution was not adopted, having failed to obtain the required two-thirds majority.

64. The PRESIDENT invited the Conference to give its decision on the draft resolution on conservation measures in the adjacent high seas (A/CONF.13/L.21, annex), with the amendments proposed by the Drafting Committee (A/CONF.13/L.26).

The draft resolution was adopted.

65. The PRESIDENT invited the Conference to give its decision on the draft resolution concerning humane killing of marine life (A/CONF.13/L.21, annex).

The draft resolution was adopted.

66. The PRESIDENT called upon the Conference to consider the South African draft resolution (A/CONF.13/L.27).

67. Mr. CORREA (Ecuador) said that there were certain differences between his delegation's proposal on the subject in the Third Committee (A/CONF.13/C.3/L.89) and the South African draft resolution. If article 60 A had been approved, Ecuador would have wanted it to be supplemented by a general recommendation to States to lend their co-operation to the fair settlement of special situations, by regional or other international means. The South African draft, however, merely restated article 60 A in the form of a recommendation.

68. Moreover, the South African draft resolution provided that the objectives concerned should be achieved by "establishing agreed measures". The Ecuadorian delegation considered it necessary to avoid the implication that a coastal State could not take measures without outside consent, and would therefore ask for a separate vote on the words "agreed". Secondly, it wished to introduce another operative paragraph, based on the operative part of its own proposal in committee, to the effect that States should collaborate to secure just treatment of the situations concerned by regional agreements, by the recognition of duly justified unilateral measures or by other means of international co-operation. The South African draft as so amended would contain both general and specific conditions. Finally, he suggested that the word "overwhelmingly" in the first preambular paragraph should be replaced by "primarily" to facilitate translation into French and Spanish.

69. Mr. SOLE (Union of South Africa) urged the Conference to take into account the main purpose of his delegation's draft resolution, which was to obtain a two-thirds majority. The first two preambular paragraphs covered the most needy groups of countries. If the scope of the text were extended in accordance with the Ecuadorian suggestion, the chance of obtaining the requisite majority would be diminished. His objection applied in particular to the deletion of the word "agreed" and to the inclusion of the operative part of the earlier Ecuadorian proposal.

70. The PRESIDENT suggested that the Ecuadorian amendments should be submitted in writing at the next meeting.

The meeting rose at 12.20 a.m.

SIXTEENTH PLENARY MEETING

Saturday, 26 April 1958, at 10.30 a.m.

President: Prince WAN WAITHAYAKON (Thailand)

Consideration of the report of the Third Committee (A/CONF.13/L.21, L.27, L.24) (continued)

1. Mr. LLOSA (Peru), explaining the vote of his delegation on articles 49 to 60 at the previous meeting, said that he had abstained from voting because, although

¹ Official Records of the General Assembly, Tenth Session, Supplement No. 9 (A/2934), p. 13.