

United Nations Conference on the Law of the Sea

Geneva, Switzerland
24 February to 27 April 1958

Summary Records of the 2nd Plenary Meeting

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

The Mexican amendments to rules 6 and 13 were adopted unanimously.

46. The PRESIDENT, referring to the Mexican representative's comment on rule 43 (1), said that the "majority required" was generally the majority of those present and voting. He therefore suggested that rule 43 (1) be amended in that sense.

It was so agreed.

47. The PRESIDENT proposed that, in consequence of the adoption of the Afghan proposal regarding the wording of agenda item 6, the various references to the Special Committee in the provisional rules of procedure be amended.

It was so agreed.

48. Mr. TABIBI (Afghanistan) said that, as a further consequence of the decision to amend item 6, rule 47 should refer to a Fifth Committee (Question of Free Access to the Sea of Land-Locked Countries).

49. The PRESIDENT said that the point would be noted. He proposed that the Bulgarian amendments to rules 1 and 63 be considered at the next meeting, and that the rules of procedure be adopted subject to the decision to be taken on these amendments.

It was so agreed.

The meeting rose at 6.15 p.m.

SECOND PLENARY MEETING

Tuesday, 25 February 1958, at 3 p.m.

President : Prince WAN WAITHAYAKON (Thailand)

Appointment of a Credentials Committee

[Agenda item 5]

1. The PRESIDENT pointed out that under rule 4 of the rules of procedure, the Conference was required to appoint a Credentials Committee consisting of nine members. Subject to the Conference's approval, he proposed that the Committee should consist of representatives of the following States: Canada, Iceland, Indonesia, Liberia, Mexico, Netherlands, Nicaragua, Union of Soviet Socialist Republics, United States of America.

It was so decided.

Adoption of the rules of procedure (A/CONF.13/10, A/CONF.13/L.1) (concluded)

[Agenda item 4]

2. The PRESIDENT drew attention to the amendments to rules 1 and 63 of the rules of procedure (A/CONF.13/10) proposed by Bulgaria, which had been circulated as document A/CONF.13/L.1.

3. The first amendment consisted of adding the following paragraph to rule 1 :

"Each State not participating in the Conference shall have the right to send observers or experts to it."

4. The second amendment re-worded rule 63 as follows :

"1. Observers and experts of States may participate, without the right to vote, in the deliberations of the Conference and its main committees upon the invitation of the President or Chairman, as the case may be, on questions within the scope of their activities.

"2. Observers of specialized agencies and inter-governmental bodies invited to the Conference shall have the same rights.

"3. Written statements of such specialized agencies and intergovernmental bodies shall be distributed by the Secretariat to the delegations at the Conference."

5. Mr. DEAN (United States of America) said that the amendments proposed by the Bulgarian delegation to rules 1 and 63 of the rules of procedure (A/CONF.13/L.1) dealt with matters on which the Conference was not entitled to take a decision. He therefore raised the question of competence under rule 30 of the rules of procedure of the Conference adopted at the previous meeting. The same point had been discussed at that meeting when the USSR representative and others had referred to the absence of certain political entities from the Conference.

6. He pointed out that, by virtue of its resolution 1105 (XI), the General Assembly had specifically limited attendance at the Conference to States Members of the United Nations and States members of the specialized agencies, and had invited interested specialized agencies and intergovernmental bodies to send observers. At the General Assembly's eleventh session, a proposal submitted by the representatives of Ceylon, India and Indonesia to the effect that other entities should be allowed to attend¹ had been rejected. His delegation considered, therefore, that the Conference was not competent to consider the Bulgarian amendments and requested that a decision in accordance with rule 30 should be taken before the Conference proceeded with its business.

7. Mr. BOCOBO (Philippines), referring to rule 35 (1), suggested that decisions should be taken by a simple majority. The rule that decisions on all matters of substance required a two-thirds majority might prevent some of the proposals for the progressive codification of international law from being included in the convention or conventions which the Conference might adopt. To require a two-thirds majority would be an injustice to the International Law Commission, which had worked for many years on the drafting of the articles concerning the law of the sea. He therefore hoped that members would reflect on his suggestion and that rule 35 (1), as adopted, might still be amended.

8. Mr. LIMA (El Salvador) thought that the Conference was not competent to consider the amendments

¹ See *Official Records of the General Assembly, Eleventh Session, Annexes*, agenda item 53, document A/3520, para. 14 (i).

submitted by the Bulgarian delegation. The composition of the Conference had been fixed by General Assembly resolution 1105 (XI) and, in any case, on an earlier occasion, the Sixth Committee had rejected an amendment under which all States would have been invited to participate.²

9. The delegation of El Salvador would vote against the amendment to rules 1 and 63 of the rules of procedure proposed by Bulgaria.

10. Mr. KIM (Republic of Korea), after congratulating the President on his election, associated himself with the United States representative's statement; the amendments submitted by the Bulgarian delegation were an attempt to enable the representatives of certain puppet States to attend the Conference. If the Bulgarian amendments were put to the vote his delegation would vote against them.

11. Mr. SEN (India) said that, although it had been one of the sponsors of the amendment providing for the participation of all States, the Indian delegation considered itself bound by the Assembly's decision rejecting that amendment. Accordingly, it would have to oppose the Bulgarian amendments. It would be a dangerous precedent if the Conference were allowed to overrule a decision of the Assembly which had convoked it. He therefore asked the Bulgarian representative to reconsider the matter purely from the point of view of the Conference's competence, and not to press for his amendments to be put to the vote.

12. Mr. LAZAREANU (Romania) said that the Romanian delegation supported the amendments submitted by the Bulgarian delegation. Many States not invited to the Conference were interested in the questions with which it was to deal, and those States should be given an opportunity to express their views. To enable them to do so would greatly enhance the prospects of the instruments adopted by the Conference being universally ratified. In his opinion, General Assembly resolution 1105 (XI) in no way forbade the Conference to invite States to send observers; indeed, the sending of observers was consistent with international practice. The General Assembly itself sometimes invited non-member States to send observers to its meetings.

13. Mr. BAGHDADI (Yemen) thought that the Conference should obtain technical advice from as many sources as possible. As rule 33 of the rules of procedure provided that the Conference might "invite to one or more of its meetings any person whose technical advice it may consider useful for its work", he himself could see no reason why States which had not been invited to attend the Conference should not be invited to send experts, if its work would thereby be facilitated.

14. He proposed that the Bulgarian amendment to rule 1 should be redrafted to provide that the General Committee was competent to authorize non-participating States to send experts or observers to the Conference.

15. Mr. LIU (China) said that the Bulgarian amendments did not in fact concern the rules of procedure;

they concerned the composition of the Conference, which was not a matter within its own competence. Rule 1 of the rules of procedure dealt with the composition of delegations; the composition of the Conference, on the other hand, had been clearly defined in resolution 1105 (XI), and any attempt to enlarge it would constitute a challenge to the authority of the General Assembly.

16. Mr. NGUYEN-QUOC-DINH (Republic of Viet-Nam) observed that the amendments submitted by Bulgaria were incompatible with the provisions of General Assembly resolution 1105 (XI), which was binding on the Conference.

17. In reply to the Romanian and Yemeni representatives, he said that resolution 1105 (XI) did not permit the attendance of observers or experts from States or bodies other than those expressly mentioned in it. In view of those considerations, he would support the United States motion under rule 30, and oppose the amendments submitted by Bulgaria and Yemen.

18. Mr. SHAHA (Nepal) said that as a matter of principle, the Conference was not competent to deal with the Bulgarian amendments. He therefore supported the United States motion under rule 30.

19. Mr. TUNKIN (Union of Soviet Socialist Republics) said that in accordance with the principles of modern international law, and in particular with the principles of national sovereignty and equality of States, all States should have an opportunity of participating in the discussion of questions of world-wide interest and in the formulation of rules of law affecting them. Since, unfortunately, all States were not being given an opportunity of participating in the Conference with full rights, it was most desirable that they should at least be able to send observers or experts without the right to vote, as proposed in the Bulgarian amendments. The Conference was competent to adopt a resolution to that effect; like any other diplomatic conference, it was entitled to invite any persons who might prove useful as experts or observers, or who could express the views of States not actually invited to the Conference.

20. The Soviet Union delegation supported the Bulgarian amendments; but if the Bulgarian delegation should accept the compromise proposal submitted by Yemen, the Soviet Union delegation would support the latter.

21. Mr. GRIGOROV (Bulgaria) said that his delegation accepted the proposal submitted by the delegation of Yemen.

22. Mr. DEAN (United States of America) moved that the Conference was not competent to consider the amendment proposed by Yemen and accepted by Bulgaria.

23. The Conference was not qualified to amend resolution 1105 (XI), and it was therefore not competent to invite additional States. It was obvious, therefore, that still less could it delegate the power to issue such invitations to its own General Committee.

24. There was no substance in the argument based on rule 33; persons invited by the Conference to give technical advice were employees of the Conference,

¹ *Ibid.*, Eleventh Session, Sixth Committee, 505th meeting.

whereas the Yemeni proposal was that the General Committee should be given the right to invite States not participating in the Conference to send representatives.

The United States motion was carried by 62 votes to 12, with 11 abstentions.

The meeting rose at 4.30 p.m.

THIRD PLENARY MEETING

Wednesday, 26 February 1958, at 4 p.m.

President : Prince WAN WAITHAYAKON (Thailand)

Convening of the main committees

[Agenda item 6]

1. The PRESIDENT said that under rules 46, 47 and 48 of the rules of procedure (A/CONF.13/35), the Conference was required to set up five main committees :

First Committee (Territorial Sea and Contiguous Zone)

Second Committee (High Seas : General Régime)

Third Committee (High Seas : Fishing ; Conservation of Living Resources)

Fourth Committee (Continental Shelf)

Fifth Committee (Question of Free Access to the Sea of Land-locked Countries)

Each State would be represented by one person on each of those committees.

2. He would suspend the plenary meeting in order that the five committees might be convened to elect their chairmen.

The meeting was suspended at 4.15 p.m., and resumed at 5.5 p.m.

Election of vice-presidents

[Agenda item 7]

3. The PRESIDENT drew attention to rule 13 of the rules of procedure and to the fact that Thailand, Australia, Norway, Panama, Ceylon and Czechoslovakia were already represented on the General Committee by the President and the Chairmen of the five main committees. He then called for a vote by secret ballot.

4. Mr. GARCIA AMADOR (Cuba) said that his delegation had decided to withdraw its candidature for a vice-presidency because, owing to reasons and circumstances which it would be inappropriate to mention, it could not count on the support of the regional group to which it belonged.

At the invitation of the President, the representatives of Spain and Tunisia acted as tellers.

A vote was taken by secret ballot.

Number of ballot papers	84
Invalid ballots	Nil
Number of valid ballots	84
Abstentions	2

Number of members voting 82

Required majority 42

Number of votes obtained

1. United States of America 73

2. United Kingdom of Great Britain and Northern Ireland 72

3. India 71

4. France 68

5. Union of Soviet Socialist Republics 63

6. Italy 62

7. Netherlands 62

8. Egypt 60

9. Mexico 56

10. Argentina 55

11. Guatemala 54

12. Poland 52

13. China 50

Having obtained the required majority, the representatives of the following countries were elected vice-presidents : United States of America, United Kingdom of Great Britain and Northern Ireland, India, France, Union of Soviet Socialist Republics, Italy, Netherlands, Egypt, Mexico, Argentina, Guatemala, Poland and China.

Organization of work

[Agenda item 8]

5. The PRESIDENT proposed that the question of organization of work be referred to the General Committee for report to the plenary conference.

It was so agreed.

The meeting rose at 5.50 p.m.

FOURTH PLENARY MEETING

Friday, 28 February 1958, at 10.45 a.m.

President : Prince WAN WAITHAYAKON (Thailand)

In the absence of the President, Mr. Ruiz Moreno (Argentina), Vice-President, took the Chair.

Organization of work (A/CONF.13/L.2) (continued)

[Agenda item 8]

REPORT OF THE GENERAL COMMITTEE

1. The PRESIDENT invited representatives to consider the General Committee's report on the organization of the work of the Conference (A/CONF.13/L.2).

The recommendations in the General Committee's report were adopted without comment.

The meeting rose at 11 a.m.