United Nations Conference on the Law of the Sea

Geneva, Switzerland
24 February to 27 April 1958

Summary Records of the 9th Plenary Meeting

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

In favour: Belgium, Brazil, Canada, Ceylon, China, Cuba, Denmark, Dominican Republic, Finland, Federal Republic of Germany, Greece, Ireland, Israel, Italy, Japan, Federation of Malaya, New Zealand, Norway, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland.

Against: Australia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Czechoslovakia, Ecuador, El Salvador, France, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Republic of Korea, Mexico, Monaco, Netherlands, Pakistan, Panama, Peru, Philippines, Romania, Saudi Arabia, Switzerland, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yugoslavia, Afghanistan, Albania, Argentina.

Abstaining: Costa Rica, Iraq, Liberia, Poland, Portugal, United States of America.

The words "crustacea and" were rejected by 42 votes to 22, with 6 abstentions.

The remaining words of the second sentence of paragraph 4, reading "but swimming species are not included in this definition", were rejected by 43 votes to 14 with 9 abstentions.

Article 68, as amended, and with the changes suggested by the Drafting Committee (A/CONF.13/L.13) was adopted by 59 votes to 5 with 6 abstentions.

The meeting rose at 1.15 p.m.

NINTH PLENARY MEETING

Tuesday, 22 April 1958, at 3 p.m.

President: Prince WAN WAITHAYAKON (Thailand)

Consideration of the report of the Fourth Committee (A/CONF.13/L.12, L.13, L.15, L.16) *(continued)*

1. The PRESIDENT invited the Conference to continue its consideration of the report of the Fourth Committee (A/CONF.13/L.12) and of the amendments recommended by the Drafting Committee (A/CONF.13/L.13) to the articles adopted by the Fourth Committee.

Article 69

Article 69, with the changes to the Spanish text recommended by the Drafting Committee (A/CONF.13/L.13), was adopted by 43 votes to none, with 3 abstentions.

Article 70

Article 70 was adopted by 45 votes to none, with 2 abstentions.

Article 71

2. Mr. STABEL (Norway) asked the Chairman to put paragraph 8 to the vote separately.

3. Mr. JHIRAD (India) requested a separate vote on the words in paragraph 1 reading "nor [result] in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication". Oceanographic research did not form part of the problem of the continental shelf, and in particular he doubted whether the words "in any interference" should be used in view of the words "any unjustifiable interference" in the first part of the paragraph.

4. Mr. TUNKIN (Union of Soviet Socialist Republics) supported the request made by the representative of Norway. He opposed paragraph 8 because, if no kind of scientific research into the continental shelf could be undertaken without the consent of the coastal State, much valuable purely scientific work would be stopped. The preceding clauses sufficiently safeguarded the interests of the coastal State. The inclusion of the paragraph in the Convention might dissuade some States from becoming parties.

The words "nor [result] in any interference ... intention of open publication" were adopted by 44 votes to 10, with 8 abstentions.

Paragraph 8, with the changes recommended by the Drafting Committee (A/CONF.13/L.13), was adopted by 43 votes to 15, with 5 abstentions.

The whole of article 71, with the changes recommended by the Drafting Committee (A/CONF.13/L.13), was adopted by 50 votes to none, with 14 abstentions.

Article 72

5. Mr. BARTOS (Yugoslavia) said the reasons for his delegation's proposal (A/CONF.13/L.15) were explained in the commentary appended to it. The words in the proposed text "unless another boundary line is justified by special circumstances" were not justified by any text in an international law manual.

6. Mr. MATINE-DAFTARY (Iran) said that he supported those words and, in general, all the texts which were the result of many months of careful work by the International Law Commission. Every law which was too strictly worded was inevitably broken. There was no mention of the clause in question in international law manuals because the continental shelf was a new subject. It should not be forgotten that continental shelves were of very different shapes.

The Yugoslav proposal (A/CONF.13/L.15) was rejected by 47 votes to 5, with 11 abstentions.

Article 72, with the changes to the Spanish text recommended by the Drafting Committee (A/CONF.13/L.13), was adopted by 63 votes to none, with 2 abstentions.

Article 73

Article 73, with the changes recommended by the Drafting Committee (A/CONF.13/L.13) was adopted by 62 votes to none, with 4 abstentions.

Article 74

7. Mr. TUNKIN (Union of Soviet Socialist Republics) suggested deferment of the discussion on article 74

until the Drafting Committee had submitted its report on the Swiss (A/CONF.13/BUR/L.3), Colombian (A/CONF.13/BUR/L.5) and Netherlands (A/CONF.13/BUR/L.6) proposals regarding the settlement of disputes, referred to it at the 7th meeting. A final decision taken on the article before the results of the Conference's deliberations on those proposals were known would prejudice the Conference's decisions on them.

8. Mr. JHIRAD (India) supported the suggestion, saying that he would prefer to speak on the question whether article 74 should be included in the convention after the Conference had taken a decision on the Swiss proposal, which had commended itself to his delegation.

9. Mr. MOUTON (Netherlands) opposed the suggestion. There should be a clause in the convention on the continental shelf providing for the settlement of disputes arising out of provisions in the convention. His delegation's proposal for the inclusion of certain provisions if there was a general convention on the law of the sea had been drafted before the decision that there should be a convention relating solely to the continental shelf.

10. Mr. MATINE-DAFTARY (Iran) expressed the opinion that provisions regarding the settlement of disputes should be included in a protocol which parties to the convention could accede to or not as they wished. Many States were opposed to including in any convention drafted at the Conference clauses obliging parties to follow a fixed procedure for the settlement of disputes.

11. Mr. GROS (France) supported the Soviet Union suggestion but opposed the Iranian representative's suggestion for a separate protocol.

The suggestion made by the representative of the Union of Soviet Socialist Republics was adopted.

Final clauses

12. Mr. TUNKIN (Union of Soviet Socialist Republics) suggested that much time would be saved if the final clauses proposed by the Fourth Committee (A/CONF.13/L.12, annex) were not discussed at the current meeting but the whole question of final clauses for all the instruments to be finally adopted at the Conference were discussed later, since all the final clauses in those instruments should be couched as far as practicable in identical terms.

13. Mr. GROS (France) supported that suggestion.

14. Mr. DIAZ GONZALEZ (Venezuela) was also in favour of the suggestion. If the final clauses proposed by the Fourth Committee were discussed in the Plenary Conference before the views of all the other committees on final clauses were known, his delegation would have to make several reservations.

15. Mr. WERSHOF (Canada) thought that the final clauses proposed by the Fourth Committee should be discussed at the current meeting. The discussion on final clauses in other draft instruments could then be very short. He particularly hoped that the draft final clause regarding reservations proposed by his delegation (A/CONF.13/L.16) would be discussed at the current meeting. The reservation clauses could not be identical in all the instruments adopted at the Conference, and the clause proposed by his delegation provided in effect that reservations might be made to any article but articles 67 to 73.

16. Mr. BOCOBO (Philippines) attached much importance to the question of reservations to the articles proposed by the Fourth Committee. The Philippines could not become a party to the convention on the continental shelf unless States were permitted to make reservations to article 67 in particular, since the provision in that article that the rights of the coastal State should not extend to parts of the continental shelf more than 200 metres below the level of the sea was inconsistent with his country's constitution, which laid down that all natural resources belonged to the State wherever they might be found in Philippine territory, including the whole continental shelf.

17. Mr. FATTAL (Lebanon) was in favour of adopting the suggestion made by the USSR representative, particularly because unnecessary differences between the final clauses in the various instruments adopted at the Conference might make it more difficult for States to ratify those instruments.

18. Mr. SOLE (Union of South Africa) and Mr. JHIRAD (India) hoped that a decision would be taken on the principle of the Canadian proposal at the current meeting.

19. Mr. TUNKIN (Union of Soviet Socialist Republics) said that he was not opposed to discussing the principle of that proposal at the current meeting.

20. Mr. PETREN (Sweden) said that that proposal should not be discussed until it was decided whether article 74 should be included in the convention. He thought it should be included.

21. The CHAIRMAN said that if it were decided to include article 74 in the convention, provision regarding reservations to that article could be included later.

22. Mr. MOUTON (Netherlands) opposed discussion of the Canadian proposal before it was decided whether article 74 should be included in the convention, since that would prejudice the decisions to be made regarding that article.

23. Mr. WERSHOF (Canada) said that the purpose of his delegation's proposal (A/CONF.13/L.16) was to prohibit reservations to articles 67 to 73 whilst allowing reservations to article 74. There was no point in discussing the proposal in so far as it related to article 74 until a final decision had been taken on that article ; if the present discussion were limited to articles 67 to 73, it would not prejudice the decisions to be taken on article 74. The reasons why his delegations had made the proposal had been thoroughly discussed by the Fourth Committee.

24. Some governments were in favour of allowing reservations to be made to any of the articles proposed by the Committee. If that were allowed, the convention would have no meaning. Some representatives had expressed the opinion that only reservations to articles

67 to 69 should be prohibited ; if more than one-third of the States represented at the meeting were in favour of permitting reservations to articles 70 to 73, his delegation would agree that only reservations to articles 67 to 69 should be barred. If, however, reservations to articles 67 to 69 were permitted, it would be possible to make such fundamental reservations to the convention that parties would not be able to ascertain their exact contractual obligations, or what the international law on the continental shelf really was.

25. Mr. SOLE (Union of South Africa) said that it would be ideal if all States represented at the Conference ratified the convention without reservation ; but more than one-third of the States represented at meetings of the Fourth Committee were in favour of permitting reservations to the articles adopted by that committee other than articles 67-69. Since the continental shelf was a new subject of international law, it was desirable that a large number of States should become parties to the convention, even if they made reservations to articles other than articles 67 to 69. If reservations to articles 67-69 were permitted, the convention would have very little effect or meaning. He requested a separate vote on the question whether reservations to articles 67-69 should be permitted, and urged that no division of that question should be made.

26. Miss GUTTERIDGE (United Kingdom) said that there should be a clear provision in the convention regarding reservations, since great difficulties had arisen from the lack of such a provision in previous conventions. When the question had been discussed by the Fourth Committee, her delegation had maintained that no reservation to any of articles 67-73 should be permitted, but had distinguished between articles 67-69 and the others. If reservations to articles 67-69 were permitted, the whole basis of the convention would be destroyed and it would have very little meaning. To lay down that reservations might be made to articles 70-73 might well make it easier for some States to become parties to the convention. The question of allowing reservations to article 74 should not be discussed until a final decision had been taken on that article.

27. Mr. MOUTON (Netherlands) said that it would indeed be wrong to discuss at the current meeting the proposal in so far as it related to article 74. He was, however, prepared to vote on it to the extent that it related to articles 67-73.

28. Mr. GROS (France) said that a decision might well be taken at the current meeting on whether reservations to articles 67-73 should be permitted, but not of course on the basis of the actual text of the Canadian proposal which was no longer relevant to the stage reached by the discussion. Concepts of international lay were only valid if fully accepted by all concerned. It would be ideal if all States represented at the Conference ratified the planned convention on the continental shelf without reservations because, if there were a large number of reservations, it would not be clear what the international law on the subject was as between the contracting parties. It would not be easy to decide whether certain reservations were compatible with the subject-matter and the purpose of the convention, because then there would be endless disputes on whether particular reservations were compatible with the convention or not. He was therefore in favour of laying down that no reservation might be made to any of the substantive articles. It was better to have a text ratified without reservation by a limited number of States than a text ratified with numerous reservations by a larger number of States.

29. Mr. TUNKIN (Union of Soviet Socialist Republics) said that in discussing the question of reservations to articles proposed by the Committee, it should be remembered that the Conference had been convened to draw up international standards whch would be progressively accepted until they became common to all States.

30. The convention should therefore be worded so that all States could become parties to it. The question of reservations was of fundamental importance. Of course, it was desirable that there should be no need for reservations to international conventions, and that everything concerning international law should be completely clear ; but international law was very complicated and could not be made by any single body. If everything not absolutely clear in international law were scrapped, the harm would be enormous.

31. He did not agree that the basis of the convention would be destroyed if reservations to articles 67-69 were permitted ; but the convention would be valueless if ratified only by a very few States. Frequently, governments wanted to make to a convention reservations which did not affect common standards, and were unwilling to become parties to it unless they could do so. He was convinced that the adoption of a clause barring reservations to articles 67-73 would be harmful in practice, since many States would almost certainly decide not to ratify the convention. The number of parties to the convention should be as large as possible, even at the price of allowing States to make reservations.

32. If reservations to any of the articles 67-73 were permitted, some reservations would probably be cancelled later. Moreover, every party would always be free to declare that it was not bound by the terms of the convention in respect of another party which had made a reservation, because of the reservation. For those reasons, he was in favour of permitting reservations to any of those articles ; but, if the majority were in favour of prohibiting reservations to articles 67-69, he would not vote against such a provision, but merely abstain.

33. Mr GOMEZ ROBLEDO (Mexico) said he could not vote for the Canadian proposal, because his delegation preferred to place reservations on a contractual basis. That was an inherent right of sovereign States. The wording of the Canadian proposal made it quite impossible to distinguish absolute reservations, excluding whole articles, from clarifications of small points.

34. Some representatives had pictured extremely complicated situations which might arise if too many reservations were made. If, however, the Canadian proposal were accepted, the consequences would be just as extreme. Moreover, if the Secretary-General of the United Nations were authorized to receive reservations and there were no other legal control, all parties could deduce their own consequences from the convention. Representatives wishing to permit reservations

had been reproached for defending national interests; but they were attending the conference for that very purpose. He agreed with the Canadian representative's concession on reservations to article 74, which was not worded as a treaty on the peaceful settlement of disputes, admitting no reservations. Such an agreement must be based on general goodwill.

35. Miss WHITEMAN (United States of America) thought that the Conference should above all be realistic in the matter. Her delegation hoped that the number of reservations would be limited, although it appreciated that a certain amount of freedom should be permitted with respect to reservations. But reservations to some articles would undermine the whole meaning of the convention. She would therefore be prepared to vote for an article which prohibited reservations to articles 67 to 69 only.

36. Mr. JHIRAD (India) said that his delegation in the Fourth Committee had upheld the Canadian view that no reservations should be admitted to articles 67 to 73. It had since decided, however, that other delegations' views must be taken into account and that a common decision should be reached. The debate had shown that, if absolute prohibition were pressed, there could be no agreement. If no reservations were made at the time of signature, ratification might be prevented by the absence of a reservation clause. The problem would be solved by limiting the prohibition to articles 67 to 69, which were so fundamental that a State which could not ratify the convention without making reservations to them should not ratify it at all.

37. Mr. WERSHOF (Canada) replied to the Netherlands representative that if article 74 were included in the group, the Netherlands objection might be valid; but now that consideration of article 74 had been deferred, the Conference was merely called upon to vote on the prohibition of reservations to all or any of articles 67 to 73.

38. He agreed with the South African suggestion for a separate vote on articles 67 to 69. The Conference would then presumably vote on the prohibition of reservations to the remaining articles, and the Canadian proposal would present no problem to the Drafting Committee.

39. His delegation respected the point of view of governments which opposed on principle the prohibition of reservations, and agreed that prohibition might reduce the number of ratifications. On the other hand, the opposing arguments must be balanced, and the question whether the world community would be best served by the creation of international law subject to reservations must be considered. Moreover, articles 67 to 73 had been adopted by large majorities.

40. Mr. LAZAREANU (Romania) proposed that the meeting should be suspended to enable delegations to consider their positions.

The meeting was suspended at 5 p.m. and resumed at 5.40 p.m.

41. Mr. BOCOBO (Philippines) considered that the effect of the Canadian proposal was to state that articles 67 to 73 were sacrosanct while other articles might be imperfect. It could not be asserted, however, that other groups of articles were less vital than those on the continental shelf, with its petroleum resources. All the groups of articles must stand on their own merit and not be rammed down the throats of delegations.

42. The Philippine delegation would vote against the Canadian proposal. It intended to make a reservation to article 67 when signing the convention. Under the Philippine Constitution, all natural resources were the property of the State, and it therefore claimed unlimited ownership of its continental shelf. International law must of course be built up gradually, but that rule did not preclude attempts to base international instruments on justice and real equality among States.

43. The PRESIDENT observed that the Drafting Committee would deal with the wording of the Canadian proposal. He therefore put to the vote the proposal that reservations to articles 67 to 69 should be prohibited.

The proposal was adopted by 40 votes to 4, with 19 abstentions.

44. Mr. LAZAREANU (Romania) explained that he had abstained from voting because his delegation was opposed in principle to preventing reservations to any article and believed that as many States as possible should be enabled to accede to the convention. It would indeed be regrettable if States such as the Philippines were prevented from signing. If they signed the convention and then made reservations to prohibited articles, the legal situation would become extremely difficult. He had therefore abstained merely because his government had no intention of submitting any reservations to the articles concerned.

45. Mr. DIAZ GONZALEZ (Venezuela) observed that the question of reservations had given rise to many difficulties for years and that governments had been prevented by total prohibition of reservations from signing instruments which they might have signed if reservations to one or two articles had been permitted. The Pan-American doctrine, under which reservations could be made to specific articles, made the instruments valid for all parties except for the articles to which the reservations had been made; he was convinced that that doctrine could have been followed with regard to articles 67 to 69. His delegation had voted in favour of all the articles on the continental shelf, but reserved the right not to sign the convention because the reservation clause had been included.

46. Mr. BOCOBO (Philippines) asked that his negative vote on the prohibition of reservations to articles 67-69 should be recorded. At the time of signature, his government would make a reservation to article 67.

47. The PRESIDENT put to the vote the prohibition of reservations to articles 70-73.

The proposal was rejected by 30 votes to 16, with 17 abstentions.

48. Mr. OBIOLS GOMEZ (Guatemala) explained that he had abstained from voting on both parts of the Canadian proposal, with particular reference to article 69, for the reasons he had given in the 27th

meeting of the Fourth Committee when that article had been adopted.

49. Mr. OHYE (Japan) said that, during the voting on the articles considered by the Fourth Committee, his delegation had voted against articles 67 and 68 and had abstained from voting on articles 69 to 73.

50. Mr. CALERO RODRIGUES (Brazil) recalled the argument in the Fourth Committee that it would be contradictory to include a denunciation clause when codifying existing law and making future law. It had later been pointed out, however, that some uncertainty might arise in the absence of a denunciation clause, because some parties might consider that the convention would remain in force forever, while others might consider that, if they were bound by free will, they need only change their mind in order to withdraw from the convention. The Brazilian delegation therefore proposed that the denunciation clause in the draft final clauses (A/CONF.13/L.7) should be re-introduced, denunciation being permitted after twenty years. It would be easier to obtain constitutional approval of ratification if it were made clear that the convention would not remain in force forever.

51. Mr. CARBAJAL (Uruguay) could not agree with the Brazilian representative that the absence of a denunciation clause meant that any State could denounce an instrument at any time. Any State could, however, notify the other parties of its intentions, in orde to establish whether the aims of the convention were still the same. The *rebus sic stantibus* clause had been referred to in the Fourth Committee to show that no instrument remained in force forever, but only while the reasons for its conclusion remained valid. Thus unilateral denunciation was not admissible.

52. Mr. BOCOBO (Philippines) considered that, since parties had an inherent right to denounce an instrument if conditions changed before its expiration, no specific time limit should be fixed.

53. Mr. BARTOS (Yugoslavia) thought that the denunciation clause should be retained. Under the *rebus sic stantibus* theory a State could ask for abolition of an instrument, but that was quite different from unilateral withdrawal. The intention voiced in the Fourth Committee to draw up a convention *in perpetuo* was consistent neither with historical precedents nor with the structure of international law. It would always be assumed that the right to denounce an instrument existed; but a party to an instrument might wish to denounce it even if there were no change in the existing circumstances.

54. He did not think it appropriate to prejudge the position of States which would not accept the revision clause, since they would still be bound by their obligations under the preceding clauses. In view of the criticisms levelled at the final clauses, it would be wise to adopt the USSR proposal and refer them to the Drafting Committee for improvement.

55. Mr. BHUTTO (Pakistan) supported the Brazilian representative's proposal. The circumstances in which instruments were signed sometimes changed radically, but the theory of *rebus sic stantibus* should not be invoked, since it was usually applied arbitrarily and there was no objective way of determining actual changes of circumstance. In the twentieth century it was more suitable to apply the doctrine of *pacta sunt servanda.*

56. Mr. GROS (France) could not agree that the theory of *rebus sic stantibus* was implicit in all long-term treaties. In the practice of the League of Nations it had been admitted that denunciation could not take place without the consent of the parties and he referred to the resolution of the Council of the League of Nations of 19 March 1936 on that point.[1]

57. Mr. CARBAJAL (Uruguay) considered that there should be a denunciation clause in all conventions, in order to establish clearly the right of States to denounce an instrument when they considered that it conflicted with existing circumstances. The absence of such a clause was contrary to natural laws of development.

58. Mr. BARROS FRANCO (Chile) agreed with the Pakistan and French representatives. It would be better to be explicit with regard to denunciation, in order to avoid difficulties of interpretation.

59. Mr. DIAZ GONZALEZ (Venezuela) considered that a middle way must be found between the *rebus sic stantibus* theory and the assumption that an instrument could remain in force *in perpetuo.* The Brazilian proposal was therefore wise, but the time-limit of twenty years seemed too long. Profound changes of circumstances could take place in a short time.

60. Mr. TUNKIN (Union of Soviet Socialist Republics) proposed formally that all the final clauses adopted by the committees should be referred together to the Drafting Committee.

61. Mr. WERSHOF (Canada) opposed the USSR proposal to defer consideration of the final clauses. All the clauses except the denunciation clause proposed by the Brazilian representative had already been before the Drafting Committee, and could be disposed of at once.

62. Mr. GROS (France) did not agree that the Drafting Committee had disposed of the final clauses. Some substantive points had been raised in the Committee and would be brought by it to the Conference. The USSR proposal might be altered so that the Committee should work as a study group and consider those substantive matters.

63. Mr. KANAKARATNE (Ceylon) could see no reason for adopting the USSR proposal. The Fourth Committee had adopted certain recommendations on the final clauses which the Drafting Committee had revised. Apart from the Brazilian proposal, there was no reason to refer the clauses back to the Drafting Committee. Moreover, the USSR proposal was inconsistent with the decision to draft a separate convention, of which the final clauses were an integral part.

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[1] *Official Journal, League of Nations,* XVIIth year, No. 4 (part I), April 1936, p. 350.

64. The PRESIDENT recommended the Conference to adopt the USSR proposal to refer to the Drafting Committee all the final clauses adopted by the committees. Those adopted by the First Committee might be deferred until that committee had completed its work.

It was so decided.

The meeting rose at 7 p.m.

TENTH PLENARY MEETING

Wednesday, 23 April 1958, at 10.15 a.m.

President: Prince WAN WAITHAYAKON (Thailand)

Consideration of the report of the Second Committee (A/CONF.13/L.17 to L.19)

1. Mr. MADEIRA RODRIGUES (Portugal), Rapporteur of the Second Committee, submitted the report of the Committee (A/CONF.13/L.17), and regretted that considerations of time had prevented him from presenting a more detailed report. He had tried to be as objective as possible and to take into account all the valuable suggestions made by delegations; but he had unfortunately been unable to satisfy fully the representative of the USSR, who had commented adversely on the position given in the report to the resolution on nuclear tests (paragraphs 71 to 73). The final decision on that point, however, as indeed on the whole report, rested solely with the Conference.

2. The PRESIDENT pointed out that the second report of the Drafting Committee (A/CONF.13/L.19) contained certain recommendations on the texts adopted by the Second Committee. If there were no objections, he would assume that those recommendations had been adopted wherever applicable.

Is was so decided.

Article 26

Article 26 was adopted by 48 votes to none.

Article 27

Article 27 was adopted by 51 votes to none with 1 abstention.

Article 28

Article 28 was adopted by 58 votes to none.

Article 29

3. Mr. LIMA (El Salvador) said that, although the Conference was entitled to lay down certain general conditions governing the grant of nationality to ships, the provisions of the instrument finally adopted should maintain complete respect for national sovereignty. In his delegation's view, the words "Nevertheless, for purposes of recognition of the national character of the ship by other States", appearing in paragraph 1, seemed to offend against the principle of sovereignty and he would therefore ask for a separate vote on that phrase.

4. Mr. SAFWAT (United Arab Republic) and Mr. MATINE-DAFTARY (Iran) supported the motion.

The phrase "Nevertheless, for purposes of recognition of the national character of the ships by other States" was rejected by 30 votes to 15, with 17 abstentions.

Article 29, as amended, was adopted by 65 votes to none.

Article 30

Article 30 was adopted by 65 votes to none with 2 abstentions.

Article 31

5. Mr. TUNKIN (Union of Soviet Socialist Republics) asked the sponsors of the article to explain its exact purport.

6. Mr. BARTOS (Yugoslavia) explained that the wording of the article had been proposed by the Office of Legal Affairs in consequence of certain difficulties experienced by the United Nations during the Korean war and with the United Nations Emergency Force in the Near East. The purpose of the provision was to emphasize that certain intergovernmental organizations had the right to sail ships under their own flags in the same manner as States. But the provision was admittedly not very well drafted and might be improved by some indication of how the words "intergovernmental organization" were to be understood.

7. Mr. SEYERSTED (Norway) said that, since it had proved impossible to deal with the substance of the question referred to in the article, the sponsors of the text had merely wished to keep the whole question open. The articles on the right to a flag spoke only of States and it would be regrettable if that were construed to mean that an international organization which lacked the attributes of statehood was precluded from sailing ships under its own flag. In those circumstances, since the substance of the complex problem had not been touched upon, he thought that the wording adopted by the Second Committee should be retained, without any attempt to define the organizations contemplated.

8. Mr. LÜTEM (Turkey) regretted that his delegation would have to abstain from voting on the article because its implications were by no means clear. If the text merely referred to the United Nations that fact should have been made clear.

9. Sir Alec RANDALL (United Kingdom) agreed with the Norwegian representative that there was no need to spell out the precise meaning of the term "intergovernmental organization". Any discussion on that point might raise delicate issues, and it would therefore be preferable to retain the article in the form adopted by the Second Committee and to leave the question open.

10. Mr. GIDEL (France) agreed that the problem of ships in the service of an intergovernmental organization was extremely complex, and though that the Conference should not enter into any discussion on the substance of the matter.

11. Mr. TUNKIN (Union of Soviet Socialist Republics) said that his delegation agreed with the speakers who