Second United Nations Conference on the Law of the Sea

Geneva, Switzerland
17 March – 26 April 1960

Document:-
A/CONF.19/C.1/SR.28

Twenty-Eighth Meeting of the Committee of the Whole

Extract from the *Official Records of the Second United Nations Conference on the Law of the Sea (Summary Records of Plenary Meetings and of Meetings of the Committee of the Whole, Annexes and Final Act)*

of law that there was no general right of overflight corresponding to the right of innocent passage in the territorial sea itself.

37. His delegation could not accept the amendment submitted by Argentina (A/CONF.19/C.1/L.11) to paragraph 3 of the joint proposal by Canada and the United States. By definition, fishing in the outer six miles of the fishing zone had been as of legal right. The period of thirty years, which Argentina proposed to substitute for the five-year period during which States must have made a practice of such fishing, might have some relevance to accustomed periods of prescription. The question, however, was not one of prescription, but of whether States could be expected to surrender instantly rights which they had exercised under international law; it was the rights of people habitually and actively engaged in the fishing industry that were involved. It would be inequitable to insist on the uninterrupted exercise of fishing rights for thirty years before the Convention would provide for their continuance, since most fishing practices in most States had been drastically interrupted by wartime conditions, a situation for which the Argentina amendment made no provision.

38. The second Argentine amendment was also unacceptable. The rights of the coastal States in respect of fishing on the high seas beyond the contiguous zone had been carefully worked out in the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas, and questions so precisely settled in that Convention should not be re-opened. If the proposal had been that there should be further study of the difficult and controversial matters involved, the position of Australia would have been different, but it held the firm opinion that such matters could not be considered at the present Conference. The term "adjacent to its exclusive fishing zone" required clarification. The amendment proposed that all coastal States in all circumstances should have a preferential right of fishing, and Australia could not support such a wide breach in the 1958 Convention.

39. The representatives of Saudi Arabia and the Soviet Union had analysed the meaning of compromise. Their proposals meant that no State could be expected to change its position if, in theory or practice, it recognized a territorial sea of more than six miles. A compromise involved a change of position by all the States which were parties to it. The States which had sponsored and supported the joint Canadian and United States proposal had changed their positions in every respect. As a compromise, the Australian delegation supported it and invited the support of others.

40. Ato GOYTOM PETROS (Ethiopia) said that his country, one of the sponsors of the eighteen-Power proposal (A/CONF.19/C.1/L.2/Rev.1), would be unable to vote for the proposal submitted by Canada and the United States (A/CONF.19/C.1/L.10). That proposal was even less acceptable than the original Canadian proposal (A/CONF.19/C.1/L.4), which did not recognize historic rights, and seemed therefore not to deserve the praise which its authors had received for their conciliatory spirit. Though the joint proposal was a compromise, it was a compromise between two trends in the same body of opinion, and the supporters of the contrary opinion had no part in it.

41. It had been alleged that the supporters of the twelve-mile limit had not so far displayed any desire to reach a compromise and wished only to impose their will. The Ethiopian delegation had come to the Conference with a sincere desire for compromise, but it was difficult to make concessions when a country's right to extend its territorial sea up to a limit which did not violate any standard of accepted international law was denied. It had also been asked what benefit the coastal States would derive from an extensive territorial sea which they would find it difficult and costly to guard and exploit. The supporters of the twelve-mile limit might not possess the technical resources to exploit their marine wealth in the most rational way, but it was not by giving up those rights that they would be able to remedy a situation which some might consider inferior but which was only temporary.

42. Was it contrary to international law to possess a territorial sea whose extent, even though excessive in the view of some States, was in accordance with a legitimate right ? The answer was obviously in the negative. Was the fact that a twelve-mile territorial sea gave a coastal State thousands of square miles of sea a sufficient reason, in logic or law, why it should share that sea with other States ? Territorial sea had the same status as land territory, which a State could not yield. It would be neither valid in law nor morally just to ask States whose national territory was very extensive, but still unexploited and even unexplored, to surrender part of that territory to those who wanted more.

The meeting rose at 1.05 p.m.

TWENTY-EIGHTH MEETING

Wednesday, 13 April 1960, at 3.15 p.m.

Chairman: Mr. José A. CORREA (Ecuador)

Consideration of the questions of the breadth of the territorial sea and fishery limits in accordance with resolution 1307 (XIII) adopted by the General Assembly on 10 December 1958 *(continued)*

CONSIDERATION OF PROPOSALS (A/CONF.19/C.1/L.2/REV.1, L.7/REV.1, L.9 TO L.12) *(concluded)*

1. The CHAIRMAN said that the Committee would proceed to vote on the proposals and amendments before it. In accordance with rule 41 of the Conference's rules of procedure, they would be put to the vote in the following order: the eighteen-Power proposal (A/CONF.19/C.1/L.2/Rev.1); the Icelandic proposal (A/CONF.19/C.1/L.7/Rev.1); the Argentine amendments (A/CONF.19/C.1/L.11) to the joint Canadian and United States proposal; the Guatemalan amendment (A/CONF.19/C.1/L.12) to the same proposal; and finally, the joint Canadian and United States proposal (A/CONF.19/C.1/L.10).

2. Mr. DE PABLO PARDO (Argentina) announced that, in order to facilitate agreement in the Committee, his

delegation wished to withdraw its first amendment (A/CONF.19/C.1/L.11). It might, however, revert to the matter when the Conference met in plenary session.

3. The CHAIRMAN put the eighteen-Power proposal (A/CONF.19/C.1/L.2/Rev.1) to the vote.

The vote was taken by roll-call.

Yemen, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Yemen, Yugoslavia, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Czechoslovakia, Ecuador, Ethiopia, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Federation of Malaya, Mexico, Morocco, Panama, Philippines, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela.

Against: Australia, Belgium, Brazil, Cameroons, Canada, China, Costa Rica, Denmark, Dominican Republic, El Salvador, France, Federal Republic of Germany, Greece, Haiti, Honduras, Ireland, Israel, Italy, Japan, Republic of Korea, Laos, Liberia, Luxembourg, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, San Marino, Spain, Sweden, Switzerland, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Republic of Viet-Nam.

Abstentions: Argentina, Austria, Bolivia, Ceylon, Chile, Colombia, Cuba, Finland, Guatemala, The Holy See, Pakistan, Paraguay, Turkey.

The eighteen-Power proposal was rejected by 39 votes to 36, with 13 abstentions.

4. The CHAIRMAN put the Icelandic proposal (A/CONF.19/C.1/L.7/Rev.1) to the vote.

The vote was taken by roll-call.

Poland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Saudi Arabia, Sudan, Tunisia, United Arab Republic, Uruguay, Venezuela, Republic of Viet-Nam, Yemen, Yugoslavia, Argentina, Burma, Chile, Denmark, Ecuador, El Salvador, Ethiopia, Ghana, Guinea, Iceland, Indonesia, Iran, Iraq, Jordan, Republic of Korea, Lebanon, Libya, Mexico, Morocco, Panama, Peru, Philippines.

Against: Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, Belgium, Cameroons, France, Greece, Italy, Japan, Netherlands, Norway.

Abstentions: Poland, Romania, San Marino, Sweden, Switzerland, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United States of America, Albania, Australia, Austria, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Ceylon, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Finland, Federal Republic of Germany, Guatemala, Haiti, The Holy See, Honduras, Hungary, India, Ireland, Israel, Laos, Liberia, Luxembourg, Federation of Malaya, Monaco, New Zealand, Nicaragua, Pakistan, Paraguay.

The Icelandic proposal was adopted by 31 votes to 11, with 46 abstentions.

5. The CHAIRMAN put the second Argentine amendment (A/CONF.19/C.1/L.11) to the joint Canadian and United States proposal (A/CONF.19/C.1/L.10) to the vote.

The vote was taken by roll-call.

Israel, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Jordan, Lebanon, Libya, Mexico, Morocco, Peru, Philippines, Saudi Arabia, Sudan, Tunisia, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia, Argentina, Burma, Cambodia, Chile, Ecuador, El Salvador, Ethiopia, Guinea, Iceland, Indonesia, Iran, Iraq.

Against: Italy, Japan, Laos, Luxembourg, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Republic of Viet-Nam, Australia, Belgium, Cameroons, Canada, China, Denmark, Finland, France, Federal Republic of Germany, Greece, Haiti, Honduras, Ireland.

Abstentions: Israel, Republic of Korea, Liberia, Federation of Malaya, Panama, Paraguay, Poland, Romania, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania, Austria, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Colombia, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ghana, Guatemala, The Holy See, Hungary, India.

The Argentine amendment to the joint Canadian and United States proposal was rejected by 33 votes to 27, with 28 abstentions.

6. The CHAIRMAN put the Guatemalan amendment (A/CONF.19/C.1/L.12) to the joint Canadian and United States proposal (A/CONF.19/C.1/L.10) to the vote.

The vote was taken by roll-call.

Brazil, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Cambodia, Ecuador, Guatemala.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cameroons, Canada, Ceylon, China, Colombia, Czechoslovakia, Denmark, France, Federal Republic of Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Peru, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Republic of Viet-Nam, Albania, Australia, Austria, Belgium.

Abstaining: Brazil, Burma, Chile, Costa Rica, Cuba, Dominican Republic, El Salvador, Ethiopia, Finland, Ghana, Guinea, Haiti, The Holy See, Honduras, Iceland, India, Indonesia, Iran, Iraq, Jordan, Republic of Korea, Lebanon, Libya, Federation of Malaya, Mexico, Morocco, Panama, Paraguay, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia, Argentina, Bolivia.

The Guatemalan amendment to the joint Canadian and United States proposal was rejected by 44 votes to 3, with 41 abstentions.

7. The CHAIRMAN invited the Committee to vote on the joint Canadian and United States proposal (A/CONF.19/C.1/L.10).

8. Mr. CHACON PAZOS (Guatemala) moved that a separate vote be taken on paragraph 3 of the joint proposal.

9. Mr. DEAN (United States of America) said that that procedure would be unnacceptable to the authors of the proposal, since it formed a carefully integrated whole.

10. The CHAIRMAN put the Guatemalan representative's motion to the vote in accordance with rule 39 of the rules of procedure.

The Guatemalan motion was rejected by 46 votes to 19, with 21 abstentions. The vote on the joint Canadian and United States proposal was taken by roll-call. Ethiopia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Federal Republic of Germany, Greece, Haiti, Honduras, Ireland, Israel, Italy, Japan, Republic of Korea, Laos, Liberia, Luxembourg, Federation of Malaya, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Portugal, San Marino, Spain, Switzerland, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Republic of Viet-Nam, Australia, Austria, Bolivia, Brazil, Cameroons, Canada, Ceylon, China, Colombia, Costa Rica, Denmark, Dominican Republic.

Against: Ethiopia, Guinea, Hungary, Iceland, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Mexico, Morocco, Panama, Peru, Poland, Romania, Saudi Arabia, Sudan, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, Ecuador, El Salvador.

Abstaining: Finland, France, Ghana, Guatemala, The Holy See, India, Philippines, Sweden, Argentina, Belgium, Cambodia, Cuba.

The joint Canadian and United States proposal was adopted by 43 votes to 33, with 12 abstentions.

11. The CHAIRMAN, announcing that the Committee had finished voting on the proposals and amendments thereto, invited those representatives who wished to do so to explain their vote.

12. Mr. GROS (France) said that he had voted against the Icelandic proposal, not because his Government was opposed to the Conference's dealing with special situations, but only because it believed that a general rule must be established before exceptions could be formulated to it.

13. His delegation had been most appreciative of the effort made by the authors of the joint Canadian and United States proposal to achieve a compromise. Unfortunately, that compromise had been misunderstood and much criticized. His delegation had abstained from voting on the proposal because it did not wish an affirmative vote to be interpreted as acceptance by France of the principle of an exclusive fishing zone.

14. It had been claimed that the first United Nations Conference on the law of the sea had buried the three-mile rule, which France, together with other countries, still upheld, on the ground that those countries had declared themselves willing to compromise on a six-mile territorial sea. He felt therefore that a vote cast for the Canadian and United States proposal would be held to imply recognition of the legality of an exclusive fishing zone. But France had not abandoned the three-mile rule, nor would it accept the right to an exclusive fishing zone as a new rule of international law unless such a rule secured overwhelming or almost unanimous support at the present Conference. At the 25th meeting, the Yugoslav representative had pertinently argued that law was not created by votes, and that a rule of international law only owed its existence to the assent of States or to treaties duly signed and ratified.

15. He had been surprised, therefore, by the insistence that a twelve-mile limit must be recognized as a rule of international law. True, it had been adopted by one State at the beginning of the century, but others had introduced such a breadth only lately, sometimes only one or two years ago. In what strangely different ways the question was approached: no account was taken of the fact that French fishermen had been fishing in certain waters for three centuries, which could certainly be termed a " practice ", but recognition was sought for a " practice " of twelve miles which had only been in existence for two or three years. Indeed, certain States were apparently determined to maintain a limit they had adopted unilaterally and to ignore completely the interests and practice, however long-standing, of others.

16. That lack of understanding for the considerable effort made by the Canadian and United States delegations, together with those which had supported their original proposals, to arrive at a compromise had prompted him to point out to the Conference that France would not accept as a new rule of international law an exclusive fishing zone up to twelve miles broad unless the concessions made by the supporters of the joint proposal were matched by the countries in favour of a twelve-mile territorial sea. So far those countries had made no attempt to meet the States which were prepared to make substantial sacrifices where their fishing interests were concerned in order to try to reach an agreement.

17. He had already mentioned the scale of the sacrifices that would be imposed on French working people by the introduction of an exclusive twelve-mile fishing zone. It was utterly contrary to the spirit of the United Nations to expect delegations to attend a conference solely for the purpose of accepting a thesis propounded by those holding other views; and simply to argue that what was good for countries with a twelve-mile territorial sea must be good for the whole of mankind was not the way to create new rules of international law.

18. The Conference still had some time before it and another opportunity of voting, and he urged representatives to bear his remarks in mind, so that more might emerge from the deliberations of the Conference than

the acknowledgement of the simultaneous application of a six-mile limit by some States and of a twelve-mile limit by others.

19. Sir Claude COREA (Ceylon) said that at the first Conference in 1958 Ceylon had strongly supported the six-mile formula. His delegation had therefore been glad to see that formula supported by an increasing number of countries since then.

20. However, his delegation had misgivings about the proposed exclusive fishing zone, because the establishment of such a zone would wipe out certain rights which Ceylon had built up over the years, rights on which his country's economy to some extent depended. His delegation would therefore have gladly supported the original United States proposal (A/CONF.19/C.1/L.3) which would have given recognition to the vested rights of Ceylon, a small country, in distant-water fishing; it had accordingly been disappointed when the United States delegation had withdrawn that proposal in order to join Canada in submitting the joint proposal (A/CONF.19/C.1/L.10). His delegation had none the less voted for the latter because it retained at least a vestige of the recognition of those rights in the form of a ten-year period of grace, although Ceylon would naturally have preferred to see its accrued rights fully safeguarded. It was not a matter of asserting an imperialistic claim, but merely one of protecting the livelihood of the fishermen of a small peace-loving country.

21. Although Ceylon had consistently favoured, and continued to favour, a six-mile territorial sea, his delegation had abstained from voting on the eighteen-Power proposal (A/CONF.19/C.1/L.2/Rev.1). There was no inconsistency in its attitude, because his country did not wish to stand in the way of those who sought to establish a territorial sea twelve miles broad if they were able to rally sufficient support to ensure the adoption of their proposal.

22. The position reached by the Committee was not a happy one, from the point of view of the interests of international law. He urged the advocates of the two conflicting formulas to make further attempts to reach agreement during the Easter recess, to enable the Conference to approve a new rule of international law by more than the two-thirds majority required.

23. Mr. VAN DER ESSEN (Belgium) said that his country had only a very short coastline, but that coastline supported a large community of fishermen whose activities would be drastically curtailed if the joint proposal were adopted. The Belgian delegation would, however, have been prepared to accept the original United States proposal, although the extension of the territorial sea from three to six miles, combined with the system of straight baselines, would have subtracted large areas from the high seas and thereby shut Belgian fishermen out from those areas, and although the reservation regarding historic rights would have protected Belgian fishing activities in but very few sea areas.

24. Hence the Belgian delegation had been unable to vote for the joint proposal because it could not accept the complete sacrifice of the traditional activities of courageous fishermen who were strongly attached to their calling. His delegation had not, however, gone so far as to vote against the proposal, because it was the most moderate that had been put to the vote. But he wished to make it clear that his abstention should not be interpreted as an acceptance of the extension of the territorial sea to more than six miles.

25. Mr. SOHN (Republic of Korea) said that his delegation had voted for the joint proposal because it considered that the formula which sought to establish a territorial sea six miles broad was a reasonable one, and because it believed that there should be uniformity in the matter of the breadth of the territorial sea.

26. His delegation was not, however, satisfied with the fisheries provisions of the joint proposal, although it had still cast an affirmative vote in a spirit of co-operation. That vote should therefore not be construed as meaning that the Republic of Korea was in full agreement with the provisions relating to fishery problems, for, in his delegation's view, they would not settle those problems at all.

27. Moreover, his delegation's affirmative vote should not be construed as meaning that it accepted the inference that adoption of the joint proposal would preclude the future conclusion of an agreement or agreements between the States concerned on fishery problems which called for special treatment. In fact, the Republic of Korea had special fishing problems to settle with its neighbouring country in accordance with the provisions of the San Francisco Treaty of 1951.

28. Mr. MELO LECAROS (Chile) wished in particular to explain his delegation's vote on the joint proposal. As he had explained at the 14th meeting, his country's chief concern in matters relating to the sea was to enable its population to continue to benefit in a legitimate manner from a source of wealth to which it was naturally entitled. Chile's policy had been unswervingly directed to that end; and on it reposed the Chilean Presidential Declaration of June 1947 concerning Chilean territorial claims and the agreements entered into by Chile with Peru and Ecuador, the basic purpose of which was to ensure that appropriate measures were taken to conserve the living resources of the South Pacific Ocean.

29. Accordingly, in the spirit of co-operation which animated his Government's activities, and in order to make its contribution to the efforts to settle the problem of the breadth of the territorial sea, his delegation was disposed to favour a delimitation of six miles for the territorial sea and the establishment of an exclusive fishing zone extending twelve miles to seaward from the applicable baseline. His delegation therefore regretted that it had been obliged to vote against the joint proposal. The reason why it had done so was that it could not support the principle embodied in paragraph 3 of the proposal, a principle that was devoid of all legal foundation. The mere fact that an activity had been carried on for a period of no more than five years could not be accepted as grounds for the recognition of a right to continue that activity, even if it was to lapse after ten years. Besides, there should have been a logical counterpart to that provision: in all fairness, the existence of other special situations, to which reference had frequently been made during the discussions in the Committee, should have been recognized. Unfortunately, the joint proposal said nothing on the subject. The amendment proposed by Argentina (A/CONF.19/C.1/

L.11) had been intended to make good that lacuna; but it had been rejected. The draft resolutions of Cuba (A/CONF.19/C.1/L.9) and Peru (A/CONF.19/C.1/L.8), which were to be dealt with by the Conference in plenary session, were also intended to fill the gap.

30. In his delegation's opinion, the problem had not been approached realistically. A complete reappraisal of the situation was necessary if a generally acceptable solution was to be devised. Even a cursory review of the situation would show that a formula which sought to establish a territorial sea six miles broad with a contiguous fishing zone extending a further six miles to seaward would be acceptable to a very large number of the Governments represented at the Conference; but those Governments were, unhappily, divided on the question of the special rights concerning fisheries.

31. In that respect, it was clear that the Conference did not have the necessary information to enable it to deal with all the special situations in question, and that it was impossible to formulate a general practical rule covering them all. But their existence could not be denied, and they would therefore have to be recognized. In other words, the door must be left open for some other formula capable of meeting all those widely varying situations. Frank recognition of all those factors might well lead to an agreement capable of commanding substantial support.

32. Mr. MONACO (Italy) said that his delegation's vote for the joint proposal called for an explanation because at the 7th meeting in the general debate his delegation had maintained that the Conference, as a codification conference, ought to confine itself to a restatement of existing international law on the subject before it. He had then pointed out that the contiguous fisheries zone was unknown to general international law, and that the freedom to fish in sea areas adjacent to the territorial sea was a legitimate right which could not be disputed. His delegation had nevertheless voted for the joint proposal, despite the fact that, inasmuch as it made provision for a contiguous fishing zone and imposed a ten-year limit on the freedom to fish therein, it was conducive to the establishment of new rules of international law — rules which might be set up at the present Conference or elsewhere, but which did not constitute a codification of existing international law on the basis of the excellent preparatory work done by the International Law Commission.

33. The Italian delegation believed that the Conference should be primarily concerned with technical rather than economic or political problems, but it had been prepared to abandon its original position in the hope of facilitating an equitable solution and thereby ensuring the success of the Conference. He urged that further efforts be made before the end of the Conference, to bridge over the differences which had become apparent.

34. His delegation had voted against the Icelandic proposal, not because Italy wished to thwart the special interests which obtained in certain parts of the world, or to ignore the peculiar economic position of a small country, but because the terms of the proposal were unacceptable to his delegation for legal reasons; namely, the preferential rights of the coastal State in the matter of fishing in certain areas were related to the procedure laid down in the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas.

35. Mr. GARCIA ROBLES (Mexico) explained that his delegation had voted against the joint proposal for the reasons he had given at the 10th meeting. It had supported the Argentine amendment because it embodied a principle that was fair and in harmony with the legitimate aspirations of coastal States. Had it incorporated that principle, the joint proposal would have been more acceptable, although his delegation would still have voted against it.

36. He recalled that, when the question of convening a second conference on the law of the sea had been discussed in the Sixth Committee of the United Nations General Assembly,[1] he had asked what new formula had been evolved and what new favourable developments had occurred to justify the expectation that a second conference would prove successful. The almost identical results of the voting at the two conferences eloquently demonstrated that his misgivings had been well founded. Nevertheless, he hoped that some universal solution would be found before the end of the Conference.

37. Mr. HARE (United Kingdom) said that, while his delegation was not at all unsympathetic to the position of the few countries that the Icelandic proposal was designed to assist, it believed, as it had said earlier, that that proposal contained too many uncertain elements to achieve its purpose. It was similar in intention to others submitted to the Conference, inasmuch as it dealt with the question of the preferential fishing rights of coastal States, but he was not sure that the economic aspect of fishing on the high seas fell within the scope of the present Conference. The large number of abstentions on the Icelandic and Argentine proposals might be taken to reflect a general feeling that the problem required further study, which he thought might perhaps be undertaken by an appropriate specialized agency of the United Nations. That was a possibility that might be borne in mind when the matter came up in plenary session.

38. Mr. CHACON PAZOS (Guatemala) explained that, although his delegation had spoken favourably of the joint proposal, it had abstained from voting on it because article 3 was unacceptable to Guatemala, for the reasons he had given at the 26th meeting. He wished to make it clear that, whatever solution the Conference might adopt, his Government did not recognize the right of any country to fish within twelve miles of the coast of Guatemala.

39. Mr. BENEDIKTSSON (Iceland) did not agree with the United Kingdom representative that the large number of abstentions on the Icelandic proposal could be interpreted as reflecting a general view that the question of special circumstances should be studied by another agency. In his delegation's opinion, the inference to be drawn was that the question needed further study before the end of the present Conference; otherwise, delegations would have voted against the proposal.

[1] *Official Records of the General Assembly, Thirteenth Session, Sixth Committee,* 589th meeting.

Adoption of conventions or other instruments regarding the matters considered and of the Final Act of the Conference

40. The CHAIRMAN said that the Committee could not at that stage make recommendations to the Conference on the adoption of conventions or other instruments regarding the matters considered or on that of the Final Act of the Conference, and suggested that the matter be referred to the Conference without recommendations, as had been done at the first Conference in 1958.

It was so decided.

Completion of the Committee's work

41. The CHAIRMAN declared that the Committee had completed its work.

42. Mr. SEN (India) wished to express his sincere appreciation of the exemplary manner in which the Chairman had conducted the Committee's work, and believed that in doing so he was voicing the feeling of all delegations.

The meeting rose at 5 p.m.