

# **Second United Nations Conference on the Law of the Sea**

Geneva, Switzerland  
17 March – 26 April 1960

Document:-  
**A/CONF.19/SR.1**

## **First Plenary Meeting**

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)*

# SUMMARY RECORDS OF PLENARY MEETINGS

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## FIRST PLENARY MEETING

Thursday, 17 March 1960, at 3.15 p.m.

*Acting President:* Mr. STAVROPOULOS  
(Legal Counsel to the United Nations,  
representing the Secretary-General)

*later*

*President:* Prince WAN WAITHAYAKON (Thailand)

### Opening of the Conference

[Agenda item 1]

1. The ACTING PRESIDENT, on behalf of the Secretary-General of the United Nations, declared the Second United Nations Conference on the Law of the Sea open.

2. Mr. PALTHEY (Deputy Director of the European Office of the United Nations) welcomed the delegations to the Conference on behalf of the Director of the European Office, and said that the large number of countries participating in it, and the fact that those countries were represented by eminent jurists and economists, showed the importance which Governments attached to the questions to be discussed.

3. He recalled that the first United Nations Conference on the Law of the Sea, which had been held at the European Office of the United Nations in 1958, had found it possible to formulate a broad range of rules relating to the international law of the sea. The present Conference was called upon to perform the difficult task of completing the work of the first, and he expressed his warmest wishes for its success, while assuring the Conference that it could count on the fullest co-operation of the staff of the European Office.

4. The ACTING PRESIDENT welcomed the delegations on behalf of the Secretary-General, who much regretted his inability to attend the opening of the Conference. The Secretary-General regarded the Conference as an occasion of the utmost importance and its outcome as a matter of real concern to all States.

5. He recalled that, at the opening of the 1958 Conference, he had expressed the hope that that Conference would not find any cause for pessimism in the memory of the failure of the Conference for the Codification of International Law, held at The Hague in 1930. The outcome of the 1958 Conference had fully justified that hope, although the measure of success attained by it was not sufficiently appreciated or known. Within the comparatively short time of nine weeks the 1958 Conference had adopted four Conventions, an Optional Protocol of Signature concerning the Compulsory Settlement of Disputes and nine resolutions.<sup>1</sup> Of the eighty-six States represented at the Conference, forty-four had signed the Convention on the Territorial Sea and the

Contiguous Zone, forty-nine had signed the Convention on the High Seas, thirty-seven the Convention on Fishing and Conservation of the Living Resources of the High Seas and forty-five the Convention on the Continental Shelf. The Optional Protocol had been signed by thirty States. Afghanistan had ratified the Convention on the Territorial Sea and the Contiguous Zone; the United Kingdom had recently ratified the Convention on the Territorial Sea and the Contiguous Zone, the Convention on the High Seas and the Convention on Fishing and Conservation of the Living Resources of the High Seas, and was taking steps to enact the necessary legislation to ratify the Convention on the Continental Shelf. Other States were in the process of securing parliamentary approval with a view to the ratification of one or more of the Conventions, and it could be surmised that an agreement reached at the present Conference would induce other States to follow suit.

6. The 1958 Conference could therefore not be regarded as anything other than a success, a success which had been due in a large measure to two factors. First, the Conference had had before it, as a basis for its work, the draft articles prepared by the International Law Commission between 1949 and 1956;<sup>2</sup> the Conference, in its resolution IX, had paid a well-deserved tribute to that Commission for its excellent work. The second factor had been the spirit of co-operation and understanding which had prevailed throughout the Conference.

7. Two important questions, however, had remained unsolved: the breadth of the territorial sea and that of fishery limits. The 1958 Conference had accordingly, in its resolution VIII, requested the General Assembly to study the advisability of convening a second conference to consider the questions left unsettled. By its resolution 1307 (XIII) of 10 December 1958, the General Assembly, acting on that request, had decided to convene the present Conference.

8. The two questions before the Conference posed complex political and economic problems and revealed various conflicts of interest. Those problems were not, however, insoluble and the interests of States were not irreconcilable. Given patience, political wisdom and understanding, a solution could be worked out which would serve the interests of the international community as a whole and prove in the long run more beneficial than the pursuit of immediate or apparent national interest.

9. He drew attention to the provisional agenda (A/CONF.19/1), the provisional rules of procedure (A/CONF.19/2) and the memorandum on methods of work (A/CONF.19/3) prepared by the Secretariat. He conveyed to the Conference the Secretary-General's warmest wishes for its success and his hope that it would make an important contribution to the codification and progressive development of international law and to the furthering of peace and justice among nations.

<sup>1</sup> See *Official Records of the United Nations Conference on the Law of the Sea*, vol. II, annexes

<sup>2</sup> See *Official Records of the General Assembly, Eleventh Session, Supplement No. 9*, chap. II.

### Question of the representation of China

10. Mr. TUNKIN (Union of Soviet Socialist Republics) said that his delegation considered it necessary to make a statement at that stage with regard to the convening of the Conference. The State of China, one of the founders of the United Nations and one of the most important Powers of the world, was not represented at the Conference. In accordance with international law, China could only be represented at an international conference by representatives appointed by the Government of the People's Republic of China. The absence of the lawful representatives of China and the attempt to treat the representatives of Chiang Kai-shek as those of China were inadmissible and in violation of international law.

11. He also drew attention to the discriminatory terms of the relevant passage of General Assembly resolution 1307 (XIII). The fact that invitations were addressed only to Members of the United Nations and of the specialized agencies meant that certain countries, which were being artificially kept out of the specialized agencies, were thereby debarred from participating in an international conference. As a consequence the Governments of the German Democratic Republic, the Democratic People's Republic of Korea, the Democratic Republic of Viet-Nam and the Mongolian People's Republic, had not been invited to participate in the work of the Conference. The absence of representatives of those countries, like the anomalous position in the matter of the representation of China, was contrary to the principles of international law and inconsistent with the very purpose of a conference which was to formulate rules of international law capable of being recognized by all States.

12. Mr. DEAN (United States of America) said that the remarks of the USSR representative were out of order. The question which that representative had raised had been decided by the General Assembly in its resolution 1307 (XIII) convening the Conference. Under the terms of that resolution, "all States Members of the United Nations and States members of the specialized agencies" had been invited to the Conference, and hence only representatives of those States could participate in its work.

13. Mr. LIU (China) said that the question of the representation of China had been raised by the Soviet Union delegation more than two hundred times at international meetings, and in every instance the representation of China by its only legitimate Government, that of the Republic of China, had been upheld. To raise the question of the representation of China was to ignore the General Assembly resolution under which the Conference had been convened. Moreover, it would make a mockery of the efforts to codify international law to admit the Chinese Communists who, since their military seizure of the mainland of China, had defied all standards of international conduct.

14. The ACTING PRESIDENT said that there was no motion before the Conference. The statement of the USSR representative would be placed on record.

15. Mr. PFEIFFER (Federal Republic of Germany) said that the so-called German Democratic Republic was not

a State in the legal sense of the word but merely the Soviet zone of occupation of Germany, which was governed by authorities imposed on its population by the forces of occupation in defiance of the principle of self-determination. The question which had been raised in that connexion was, as pointed out by the United States representative, outside the Conference's terms of reference under resolution 1307 (XIII).

16. Mr. MELLER-CONRAD (Poland) said that his delegation could not recognize the rulers imposed upon the unwilling inhabitants of a Chinese island as the legitimate Government of China, and he expressed regret at the absence from the Conference of a representative of the People's Republic of China. It was also a matter for regret that Poland's neighbour, the German Democratic Republic, as well as the Democratic People's Republic of Korea, the Democratic Republic of Viet-Nam and the Mongolian People's Republic were not represented.

17. Mr. MELLER-CONRAD could not acknowledge the right of the representative of the Federal Republic of Germany to pass judgement on the situations ruling in other countries or to give lessons in matters of international law, when in the Federal Republic of Germany there were still in office nearly a thousand judges who had held office at the time when the only law for them was the law of the jungle.

18. Mr. MAU (Republic of Viet-Nam) said that the Conference was bound not only by its terms of reference under General Assembly resolution 1307 (XIII) but also by the precedent set by the first United Nations Conference on the Law of the Sea.<sup>3</sup> His delegation accordingly considered the statement of the USSR representative out of order.

19. Mr. SOHN (Republic of Korea) said that the Conference had no power to go beyond its terms of reference; the question raised by the USSR representative was therefore out of order. The Government of the Republic of Korea was the only lawful representative of the whole of Korea; the regime set up in the northern part of the country, in addition to having no legal standing, was under outside control.

20. Mr. PECHOTA (Czechoslovakia) said that the absence of legitimate representatives of the great State of China, an important maritime country with a long coastline, would hamper the work of the Conference. The only lawful representatives of China whom his delegation could recognize were the representatives designated by the Central People's Government of the People's Republic of China.

21. In order to arrive at a satisfactory solution of the problems of the territorial sea and fishery limits, the Conference should hear the views of all States. The arbitrary exclusion of the representatives of the German Democratic Republic, the Democratic People's Republic of Korea, the Democratic Republic of Viet-Nam and the Mongolian People's Republic, was contrary to international law and deprived the Governments of those countries of the opportunity which they should have

<sup>3</sup> See *Official Records of the United Nations Conference on the Law of the Sea*, vol. II, 1st plenary meeting, paras. 14-31.

of expressing their views on the important issues before the Conference and of taking part in its deliberations.

22. Mr. LAMANI (Albania) noted with indignation the absence of representatives of the People's Republic of China. The presence of the envoys of Chiang Kai-shek who had usurped their place was contrary to law and prejudicial to the work of the Conference. It was also abnormal that the German Democratic Republic, the Democratic People's Republic of Korea, the Democratic Republic of Viet-Nam and the Mongolian People's Republic were not represented.

#### Election of the President

[Agenda item 2]

23. The ACTING PRESIDENT invited nominations for the office of President of the Conference.

24. Mr. SEN (India) proposed Prince Wan Waithayakon (Thailand), who had presided over the first United Nations Conference on the Law of the Sea in 1958; the remarkable, though not complete, success of the first Conference was attributable in large measure to Prince Wan's guidance.

*Prince Wan Waithayakon (Thailand) was elected President by acclamation and took the Chair.*

25. The PRESIDENT thanked the Conference for the honour it had bestowed on him, and paid a tribute to the hospitality and courtesy of the Swiss Government.

26. Much progress had been made towards the codification of the law of the sea and he was proud to have co-operated in bringing that progress about. Nothing would give him greater satisfaction than to see the present Conference achieve complete success. Failure to reach agreement would serve neither the interests of the participating States nor those of the peoples of the world. Time was limited but should be adequate, if all the participants mobilized their resources of wisdom, skill, patience and conciliation to reach a solution based on justice and logic which would satisfy the practical needs of the situation. Fortified by the continued goodwill and patience of all, and assisted by the Secretariat, he would endeavour to facilitate deliberations and bring them to a successful conclusion.

#### Adoption of the agenda

[Agenda item 3]

*The provisional agenda (A/CONF.19/1) was adopted.*

#### Adoption of the rules of procedure (A/CONF.19/2, A/CONF.19/L.1)

[Agenda item 4]

27. The PRESIDENT drew attention to the provisional rules of procedure prepared by the Secretariat (A/CONF.19/2) and to the amendments proposed by the delegation of Mexico (A/CONF.19/L.1) to rules 20, 41, 49 and 54. He suggested that the provisional rules of procedure should be adopted with the exception of those to which amendments had been proposed, and their

consideration of the amendments should be postponed to the following meeting.

*It was so agreed.*

*The provisional rules of procedure, with the exception of rules 20, 41, 49 and 54 were adopted.*

#### Election of the Chairman of the Committee of the Whole

[Agenda item 6]

28. The PRESIDENT invited nominations for the office of Chairman of the Committee of the Whole.

29. Sir Kenneth BAILEY (Australia) proposed Mr. Correa (Ecuador), whose knowledge of international law and extensive experience of international affairs had been appreciated at the first United Nations Conference on the Law of the Sea.

30. Mr. GARCIA ROBLES (Mexico) seconded the proposal.

*Mr. Correa (Ecuador) was unanimously elected Chairman of the Committee of the Whole.*

31. Mr. CORREA (Ecuador) thanked the Conference for the honour done to his country and to himself.

#### Organization of work (A/CONF.19/3)

[Agenda item 8]

32. The PRESIDENT drew attention to the memorandum of the Secretary-General (A/CONF.19/3), and in particular to the advice contained in sections III and IV of that memorandum. He suggested that the Conference should follow that advice.

*It was so agreed.*

The meeting rose at 4.30 p.m.

#### SECOND PLENARY MEETING

*Friday, 18 March 1960, at 10.50 a.m.*

*President: Prince WAN WAITHAYAKON (Thailand)*

*Adoption of the rules of procedure  
(A/CONF.19/2, A/CONF.19/L.1) (concluded)*

[Agenda item 4]

1. Mr. GARCIA ROBLES (Mexico) said that the commentaries appended to the amendments proposed by his delegation (A/CONF.19/L.1) to rules 20, 41, 49 and 54 of the provisional rules of procedure of the Conference (A/CONF.19/2) were self-explanatory.

2. The PRESIDENT invited the Conference to consider the Mexican amendment to rule 20 of the provisional rules of procedure. The amendment would insert before the last sentence of rule 20 the following sentence: "The Secretariat shall be in charge of drawing up a list of such speakers."