

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

Geneva, Switzerland  
17 March – 26 April 1960

Document:-  
**A/CONF.19/SR.14**

## **Fourteenth 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)*

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

*Against*: Czechoslovakia, Ecuador, Ethiopia, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iraq, Libya, Mexico, Morocco, Panama, Peru, Poland, Romania, Saudi Arabia, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic.

*Abstaining*: Cuba, El Salvador, Finland, Iran, Paraguay, Philippines, Tunisia, Cambodia.

*The result of the vote was 50 in favour and 29 against, with 8 abstentions.*

*The United States motion was not carried, having failed to obtain the required two-thirds majority.*

The meeting rose at 12.25 p.m.

#### FOURTEENTH PLENARY MEETING

*Tuesday, 26 April 1960, at 3.20 p.m.*

*President*: Prince WAN WAITHAYAKON (Thailand)

**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 (A/CONF.19/L.6) (concluded)**

[Agenda item 9]

**VOTING ON PROPOSALS AND AMENDMENTS  
(A/CONF.19/L.6) (concluded)**

1. The PRESIDENT invited the representative of Cuba to introduce the Cuban draft resolution (A/CONF.19/L.6).

2. Mr. GARCIA AMADOR (Cuba) wished only to point out that the Cuban draft resolution sought to establish a régime whereby preferential consideration would be given to the special requirements and interests of the coastal State in certain cases. He hoped that delegations would adopt the same approach as they had earlier to similar proposals and vote accordingly.

3. The PRESIDENT put the Cuban draft resolution (A/CONF.19/L.6) to the vote.

*The vote was taken by roll-call.*

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

*In favour*: Iceland, Indonesia, Iraq, Republic of Korea, Libya, Mexico, Morocco, Panama, Peru, Philippines, Saudi Arabia, Sudan, United Arab Republic, Uruguay, Yemen, Yugoslavia, Argentina, Chile, Cuba, Ecuador, El Salvador, Ethiopia.

*Against*: Greece, Hungary, Ireland, Italy, Japan, Laos, Luxembourg, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Romania, 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, Albania, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroons, Czechoslovakia, Finland, France, Federal Republic of Germany.

*Abstaining*: Guatemala, Haiti, Honduras, India, Iran, Israel, Liberia, Federation of Malaya, Pakistan, Thailand, Tunisia, Turkey, Republic of Viet-Nam, Bolivia, Brazil, Burma, Cambodia, Canada, Ceylon, China, Colombia, Costa Rica, Dominican Republic, Ghana.

*The result of the voting was 22 votes in favour and 33 against, with 24 abstentions.*

*The Cuban draft resolution was rejected.*

#### EXPLANATIONS OF VOTE

4. Mr. VAN DER ESSEN (Belgium) said that, after having abstained from voting in the Committee of the Whole, the Belgian delegation had decided to vote at the plenary meeting for the joint proposal by Canada and the United States of America (A/CONF.19/L.11) and for the amendments thereto submitted jointly by Brazil, Cuba and Uruguay (A/CONF.19/L.12). It had done so because it believed that that proposal, which had obtained a simple majority in Committee, would be capable of securing the required two-thirds majority in plenary. That expectation had been almost fulfilled. Belgium had only a very short coast bordering on a narrow sea, and its inhabitants did much fishing; it had therefore a very great deal to lose by supporting the proposal in question, but had not wished to be the cause of wrecking what had seemed to be the last chance of reaching agreement. His country had been prepared to accept very heavy sacrifices for the sake of establishing a rule of international law, but as the compromise put forward had not obtained the required majority the Belgian Government did not consider itself bound by the vote which its delegation had cast.

5. Mr. MUHTADI (Jordan) said that his delegation was in favour of a maximum breadth of twelve miles for the territorial sea; but it had voted for the joint proposal because it had seemed the only alternative to failure of the Conference. Such failure would in his view work against the interests of Jordan and other small States. Hence, the joint proposal having failed to secure the required two-thirds majority, his delegation had voted also for the United States motion that it be reconsidered.

6. Mr. CHACON PAZOS (Guatemala) said his delegation had voted for the joint proposal on the clear under-

standing that Guatemala did not recognize any historic or other fishing rights of foreign States in its territorial waters or contiguous zone.

7. Mr. VLACHOS (Greece) said that, the votes cast at the previous meeting having made it impossible for the Conference to adopt a rule of international law on the breadth of the territorial sea or to establish an outer zone of exclusive fishing rights for the coastal State, the Greek delegation wished to make it clear that it had voted for the establishment of such a zone only with great reluctance and in the hope that that concession would enable the Conference to conclude its work by adopting new rules of international law on the matter. That having proved impossible, he declared in the name of the Greek Government that Greece would continue to recognize as valid only the relevant principles of international law as they at present obtained, and that it declined to recognize the existence of any exclusive fishing zone.

8. Mr. DIAZ GONZALEZ (Venezuela) recalled that the purpose of the ten-Power draft resolution (A/CONF.19/L.9), of which his delegation had been one of the sponsors, had been to safeguard the legitimate interests of an appreciable minority of sovereign coastal States in an equitable and realistic manner, with due regard for the economic, political and biological factors involved. He regretted that he had been unable to support the joint proposal (A/CONF.19/L.11), which, although reasonable and based on negotiation, was not entirely just or equitable and ran counter to the interests of a substantial number of States, among them Venezuela. His delegation believed that further consideration of the two questions should await a more favourable atmosphere and be preceded by fuller diplomatic preparation.

9. Mr. TUNKIN (Union of Soviet Socialist Republics) explained that, although his Government viewed Iceland's needs with sympathy and had upheld that country's right to establish a twelve-mile fishing zone, he had been unable to support the Icelandic proposal because it sought to establish, on the basis of one specific case, a general rule which might give rise to difficulties and disputes.

10. He had voted against the amendment of Iceland (A/CONF.19/L.13), and those of Brazil, Cuba and Uruguay (A/CONF.19/L.12), to the joint proposal because the latter was unacceptable to his delegation. The Government of the Soviet Union was a firm advocate of technical assistance to under-developed countries and had granted it on very favourable terms to promote their economic independence. But he had none the less been obliged to abstain from voting on the draft resolution submitted by Ethiopia, Ghana and Liberia (A/CONF.19/L.8) because he believed that the questions it raised lay outside the Conference's terms of reference and could best be dealt with by the appropriate United Nations agency.

11. Mr. GLASER (Romania) considered that it would be superfluous to explain the very obvious reasons for which the Romanian delegation had voted against the United States motion for reconsideration of the Conference's decision on the joint proposal.

12. The Romanian delegation had been unable to support either the Icelandic proposal as adopted by the Committee of the Whole or the Icelandic amendment to the joint proposal. Despite the sympathy which the people and Government of Romania felt for the brave Icelanders, his delegation had come to the conclusion that the proposal was designed to transform a special case into a general rule, a process which could create a dangerous precedent. As to the Icelandic amendment (A/CONF.19/L.13), his delegation had had an additional reason for voting against it—namely, that it related to a proposal which his delegation considered inadmissible.

13. Ato GOYTOM PETROS (Ethiopia) said that the Ethiopian delegation had realized that the success of the Conference depended on a spirit of compromise and understanding prevailing, and had been prepared to make sacrifices to contribute to that success. Although his delegation favoured a twelve-mile territorial sea, it had supported the joint proposal as the only one likely to succeed and so put an end to the present anarchical situation. The Conference having failed to devise a generally acceptable solution, Ethiopia would continue to maintain a twelve-mile territorial sea both in principle and in practice.

14. Mr. ROSENNE (Israel) said that the votes cast by his delegation represented its contribution to the establishment of an agreed rule of international law on the breadth of the territorial sea and fishery limits. As the compromise proposal had failed to obtain the required two-thirds majority, his Government's position on the substance of those questions remained unchanged. The Israeli Government would recognize only those changes in existing international law which were embodied in an international instrument duly entered into and accepted by it.

15. Mr. MAMELI (Italy) said that his delegation had voted for both the joint proposals and for the three-Power amendments thereto in the hope of reaching a compromise solution and thereby ensuring the success of the Conference. As the proposals had failed to obtain the required majority, Italy would not consider itself bound by any decisions taken by the Conference, but only by the existing rules of international law on the matters concerned.

16. Mr. DEAN (United States of America) said that the joint proposal had been put forward at considerable sacrifice for United States interests in a sincere effort to meet other points of view, and with the sole purpose of achieving international agreement. It tried to reconcile the diverse and often conflicting interests of coastal States seeking a larger share of the resources of the sea off their coasts with the interests of those States which wanted the greatest possible freedom of the seas.

17. He recalled that, at the first United Nations Conference on the Law of the Sea, the United States proposal,<sup>1</sup> which corresponded closely to the present joint proposal, had received 45 votes in favour, 33 being cast against it with 7 abstentions; whereas the joint proposal

<sup>1</sup> *Official Records of the United Nations Conference on the Law of the Sea*, vol. II, annexes, document A/CONF.13/L.29.

had received 54 votes in favour, 28 being cast against it with 5 abstentions. Several countries which had promised their support had, however, voted against it or abstained. The eight-Power proposal<sup>2</sup> at the first Conference — the counter-part of the ten-Power draft resolution submitted to the present Conference — had received 39 votes in favour, 38 being cast against it with 8 abstentions; whereas the ten-Power draft resolution (A/CONF.19/L.9) had received only 32 votes in favour, 39 being cast against it with 17 abstentions, counting the Colombian vote. Although the joint proposal had failed to obtain the required two-thirds majority by a single vote, it had received considerably greater support than any other proposal before either of the two Conferences, and he thanked those delegations which had supported it. He was pleased that the three-Power amendments (A/CONF.19/L.12) and the draft resolution of Ethiopia, Ghana and Liberia (A/CONF.19/L.8) had been carried.

18. He pointed out that his delegation's offer to agree on a six-mile breadth of territorial sea, provided that agreement could be reached on such a breadth on certain conditions, had been no more than an offer; its non-acceptance therefore left the pre-existing situation unchanged. His country was satisfied with the three-mile rule and would continue to regard it as established international law. Three miles was the sole breadth of territorial sea on which there had ever been anything like common agreement, and was a time-tested principle which offered the greatest opportunity to all nations without exception. Unilateral acts by States claiming a greater breadth of territorial sea were not sanctioned by international law, and conflicted with the universally accepted principles of freedom of the seas. In his Government's view there was no obligation on the part of States adhering to the three-mile rule to recognize claims of other States to a greater breadth. He hoped, however, that many States could come to realize the need for international agreement on the breadth of the territorial sea and on fishing rights, so that a régime of law might be established and the often conflicting national interests of States be prevented from jeopardizing the peace of the international community. His Government believed that such agreement was possible and would continue to lend its efforts to that end.

19. He expressed his delegation's high appreciation of the untiring efforts of the President, the officers and the secretariat throughout the Conference.

20. Mr. DE CASTRO (Philippines) explained that, although he had supported the Icelandic proposal (A/CONF.19/C.1/L.1/Rev.1) in committee, in plenary he had voted against it and against the Icelandic amendment (A/CONF.19/L.13) to the joint proposal because he felt that Iceland's best interests would be served just as well by the three-Power amendments (A/CONF.19/L.12). He emphasized that his country viewed Iceland's special position with the greatest sympathy.

21. Mr. TUNCEL (Turkey) said that the Turkish delegation had voted against the Icelandic proposal because in its view the problem raised in it was satisfactorily dealt with by the amendments submitted by Brazil, Cuba and Uruguay (A/CONF.19/L.12). His delegation

had abstained from voting on the Icelandic amendment to the joint proposal, because it felt that the dispute between Iceland and the United Kingdom was still unresolvable; at the 11th plenary meeting the United Kingdom representative had said that his Government would agree to submit the dispute to arbitration, but the statement made by the Icelandic representative at the 12th plenary meeting made it clear that the Icelandic Government was not prepared to accept that offer.

22. Lastly, the Turkish delegation had voted against the ten-Power draft resolution (A/CONF.19/L.9), because in its view it did not provide a satisfactory solution. New factors had emerged during the Conference, particularly in the joint proposal and the three-Power amendments thereto; thus the Conference had had no reason to defer its decision.

23. Mr. QUIROGA (Spain) said that his delegation had voted for both the joint proposal and the three-Power amendments thereto in a spirit of conciliation. But since no agreement had been reached on a new rule of international law governing the two questions before the Conference, the votes cast by his delegation could not be considered as imposing any obligation upon the Spanish Government; the rules in force for his country remained the same as before the convening of the Conference.

24. Mr. GARCIA AMADOR (Cuba) said that his delegation was sorry that no agreement had been reached on the substance of the two questions before the Conference, but hoped that such agreement might prove possible in a few years' time. In the meantime, the voting on the three-Power amendments had shown that there was a great weight of opinion behind recognition of the preferential rights of the coastal State in the fisheries in its adjacent seas wherever a special situation or special conditions made the exploitation of the living resources of the sea areas in question of vital importance to that State. The fact that those amendments had been adopted by such a large majority constituted a significant step in the development of international law.

25. He noted that the Soviet Union representative, while expressing his delegation's sympathy and understanding for Iceland's position, had nevertheless abstained from voting on the Icelandic proposal, on the ground that it transformed a special case into a general rule. The Cuban draft resolution, on the other hand, being couched in general terms, was not open to that objection; it covered not only the case of Iceland but also that of the under-developed countries in general. He was therefore somewhat surprised that the Soviet Union representative had seen fit to vote against it. Cuba, and no doubt other under-developed countries too, were grateful for the sympathy and understanding shown to them by the Soviet Union and other Powers, but sympathy and understanding alone were not enough; they needed to be translated into action.

26. As to the votes cast by the Cuban delegation, they were consistent enough to require no explanation.

27. Mr. TUNKIN (Union of Soviet Socialist Republics), replying to the Cuban representative, said that the Soviet Union delegation had voted against the Cuban draft resolution because its content lay outside the Con-

<sup>2</sup> *Ibid.*, document A/CONF.13/L.34.

ference's terms of reference. The subject was related to matters covered by the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas, the terms of which the Cuban draft resolution in effect tended to modify. The Soviet Union had not signed the Convention, and could not therefore support the Cuban draft resolution.

28. Hence there was nothing surprising in the vote cast by his delegation; the Cuban representative himself should rather be surprised at his own failure to win for his draft resolution the support of those States whose proposals he had himself so steadfastly advocated.

29. Mr. GARCIA ROBLES (Mexico) recalled that in the Committee of the Whole his delegation had voted in favour of the Argentine amendment (A/CONF.19/C.1/L.11), despite the fact that it had been submitted as an amendment to the joint proposal (A/CONF.19/C.1/L.10) which Mexico opposed, because the principle embodied in it was just and equitable.

30. The position was identical with regard to the votes cast by Mexico in favour of the three-Power amendments (A/CONF.19/L.12) and the Icelandic amendment (A/CONF.19/L.13) to the second proposal adopted by the Committee of the Whole (A/CONF.19/L.4, annex). The Mexican delegation favoured the principle enshrined in the amendments in question and it had therefore supported them, even though it had voted against the proposal to which they related.

31. In his earlier statements he had explained in detail the reasons for which his delegation had voted against the joint proposal (A/CONF.19/L.11) and had abstained from voting on the draft resolution submitted by Ethiopia, Ghana and Liberia (A/CONF.19/L.8).

32. His delegation regretted that the Conference had been unable to reach agreement, but did not believe that chaos would result from that failure. Rather, the situation was more favourable to an agreement than before the Conference had opened. Given time and patience, it might be possible at some future date to bridge the outstanding differences; it was already a remarkable achievement, in a matter like the breadth of the territorial sea which for many centuries had given rise to so many divergent views, that the difference should have been reduced to the issue between the advocates of six miles and those of twelve miles. When the appropriate time came, any Government would be free to raise the question in the General Assembly with a view to its final settlement.

33. Mr. ULLOA SOTOMAYOR (Peru), explaining his votes, read the statement contained in document A/CONF.19/L.16.

34. Mr. DEAN (United States of America) said that the United States delegation had been glad to see the great support commanded by the amendments submitted by Brazil, Cuba and Uruguay (A/CONF.19/L.12). He wished to make it clear, however, that his delegation had supported those amendments only within the context of the joint proposal (A/CONF.19/L.11) and in an effort to reach agreement. The United States delegation had not supported the terms of the amendments as an independent proposition.

35. Mr. NOGUEIRA (Portugal) said that his delegation had voted for the joint proposal and for the three-Power amendments thereto as a contribution to the efforts to reach a compromise solution. Unfortunately, no compromise had been forthcoming, and Portugal therefore considered that it was not bound by any commitment that might depart from the declared position of the Portuguese Government on the questions before the Conference.

36. Mr. TUNCEL (Turkey) was surprised that many speakers seemed to think that the work of the Conference was at an end. In his opinion, the Conference ought not to consider that it had failed to accomplish its task. There had, perhaps, been an undue tendency to consider problems exclusively from the legal angle, whereas a diplomatic or a political solution should have been sought. But there was still time for the Conference to change its methods, and he suggested that the President might convene the General Committee to consider the situation with which the Conference was faced. Given the spirit of conciliation that had prevailed throughout the discussions, the General Committee would perhaps feel that a continuation of the Conference's efforts for a few more days might enable it to find a formula likely to command general support.

37. Mr. GARCIA ROBLES (Mexico), speaking to a point of order, said that adoption of the Turkish representative's suggestion would mean reconsideration of the decision adopted unanimously by the Conference at its 7th plenary meeting on the recommendation of the General Committee about the closing date of the Conference and the date for the signing of the Final Act. In accordance with rule 32 of the rules of procedure, any motion along those lines would require a two-thirds majority for its adoption.

38. Mr. GLASER (Romania) hoped that the Turkish representative's suggestion would not be acted upon, because it could be conducive to reconsideration of the Conference's decisions. Such a course would be contrary to the dignity of States and would jeopardize the excellent understanding and mutual respect which had prevailed among participants throughout the Conference.

39. Mr. DREW (Canada) said that, disappointing though it was that it had proved impossible to obtain the required majority on the major issues, the Conference had achieved two positive results. It had adopted by a virtually unanimous vote a resolution on the subject of technical assistance, and it had given clear recognition to the special case of States whose economy was largely dependent upon fisheries. He hoped that at some future date the agreement which had been within sight at the present Conference would become reality.

40. With regard to the Turkish representative's suggestion, he agreed that there could be no more appropriate body than the General Committee to consider the situation and to make recommendations to the Conference. The General Committee represented both the various regions of the world and the various trends of opinion expressed at the Conference.

41. The PRESIDENT said that he had himself at one time considered the possibility of convening the General

Committee, but had decided not to put that suggestion to the Conference. What he had had in mind was that the Conference should not end on a purely negative note, but that it might make recommendations to the General Assembly regarding possible action in a few years' time for settling outstanding questions.

42. Mr. SHUKAIRY (Saudi Arabia) said that, with the explanations of vote, the Conference had ended; the General Committee had no occasion to meet and no functions to perform. Any suggestion for the convening of a third conference should be made in the General Assembly of the United Nations. His delegation would support any proposal for placing an item on the subject on the agenda of the General Assembly at any future session.

43. Mr. TUNKIN (Union of Soviet Socialist Republics) said that the suggestion to convene the General Committee was nothing else but another attempt to gain time to exert further pressure on the Conference to reconsider its decision. If the object of the proposed meeting was to consider the possibility of convening a third conference that question was outside the Conference's terms of reference. Since the Conference could not delegate to the General Committee powers which it did not itself possess, there was no point in convening that body. The question of a third conference was a matter for the Governments of States Members and the General Assembly.

44. Sir Kenneth BAILEY (Australia) wholeheartedly supported the suggestions made by the representatives of Turkey and Canada. Before it closed the Conference ought to adopt some recommendations on the future conduct of studies on the international law of the sea.

45. The PRESIDENT asked the Canadian representative whether he wished to make a formal proposal.

46. Mr. DREW (Canada) said that he would not press the matter to a vote.

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

[Agenda item 10]

47. The PRESIDENT suggested that the Secretariat should prepare, under his guidance, an instrument on the pattern of the Final Act of the United Nations Conference on the Law of the Sea held in 1958.

*It was so decided.*

#### **Closure of the Conference**

48. The PRESIDENT said that it was a matter of great regret that the two vital questions of the breadth of the territorial sea and of fishery limits remained unsolved. That negative result had not been due to any lack of goodwill on the part of the participants, all of whom had desired agreement: it had been due to the inherent difficulties of the problems themselves, which required for their solution a delicate adjustment of the respective interests of the coastal State and the States concerned in the freedom of the seas.

49. He hoped that further efforts would be made to bring about an agreement on the two outstanding questions, an agreement which, in the words of General Assembly resolution 1307 (XIII), would "contribute substantially to the lessening of international tensions and to the preservation of world order and peace".

50. He thanked delegations for their co-operation and the officers of the Conference for their assistance. Cordial thanks were also due to the representative of the Secretary-General, to the Director of the European Office of the United Nations, to the Executive Secretary and to the special rapporteurs, as well to the entire Conference secretariat.

51. He declared the Second United Nations Conference on the Law of the Sea closed.

The meeting rose at 6.15 p.m.