

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

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**A/CONF.19/SR.6**

## **Sixth 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)*

Switzerland, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America. He thought that list would ensure the representative character of the General Committee in conformity with rule 6. If there were no further nominations and no objections, he suggested that the Conference should regard the representatives of the States he had enumerated as duly elected Vice-Presidents.

*It was so agreed.*

#### Appointment of the Credentials Committee

[Agenda item 7]

3. The PRESIDENT, referring to the provisions of rule 4 of the rules of procedure, proposed that the following States be appointed to constitute the Credentials Committee: Brazil, Chile, France, Greece, Indonesia, Liberia, Sudan, the Union of Soviet Socialist Republics and the United States of America.

*It was so agreed.*

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

[Agenda item 9]

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

[Agenda item 10]

4. The PRESIDENT suggested that the two substantive items on the Conference's agenda should be referred to the Committee of the Whole established under rule 46 of the rules of procedure.

*It was so agreed.*

The meeting rose at 3.30 p.m.

#### FOURTH PLENARY MEETING

*Friday, 8 April 1960, at 11 a.m.*

*President:* Prince WAN WAITHAYAKON (Thailand)

#### Tribute to the memory of General Guisan

*On the proposal of the President, the Conference observed a minute of silence in tribute to the memory of General Guisan, commander-in-chief of the Swiss armed forces during the Second World War.*

1. Mr. RUEGGER (Switzerland), speaking on behalf of the Swiss Federal Council and the delegation of the Swiss Confederation, thanked the President for his expression of sympathy. Having paid a tribute to the personality of General Guisan, who could be regarded as a symbol of the active neutrality of the Swiss people, he said that the name of that great leader would henceforth live in history, a history fraught with danger and

suffering but also imbued with hopes which were, even if only partially, in process of fulfilment.

#### Report of the General Committee

2. The PRESIDENT announced that the General Committee had decided to recommend to the Conference that Friday, 22 April 1960, be fixed as the target date for the conclusion of the discussions and voting on the proposals before it — on the understanding that, if necessary, the Conference would meet again on Saturday, 23 April 1960 — and that the Final Act, and other instrument or instruments which might be adopted by the Conference, could be signed during the afternoon of Monday, 25 April 1960.

3. He proposed that the Conference should adopt that recommendation.

*It was so decided.*

The meeting rose at 11.25 a.m.

#### FIFTH PLENARY MEETING

*Tuesday, 19 April 1960, at 10.30 a.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.4 to L.6) *(continued)\**

[Agenda item 9]

#### REPORT OF THE COMMITTEE OF THE WHOLE (A/CONF.19/L.4)

1. The PRESIDENT invited the Rapporteur of the Committee of the Whole to present the Committee's report (A/CONF.19/L.4) to the Conference.

2. Mr. GLASER (Romania), Rapporteur of the Committee of the Whole, introduced the Committee's report.

The meeting rose at 11 a.m.

#### SIXTH PLENARY MEETING

*Wednesday, 20 April 1960, at 10.50 a.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.4 to L.6) *(continued)*

[Agenda item 9]

1. Mr. DREW (Canada), referring to current speculation about the possibility of adjourning the Conference,

\* Resumed from the 3rd plenary meeting.

stated emphatically that the Canadian delegation would strongly oppose any such course, which, in its view, could lead to the failure of the Conference. The Conference's terms of reference were clear, and the matters before it had been thoroughly discussed. He believed therefore that, to put an end to such harmful conjecture, a time-limit for the submission of proposals and a definite date for the voting on them should be fixed as soon as possible.

2. He pointed out that the comparison recently made between the vote on the United States proposal<sup>1</sup> at the 14th plenary meeting of the first Conference and the vote taken on the joint Canadian and United States proposal (A/CONF.19/C.1/L.10) at the 28th meeting of the Committee of the Whole of the present Conference was misleading. At the first Conference, the result of the vote in committee had differed greatly from the vote in plenary session, the proposal having failed to secure a majority in the former only to win a very substantial one in the latter. In the light of that happening, the very nature of the compromise embodied in the joint Canadian and United States proposal would, in his view, ensure it the necessary two-thirds majority in plenary. There was growing support for it, and some delegations which had voted against it, or abstained, in the Committee of the Whole has already indicated that they intended to support it in plenary session. As he had said earlier, the joint proposal represented a broad compromise between the different views held on certain points of detail and it would be wise to recognize that no single formula could hope fully to meet every problem. But there were encouraging signs that differences on details could be satisfactorily adjusted by direct negotiation between the countries concerned.

3. While it had been rightly pointed out, on the basis of the draft articles prepared by the International Law Commission,<sup>2</sup> that the Commission had found no support in international law for a three-mile territorial sea — a fact borne out by the readiness of States which at present maintained a three-mile territorial sea to advocate a limit of six miles — it was equally true that nothing in the Commission's recommendations supported, either explicitly or implicitly, the claim to a twelve-mile territorial sea. The Commission had left the matter open, expressing the view that the breadth of the territorial sea should be fixed by an international conference. The General Assembly had convened the present Conference for that purpose, without suggesting that either a three-mile or a twelve-mile territorial sea was in any way established as a rule of international law. It was now the responsibility of the Conference to establish that limit by a free vote. The vote in committee had shown that the formula embodied in the joint Canadian and United States proposal could secure the necessary two-thirds majority, whereas any proposal for a twelve-mile territorial sea clearly could not. Thus the issue with which delegations now making their choice were faced was not merely which proposal would succeed,

but whether the Conference itself would succeed or fail. The Canadian delegation believed that, with a free exchange of opinion and normal democratic procedure, it was highly desirable that everyone should support the only proposal that could succeed.

4. It had been suggested that even a two-thirds vote of the Conference would not satisfactorily solve the problem, as some States would still not abide by the Conference's decision. He believed it would be a denial of the principles on which the work of the Conference was based to decide that the only way to agree was to yield to a position supported by a minority. He hoped, on the contrary, that when two-thirds of the Conference had accepted the proposal many delegations which had hitherto advocated a territorial sea more than six miles broad would consider it desirable to conform to the general arrangement. No United Nations meeting or body could ever hope to accomplish its task without general acceptance of the decision of a two-thirds majority. He recalled that, despite differences of opinion, highly satisfactory and mutually acceptable conclusions based on reasonable argument had been reached at a recent whaling conference in London and at a conference on sealing in Moscow. He hoped that those examples would be followed at the present Conference and that both sides would meet on common ground and conclude a general world agreement, within which mutual arrangements adapted to specific, local conditions could be worked out.

5. Mr. GARCIA AMADOR (Cuba) also believed that the Conference should consider fixing a date for the voting on proposals; better still, the matter could be decided by the President, subject to later adjustment if necessary.

6. Mr. TUNKIN (Union of Soviet Socialist Republics) reminded the Conference that at the 4th plenary meeting 22 April had been agreed upon as the date for the conclusion of the discussions and the voting, and 25 April as the date on which the Final Act would be opened for signature. No proposal had been made that those dates be changed, and no discussion seemed necessary. He nevertheless believed, like previous speakers, that a time-limit should be fixed for the submission of proposals for consideration in plenary session, and that the matter could be usefully considered by the General Committee, preferably immediately after the present meeting. A date could then be fixed for the closure of the Conference.

7. With regard to the rumours mentioned by the Canadian representative, he too saw no good reason for adjourning the Conference. The questions before it had been adequately debated, and there was still time to explore new possibilities of achieving some measure of success; even if a complete solution to the problems could not be found, a partial one might be possible. But he did not share the Canadian representative's optimism about the prospects of the joint Canadian and United States 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.

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