

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

Geneva, Switzerland  
24 February to 27 April 1958

## **Summary Records of the 21<sup>st</sup> Plenary Meeting**

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

125. Since the articles dealt with by the First Committee were to be embodied in a separate convention, he would ask that the convention should include a provision similar to that incorporated in the convention prepared by the Second Committee "The provisions of this convention shall not affect conventions or other international agreements already in force as between the States parties to them."

*It was so agreed.*

126. The PRESIDENT put to the vote, as a whole, the convention on the territorial sea and the contiguous zone, as adopted in the course of the meeting and during the 14th, 15th and 19th plenary meetings.

*The Convention on the Territorial Sea and the Contiguous Zone, as a whole, was adopted by 61 votes to none, with 2 abstentions.*

The meeting rose at 8.15 p.m.

## TWENTY-FIRST PLENARY MEETING

*Sunday, 27 April 1958, at 10.10 p.m.*

*President: Prince WAN WAITHAYAKON (Thailand)*

### STATEMENTS BY THE REPRESENTATIVES OF GUATEMALA, MEXICO AND THE UNITED KINGDOM

1. Mr. AYCINENA SALAZAR (Guatemala) said that his delegation reserved, in respect of the territory of Belize, all the rights accorded to States by the Conference.

2. Mr. GARCIA ROBLES (Mexico) said that the position of his government with regard to the question of Belize was well known. If a change were to occur in the legal status of that territory, his government would have claims to make to the territory.

3. Sir Gerald FITZMAURICE (United Kingdom), referring to the statements of the representatives of Mexico and Guatemala, said that the territory in question was British territory.

4. Mr. AYCINENA SALAZAR (Guatemala) said that his delegation could not accept the statement by the representative of Mexico, since the problem concerned Guatemala alone. The attitude of the United Kingdom delegation was logical, but the United Kingdom was gradually withdrawing from all its colonies. His previous statement was based on the assumption that the United Kingdom might one day leave the territory of Belize.

### Proposals for the convening of a new United Nations conference on the law of the sea (A/CONF.13/L.10, L.25, L.43, L.49)

5. Mr. ULLOA SOTOMAYOR (Peru) introduced his delegation's proposal regarding the periodic reconvening of a United Nations conference on the law of the sea (A/CONF.13/L.10). The idea behind the proposal was that the Conference should meet at regular intervals in order to examine problems relating to new developments in the law of the sea and to the practical application

of the conventions which had been adopted. The Conference had made great progress and had introduced many innovations. The law of the sea would continue to evolve, and the questions of the territorial sea and fishing zones had not been decided. For that reason his delegation proposed that the General Assembly should be requested to call another United Nations conference on the law of the sea, after the expiry of a period of five years, by which time States would have had an opportunity to observe the practical operation of the instruments adopted by the Conference.

6. Mr. GARCIA AMADOR (Cuba), introducing his delegation's proposal (A/CONF.13/L.25), explained that it not only dealt with the necessity of convening another conference to re-examine the questions left unsettled, but also sought to draw attention to the remarkable achievements of the present conference. As he had pointed out in the First Committee, the problem of the territorial sea should not be regarded in the same way as it had been at the conference of The Hague in 1930, in case failure to solve it might give the impression that the whole conference had been a failure. At The Hague, the territorial sea had been the sole subject of discussion, whereas at Geneva, twenty-eight years later, the task was codification of the whole of the law of the sea.

7. Far from being a failure, the Geneva conference had achieved success beyond the hopes of the most optimistic. It had approved a number of instruments on very important matters covering most of the existing law of the sea. In particular, it had drawn up two instruments on entirely new subjects which had hardly been considered before the end of the Second World War—the continental shelf and the conservation of the living resources of the high seas. Those remarkable achievements should be emphasized, so that the public would not think the Conference a failure merely because it had been unable to solve the problem of the territorial sea, like The Hague conference before it. That was the purpose of the first paragraph of the Cuban proposal.

8. It should be frankly admitted, however, that the Conference had not found it possible to reach agreement on the breadth of the territorial sea, in spite of all the efforts made to do so. That fact was recognized in the Cuban proposal. In the opinion of his delegation the Conference should not close without recognizing the desirability of recommencing its efforts to reach agreement on the breadth of the territorial sea with a view to completing its work by producing a real code. Accordingly, the operative part of the Cuban proposal requested the General Assembly "to study, at its fourteenth session in 1959, the advisability of convening a second international conference of plenipotentiaries for further consideration of the questions left unsettled by the present conference."

9. Turning to the Peruvian proposal (A/CONF.13/L.10) he said that there were technical difficulties which, in his opinion, would make it impossible to establish a rigid system of regular conferences. Moreover, judging from the opinions expressed during the discussions, he thought the interval suggested before the first of the periodic conferences was too long. However, the idea was a good one and the Cuban proposal

did not preclude its realization, for any future conference held might lead to the convening of another. But it would be preferable for each conference to consider future requirements rather than make long-term arrangements as far-reaching as those suggested in the Peruvian proposal.

10. The Chilean amendment (A/CONF.13/L.43) was entirely acceptable to his delegation. The subjects of exclusive rights and preferential fishing rights were indissolubly linked with that of the breadth of the territorial sea. The agreements reached were not entirely satisfactory to all delegations from every point of view, and consequently the door should not be closed to further proposals on those matters. The only change he proposed in the Chilean amendment was the deletion of the word "important", which might be misinterpreted.

11. With regard to the four-power draft resolution (A/CONF.13/L.49) he thought the first paragraph of the preamble did not make all the achievements of the Conference sufficiently clear to public opinion. The next two paragraphs were acceptable and in some respects supplemented or even improved on the Cuban proposal. In some passages, however, the drafting might be improved, and the phrase "adjournment of the discussion" in the third paragraph introduced a new idea. He could not accept operative paragraph (a), because it sought to establish the *status quo* and might be unfair to States which had refrained from making any claims or declarations pending the results of the Conference; such laudable conduct should not be penalized while previous claims were recognized, and his delegation would vote against the paragraph. With regard to paragraph (b), the Cuban delegation was prepared to accept a shorter period than the two years suggested in its own proposal; it would agree to the thirteenth session of the General Assembly and to the principle of the date being fixed by the present conference, though it believed that the decision on the date should rest with the General Assembly. Paragraph (b) provided that the Secretary-General should reconvene the Conference after consultation with the President of the Conference and the participating States, but his delegation considered that the role thus assigned to the Secretary-General might establish an unfortunate precedent.

12. Finally, he suggested that after the sponsors of the other proposals had been heard, together with any other speakers who wished to comment, there should be a recess of half an hour to enable delegations to work out an agreed new text.

13. Sir Claude COREA (Ceylon), introducing the draft resolution submitted by Australia, Canada, Ghana and Ceylon (A/CONF.13/L.49), said that it superseded the earlier joint proposal (A/CONF.13/L.41) and took into account some of the ideas contained in the Cuban proposal (A/CONF.13/L.25). The Conference had been a greater success than had been expected and a large measure of agreement had been reached. Only two questions remained unsolved—that of the breadth of the territorial sea and that of fishing rights in the contiguous zone—and there had been a movement towards closer understanding on those questions which might serve as a basis for future discussion. Under the

four-power proposal, the present conference would be adjourned and then reconvened at the earliest practicable date in order to continue its work on those unsolved questions. The date should be some time in 1959, so that there would be time for preparation and yet the interval would not be too long. The draft resolution in no way conflicted with the Peruvian proposal for periodic revisions, which his delegation supported.

14. Mr. MELO LECAROS (Chile) introduced his delegation's amendment (A/CONF.13/L.43) to the Cuban draft resolution. The purpose of the amendment was to add the following text as the fourth paragraph of the preamble:

"Recognizing further that, without prejudice to the agreements reached on the régime applicable to fishing and the conservation of the living resources of the high seas, it must be appreciated that it was not possible in those agreements to settle important intrinsic aspects of highly complex and rapidly evolving questions."

15. His delegation agreed to the deletion of the word "important" as suggested by the representative of Cuba. The revision clause adopted by the Conference enabled any State to request revision of the conventions five years after ratification by twenty-two States, but owing to drafting difficulties there might not be a sufficient number of ratifications for many years. The law of the sea was evolving very rapidly and many of the articles adopted by the Conference represented compromise solutions based on considerations of temporary validity. Provision should be made for the convocation of a second conference to deal not only with the articles on which agreement had not been reached, but also with intrinsic aspects of the highly complex questions concerning the law of the sea. For that reason his delegation had proposed its amendment.

16. His delegation would support the Peruvian proposal (A/CONF.13/L.10). It could not accept the four-power draft resolution (A/CONF.13/L.49), since operative paragraph (a) imposed an obligation on States to refrain from extending the limits of the territorial sea.

17. Mr. GROS (France) said that there was general agreement as to the need for a further conference. The details of the procedure by which it was to be convened were not important. The present conference could not be adjourned, but a second conference of more limited scope would be possible. With that reservation, the four-power draft resolution (A/CONF.13/L.49) should provide a basis for general agreement. However, certain drafting changes were necessary. He suggested that in the first preambular paragraph and in operative paragraph (b), the phrase "the extent of the fishing rights which should pertain to coastal States in the contiguous zone" should read "...which might perhaps be recognized for coastal States..." In operative paragraph (a), the word "exclusive" should be replaced by the word "special".

18. Mr. LIMA (El Salvador) supported the Cuban proposal with the Chilean amendment thereto. The four-power draft resolution was also a practical one and he thought there was some justification for operative paragraph (a). If countries began to make unilateral declarations because no agreement had been reached as

yet, agreement might never be reached at all. His government believed that every country was entitled to fix the breadth of its territorial sea according to geographical conditions, but that it would be wiser not to take any further action in the matter until the next conference had been held.

19. Paragraph (a) of the four-power draft resolution might be unacceptable to many States, however, and he therefore proposed that the Cuban proposal be adopted with the Chilean amendment, subject to a gentlemen's agreement—namely, that the four-power draft resolution be withdrawn on the understanding that no State would make any declaration on the territorial sea or on fishing rights before the next conference was held.

20. Mr. QUARSHIE (Ghana) said that the voting at the 14th plenary meeting had shown that none of the proposals before the Conference was likely to command a majority, but that the differences of opinion between delegations were nevertheless very slight. He was therefore in favour of adjourning the Conference for the shortest possible period, during which diplomatic negotiations on the outstanding problems could take place and there should be a moratorium on claims.

21. The African States, which had seen their continent divided among the great Powers without the consent of the populations concerned, found it difficult to understand the moral arguments now advanced against the division of the sea. That division was essentially a practical matter. The needs of shipping varied according to the region, and a 200-mile limit might be suitable in one place but unsuitable in another. Requirements also varied with time: for instance, the contiguous zone was now far more important than it had been in the past. Existing rules might no longer be practical because of changed circumstances.

22. As Ghana was still dependent on canoes for fishing, it naturally had no fishing grounds abroad and hence could have no historic rights in such grounds; but it had a greater need for fish than many countries which possessed such rights. Nevertheless, his government recognized that fishing in distant waters was essential to some countries and considered that historic rights in distant fishing grounds should not be abruptly cut off, but gradually extinguished.

23. The problem of the territorial sea might be dealt with on a regional basis. Colonial ties should certainly have no bearing on the matter; for instance, the six-mile limit applied by Spain and Portugal was not suitable for their African possessions. A two-thirds majority on one of the proposals before the Conference was not sufficient; there was need for compromise, and a realistic view was essential.

24. His delegation had no objection to the principle of the French amendment to the four-power draft resolution.

25. The PRESIDENT said that he had heard the Cuban suggestion for a recess during which the sponsors of the various proposals could try to reach agreement on a new text, but he thought there should first be an exchange of views for their guidance.

26. Mr. ITURRALDE (Bolivia) said that the proposals

submitted were very clear and all called for another conference; there were many points of agreement. The Cuban suggestion that there should be a recess seemed very wise, as the plenary Conference had now been meeting for eleven hours, and time would be gained if agreement could be reached in principle, setting matters of detail aside. He therefore moved formally that the meeting be suspended.

27. The PRESIDENT put the Bolivian motion for suspension of the meeting to the vote.

*The motion was adopted by 50 votes to 2 with 10 abstentions.*

*The meeting was suspended at 11.25 p.m. and was resumed at 12 midnight.*

28. Mr. BAILEY (Australia), speaking in support of the four-power draft resolution (A/CONF.13/L.49), paid a tribute to those who had first suggested the reconvening of the Conference. An unexpectedly large measure of agreement had been reached and a large majority secured on the adoption of a number of instruments. On two important matters, however, there had been no agreement: the territorial sea and the contiguous zone. On both those matters there was room for some accommodation, but neither the time nor the necessary information was available for agreement there and then. That being so, the question was: should the Conference be closed, or merely adjourned and kept in being for further consideration of the outstanding problems? The sponsors of the four-power draft resolution were in favour of adjournment, if that procedure was administratively possible. They had first thought that the best time to reconvene the Conference would be before the next session of the General Assembly of the United Nations, but consultations had shown that that was too soon. The date suggested in the Cuban proposal (1959) was too far ahead; his co-sponsors felt that the interval should be long enough for negotiation, but no longer. The alternative suggestion was to close the Conference and report to the General Assembly, which would then decide on any further action, but his delegation believed it possible for the Conference to conclude the work assigned to it after a short period of adjournment.

29. With regard to operative paragraph (b) of the four-power draft resolution, he said the Secretary-General had made excellent arrangements for the present Conference at the request of the General Assembly, and the sponsors considered that he should be asked to make arrangements for the next conference. They favoured New York as the place, and immediately after the thirteenth General Assembly as the time, but would welcome any suggestions from the Secretary-General's representative. With regard to operative paragraph (a), he said that the considerations which had prevented fresh claims being made during the Conference might also operate during a short adjournment, but if the adjournment were too long it was unlikely that they would so operate. If negotiations were to be fruitful and lead to stability there must be what the representative of El Salvador had called a gentlemen's agreement to continue negotiating from the existing position. Paragraph (a) should not be misunderstood:

It was only a recommendation and could not be regarded as an infringement of national sovereignty.

30. After consultation with the Cuban delegation, the sponsors had decided that the first two paragraphs of the Cuban draft resolution were an improvement on their own draft, and they would like to incorporate them in the four-power draft resolution in place of the first paragraph of the preamble, subject only to a small drafting amendment, namely, that the second paragraph of the Cuban draft resolution be amended to read as follows:

“*Considering* that it has not been possible to reach agreement on the breadth of the territorial sea and certain problems of the contiguous zone;”

31. The last words of paragraph (b) of the four-power draft resolution should also be amended to read: “and the question of the fishing rights of coastal States in the contiguous zone.”

32. Mr. GARCIA AMADOR (Cuba) regretted that after the recess the proposals had not been taken in order of submission. His delegation could not accept operative paragraph (a) of the four-power draft resolution, but agreed to an earlier date for the next conference. He thought it should be held within about one year, but it was the General Assembly that should decide.

33. With regard to the agenda of the Conference, he wished to amend the second paragraph of the Cuban draft resolution to read as follows:

“*Considering* that it has not been possible to reach agreement on the breadth of the territorial sea and on various other questions discussed in connexion with that problem.”

34. In the last paragraph of his proposal he would now substitute the words “thirteenth session, in 1958” for the words “fourteenth session, in 1959”.

35. His delegation could not agree to the four-power proposal.

36. Mr. GARCIA SAYAN (Peru) suggested that, as no compromise solution had been reached during the recess, all the proposals should be referred to the General Assembly, together with the record of the discussion; most of the States represented at the Conference would also be represented at the Assembly, and a decision on convening a new conference could be taken by that body.

37. Mr. AGO (Italy) said that consultations during the recess had shown that a compromise must be reached between two points of view if any practical result were to be achieved. On the one hand, many delegations could not accept operative paragraph (a) of the four-power draft resolution; on the other hand, many delegations could not accept any resolution which did not give some assurance that nothing would be done during the interval before another conference was held, to make the situation more difficult than it was at present. Having consulted other delegations, including that of Mexico, he therefore proposed that the four-power draft resolution, as amended, should be taken as a basis, operative paragraph (a) being replaced by the following recommendation:

“(a) To recommend to all States to facilitate, during the interval, the realization of the desired general agreement through bilateral or multilateral negotiations, and to express the hope that during that period they will act in such a manner as to create an atmosphere favourable to the success of the next conference.”

38. That was merely the expression of a wish and he thought it should meet with no opposition.

39. Mr. TUNKIN (Union of Soviet Socialist Republics) said that although he had no objection to considering the possibility of arranging periodic conferences on the law of the sea, he was not in a position to accept the Peruvian representative's proposal that the next conference be convened in five years' time. Nor could he accept the four-power draft resolution; after two months' work, the Conference had failed to reach agreement on the breadth of the territorial sea and on the coastal State's fishing rights in the contiguous zone, and it could not now make recommendations on those matters as proposed in operative paragraph (a). With regard to operative paragraph (b) it was, in his view, only the General Assembly which could decide whether another conference should be convened to seek agreement on the points which the present conference had left unsettled. He therefore approved the Cuban draft resolution with the amendments suggested orally by the Cuban representative; but he could not accept the Italian representative's suggestion.

40. Sir Gerald FITZMAURICE (United Kingdom) regretted that the proposals had been put before the Conference too late for delegations to consult their governments. The United Kingdom Government had been very sensible of the dangers of the present situation and the failure to reach agreement on the breadth of the territorial sea, and it would therefore be willing to continue the work. It would have preferred reference back to the General Assembly, but would not refuse to attend a reconvened conference. However the conference was arranged, it must adhere to certain basic assumptions. First, the United Kingdom had made compromise proposals which had not been adopted, and it must therefore resume its original position as a supporter of the three-mile limit. Secondly, it would enter any new conference uncommitted by proposals made or supported at the present conference and must consider the willingness of other countries to compromise. There had been a lack of mutual willingness to do so at the present conference, and if the advocates of the twelve-mile limit still refused to recede from their position, there could be no agreement in future. Thirdly, the United Kingdom attached importance to some provision such as that contained in operative paragraph (a) of the four-power draft resolution; if new claims were made before the next conference was held and delegations were again confronted with *faits accomplis*, the chances of success would be as small as they had been at the present conference.

41. Mr. GARCIA ROBLES (Mexico) said that, contrary to the statement made by the Italian representative, the only proposal that was acceptable to his delegation as a basis for discussion was the Cuban draft resolution, as amended by the sponsor and by

Chile. It was right that the achievements of the Conference should be mentioned expressly. States should not be discouraged by the failure to reach agreement on the breadth of the territorial sea and on fishing zones, which had always resisted codification. The work of the Conference must be continued, but not by the present conference. Another conference should be convened as soon as there was a possibility of obtaining a two-thirds majority on the territorial sea and fishing zones. A decision on that matter should be taken by the General Assembly at its thirteenth session, as was proposed by Cuba. The paragraph suggested by the representative of Italy to replace operative paragraph (a) of the four-power text should be added instead to the Cuban draft.

42. Mr. SUCRE (Panama) said that his delegation supported the Cuban proposal. Commenting on the four-power draft resolution, he said that operative paragraph (a) was unacceptable because it imposed an unfair obligation on States which had hoped to see the rules of their national law embodied in a general declaration by the Conference. His delegation could not accept the view of the United Kingdom representative that freedom of action by States would not lead to agreement on the delimitation of zones of the sea. It was unilateral action by many States which promoted the evolution of the law of the sea.

43. Mr. BOCOBO (Philippines) said that the Conference should agree to the principle of another conference, leaving the final decision to the General Assembly.

44. Mr. DREW (Canada), speaking as a sponsor of the four-power draft resolution, emphasized that the Conference had been more successful than any other United Nations conference. Of the articles submitted by the International Law Commission, all but one had been codified. In the interval before the next conference, States would have an opportunity to find common ground in the matter of the territorial sea. Each State now had a fixed breadth of territorial sea from which there should be no significant departure, until a further advance could be made in the development of the law of the sea.

45. Mr. SHUKAIRI (Saudi Arabia) said that his delegation could not support the four-power draft resolution which was defective in form and substance. Recommendations to States were beyond the mandate of the Conference, which was limited to examination of the International Law Commission's draft. The Conference could not adjourn until the following year, but it could request the General Assembly to consider the convocation of another conference. For those reasons, his delegation supported the Cuban proposal.

46. Mr. LAMANI (Albania) said that the Cuban proposal dealt most satisfactorily with the question of a new conference. He therefore moved that a vote be taken on that proposal and that the debate should then be closed.

47. Mr. AGO (Italy) opposed the Albanian motion, since his delegation had further suggestions to make.

48. The PRESIDENT put the Albanian motion for the closure of the debate to the vote.

*The motion was adopted by 39 votes to 24, with 9 abstentions.*

49. Mr. GARCIA SAYAN (Peru) said that some delegations had expressed support for his delegation's proposal on the grounds that it provided for conferences to be convened at regular five-year intervals. In fact, the operative paragraph of the proposal provided only for the convocation of one conference after a period of not less than five years.

50. The PRESIDENT put the Peruvian proposal (A/CONF.13/L.10) to the vote.

*The proposal was rejected by 43 votes to 6, with 22 abstentions.*

51. Mr. GARCIA ROBLES (Mexico) said that the paragraph proposed as an amendment to the four-power draft resolution by the representative of Italy now stood as an amendment by Mexico and Italy, to be added at the end of the Cuban draft resolution.

52. The PRESIDENT put the joint amendment submitted by Italy and Mexico to the vote.

*The result of the vote was 35 in favour and 20 against, with 13 abstentions. The proposal was not adopted, having failed to obtain the required two-thirds majority.*

53. Mr. RUEGGER (Switzerland) moved that the preamble of the Cuban draft resolution should be voted on separately.

54. The PRESIDENT put the Swiss motion to the vote.

*The motion was rejected by 40 votes to 3, with 21 abstentions.*

55. In reply to a question by Mr. BARTOS (Yugoslavia), Mr. GARCIA AMADOR (Cuba) gave the precise wording of the Cuban draft resolution, as amended. He added that the agenda of the next conference would be the breadth of the territorial sea and certain questions which had been discussed at the present conference in connexion with the breadth of the territorial sea—namely, the contiguous zone from the point of view of fishing.

56. The PRESIDENT put the Cuban draft resolution (A/CONF.13/L.25), as amended, to the vote.

*At the request of the representative of Austria, a vote was taken by roll-call.*

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

*In favour:* Libya, Mexico, Morocco, Nepal, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Saudi Arabia, Thailand, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Republic of Viet-Nam, Yugoslavia, Afghanistan, Albania, Argentina, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic,

Ecuador, El Salvador, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq.

*Against* : Peru, Spain.

*Abstaining* : Japan, Liberia, Monaco, Netherlands, New Zealand, Pakistan, Sweden, Switzerland, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Austria, Belgium, Canada, Ceylon, China, Finland, France, Federal Republic of Germany, Ghana, Greece, Holy See, Iceland, Ireland, Israel, Italy.

*The draft resolution was adopted by 48 votes to 2, with 26 abstentions.*

57. Mr. ANDERSEN (Iceland) said that his delegation had abstained in the vote on the Cuban proposal because it did not wish to commit the Government of Iceland to the policy of not taking any action for the time being so far as Iceland's own fisheries jurisdiction was concerned. His government had waited patiently till the end of the present conference, but no agreement had been reached, and there was no assurance that agreement would materialize at another conference. In that connexion, he stated that the South African resolution on special situations (A/CONF.13/L.27) adopted by the Conference at its 16th plenary meeting would be helpful as regards fishing areas outside the limits of coastal jurisdiction, but had nothing to do with the problem of coastal jurisdiction over fisheries as such.

58. The PRESIDENT said that, in view of the adoption of the Cuban draft resolution, the four-power proposal would not be put to the vote.

**Tribute to the International Law Commission :  
proposal by Colombia (A/CONF.13/L.48)**

59. Mr. KRISPIS (Greece) said that his delegation supported the Colombian proposal, but wished to suggest drafting changes. After the word "codification" the words "and development" should be added. The word "preparatory" should be deleted.

60. Mr. URIBE HOLGUIN (Colombia) introduced his delegation's proposal (A/CONF.13/L.48), which was worded as follows:

*"The United Nations Conference on the Law of the Sea,*

*"On the conclusion of its proceedings,*

*"Resolves to pay a tribute of gratitude, respect and admiration to the International Law Commission for its excellent preparatory work in the matter of the codification of international law, in the form of various drafts and commentaries of great juridical value."*

61. He accepted the amendments proposed by the Greek representative.

62. The President put the amended Colombian proposal to the vote.

*The proposal was adopted unanimously.*

63. Mr. ZOUREK (Czechoslovakia), speaking as Chairman of the International Law Commission, thanked the Colombian representative for the tribute contained in his delegation's proposal, which would be

an encouragement to the Commission in its future work.

**Closure of the Conference**

64. Mr. URIBE HOLGUIN (Colombia), on behalf of the delegations of all the Latin American countries, expressed their gratitude to the President for the way in which he had conducted the Conference. He said that the representative of Bolivia had asked him to thank that country's neighbours for the consideration which they had shown it as a land-locked State.

65. Mr. TABIBI (Afghanistan), on behalf of the delegations of the African and Asian countries, associated himself with the previous speaker's expression of thanks to the President. He also thanked Professor François, the members of the International Law Commission, the United Nations Office of Legal Affairs and the Secretariat for their work.

66. Mr. TUNKIN (Union of Soviet Socialist Republics) associated himself with the remarks of the representative of Afghanistan. He said that the work of the Conference would set an example of international co-operation in the cause of peace.

67. Mr. GROS (France), Mr. MATINE-DAFTARY (Iran), Mr. RUEGGER (Switzerland) and Mr. BARTOS (Yugoslavia) associated themselves with the remarks of the previous speakers.

68. The PRESIDENT said that since eighty-seven States had been represented at the Conference, the question whether its two months of arduous work had been fruitful would be asked all over the world. His own answer to that question was definitely in the affirmative.

69. In his opening speech he had referred to the monumental work of the International Law Commission. Indeed, seventy-three draft articles on the law of the sea, dealing with the territorial sea, the high seas, fishing, the contiguous zone and the continental shelf did constitute a monumental work, which, as a result of the Conference, would assume definite shape and a permanent character through the signing of the conventions and other instruments on 29 April. If it was borne in mind that there had been more than five hundred proposals and amendments to be thoroughly considered, it would be realized what a tremendous amount of work had been performed by the delegations. The conventions and other instruments to be signed clearly showed that the efforts of the Conference had been successful.

70. It must also be admitted, however, that the Conference had not yet succeeded in settling the crucial problem of the breadth of the territorial sea. Nevertheless it was a fact that real progress had been made towards the solution of that important problem—progress which opened up prospects of settlement at some future time, for although no two-thirds majority had been obtained for any proposal, there had been simple majority votes which indicated possibilities of agreement in the not too distant future.

71. The problem of the breadth of the territorial sea was not purely a matter of law, but mainly a political

question the solution of which required a just balance between the contending forces of the national interest of the coastal State and the general interest of freedom of the high seas. The history of mankind had been the story of its endeavours to harness the forces of nature and to make use of the natural resources available. It was natural, therefore, that there should be a tendency for coastal States to seek territorial expansion into the seas in order to exploit the natural and living resources available there. On the other hand, the freedom of the high seas must also be respected in the common interest of the international community. Thus the governments concerned, and not only their representatives at the Conference, should seek a generally agreed solution through negotiation.

72. The Conference had paved the way for such a solution, for he was happy to say that there had been a sincere spirit of co-operation and goodwill under most difficult conditions. He had been deeply moved by that spirit in the General Committee and in the Conference as a whole. He was proud to have had the privilege of presiding over the deliberations of the Conference and was most grateful for the appreciative

references to himself, which had been all too kind and generous.

73. He himself owed a deep debt of gratitude to delegations for their whole-hearted co-operation and assistance. He thanked the vice-presidents of the Conference, the chairmen, vice-chairmen and rapporteurs of the committees, as well as all his fellow delegates. Cordial thanks were due to the representative of the Secretary-General, the Executive Secretary and the special experts, as well as to the whole staff of the Conference secretariat, on whose services there had been unusual demands. They had all assisted in the task of promoting one of the purposes of the United Nations Charter—namely, to encourage the progressive development of international law and its codification.

74. He expressed the hope that, on their return home, representatives would explain the work of the Conference to their governments, in order that the latter might seek ways and means of settling the pending problem of the breadth of the territorial sea.

75. He then declared the United Nations Conference on the Law of the Sea closed.

The meeting rose at 2.20 a.m.





## ANNEXES

*(Note.* — For the contents of these annexes, see entries in bold type in the Index to documents, p. vii of the present volume.)

