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Chairman: Mr. Jorge CASTAÑEDA (Mexico).

AGENDA ITEM 59

Question of convening a second United Nations conference on the law of the sea (A/3831, A/C.6/L.435, A/C.6/L.438, A/C.6/L.440, A/C.6/L.441) (*continued*)

GENERAL DEBATE (*concluded*)

1. Mr. TORRES LAZO (Nicaragua) said that his delegation had joined in sponsoring the joint draft resolution (A/C.6/L.435) because it believed that the proposal could provide an opportunity for a renewed discussion of questions which affected very seriously the interests of the international community.

2. His delegation could not accept the arguments in favour of the seven-Power amendments (A/C.6/L.440) for a delay in calling a second conference. The advocates of postponement had expressed such pessimistic views that if his delegation were to share them, it might conclude that all attempts to arrive at satisfactory solutions of the unsettled questions were doomed to failure. In fact, there was ample evidence to the contrary, as shown by the results of the Geneva Conference itself. That Conference had been a success: it had not only adopted four important Conventions but it had also left the door open for future discussion on the establishment of rules governing the relations between States with regard to the territorial sea and other matters.

3. The question of the breadth of the territorial sea contained many obstacles to the maintenance of peaceful international relations. It was the duty of those who in a sense represented the right of peoples to an orderly, peaceful coexistence to do everything in their power to overcome those obstacles and to show that the aspiration for general peace did not constitute an unrealistic dream.

4. His delegation did not consider that to call a conference for July or August 1959 would place the participating States in the difficult position of having to prepare hastily for it. The fact that there were two unsettled questions—the breadth of the territorial sea and the limits of exclusive fishing rights—was sufficient justification for a conference. A conference was the forum best suited for the settlement of those questions by specialists on the subject, rather than the

Sixth Committee, which had to work within the strict limitations imposed by lack of time and the presence of other items on its agenda. In fact, the postponement of the matter to the fourteenth session of the General Assembly could mean that the Sixth Committee would continue almost indefinitely its discussion on the advisability of calling a conference, and the paradoxical result of such a course of action would be to close the doors to the holding of a conference.

5. His delegation hoped that the majority would support the joint draft resolution and that there would be a conference in July or August 1959.

6. Mr. NORASING (Laos) said that the Geneva Conference had been a success for international co-operation. Unfortunately, since that Conference, incidents had occurred which raised in very concrete terms the issues it had left outstanding. It was undesirable to allow such incidents to become more acute and the Committee should seize every opportunity to try and settle disputes by peaceful means.

7. A second conference would be welcome because it would provide jurists with an opportunity to exchange views. If the second conference failed, the fourteenth session of the General Assembly would be called upon to draw its conclusions. He hoped, however, that it would be as successful as the 1958 Conference because all Member States were desirous of reaching an agreement. His delegation believed that if a solution were not found to the question of the breadth of the territorial sea, international tension would increase in certain areas of the world and it would become difficult to apply the Conventions signed at Geneva.

8. Accordingly, his delegation considered a second conference necessary and would vote in favour of the joint draft resolution (A/C.6/L.435). His delegation would be prepared to accept the views of the majority regarding the site of the conference. There would be sufficient time for preparation if the conference were held in August 1959.

9. Mr. MOROZOV (Union of Soviet Socialist Republics) said that the time had come for a clear and firm answer to be given to certain statements made by the opponents of the seven-Power amendments. Repeated attempts had been made to misinterpret the real significance of those amendments. Several delegations had tried, without any justification whatsoever, to represent them as dilatory action for the purpose of postponing for a long time the settlement of the important questions of the breadth of the territorial sea and fishery limits.

10. The text of the amendments compared favourably with that of the joint draft resolution and showed the concern of the proposers of those amendments to bring about genuine international co-operation for the solving of the unsettled questions. The amendments would leave the possibility of convening a conference entirely open.

That conference, however, would not be called hastily but rather after careful consideration. The proposed amendments also opened the door to the examination by the Sixth Committee and the General Assembly not only of the procedural question but also of the substance of the unsettled questions. They had the great advantage over the joint draft resolution of offering the possibility of a fruitful, and above all patient, discussion in the General Assembly on the basis of any new proposals and new concessions that might be made; that discussion could result in agreement on the outstanding issues.

11. At a previous meeting of the Committee, a speaker had made an appeal in passionate and somewhat extraordinary terms for the holding of a conference in 1959. That speaker had suggested that the deadlock on the subject of the territorial sea and fishery limits would not be broken if those questions were discussed by the Sixth Committee, and by the General Assembly in plenary session, and that in fact a dead end would be reached. That was indeed a remarkable assertion. How was it expected to achieve in a conference results which could not be attained in the Sixth Committee and in the General Assembly? Not only were the Governments represented the same, with a few exceptions, but even the persons who would participate in the discussions would be very much the same. The Sixth Committee had heard several brilliant speakers who had participated in the Geneva Conference. Their Governments would certainly call upon those same eminently-qualified persons to represent them at any future conference. Or was the passionate defence of the hasty calling of a conference in 1959 due to the fact that Monaco and the Holy See would participate in it?

12. In an attempt to try and give some appearance of justification for a conference in 1959, it had been suggested that the General Assembly was the authority of the last resort and that the unsettled questions should be dealt with first by a lower authority, namely a conference, the results of which would be referred to a General Assembly. That argument was a most artificial one. There was no real difference between conditions at a conference and those in the Sixth Committee. Indeed, the Sixth Committee and the General Assembly were a much more appropriate forum for the purpose of striving patiently for an agreement on the questions of the territorial sea and fishery limits. The General Assembly had been able to reach agreement on much more difficult questions than that of the territorial sea. The delegations to the Assembly constituted the highest level of representation of States. Even assuming that the delegations to a conference would be composed of the best-qualified persons, those delegations would not be as favourably placed to represent the views of their Governments as the delegations to the General Assembly. A minimum assurance of a likelihood of success was necessary in order to make an attempt to reach a solution; the General Assembly offered that assurance.

13. The advocates of a conference in 1959 had not answered the repeated appeals made to them to say what formula they had in mind and what proposals they were considering for submission to the proposed conference. No real answer had been given to the specific questions asked by the representative of Mexico at the 583rd meeting of the Committee. There had only been some general statements made by the representatives of the United States of America, the United Kingdom

and other Powers that they would not be intransigent and would be prepared to make some concessions. That expression of good intentions was welcome to his delegation as far as it went, but it did not go very far. Since no specific answer had been given to the questions which had been asked, his delegation could not accept those vague assurances. Indeed, it had been made clear by certain delegations which advocated a conference in 1959 that they still regarded the so-called three-mile limit as a universal standard of international law. Such statements nullified the effect of the excellent intentions of those delegations and meant that the chances of success in reaching a generally acceptable formula at the proposed conference were nil.

14. What would happen if the proposed conference were held in the summer of 1959? In the best of cases, its advocates might muster a narrow majority of just over two-thirds of the votes representing perhaps some forty countries, in support of a formula proposed by them. He ventured to ask the representatives of the United States of America and the United Kingdom whether such a result, imposed in effect by a narrow majority on an important minority of States, would really constitute a serious international solution of the outstanding questions. The views of the States thus outvoted would not change. States would only alter their stand if genuine attempts were made to reach a solution acceptable to them.

15. Accordingly, even assuming the results most favourable to the advocates of a conference in 1959, the probable outcome would only be a deterioration of the international situation with regard to the territorial sea.

16. Another and worse result was, however, possible if not probable. If the advocates of a hasty conference succeeded in convening it and then could not even muster some forty votes in support of their proposals, the resulting fiasco would mean the postponement of all prospects of an international debate on the unsettled questions. He associated himself with the remarks of a number of speakers who had drawn attention to that serious danger of failure, and he appealed to the delegations concerned to reconsider their position. It was not customary in international relations to induce countries to send delegations unwillingly to a hastily convened conference. If the advocates of such a conference were to obtain it by means of a majority vote in the Sixth Committee, that would constitute a most unsatisfactory prelude to the proposed conference, rendering the participation of a number of Governments doubtful. It would also make even more problematical the ratification of the four Geneva Conventions by a number of Governments; the uncertainties surrounding the question of the breadth of the territorial sea would only be increased by the renewed pressure for the convening of a conference, and that uncertainty was at the root of the hesitation of many States to sign or ratify the Geneva Conventions.

17. The Soviet Union delegation would vote in favour of the seven-Power amendments (A/C.6/L.440) which offered good prospects of international co-operation to find solutions acceptable to all and not only to a small group of countries. If those amendments were rejected and the joint draft resolution was put to the vote, the Soviet Union delegation would vote against it and would refuse to yield to pressure from its sponsors.

18. The Soviet Union was in principle in favour of a conference on the law of the sea but it could not agree to the suggestion that the actual date of an international meeting should be imposed upon dozens of States against their wishes. If such an attempt were made under the guise of a majority vote in the Sixth Committee, the weight of international responsibility would rest on the shoulders of those who advocated the hasty convening of a conference.

19. Lastly, his delegation wished to refer to the explanations given by the United Kingdom representative (593rd meeting) with regard to the protests by Iceland against the invasion of Icelandic waters by the Royal Navy. His delegation was not satisfied with those explanations. The United Kingdom representative had repeatedly asserted that the United Kingdom action in Icelandic waters was lawful because it had allegedly been taken in defence of United Kingdom shipping on the high seas. No amount of repetition of that assertion could change the fact that the totally unjustified action by United Kingdom warships had not been taken on the high seas but in waters which, in accordance with international law, had been declared an Icelandic fishing zone. None of the economic or other considerations invoked by the United Kingdom representative could possibly change that fact.

20. It was worth noting that the United Kingdom had recognized fishing zones of certain other States of a breadth greater than three miles. Why had the Royal Navy not taken any action in the waters in question, but had taken action in Icelandic waters? Was it perhaps because in the latter instance the country concerned was a small, weak nation which could be more easily overcome? There was a flagrant contradiction between the action taken by the United Kingdom in regard to Iceland and the recognition of a territorial sea and fishing zone of over three miles in other parts of the world by the United Kingdom.

21. With regard to the proposal made by the United Kingdom to Iceland to go and defend its interests in the International Court of Justice, he could only call that proposal cynical. It was tantamount to a person usurping another's property and then suggesting to the owner that the property thus unlawfully taken would be returned if the owner was prepared to submit the matter to court. In all systems of criminal law, property was returned to its owner first and the trial of the offender took place subsequently, the owner of the property then appearing as the accuser. The United Kingdom suggestion was an attempt to present matters as though the offender and the victim should appear before a court of justice as two equals. Such a suggestion was not a good omen for the proposed conference. It was essential that the United Kingdom should renounce the use of force before it could talk of an international conference.

22. He appealed to the other delegations to support the seven-Power amendments so that the unsettled questions could be discussed in a more favourable atmosphere without the element of complication introduced by the forceful invasion of the waters of one country by another. It was also essential that a small number of States should not try to impose their will on the others and that attempts to represent a rule of national law of certain countries as part of international law should cease; an attempt should be made to pre-

pare a mutually acceptable decision on the vital questions left unsettled at Geneva.

23. The CHAIRMAN declared the general debate closed. Speakers wishing to exercise their right of reply in regard to statements made in the general debate, however, could do so in the debate on the proposals before the Committee.

CONSIDERATION OF THE JOINT DRAFT RESOLUTION (A/C.6/L.435) AND THE AMENDMENTS THERETO (A/C.6/L.440)

24. Mr. MELCHIOR (Denmark) said that his Government was concerned about the present uncertainty with respect to the breadth of territorial waters and fishery limits and thought that everything possible should be done to establish rules which would eliminate that uncertainty. Furthermore, his delegation thought that the legal aspects of the question had been so thoroughly debated during the Geneva Conference that few preparations for another conference were necessary. The Mexican representative had asked (583rd meeting, para. 55) what favourable new factors had arisen since the close of the Geneva Conference which might give reason to believe that a new conference would succeed. But if the wait were prolonged more States might feel tempted to take the solution into their own hands, and in the opinion of the Danish delegation the question could have been put differently: what reasons were there to believe that if a solution of the question were postponed, new factors might not arise which would make a solution more difficult.

25. It had been stated during the debate that the idea of an early conference had been urged on the smaller States by the larger States, but that was not a correct description of the facts. No pressure had been necessary in that respect, since several of the smaller States which were closely concerned with the question had asked for a conference as early as February 1959. Since, however, a majority of the States represented in the Sixth Committee were in favour of holding a conference in July or August 1959, his delegation was prepared to agree to that idea.

26. In support of the seven-Power amendments, it had been argued that it would be just as well to wait until the fourteenth session of the General Assembly as to hold a conference in July or August 1959, since the difference would be only one month. It was true that the General Assembly would meet in plenary session in September 1959, but the work of the Committees did not generally start until the beginning of October and it would be very optimistic to suppose that consideration of that item would be completed before the end of October, especially if the substance was to be dealt with.

27. Moreover, it should be borne in mind that at a conference the delegates would be plenipotentiaries and would have full powers for signing a convention at the end of the conference. That would not be the case if the matter was to be dealt with by the Sixth Committee, since any form of agreement at which the Sixth Committee might arrive at the fourteenth session, and which would be accepted by the General Assembly, would have to be signed by plenipotentiaries. That procedure would take time, so that what was alleged to be a postponement of one month would, in effect, mean a postponement of half a year or longer.

28. The Danish delegation, therefore, would fully support the joint draft resolution (A/C.6/L.435) and would vote against the seven-Power amendments (A/C.6/L.440).

29. Mr. TUNCCEL (Turkey) pointed out that the joint draft resolution had been submitted by a group of States which favoured a three or six-mile limit, whereas the seven-Power amendments had been submitted by a group of States which, with the exception of India and Iraq, favoured a twelve-mile limit. The Soviet delegation was not one of the sponsors of the amendments, but the Soviet representative had just made such a clear and forceful statement on their behalf that he could quite properly be regarded as their champion. He had been particularly impressed by the Soviet representative's question why the United Kingdom had not sent its fleet units into the territorial waters of other States, besides Iceland. The situation to which that question referred provided an excellent illustration of the position of those smaller States which lacked a strong navy. It was obviously in their interest to have the question of the breadth of the territorial sea and fishery limits settled by a rule of international law which would be observed by all States. Their wishes in the matter were fully reflected in the fourth preambular paragraph of the joint draft resolution, which contained the essential reasons why the Turkish delegation was in favour of that resolution. An international conference offered the best solution for the problem, provided that one group of States did not attempt to impose its will on another group. From the statement made by the Soviet representative, however, it appeared likely that the States which favoured a twelve-mile limit would be unwilling to depart from that position.

30. Turning to the seven-Power amendments, he said that the proposed fifth preambular paragraph was wholly unacceptable to his delegation. He could not agree that it was necessary to undertake considerable preparatory work, since it was his impression that Governments had already engaged in a great deal of preparatory work before and during the Geneva Conference, as well as at the present session of the General Assembly. He recalled that at the Geneva Conference the Romanian representative had said that representatives did not even have to consult their Governments and were fully qualified to decide questions before them at the time. The same criticisms applied to the new text proposed for operative paragraphs 4 and 5, which were quite superfluous, since representatives were already perfectly aware of their Governments' positions in the matter and since the request made to the Secretary-General would merely result in useless documentation. He was also opposed to the proposed operative paragraph 1, which obscured the essential problem, namely, the breadth of the territorial sea and fishing limits, by linking it with artificial reasons of procedure. He was equally opposed to the proposed operative paragraph 2, which by requiring a two-thirds majority for any decision of the General Assembly on the substance of those questions would amount to burying them for good.

31. For all the above reasons, his delegation would oppose the seven-Power amendments as a whole (A/C.6/L.440) and support the joint draft resolution (A/C.6/L.435).

32. With respect to the statement (A/C.6/L.441) of financial implications of the joint draft resolution, he

suggested that the Secretariat should consider the possibility of calling the conference at Paris or Rome rather than at New York or Geneva. The Palais des Nations had not proved entirely satisfactory during the Geneva Conference and was now undergoing repairs. Paris offered the advantage of the new UNESCO building, and it might also be possible to obtain a certain amount of financial aid from the French Government.

33. Mr. MOROZOV (Union of Soviet Socialist Republics) said that the Turkish representative's statement had merely confirmed his view that the course envisaged in the seven-Power amendments was the desirable one. The Turkish representative had been right in many respects, particularly when he stressed that it must be the purpose of any new conference to compel certain large Powers to respect the views of small nations which lacked the means necessary to assert their rights by force and could only invoke the rule of international law. If an international arrangement could be agreed upon in which the larger Powers recognized the rights of their smaller brethren who did not share their points of view, incidents such as the Icelandic fishery dispute would become impossible.

34. It was an established fact, however, that certain larger Powers did not need to be compelled to respect the rights of others. For example, the Soviet Union, which had traditionally conducted fishing operations in Icelandic coastal waters, had not hesitated to accept the inevitable economic loss and to respect the twelve-mile fishery zone decreed by the Government of Iceland. The Soviet Union had immediately recognized the validity of Iceland's measure in international law and had consequently honoured its Charter obligations. Similarly, the respect always shown for the territorial waters of other countries by the People's Republic of China showed that not all of the great Powers had to be convinced of the need to respect the rights of smaller States. Only the three major Powers which he had not specified by name needed such convincing. Thus, while a conference was certainly desirable in principle—for the very purpose indicated by the Turkish representative—it was clear that not all the major Powers would have to change their ways. Moreover, there was pitifully little to indicate that the three recalcitrant powerful States would be prepared, as early as August 1959, to be convinced of the correctness of the views of the many small countries concerned with the protection of their fishery resources.

35. Having started on an apparently sound basis, the Turkish representative had revealed his true hand when he had contended that operative paragraph 2 of the seven-Power amendments was open to question. The suggestion that the requirement of a two-thirds majority would doom the discussion on the breadth of the territorial sea clearly implied that one group intended to force a solution even if it could only obtain a bare majority of the States represented at the proposed conference. The Turkish representative's statement had thus been highly contradictory: on the one hand, he had defended the rights of small Powers; on the other, he had implied that a satisfactory decision could be obtained in total disregard of the votes which many such small Powers would cast in opposition. The latter part of the Turkish representative's statement had thus apparently revealed a very interesting aspect of the joint draft resolution, for the irresistible implication was that the sponsors of that proposal was contemplat-

ing an attack on the two-thirds majority rule established by Article 18 of the Charter, which had been expressly included in the rules of procedure of the Geneva Conference.

36. Like others before him, the Turkish representative had attempted to interpret the Soviet Union's position on the question of the territorial sea. He (Mr. Morozov) had already explained that position in replying (587th meeting, para. 36) to the French representative, but, in view of the new attempt to distort the facts, he wished to stress again that the Soviet Union had never sought to impose any rigid rule on any other State. In reality, his Government's view was that each State could determine the breadth of its territorial waters in accordance with established practice within the limits, as a rule, of three to twelve miles, having regard to historical and geographical conditions, economic interests, the interests of the security of the coastal State and the interests of international navigation. He had repeated that formula so often that he was beginning to wonder whether he was being genuinely misunderstood or whether the views of the Soviet Union were being deliberately distorted.

37. Mr. TUNCEL (Turkey) said that, as the USSR representative had agreed with most of his earlier statement, he would also try to allay Mr. Morozov's fears regarding his views on operative paragraph 2 of the seven-Power amendments. He had merely observed that if the decision on the consideration of the substance of the question in the General Assembly were to be subject to rule 85 of the Assembly's rules of procedure, the substantive issue might be left in suspense. At no time had he envisaged, however, the possible introduction of some *ad hoc* rule which might enable the second conference to take important decisions by a simple majority. The rules of procedure of the first Conference had respected the two-thirds principle, and his Government would always support it in the future.

38. Mr. GLAZER (Romania) said that the Turkish representative's assurance could not disguise the fact that an attack on the two-thirds rule had clearly been envisaged. Yet it would be inadmissible for any new rule on a matter of such importance to all States as the breadth of the territorial sea to be dictated by a group which did not represent even two-thirds of the international community. The incident showed how impossible it was to separate seemingly procedural questions, such as the majority necessary for the approval of a solution or the date to be set for the eventual discussions, from the substantive issues.

39. The debate had clearly established two facts: that the breadth of the territorial sea had to be determined in the light of the interests of the coastal State, and that those interests varied from State to State and from age to age. That was the reason why at no time since the acceptance of the territorial sea as an institution of the law of nations had the breadth of coastal waters been governed by any uniform rule. Each coastal State had always fixed its own limits by its own legislation, in accordance with the exigencies of the period. A perusal of Fulton's excellent treatise,^{1/} published in the early part of the twentieth century, showed that even the United Kingdom and France had established

different breadths at different times by unilateral action. And the mere fact that interests changed with the years sufficed to refute any contention that a standard which had enjoyed some vogue—though never recognition as a rule of international law—one hundred or five hundred years back had to be recognized as binding in the modern age. Moreover, it was very doubtful whether even the modern international community had reached the stage where a rigid rule could be arrived at. For that reason, his Government would continue to support the formula proposed by the Soviet Union at Geneva,^{2/} which alone gave a correct statement of existing international law.

40. Since the Soviet formula clearly reflected the realities of international life, there were no grounds for the contention that the situation was chaotic. The French representative had of course gone too far in suggesting that the Romanian Government regarded the situation as ideal; but it certainly believed that the problem could be solved to the satisfaction of all concerned, provided that the legitimate interests of all States, and not merely of one group, were taken into account. Those who pressed for an early uniform rule should remember that such a rule had never existed and that the International Law Commission had failed to suggest one after eight years of unremitting effort.

41. In arguing that a second conference required no further preparatory work, the Turkish representative had referred to his (Mr. Glazer's) statement at the Geneva Conference in opposition to the Ecuadorian proposal calling for postponement of consideration of draft articles 1, 2, 3 and 66, when he had said that delegations had already had ample time to obtain instructions from their Governments.^{3/} On that occasion, however, he had primarily tried to prevent procrastination on draft article 3, because he had rightly suspected that the States determined to impose their will on others would subsequently attempt some subterfuge to secure the adoption of inadmissible provisions. Moreover, while it was true that Governments had then been prepared to discuss the entire question, they had been under the misapprehension that the major maritime Powers would not try to resuscitate a corpse already buried in 1930 at The Hague. Since he had made that statement, the Geneva Conference had failed to resolve the question of the breadth of the territorial sea, and States had a right to ask what new proposals were currently envisaged as a possible basis for a general agreement. Further failure could therefore only be avoided by proper preparation, which meant renewed negotiations between Governments with a view to determining the possibility of an agreed formula. And unless a new rule was adopted unanimously or by an overwhelming majority, the next round of discussions would merely re-emphasize the existing disagreement.

42. Much had been said in the debate of unilateral acts. In that connexion, it seemed necessary to stress that nobody had ever contended that unilateral acts created international law; that could be done only by agreement among the international community, but the final agree-

^{1/} Thomas W. Fulton, *The Sovereignty of the Sea* (Edinburgh, William Blackwood and Sons, 1911).

^{2/} *United Nations Conference on the Law of the Sea, Official Records, Volume III: First Committee* (United Nations publication, Sales No.: 58.V.4, Vol. III), annexes, document A/CONF.13/C.1/L.80.

^{3/} *Ibid.*, 23rd meeting, para. 6.

ment was often only a general ratification of manifold earlier rules, some of which might have come into being otherwise than by the conventional process; and a State's right to determine the breadth of its own territorial sea, subject to the conditions specified in the USSR proposal at Geneva, had been established by so many separate acts, which jointly reflected such a wide measure of agreement, that its validity in international law could no longer be queried. Even States which in principle restricted their territorial sea to three miles had frequently taken unilateral measures beyond that limit. For example, France had established six-mile zones around certain ports, such as Brest and Cherbourg, and the Proclamation made on 28 September 1945 by Mr. Truman, President of the United States of America, had constituted an explicit claim on the part of the United States to areas well beyond the three-mile belt of territorial sea. Such acts merely reflected the recognized right of a coastal State to determine its own competence in its coastal waters, in the light of interests which that State was in the best position to appraise. Nor could it be argued that one State's unilateral acts could never be binding in international law on all other States; for instance, a declaration of war by one State on another bound the latter to respect the laws of war and required third parties to observe the laws of neutrality. Unilateral acts could, under certain circumstances, have legal consequences which would be binding on other States, not only in wartime but also in peacetime, especially in maritime matters.

43. He could not agree with the Danish representative that an intolerable uncertainty existed at present. A Danish master mariner plying the seven seas would know full well in what zones he was permitted to fish. The position was thus no more uncertain than it had been before the Geneva Conference or at any other time in the history of the law of nations.

44. Since no uniform rule on the breadth of the territorial sea had ever existed, there could be no apparent reason for insisting on consideration of the subject in July or August 1959 rather than in September or December of the same year. Unless the sponsors of the joint draft resolution gave some plausible reason for the proposed haste, many States might find it difficult to attend the second conference. Moreover, if certain States genuinely believed, as the Turkish rep-

resentative had suggested, that agreement with those who favoured a twelve-mile formula was impossible, they would only be wasting their time in calling a conference under United Nations auspices.

45. The Turkish representative had also said that a decision to discuss the substance of the question was unnecessary, as the matter had already been decided by General Assembly resolution 1105 (XI) which had called the first Conference. But the first Conference, having failed through lack of agreement, had itself requested the General Assembly to study the advisability of convening a second conference,^{4/} and that advisability was still very much at issue.

46. In supporting the seven-Power amendments, his delegation believed that the primary aim should be to ensure that the small, newly-independent States would be in a position to participate in the formulation of new rules to replace the ones imposed by the metropolitan countries in the past. The haste manifested by the supporters of the joint draft resolution might perhaps be due to a desire to prevent those small States from adopting a considered position which the former metropolitan countries might find unpalatable.

47. Mr. GARCIA ROBLES (Mexico) said, with reference to the statement by the representative of Turkey, that operative paragraph 2, as proposed in the seven-Power amendments, merely reproduced the substance of the corresponding provision of the rules of procedure applied at the Geneva Conference.

48. Mr. EVANS (United Kingdom) said that the Geneva Conference had applied a two-thirds majority rule to the adoption of all substantive proposals at plenary meetings. If he had understood him correctly, the Soviet Union representative had suggested that there was some design on the part of the sponsors of the joint draft resolution to substitute a simple majority for the two-thirds majority. He wished to stress on behalf of his delegation and the other sponsors of the joint draft resolution that they had had no such intention.

The meeting rose at 6.10 p.m.

^{4/} Ibid., Volume II: Plenary Meetings (United Nations publication, Sales No.: 58.V.4, Vol. II), annexes, document A/CONF.13/L.56, resolution VIII.