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ECONOMIC DEVELOPMENT OF FISHERIES AND QUESTION  
OF FISHERY CONSERVATION AND REGULATION

Report of the Sixth Committee

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1. As part of its work relating to the régime of the high seas, the International Law Commission, at its fifth session held from 1 June to 14 August 1953, adopted certain draft articles on fisheries. It recommended that the General Assembly should adopt the draft articles by resolution and enter into consultation with the United Nations Food and Agriculture Organization with a view to the preparation of a draft convention incorporating the principles adopted by the Commission.<sup>1/</sup>
2. By its resolution 798 (VIII) of 7 December 1953, the General Assembly decided "not to deal with any aspect of the régime of the high seas or of the régime of territorial waters until all the problems involved have been studied by the International Law Commission and reported upon by it to the General Assembly".
3. By their joint letter of 20 August 1954 (A/2707) addressed to the Secretary-General, the delegations of Brazil, China, Liberia, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations requested that the following item be included in the provisional agenda of the ninth regular session of the United Nations General Assembly: "Economic development of fisheries and question of fishery conservation and regulation". An explanatory memorandum was attached in conformity with rule 20 of the General Assembly's rules of procedure.
4. Subsequently, the delegations of Turkey, Nicaragua and Honduras by letters addressed to the Secretary-General and dated 27 August (A/2707/Add.1), 18 September (A/2707/Add.2) and 21 September 1954 (A/2707/Add.3), respectively, associated themselves with the delegations named above.

<sup>1/</sup> See Official Records of the General Assembly, Eighth Session, Supplement No. 9, document A/2456, paragraphs 94 and 102.

5. In the explanatory memorandum the said delegations pointed out that the process decided upon by the General Assembly (see paragraph 2 above) might consume a great number of years. Meanwhile the number and intensity of fisheries disputes might well continue to grow and remain unsolved. They pointed out further that the question of high seas fisheries presented a number of special problems which were probably capable of solution only with the assistance of a specialized body. Those problems were in large measure of an economic and technical character. Even if the Assembly were to wait a number of years before discussing any draft articles on fisheries, such a discussion by the Assembly of these articles would probably not be productive unless the Assembly had before it the views of fisheries experts on the problems. No reason could be seen for delaying the meeting of such experts until or after the Assembly discussion. Conversely, it was felt that it was logical that they should meet as soon as possible in order that their conclusions could be forwarded to the Assembly promptly and without necessitating a delay in fruitful Assembly consideration of fisheries problems. The delegations in question considered therefore that after the discussion of the problem a resolution should be adopted whereby problems of the economics and conservation of high seas fisheries would be referred either to the Food and Agriculture Organization or to a special governmental conference of experts for consideration and recommendations.

6. At its 478th plenary meeting, held on 25 September 1954, the General Assembly decided to include the item in the agenda of its ninth session and referred it to the Sixth Committee which considered it at its 345th to 348th meetings, held from 3 to 7 December.

7. During debate, the Sixth Committee considered a joint draft resolution proposed by Belgium, China, France, Greece, Iceland, the Netherlands, Panama, Turkey, the United Kingdom, and the United States of America (A/C.6/L.343) and amendments thereto proposed jointly by Chile, Colombia, Costa Rica, El Salvador, Ecuador, Mexico, Peru and Uruguay (A/C.6/L.345).

8. Those amendments were later superseded by a revised text proposed by the same countries with the exception of Colombia (A/C.6/L.345/Rev.1).

9. The preamble to the joint draft resolution (A/C.6/L.343) consisted of three paragraphs setting forth the following considerations: (a) that the International Law Commission has proposed for the consideration of the Assembly draft articles covering certain basic aspects of the international regulation of fisheries; (b) that the problem of the international conservation and regulation of fisheries involves matters of a technical character which require consideration on a wide international basis by qualified technical and administrative experts; (c) that an international technical conference should be held in the near future to consider the problems of fishery conservation and regulation and make recommendations thereon. Under the terms of the five operative paragraphs the General Assembly was to: (1) request the Secretary-General to convene an international technical conference at a place to be determined by him not later than July 1955, to study, make recommendations, and report on the problem of the international conservation and regulation of fisheries; (2) invite all States Members of the United Nations and States Members of the specialized agencies to participate in the conference and to include among their representatives individual experts competent in the field of fishery conservation and regulation; (3) request the Secretary-General to arrange for the necessary staff and facilities which would be required for the conference, it being understood that the technical services of Member Governments and the technical and secretarial services of the Food and Agriculture Organization should be utilized as fully as practicable in the arrangements for such a conference; (4) request the Secretary-General to circulate for information the report of the conference to the Governments of all States invited to participate in the conference; and (5) place the report on the provisional agenda of the tenth regular session of the General Assembly.

10. Under the revised amendments proposed jointly by Chile, Costa Rica, Ecuador, El Salvador, Mexico, Peru and Uruguay (A/C.6/L.345/Rev.1) the joint draft resolution was to be amended in the following respects: (a) at the end of the first paragraph of the preamble the following words were to be added: "and considering also that that Commission has not yet concluded its study of related questions"; (b) in the second paragraph of the preamble the words "and regulation" and "technical and administrative" were to be deleted; (c) in the third paragraph of the preamble the words "and regulation" were to be deleted;

(d) between the third paragraph of the preamble and the first operative paragraph two paragraphs were to be inserted, reading as follows:

(i) "Recalling that by resolution 798 (VIII) the General Assembly, having regard to the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf and the superjacent waters are closely linked together juridically as well as physically, decided, consequently, not to deal with any aspect of those topics until all the problems involved had been studied by the International Law Commission and reported upon by it to the General Assembly";

(ii) "Having regard to the fact that the technical studies relating to the conservation, protection and regulation of fisheries and other resources of the sea are also closely linked to the solution of the problems mentioned in the preceding paragraph";

(e) the first operative paragraph was to be replaced by a paragraph wherein the General Assembly would request the Secretary-General to convene an international technical conference at the Headquarters of the Food and Agricultural Organization on 18 April 1955 to study the problem of the international conservation of the living resources of the sea and to make appropriate scientific and technical recommendations which should take into account the principles of this resolution and not prejudice the related problems awaiting consideration by the General Assembly; (f) after the second operative paragraph a paragraph was to be inserted whereby the Assembly would invite the interested specialized agencies and inter-governmental organizations concerned with problems of the international conservation of the living resources of the sea to send observers to the conference; (g) the final operative paragraph was to be replaced by a paragraph wherein the Assembly would decide to refer the report of that scientific and technical conference to the International Law Commission as a further technical contribution to be taken into account in its study of the questions to be dealt with in the final report which it is to prepare pursuant to the draft resolution relating to the agenda item entitled "Draft Articles on the Continental Shelf", adopted by the Sixth Committee and recommended to the General Assembly for adoption.<sup>2/</sup>

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<sup>2/</sup> See report of the Sixth Committee on agenda item 64 (A/2849).

11. The sponsors of the joint draft resolution (A/C.6/L.343) accepted the revised amendments (A/C.6/L.345/Rev.1).

12. During the debate some delegations expressed the opinion that the problem of fisheries might usefully be studied independently of the other aspects of the régime of the high seas. Any progress towards the solution of the problems relating to fisheries would, indeed, be conducive to progress in related matters. In the opinion of these delegations, the International Law Commission had gone as far as it was possible to go, on the basis of purely legal considerations, towards a solution of the problem of fisheries. Consequently, they argued, an international technical conference should be convened to study the technical and administrative aspects of the conservation and regulation of fisheries. The conference would study the principles proposed by the International Law Commission and consider whether they were appropriate from the technical and administrative point of view and whether they could be applied in practice. It was to be clearly understood, of course, that participation in the conference would not imply any commitments by Governments as to the final solution of the various related problems. The conference would confine itself to making recommendations which the General Assembly would study at the same time as the International Law Commission's report on these problems. The Commission should also have an opportunity of revising its draft articles on fisheries if it believed that the recommendations of the technical conference called for such revision. To postpone the conference until the International Law Commission had submitted its report on the related problems as a whole would unduly delay the solution of an urgent problem.

13. Other delegations, while in favour of a technical conference, stated, however, that the principle of the unity of the general régime of the sea should be respected and maintained. They also pointed out that it would be dangerous for this conference to consider the principles concerning fisheries proposed by the International Law Commission. The conference could hardly consider those principles without expressing a judgment one way or the other and thereby prejudging the General Assembly's later decisions concerning related questions. Furthermore, the problem of the juridical regulation of fisheries would not fall within the competence of a technical conference, but rather within that of a legal

body such as the International Law Commission. It would be far more logical if the scientific conclusions of the conference were submitted to the Commission for its information. The Commission could then prepare its report to the eleventh session of the General Assembly, taking the conclusions of the conference into account.

14. Some delegations argued that such a conference should not be convened until the General Assembly had approved the draft articles on fisheries prepared by the International Law Commission. Those draft articles, when adopted, would serve as a basis for the work of the conference. It would be premature to convene the conference before the Assembly had adopted the draft articles.

15. At its 438th meeting, held on 7 December, the Sixth Committee voted by division on the joint draft resolution proposed by Belgium, China, France, Greece, Iceland, Netherlands, Panama, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.6/L.343), as amended by the revised amendments proposed jointly by the seven Powers (A/C.6/L.345/Rev.1). The result of the votes was as follows:

- (a) The first paragraph of the preamble (A/C.6/L.343), as amended (A/C.6/L.345/Rev.1, paragraph 1), was adopted by 47 votes to none, with 5 abstentions.
- (b) The second paragraph of the preamble (A/C.6/L.343), as amended (A/C.6/L.345/Rev.1, paragraph 2), was adopted by 45 votes to none, with 8 abstentions.
- (c) The third paragraph of the preamble (A/C.6/L.343), as amended (A/C.6/L.345/Rev.1, paragraph 3), was adopted by 45 votes to 5, with 4 abstentions.
- (d) The new fourth paragraph of the preamble (A/C.6/L.345/Rev.1, paragraph 4) was adopted by 50 votes to none, with 1 abstention.
- (e) The new fifth paragraph of the preamble (A/C.6/L.345/Rev.1, paragraph 4) was adopted by 49 votes to none, with 2 abstentions.
- (f) The first operative paragraph, as amended (A/C.6/L.345/Rev.1, paragraph 5), was adopted by 39 votes to 5, with 6 abstentions.
- (g) The second operative paragraph (A/C.6/L.343) was adopted by 40 votes to 5, with 6 abstentions.

(h) The new third operative paragraph (A/C.6/L.345/Rev.1, paragraph 6), was adopted by 41 votes to 5, with 5 abstentions.

(i) The fourth (originally third) operative paragraph (A/C.6/L.343) was adopted by 40 votes to 5, with 4 abstentions.

(j) The fifth (originally fourth) operative paragraph (A/C.6/L.343) was adopted by 41 votes to 5, with 5 abstentions.

(k) The sixth operative paragraph, as amended (A/C.6/L.345/Rev.1, paragraph 7), was adopted by 41 votes to none, with 10 abstentions.

16. The Committee voted by roll-call on the draft resolution as a whole, as amended. The voting was as follows:

In favour: Argentina, Belgium, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Honduras, Iceland, India, Iran, Iraq, Israel, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Afghanistan, Australia, Lebanon, Saudi Arabia, Syria.

The draft resolution as a whole (A/C.6/L.343), amended (A/C.6/L.345/Rev.1), was adopted by 41 votes to 5, with 5 abstentions.

17. Accordingly, the Sixth Committee recommends that the General Assembly should adopt the following draft resolution:

INTERNATIONAL TECHNICAL CONFERENCE ON THE CONSERVATION OF THE  
LIVING RESOURCES OF THE SEA

The General Assembly,

Considering that the International Law Commission has proposed for the consideration of the General Assembly draft articles<sup>1/</sup> covering certain basic aspects of the international regulation of fisheries, and considering also that that Commission has not yet concluded its study of related questions,

<sup>1/</sup> See Official Records of the General Assembly, Eighth Session, Supplement No. 9, document A/2456, paragraph 94.

Having regard to the fact that the problem of the international conservation of fisheries involves matters of a technical character which require consideration on a wide international basis by qualified experts,

Being of the opinion that an international technical conference should be held in the near future to consider the problems of fishery conservation and make recommendations thereon,

Recalling that by resolution 798 (VIII) of 7 December 1953 the General Assembly, having regard to the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf and the superjacent waters are closely linked together juridically as well as physically, decided, consequently, not to deal with any aspect of those topics until all the problems involved had been studied by the International Law Commission and reported upon by it to the General Assembly,

Having regard to the fact that the technical studies relating to the conservation, protection and regulation of fisheries and other resources of the sea are also closely linked to the solution of the problems mentioned in the preceding paragraph,

1. Requests the Secretary-General to convene an international technical conference at the headquarters of the Food and Agriculture Organization on 18 April 1955 to study the problem of the international conservation of the living resources of the sea and to make appropriate scientific and technical recommendations which shall take into account the principles of the present resolution and shall not prejudice the related problems awaiting consideration by the General Assembly;

2. Invites all States Members of the United Nations and States Members of the specialized agencies to participate in the conference and to include among their representatives individual experts competent in the field of fishery conservation and regulation;

3. Invites the interested specialized agencies and inter-governmental organizations concerned with problems of the international conservation of the living resources of the sea, to send observers to the conference;



4. Requests the Secretary-General to arrange for the necessary staff and facilities which would be required for the conference, it being understood that the technical services of Governments of Member States and the technical and secretarial services of the Food and Agriculture Organization shall be utilized as fully as practicable in the arrangements for such a conference;

5. Requests the Secretary-General to circulate the report of the conference for information to the Governments of all States invited to participate in the conference;

6. Decides to refer the report of the said scientific and technical conference to the International Law Commission as a further technical contribution to be taken into account in its study of the questions to be dealt with in the final report which it is to prepare pursuant to resolution ..... (IX) of ..... 1954.<sup>2/</sup>

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<sup>2/</sup> See the resolution recommended by the Sixth Committee in its report on agenda item 64, document A/2849.