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CONTENTS

	Page
Agenda item 65: Economic development of fisheries and question of fishery conservation and regulation (<i>concluded</i>)	191
Agenda item 60: Amendment to the rules of procedure of the General Assembly: proposal for a new rule concerning correc- tions of vote	192

Chairman: Mr. Francisco V. GARCIA AMADOR
(Cuba).

AGENDA ITEM 65

**Economic development of fisheries and question
of fishery conservation and regulation (A/2707
and Add.1 to 3, A/C.6/L.343, A/C.6/L.345/
Rev.1) (*concluded*)**

CONSIDERATION OF DRAFT RESOLUTION SUBMITTED BY
BELGIUM, CHINA, FRANCE, GREECE, ICELAND, THE
NETHERLANDS, PANAMA, TURKEY, THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRE-
LAND, AND THE UNITED STATES OF AMERICA (A/
C.6/L.343) AND AMENDMENTS THERETO

1. Mr. CASTAÑEDA (Mexico) explained that the sponsors of the joint draft resolution (A/C.6/L.343) and the sponsors of the draft amendments thereto (A/C.6/L.345) had agreed upon a single text and had accepted the revised amendments contained in document A/C.6/L.345/Rev.1. The first four points of the revised amendments reproduced the corresponding passages in the earlier document. Point 5 specified the date and place of the conference. The word "fisheries" had been changed to "living resources", to cover marine fauna other than fish. Mineral resources were not included. Further, the word "technical" had been added in that point and elsewhere so as to clarify the conference's terms of reference.
2. Point 6 of the revised amendments contained an invitation to specialized agencies and inter-governmental organizations to send observers to the conference.
3. Mr. ANDERSEN (Iceland), speaking for the sponsors of the joint draft resolution (A/C.6/L.343), said that they accepted the revised amendments.
4. The essential provision was that in point 5. The date of 18 April 1955 had been chosen to allow enough time for the preparation of the conference, and at the same time to ensure that the conference's conclusions would be at the disposal of the seventh session of the International Law Commission in May 1955. He hoped that the Secretary-General would be able to proceed with the preparations promptly.

5. The new text reflected the conciliatory spirit of the various delegations concerned and offered a practical approach to the question of fisheries. He hoped that the Committee would adopt it unanimously and so strengthen the future conference's authority.

6. Mr. ANAYA (Colombia) explained that, though one of the sponsors of the original amendments, his delegation had been unable to associate itself with the revised text because it considered the scheduled date of the conference too early. Nevertheless, it agreed with the remaining provisions and would vote for the revised text as a whole.

7. Mr. AKANT (Turkey) noted that in point 5 of the French text of the revised amendments the words "*en tout état de cause*" were superfluous and should be deleted, and that the words "*et techniques*" should be added after "*recommandations scientifiques*".

8. Mr. AYCINENA SALAZAR (Guatemala) welcomed the new agreed text, which clearly specified the terms of reference of the future conference and set a suitable date for it. Moreover, it preserved the unity of the subject, in line with the recently adopted draft resolution relating to the continental shelf (A/2849, paragraph 18) and with General Assembly resolution 798 (VIII). His delegation would vote in favour of the draft resolution as amended.

9. Mr. STAVROPOULOS (Secretariat) said that, pursuant to the rules of procedure, the Secretariat was preparing an estimate of the financial implications of the draft resolution for approval by the Fifth Committee.

10. The CHAIRMAN put the amended draft resolution (A/C.6/L.343 and A/C.6/L.345/Rev.1) to the vote, paragraph by paragraph.

The first paragraph of the preamble (A/C.6/L.343 and A/C.6/L.345/Rev.1, point 1) was adopted by 47 votes to none, with 5 abstentions.

The second paragraph of the preamble (A/C.6/L.343 and A/C.6/L.345/Rev.1, point 2) was adopted by 45 votes to none, with 8 abstentions.

The third paragraph of the preamble (A/C.6/L.343 and A/C.6/L.345/Rev.1, point 3) was adopted by 45 votes to 5, with 4 abstentions.

The new fourth paragraph of the preamble (A/C.6/L.345/Rev.1, point 4) was adopted by 50 votes to none, with 1 abstention.

The new fifth paragraph of the preamble (A/C.6/L.345/Rev.1, point 4) was adopted by 49 votes to none, with 2 abstentions.

Operative paragraph 1 (A/C.6/L.345/Rev.1, point 5) was adopted by 39 votes to 5, with 6 abstentions.

Operative paragraph 2 (A/C.6/L.343) was adopted by 40 votes to 5, with 6 abstentions.

11. In reply to a question by Mr. ESKELUND (Denmark), the CHAIRMAN explained that operative paragraph 2 was addressed to Member States and to countries that, though not Members of the United Nations were members of specialized agencies.

The new operative paragraph 3 (A/C.6/L.345/Rev.1, point 6) was adopted by 41 votes to 5, with 5 abstentions.

Operative paragraph 4 (old paragraph 3), (A/C.6/L.343), was adopted by 40 votes to 5, with 4 abstentions.

Operative paragraph 5 (old paragraph 4), (A/C.6/L.343), was adopted by 41 votes to 5 with 5 abstentions.

Operative paragraph 6 (A/C.6/L.345/Rev.1, point 7) was adopted by 41 votes to none, with 10 abstentions.

12. The CHAIRMAN called for a vote on the amended draft resolution (A/C.6/L.343 and A/C.6/L.345/Rev.1) as a whole.

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

Uruguay, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Uruguay, Venezuela, Yemen, Yugoslavia, 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.

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 was adopted by 41 votes to 5, with 5 abstentions.

13. Mr. TARAZI (Syria) explained that he had abstained from voting on the draft resolution as a whole because he felt that the calling of the conference would raise technical and legal problems. Owing to the early date of the conference, interested Governments—including his own—would be unable to assemble the necessary documentation. Moreover, the objectives of the conference were not stated clearly enough. He therefore reserved his Government's position on the conference's terms of reference and the results of its work and on his Government's participation in the conference.

14. Mr. MÉNDEZ (Philippines) said that, in the absence of instructions from his Government concerning the time and place of the conference, he had abstained from voting on the relevant paragraph.

15. He pointed out that the title of the draft resolution, which included the word "regulation", no longer corresponded to the body of the text, from which all reference to regulation had been eliminated.

16. The CHAIRMAN replied that, as was customary in such cases, the Secretariat would make the appropriate change in the title.

17. Mr. OLAVARRIA GABLER (Chile) said that the resolution, which had been approved thanks to the spirit of co-operation of the delegations concerned, made it clear that the conference would confine itself strictly to technical and scientific questions. He had voted for the resolution on that understanding, and in the expectation that the conclusions of the conference would be useful to the International Law Commission. He hoped that the Commission, in dealing with fisheries, would be mindful of the special requirements of certain regions and groups of States and would draft rules sufficiently flexible to be adjusted to varying circumstances. Those rules should take into account the rights enjoyed by some States by reason of the configuration of their coasts, their vital interest in the exploitation of fisheries, and the inadequacy of existing regulations on the conservation of marine life in the open seas.

18. Mr. MAURTUA (Peru) said that nothing in the draft resolution adopted by the Committee would prejudice or oppose the movement initiated by some countries in favour of legislation to protect and conserve the resources of the sea. If anything, the conclusions of the conference should further the protection and conservation of maritime resources. He welcomed in particular the invitation to inter-governmental organizations to send observers to the conference.

19. Mr. GARCIA OLANO (Argentina) said that his vote in favour of the resolution was an expression of support for the position taken by the Latin American countries whose amendments to the draft resolution had been accepted by the latter's sponsors.

AGENDA ITEM 60

Amendment to the rules of procedure of the General Assembly: proposal for a new rule concerning corrections of vote (A/2700, A/2700/Rev.1, A/C.6/L.344/Rev.1)

GENERAL DEBATE

20. Mr. COLLIARD (France) said that the French delegation had proposed the item with a view to filling an obvious gap in the General Assembly's rules of procedure, which did not stipulate in what manner the Chair should announce the results of a vote and also did not offer delegations an opportunity to correct their votes during or after the voting.

21. The French delegation had at first considered proposing the adoption of a rule similar to that in force in the French legislature, under which corrections could be made after a vote had been taken but the result of the voting remained unchanged. On second thoughts, however, it had decided that the better way would be to base such a rule on the rules and practices of the legislatures of Member States.

22. In its original draft resolution (A/C.6/L.344), the French delegation had proposed that the Secretary-General should consult with the general secretaries of national legislatures regarding the rules they applied. He had, however, been convinced by the arguments of the Syrian representative that the Secretary-General should follow another course, and the French and Syrian delegations therefore jointly proposed a draft resolution (A/C.6/L.344/Rev.1) under which the Secretary-General would be free to determine how to obtain the desired information. The draft resolution,

which was purely procedural, would enable the General Assembly to have that information before it at the tenth session and, if it saw fit, to adopt a rule early in that session.

23. Mr. TARAZI (Syria) explained that the adoption of the joint draft resolution would in no way prejudice any action the General Assembly might take at its tenth session on a new rule concerning corrections of vote but would merely enable the General Assembly to take its decision in the light of some highly relevant information.

24. The draft resolution did not deal with any question of substance and was extremely simple, and he hoped the Committee would be able to decide on it promptly.

25. Mr. DE LA VALLEE POUSSIN (Belgium) supported the French-Syrian draft resolution (A/C.6/L.344/Rev.1). It was certainly necessary for the rules of procedure to provide for the situations referred to. However, the reference in the third paragraph of the preamble to general secretaries of national legislative assemblies was open to question. The United Nations was not a parliament, and the rules applicable to a legislative assembly might be quite out of place in the world body. A member of parliament was responsible only to himself, while the vote of a representative in the General Assembly was binding on his Government. The consequences of an erroneously cast vote in the international body might be unpredictably serious. Consequently, although parliamentary practice might afford guidance in certain cases, great care should be exercised before it was decided what rules should apply in the General Assembly.

26. Mr. MAURTUA (Peru) said that the substance of the question of corrections of votes raised a very delicate point. For the moment, however the Committee was dealing only with the procedural question of the method to be followed by the Secretary-General in his inquiries. In some countries, the legislative body did not have a general secretary, while in others the holder of that post had no authority to tender advice to an international organization. In most instances, only the officers of the chamber had such authority. For those reasons, it might be advisable to delete the reference to general secretaries in the last paragraph of the preamble of the joint draft resolution. Furthermore, the text might be clarified if it were stressed that the envisaged study should include not only the "existing rules" of national legislative assemblies but also the practices generally followed by those bodies.

27. Mr. MENDEZ (Philippines) agreed with the Belgium representative's statement on the differences between a division in a national parliament and a vote in the General Assembly. Some of the mistakes that occurred in the counting of votes might be prevented by the introduction of purely mechanical devices.

28. He also agreed with the Peruvian representative that the reference to general secretaries was of doubtful value. In the Philippines, there was no general secretary but only a secretary, who had no authority to interpret rules. Requests for information, therefore, should be addressed to the Speaker of the House and the President of the Senate.

29. Mr. TARAZI (Syria) agreed that the reference to general secretaries in the third paragraph of the preamble could be deleted. Consequently, the paragraph

would end before the word "and". The sponsors of the draft resolution had already dropped the reference to general secretaries from the operative part.

30. The Peruvian representative's further point, that the text should also refer to the practices generally followed, was, he thought, adequately covered by the French text of the operative paragraph.

31. Mr. EVANS (United Kingdom) said that the French delegation was to be congratulated on its vigilance in raising the question. The absence of the rule was possibly not quite as serious as was suggested in the explanatory memorandum (A/2700/Rev.1), and the criticisms of former Presidents of the General Assembly were a little severe. Nevertheless, the United Kingdom delegation would support the draft resolution (A/C.6/L.344/Rev.1).

32. The proposal seemed to envisage rules applicable only to plenary meetings of the General Assembly, but they would doubtless be extended to the Main Committees. Secondly, it was not strictly true to say that under the existing rules the matter was completely unregulated. The President had the power to give rulings, which could in turn be overruled by the General Assembly. The question was whether it was advisable to introduce more specific but less flexible rules. When voting was close, it might be possible for the unsuccessful side to try to persuade some of the supporters of the other side to change their minds immediately after a result was announced. Such abuses could be precluded either by providing that corrections would not be entertained unless a motion was put to the vote a second time or by adopting a rule similar to that in force in the French National Assembly, to the effect that a correction of a vote would not affect the result already obtained. It could be argued that the first suggestion seemed preferable, as any delegation that changed its mind could still make a statement for the record. On the other hand, genuine mistakes were possible, and it would be fair to allow delegations some latitude.

33. In dealing with the right of correction, it was worth remembering that certain other errors could also influence the result of the vote. A mistake could be made in the counting, and a further inadvertent slip might occur when the Secretary-General communicated the result of the count to the President. If a rule was to be laid down making the President's announcement final, some safeguard would be needed to allow for the correction of patent errors. The rule should also provide for the contingency of the President's placing an erroneous interpretation of the result of a vote, as for instance if he should announce that a motion was defeated because it had failed to obtain a two-thirds majority, whereas, in fact, no such majority was required for the particular motion.

34. In conclusion, therefore, although the proposed rule was not strictly essential, its formulation seemed desirable. Furthermore, as the introduction of a rule on the correction of votes would not remedy all the inadequacies of the existing system, it might be advisable to broaden the terms of the joint draft resolution so as to extend the field of study to cover generally rules and practices to prevent or correct errors that might occur in the taking of votes.

35. Mr. SPIROPOULOS (Greece) supported the draft resolution (A/C.6/L.344/Rev.1) together with the

amendment proposed orally by the Peruvian representative. The Belgian representative had rightly stressed the difference between United Nations practice and normal parliamentary procedure. The adoption of ordinary parliamentary rules would in fact be impossible.

36. It would therefore be preferable to change, in the last preambular paragraph of the French text of the joint draft resolution, the term *de s'inspirer* to *d'examiner*.

37. Mr. ESKELUND (Denmark) also welcomed the revised proposal. The change suggested by the Greek representative seemed to affect only the French text.

38. He agreed with the United Kingdom representative that steps should be taken to remedy other possible sources of error. When votes were very close or equally divided a roll-call vote should be required as a matter of course. In such a case, no corrections should be permitted. Similarly, the procedure of the closing of the list of speakers left much to be desired. Those matters should be examined together with those referred to in the draft resolution.

The meeting rose at 1.10 p.m.