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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) (continued)

GENERAL DEBATE (continued)

1. Mr. HSU (China) said that it could not be denied that many rules of the law of the sea were of arbitrary origin; that they had become rules simply because in each case the State adversely affected had been unable to change them; and that even at present there were no uniform rules governing certain questions. It would not be valid, however, to draw the conclusion from that situation that each State was its own master in the question of the sea and could lay down rules in accordance with its own interests, thus unilaterally making international law. In fact, pronouncements by States became international law only when they were accepted or acquiesced in by the other States affected.

2. The community of nations was now better organized than previously and it had to harmonize, or humanize, the rules inherited from the past. It was satisfactory to note that even those States which claimed that unilateral State action could make international law agreed that the questions left pending at Geneva should be settled by a new conference.

3. His delegation sympathized with the aspirations of those who pleaded that in the matter of fisheries the coastal State should be given more consideration than in the past. His delegation congratulated the advocates of that view for accepting to submit their grievances at a conference and hoped that their case would meet with satisfaction.

4. The Conventions agreed upon at the Geneva Conference contained rules which justified the appropriation by States of bays which would otherwise be considered part of the high seas. The Convention on the Continental Shelf[1] had also placed the sea-bed and subsoil of a part of the high seas under the sovereignty of the coastal State. It was therefore reasonable to expect that at a new conference the claims of coastal peoples who depended on fisheries would receive the same consideration as that given at Geneva to the questions of the bays and continental shelf.

5. There seemed to be a general realization that the two questions pending should be solved by adjusting existing law to the times, and that the adjustment should be made by taking together the two closely-related questions of the breadth of the territorial sea and fishery limits. Unless those two key questions were settled, the work of codifying the law of the sea would remain incomplete and anarchy would continue to prevail.

6. His delegation accordingly supported the proposal to call a second conference, and believed that it should be held soon, preferably in the middle of 1959.

7. Mr. STEWART (Union of South Africa) said that it was essential for States to join in making common rules of international law on the two questions outstanding and to reconcile their widely divergent views, thus providing a basis for the settlement of existing disputes and the avoidance of further disputes.

8. The adoption by the Geneva Conference on 27 April 1958 of a resolution for a new conference[2] showed that the majority of States concerned considered that the status quo was not satisfactory and that an agreed form of international regulation was desirable and necessary.

9. His delegation was in favour of calling a conference which should be adequately prepared. The Geneva Conference had failed to agree on the questions of the breadth of the territorial sea and fishery limits chiefly because of the lack of diplomatic and political preparation. It was therefore inadvisable to call the new conference for February 1959; the second half of 1959 seemed the earliest possible date which would allow for adequate preliminary work.

10. On the other hand, it was not advisable to defer calling a conference too long, because further international disputes could arise and existing ones become more difficult to settle. For those reasons, his delegation could not support the proposal to postpone the issue to the fourteenth session of the General Assembly nor could it support the seven-Power amendments (A/C.6/L.440) which would have the effect of leaving the unsettled questions in suspense until the end of 1959. That state of uncertainty might prove well-nigh intolerable to States faced with immediate and imminent international difficulties, and could lead to actions which otherwise might have been more restrained and less likely to increase international tension.

11. Under the seven-Power amendments, it would not be known whether the General Assembly, at its fourteenth session, would actually deal with the substance of the matter; operative paragraph 1, if amended in the manner proposed, would refer to "the consideration of the substance of these questions, if so decided". Delegations at the fourteenth session would not know whether it would be "so decided", and therefore would

1/ United Nations Conference on the Law of the Sea, Official records, Volume II: Plenary Meetings (United Nations publication, Sales No.: 58.V.4, Vol.II), annexes, document A/CONF.13/L.55.

2/ Ibid., document A/CONF.13/L.56, resolution VIII.

not come prepared to draft a convention in the Sixth Committee at that session. The seven-Power amendments would, if adopted, mean that nothing would be done until 1960 at the earliest, and that until the end of 1959 it would not be known what action, if any, it was proposed to take, and when.

12. For all those reasons, his delegation favoured the holding of the conference in July or August 1959 as proposed in the joint draft resolution (A/C.6/L.435).

13. Mr. CACHO ZABALZA (Spain) said that there appeared to be general agreement on the obvious need for a second conference. The only disagreement was on the time and place. His delegation would prefer the month of August and Geneva, though it would not oppose New York.

14. The Spanish delegation believed it advisable not to allow too much time to elapse before the second conference met, since that might lead to each coastal State solving the question by unilateral decision, leading to a condition of real anarchy.

15. The Geneva Conference had adopted four Conventions which had so far been signed by a large number of States and were well on the way to becoming generally applicable. That contribution to the progressive development of the law of the sea would, however, remain without effect unless rules concerning the breadth of the territorial sea and the limits of the jurisdiction of the coastal State in the matter of fisheries were duly laid down. If those matters were left to the unilateral decisions of States, conflicts could arise which would jeopardize good international relations and harmfully affect the livelihood of a large number of persons who were dependent on the living resources of the sea. The result would be to imperil peace and security, the maintenance of which constituted the foremost aim of the United Nations.

16. The Geneva Conference had failed to settle the two basic questions of the breadth of the territorial sea and fishery limits by a small difference of two votes against; the Conference, however, had agreed by a large majority on the desirability of holding a second conference which, if held after a period of consultations, would be able by means of mutual concessions to reach acceptable solutions.

17. The delegations most concerned in the dispute had already intimated that they would attend the second conference with a ready willingness to compromise in order to arrive at a settlement. The United Kingdom delegation had intimated (584th meeting, para. 24) that if it did not prove possible to settle the matter of fishery limits, the United Kingdom would be prepared to bring its dispute with Iceland before the International Court of Justice.

18. The Icelandic representative had, for his part, pointed out (583rd meeting, para. 9) that the Geneva Conference had thrown much light on the issues involved and had cleared the way for further work.

19. The Spanish delegation believed that it was not for the Sixth Committee to suggest terms for the solution of the two questions outstanding; that could only emerge from the discussions of the second conference. In view of the spirit of understanding and compromise announced by the parties, his delegation thought that a second conference might succeed in settling a chaotic situation which could lead to serious international complications, which must be avoided at all costs.

20. The Spanish delegation would vote in favour of the joint draft resolution, and would suggest that the Conference be convened in August 1959 at Geneva.

21. Mr. EL-ABDALLAH (Lebanon) said that the Sixth Committee debate had shown a wide divergence of views concerning the advisability of a new conference.

22. It was a little disturbing to small new nations like Lebanon to listen to arguments based on political considerations presented as legal formulas. It was apparent that the legal aspects of the questions at issue were only a by-product of political questions.

23. Although Lebanon was not a maritime Power and did not possess a large fishing fleet, it would like to see the questions of the breadth of the territorial sea and fishery limits settled in a manner satisfactory to all the parties concerned. His delegation favoured international co-operation, and believed that a compromise achieved at the conference table was indeed the best solution for the questions outstanding. His delegation, however, did not believe that there were any new circumstances to warrant the holding of a new conference in six or seven months' time, unless nations were prepared to attend it in a spirit of compromise. It was essential that the new conference should not constitute a mere continuation of the Geneva discussion.

24. The position of Lebanon on the substance of the matter had not changed since the Geneva Conference, where the Lebanese delegation had warned that any attempt to arrive at a single set of rules to cover totally different situations would only lead to deadlock and had stated:

> "The only practical solution was a plural one with regard both to time and to space. It was necessary to recognize the right of a State to modify the extent of its territorial sea in time of war. In addition, States had to be allowed to fix the breadth of their territorial sea between a minimum of three miles and a maximum to be agreed—one, however, which should not in any case exceed ten or twelve miles".[3]

25. The Geneva Conference had succeeded in codifying the easier aspects of the law of the sea, but had failed to settle the more difficult questions of the breadth of the territorial sea and fishery limits. If a new conference was to succeed on those two thorny problems, a greater spirit of compromise would have to be shown. If the majority desired a conference, the Lebanese delegation would not oppose it, but warned that it could only succeed if there were a better understanding of the aspirations of the smaller nations and a realization that the rules of the law of the sea had to be changed with changing times.

26. Lebanon, being a small nation, shared small nations' fears of economic and political encroachment by stronger Powers. As an Arab country, Lebanon was also concerned with the conflict in the territorial waters of the Arab States and in the question of the Gulf of Aqaba.

27. Mr. ABDESSELAM (Tunisia) said that, in giving his delegation's point of view, he would endeavour so far as possible to confine himself to the procedural questions whether a new conference should be called

[3] Ibid., Volume III: First Committee (United Nations publication, Sales No.: 58.V.4, Vol.III), 16th meeting, para. 33.

and, if so, on what date. Nevertheless, the discussion could not be confined strictly to procedure and he was therefore bound to touch on certain points of substance.

28. The results of the Geneva Conference needed little further comment. On 30 October 1958 Tunisia signed the Convention on the Territorial Sea and the Contiguous Zone, the Convention on the High Seas, the Convention on Fishing and Conservation of the Living Resources of the High Seas and the Convention on the Continental Shelf. Moreover, a beginning had been made to obtain the ratification of those instruments.

29. The results of the Geneva Conference were, in his view, important in three respects. First, from the technical point of view, the Conference had accomplished a considerable task in adopting a number of provisions on matters which had thus far been regarded as pertaining to pure science; the two most striking examples were the conservation of the living resources of the sea and the continental shelf. Secondly, the Conference had succeeded in codifying a very important branch of international law; that achievement was in many ways unsurpassed and a source of encouragement for the future. Lastly, the general spirit of the Conference had revealed a wholly new trend. More than eighty States had taken part, including some which had been on the international scene for many years and others which had only made their appearance thereon recently. Not all of them were equal in material power, nor did they all share the same political, social and economic organization or the same ideology. Yet the Conference had witnessed a practical application of the principle of equality of States: all those present had participated in the elaboration of rules of international law on an equal footing.

30. For all that, not all of the results of the Geneva Conference had been positive. The Conference had left in suspense the two important questions of historic waters and archipelagos, and—what was even more serious—had failed to establish the breadth of the territorial sea and of the fishery zones reserved to the coastal State. That was why the Conference had adopted its resolution of 27 April 1958, recognizing its failure to solve certain questions and requesting the thirteenth session of the General Assembly to study the advisability of calling a second conference. In his view, there was nothing more to the resolution than that, and the Conference had not prejudged the desirability of a second conference in any way. The final decision therefore was one solely for the General Assembly.

31. The Tunisian delegation had no hesitation in affirming that such a conference was necessary, as it had always supported every proposal calling for a conference of plenipotentiaries, and recognized that, in the case under discussion, such a meeting was further necessitated by certain special considerations. In the first place, his delegation deplored the partial failure at Geneva, and believed that a solution of the unsettled questions was absolutely essential. Secondly, under Article 13, paragraph 1, of the Charter, Member States were required to codify international law and ensure its progressive development, and the work done at Geneva had only marked one stage in that process. And thirdly, his delegation supported any endeavour designed to affirm the supremacy of international law in relations between States, and shared the French representative's regret that international law did not play a greater part in the work of the United Nations. He wished to stress, however, that small countries such as his would not be content with having rules of international law imposed upon them or with merely endorsing such rules. They were determined not to remain passive but to assist in the elaboration of the necessary provisions; and it was precisely because an international conference was the best instrument for the creation of generally acceptable standards that his delegation believed in the advisability of a second conference on the law of the sea to finish the work of the first.

32. With reference to the date of the second conference, he recalled that several delegations had pressed that it should be held in February or in the summer of 1959. They believed that the question of the breadth of the territorial sea and the related question of reserved fishery zones were sufficiently ripe for discussion to justify the hope that a solution could be reached speedily. But the Geneva Conference had come nowhere near to a solution of those two problems. Some speakers had referred to the United States proposal,4/ which had received 45 affirmative votes in plenary,5/ but that same proposal had been rejected in the First Committee by 38 votes to 36, with 9 abstentions.6/ In reality, therefore, that proposal was on the same footing as all the other proposals on the breadth of the territorial sea submitted to the Conference and not adopted. The Conference had decided absolutely nothing on that controversial issue and there were no grounds whatever for presumptions based on the numbers of votes cast for one proposal or another.

33. The Conference had found it impossible to adopt a satisfactory rule, the deadlock having been caused by certain delegations which had tried to secure the adoption of a rigid and uniform standard applicable to all, instead of agreeing to a rule which would take into account the varying interests of individual States. Yet the failure of The Hague Conference of 1930 should have served as a warning that a rule could never be generally acceptable unless it was based on reality; and the practice of States in the delimitation of their territorial waters was far from uniform. The fervent pleas heard both at Geneva and in the Sixth Committee on behalf of the three-mile rule as the sole unchallenged rule of international law would never conceal the fact that three miles could only be regarded as a minimum, and that there was no accepted rule establishing the maximum. It was noteworthy that all the proposals put to the vote at Geneva had called for either a six or a twelve-mile limit.

34. The defenders of the three-mile rule had often cited, in support of their thesis, excerpts from the decision of the International Court of Justice in the Fisheries Case between the United Kingdom and Norway.7/ That point had already been admirably dealt with by the Romanian representative, and a further study of the judgement had convinced the Tunisian

4/ Ibid., Volume II: Plenary Meetings (United Nations publication, Sales No.: 58.V.4, Vol.II), annexes, document A/CONF.13/L.29.

5/ Ibid., 14th plenary meeting.

6/ Ibid., Volume III: First Committee (United Nations publication, Sales No.: 58.V.4, Vol.III), 57th meeting.

7/ I.C.J. Reports 1951, p. 116.

delegation that—leaving aside the fact that the judgement had no binding force except between the parties and in respect of that particular case—certain other relevant facts had not been duly stressed.

35. The first of the passages usually quoted read as follows:

> "The delimitation of sea areas has always an international aspect; it cannot be dependent merely upon the will of the coastal State as expressed in its municipal law. Although it is true that the act of delimitation is necessarily a unilateral act, because only the coastal State is competent to undertake it, the validity of the delimitation with regard to other States depends upon international law." 8/

And the second read:

> "It is the land which confers upon a coastal State a right to the waters off its coasts. It follows that while such a State must be allowed the latitude necessary in order to be able to adapt its delimitation to practical needs and local requirements, the drawing of base-lines must not depart to any appreciable extent from the general direction of the coast." 9/

36. Those passages were supposed to denounce the unilateral determination by the coastal State of the breadth of its territorial sea, and the defenders of the three-mile limit added that any such act by the coastal State could have no effect in international law unless it was recognized by other States. What they failed to point out, however, was that the Court's judgement had no bearing whatever on the breadth of the territorial sea. It was clearly stated in the Court's judgement that the subject of the dispute had been "the validity or otherwise under international law of the lines of delimitation of the Norwegian fisheries zone laid down by the Royal Decree of 1935".10/ The Court went on to say that the four-mile limit claimed by Norway had not been the subject of the dispute, and had in fact been acknowledged by the United Kingdom.11/ Again, the operative part of the judgement established beyond all doubt that the Court had only concerned itself with "the method employed for the delimitation of the fisheries zone by the Royal Norwegian Decree of July 12th, 1935" and with "the base-lines fixed by the said Decree in application of this method".12/ It was thus clear that the Court had not considered the general principle of the breadth of the territorial sea but the very concrete question whether the Norwegian Government, in establishing straight base-lines, had respected international law.

37. Finally, the Court's judgement could not be fully appreciated without a consideration of the words which appeared between the two oft-quoted passages and which read as follows:

> "In this connexion, certain basic considerations inherent in the nature of the territorial sea, bring to light certain criteria which, though not entirely precise, can provide courts with an adequate basis for their decisions, which can be adapted to the diverse facts in question.
>
> "Among these considerations, some reference must be made to the close dependence of the territorial sea upon the land domain." 13/

The judgement as a whole showed, therefore, that in speaking of "delimitation" the Court had not envisaged a State's decision regarding the breadth of its territorial sea but merely the method which it had employed in order to show where its territorial sea began. There was thus nothing in the Court's judgement nor elsewhere in positive law to assist in the solution of the problem left unsettled by the Geneva Conference.

38. His delegation did not, of course, contend that each State could behave as it pleased. But there was a substantial body of precedent which indicated the applicable criteria, and, as long as it maintained those standards, the coastal State alone was competent to determine the breadth of its territorial sea in the light of its special circumstances and interests. As to the recognition of a State's unilateral decision by other States, the international community should strive to establish a general rule which would replace recognition—in itself unilateral and often arbitrary—by prior agreement. In other words, if there was a generally acceptable rule, any State which observed it would no longer need the recognition of others.

39. In conclusion, he expressed the belief that there had been no rapprochement between the conflicting positions maintained at the Geneva Conference, and that the second conference should not be called until there was some certainty that it would achieve positive results. A new conference in the immediate future might perhaps solve the question of the fisheries zone, recently made more acute by the unfortunate experience of which Iceland had been the victim, but a conference was a delicate instrument which should be used with great care. Any failure of the second conference would cast doubt on the value of conferences generally and injure the prestige of the United Nations. Nor would an early conference be likely to improve the general international situation. In fact, the question of defining aggression had been deferred in 1957 for the very reason that the international situation made agreement thereon unlikely. Since few would argue that the international situation had sufficiently improved since that time to justify hopes for an early general agreement on the breadth of territorial waters, the decision on the second conference on the law of the sea must not be premature.

40. Mr. GARCIA ROBLES (Mexico) recalled that in the First Committee of the Geneva Conference he had, as representative of Mexico, stated that the task of the Conference was to codify international law in a manner consistent with conditions existing in 1958, to establish the present position with regard to the delimitation of the territorial sea, and to determine the breadth regarded at present by the majority of the Governments represented at the Conference as satisfying the needs of their respective countries.14/

41. For that reason, his delegation had proposed that the Secretariat should draw up, in consultation with delegations, a summary table of the provisions of the laws and regulations in force in the States represented

8/ Ibid., p. 132.

9/ Ibid., p. 133

10/ Ibid., p. 125.

11/ Ibid., p. 126.

12/ Ibid., p. 143.

13/ Ibid., p. 133.

14/ 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), 20th meeting, para. 8.

at the Conference with regard to the breadth and juridical status of the belt of sea adjacent to their coasts.[15] From that document, which had been subsequently issued in revised form as a synoptical table (see A/C.6/L.438), it was apparent that the three-mile rule, which Gidel had referred to twenty-five years before as a "fallen idol", was now completely dead. International law, however, had to adapt itself to the conditions of actual life and not to anachronistic forms which represented only the interests of certain minorities. Any legal formula defining the breadth of the territorial sea should, therefore, be a faithful reflection of the customary rule of international law on the subject. That rule had a variable content and was based on the customary right of States and their sovereign power to fix varying limits for their territorial seas within reasonable bounds. That international customary rule was without any doubt the most important factor in the work of codification. The three-mile rule had no logical foundation, and although its advocates had not ventured to submit it to a vote at the Geneva Conference, or to defend it openly in the Sixth Committee, they had adopted the tactic of attacking, as "unilateral acts" of a purely internal character, any Government decision proclaiming a breadth in excess of three miles. They had supported their argument by citing the passage, often quoted, from the judgement given by the International Court of Justice on 18 December 1951 in the Fisheries Case on the international aspect of the delimitation of sea areas:

"Although it is true that the act of delimitation is necessarily a unilateral act, because only the coastal State is competent to undertake it, the validity of the delimitation with regard to other States depends upon international law."[16]

That passage did not support but completely demolished the argument. The key words were undoubtedly "international law" and in using such language it was obvious that the Court had meant the international law of today and not that of the time of Bynkershoek.

42. The two chief sources of international law with regard to the breadth of the territorial sea were treaties and international custom. With respect to the former, it had not only proved impossible to incorporate any provision of that kind in the conventions recently concluded at Geneva, but, as was well known, it had never been possible to codify the question of the breadth of the territorial sea in an international instrument. In the absence of any contractual instrument, international custom had, up to the end of the nineteenth century, furnished the sole legal basis for the defunct three-mile rule. That rule had never been generally observed; it was never accepted by the Scandinavian States, the Mediterranean countries, Russia and various Latin American countries. Notwithstanding that lack of uniformity, the three-mile rule could have been justifiably invoked in 1899. Since then half a century had passed. In 1958 the rule was repudiated by the immense majority of States. The only acceptable source of positive international law was the practice of the day. In the draft articles adopted by the International Law Commission at its eighth session (A/3159, para. 33), paragraph 2 of article 3 read as follows:

"The Commission considers that international law does not permit an extension of the territorial sea beyond twelve miles". That statement, interpreted in the light of the data supplied by the synoptic table, which showed that more than two-thirds of the coastal States of the world had established limits in excess of three miles, but in the majority of cases not over twelve miles, for their territorial seas, could be taken as constituting the customary rule of existing international law on the subject. The acts of those States which had set limits in excess of three miles could not be described as "unilateral acts"; on the contrary, those really guilty of "unilateral acts" were the States which had arrogated to themselves the power of prescribing, in a unilateral and arbitrary manner, limits of the territorial sea which had to be observed by all countries in the world. In so doing, they had, in effect, extended their pretensions to include the high seas, forgetting that article 1 of the Convention on the High Seas, which they themselves had signed at Geneva seven months before, provided that the term "high seas" should mean all parts of the sea that were not included in the territorial sea or in the internal waters of a State.

43. With respect to the joint draft resolution (A/C.6/L.435), he recalled that at the 583rd meeting he had asked two questions: first, what favourable new factors had arisen since the close of the Geneva Conference which gave reasonable justification for the hope that a second conference would prove successful in dealing with the topics left over from the first, and secondly, what formula, which would have to be an essentially arithmetical one, could offer reasonable prospects of achieving in 1959 what had proved impossible in 1958? In reply to the first, it must be stated that not only had no favourable new factor arisen but, on the contrary, one of the Member States of the United Nations, forgetting the obligations imposed on States by Article 2 of the Charter to refrain in their international relations from the threat or use of force, had created a situation in Icelandic waters which his delegation considered inexcusable. That situation was a new factor. In reply to the second question, it must be admitted that the sponsors of the joint draft resolution had not produced any new formula which had not already been exhaustively discussed at Geneva and rejected for not having received the requisite number of votes. In his opinion, the sole formula which would offer any prospects of success at a second conference would be the following proposal which had been submitted by Mexico and seven other Powers at the Geneva Conference:

"1. Every State is entitled to fix the breadth of its territorial sea up to a limit of twelve nautical miles measured from the baseline which may be applicable in conformity with articles 4 and 5.

"2. Where the breadth of its territorial sea is less than twelve nautical miles measured as above, a State has a fishing zone contiguous to its territorial sea extending to a limit twelve nautical miles from the baseline from which the breadth of its territorial sea is measured in which it has the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea."[17]

15/ Ibid., 14th meeting, para. 1.

16/ I.C.J. Reports 1951, p. 132.

17/ United Nations Conference on the Law of the Sea, Official records, Volume II: Plenary Meetings (United Nations publication, Sales No.: 58.V.4, Vol.II), annexes, document A/CONF.13/L.34.

44. Since, however, the statements made by the sponsors of the joint draft resolution did not offer the smallest hope that the above formula would receive the necessary number of votes, it must be concluded that a second conference would be doomed to a failure which would prevent the success of any new efforts for many years to come. For that reason, his delegation, after consultation with many other delegations, had joined in submitting the amendments to the joint draft resolution which were contained in document A/C.6/L.440.

45. The proposed fifth paragraph to the preamble stressed something which was not open to doubt, namely the necessity of undertaking considerable preparatory work so as to ensure reasonable probabilities of success.

46. In the proposed operative paragraph 1, the word "procedure" had been used deliberately, since it was sufficiently flexible to include any method which the General Assembly might consider useful for reaching an agreement, whether calling a second conference on the law of the sea or the appointment of a good offices committee for the purpose of reducing areas of disagreement between Member States. By providing that the Assembly could consider the substance of the two pending questions, the same paragraph would make it possible for an agreement to be concluded at the fourteenth session, or at a special conference immediately following it, provided that the optimistic predictions of the sponsors of the joint draft resolution proved justified. That procedure would have the advantage that if the necessary conditions for success were present, the desired result might be achieved not more than three or four months later than the date given in the joint draft resolution. On the other hand, it would avoid the danger of giving world opinion the impression of a complete failure should no agreement be reached at an international conference convened especially for the purpose.

47. Operative paragraph 2 made it clear that any decision on questions of such importance as the breadth of territorial waters and the extent of fishery limits would require a two-thirds majority vote, in conformity with the rules of procedure of the General Assembly.

48. Operative paragraph 3 constituted an additional proof of the spirit of constructive co-operation with which the amendment was conceived, and operative paragraphs 4 and 5 made specific mention of an important part of the preparatory work which would be required.

49. Of course, apart from the formulation of the observations referred to, it was essential that all threats or use of force in connexion with those questions should cease forthwith and that all Governments should endeavour, by means of preliminary exchanges of views and negotiations of a bilateral or regional character, to prepare the ground adequately for the adoption in due course of a general legal formula which would be in conformity with contemporary international practice and which could satisfy the claims, aspirations and legitimate interests of the coastal State.

50. Lastly, he expressed his conviction that sooner or later the agreement sought for at Geneva concerning the breadth of the territorial sea would be reached; but since such an instrument would have to be ratified as well as signed by all or by a large majority of the Governments of the world, time would be needed as well as a flexible approach on the part of all concerned, and the Committee should let itself be guided by those time-worn proverbs, common to all countries, which warned against undue haste.

The meeting rose at 1.5 p.m.

Litho. in U.N.

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