



UN/SA COLLECTION

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

SUMMARY RECORD OF THE SECOND MEETING

held on 19 April 1955 at 11 a.m.

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Chairman: Mr. Sunnanaa (Norway)

1. ORGANIZATION OF THE WORK OF THE CONFERENCE

The CHAIRMAN, reviewing the scope of the problems before the meeting and possible ways of tackling them, recalled that a conference on the conservation of the living resources of the sea was dealing ipso facto with an industry which, though ranking second or lower in the industrial life of most countries, was important in the aggregate, and involved problems which had not always been given the requisite administrative priority. As compared with other primary industries such as agriculture, fishery posed several international resource problems of a special nature. The equipment for fishery exploitation was national in character, and its manpower was divided by national boundaries. Organizational forms might vary from country to country, but fish moved about without respect for national limitations. In both agriculture and fishery, information on production methods crossed frontiers, but the trees, grass and plants grow inside them. In agriculture "harvesting" was a national affair, whereas in fisheries the crop was most often common property. Hence the overwhelming need for mutual understanding of its problems and for agreement on its rational exploitation.

A crucial fact was that although much knowledge had still to be collected, collated and interpreted, the hope shared by all countries of rationalizing their industries reasonably soon made it essential from the outset to take the conservation problems into account. If soil productivity was largely dependent on care and treatment, resources over which the same control and management were not yet effective deserved all the more attention.

Since fishery conservation had first formed the subject of international discussions, there had been enormous wastage of fish. Though it was comparatively easy to guess the sea's wealth in fish, actual and potential, the best possible exploitation from an international point of view was a difficult and very complicated matter. All resources had their limits, and expansion of fishery could not be planned without taking thought for conservation. Some resources had already reached the danger point and others were nearing it. Though in some cases the degree of wasteful exploitation was small, all resources might need the most careful attention.

It was generally agreed that the countries differed in their views. The near-shore resources of a given country might differ alike in their main characteristics and from one region to another. The various countries differed in their traditions, their population problems and the whole structure of their industrial life. Such differences, instead of separating, could and should become a challenge to a constructive exchange of views between delegates who had the one thing in common: the need to ascertain the best possible food supply for their peoples immediately and in the future.

The events which had led the United Nations General Assembly to decide to convene an international conference of fisheries experts were recorded in the draft articles on fisheries drawn up by the International Law Commission and quoted in the latter's report on its Fifth Session held in August 1953 (General Assembly, Official Records: Eighth Session, Supplement No. 9 (A/2456)). It would be recalled that the Commission's terms of reference had included two closely related questions, the Régime of Territorial Waters and the Régime of the High Seas. On the latter question, the Commission had drafted certain articles concerning the continental shelf and others concerning fisheries; the texts dealing with fisheries were contained in Articles 1, 2 and 3 on page 17 of the Commission's Report.

From the annotations to those draft articles it followed that the International Law Commission had intended that the General Assembly should give its approval to the principles expressed therein. The Commission had stated, however, that only a detailed convention or conventions could translate those principles into a system of working rules, a matter which should be considered by fisheries experts.

The Law Commission's draft articles had gone before the United Nations General Assembly in the autumn of 1953, when it had been decided not to proceed in the matter at that time, on the grounds that all the problems relating to the Régime of Territorial Waters and the Régime of the High Seas should be considered together. Several nations had however raised the question again in August 1954 when it had been proposed to place on the Agenda of the Ninth General Assembly the item, the Economic Development of Fisheries and the question of Fishery Conservation and Regulation. They had pointed out that to consider all the questions connected with Territorial Waters and the High Seas would take a long time, and that meanwhile a number of other problems concerning fisheries deserved the earliest possible consideration, and they had therefore proposed that an international conference of fisheries experts be held to make recommendations and report upon the international problems of the conservation of the resources of the sea. That proposal had finally been approved by the General Assembly in the amended form in which it appeared in document A/RESOLUTION/268.

All representatives realized the very great importance to all nations of the International Law Commission's task of formulating and proposing international legal rules for the regulation of fisheries. As he understood it, the present Conference's task was to supply the International Law Commission with the basic material for its consideration, but not to try to amend or re-draft the articles proposed by the Commission.

Dealing with the Conference's working arrangements, the CHAIRMAN thought it would be agreed that in the early stages at any rate the best work could be done in plenary session. To relieve the consequent strain upon himself he would appreciate having the help of a Deputy Chairman and of a small number of Vice-Chairmen, who might represent the principal fishery regions of the world. The Chairman, the Deputy Chairman and the Vice-Chairmen would constitute the General Committee of the Conference. The regions to be represented might be Western Europe (including the Mediterranean) with three representatives, North America with one representative, Latin America with two, Eastern Europe with one, and the Far East with two. The General Committee would thus consist of nine persons in all, including the Chairman and the Deputy Chairman.

As regards the order of business, he would suggest that the Conference proceed on the basis of the new provisional agenda contained in document A/CONF.10/1/Rev.2.

In view of the highly specialized nature of the Conference, the large number of countries represented and the consequent shortness of time for the specific business in hand, he would suggest that it might be hardly necessary for delegates to make general statements on the subject of fishery conservation.

The Conference's first task should be to adopt the Rules of Procedure. Those contained in Document A/CONF.10/4 had been prepared on the basis of a shortened form of the rules of the General Assembly which was in common use among various international commodity conferences sponsored by the United Nations. They would require certain slight amendments - to be circulated later - necessitated by his general proposals for the Conference's arrangements.

The Conference might then proceed to elect a Credentials Committee to consist of a suitable member from each of the delegations of the following countries: Brazil, Canada, Egypt, Indonesia, Japan, Mexico, the Netherlands, Poland, the Union of South Africa.

The next task would be to adopt the agenda and he thought the provisional agenda circulated in document A/CONF.10/1/Rev.2 could be accepted since the very slight variations which it made on the provisional agenda previously circulated had only been introduced in order to harmonize with his general proposals.

The Conference would then proceed to elect a Deputy Chairman, receive the Report of the Credentials Committee, if completed, and elect the seven Vice-Chairmen.

When the Conference reached the substantive items of the agenda, commencing with item 9, he would propose that the author of the relevant technical background paper or some other suitable person should give a brief and simplified summary of the paper, after which he would call on representatives for comments. He would then suggest that a small working party be set up to examine the technical paper in the light of representatives' comments and produce a short report on what might be termed the consensus of the Conference on the relevant item. The working party's report would then be examined by the General Committee with a view to its proper presentation and co-ordination with the reports of other working parties. If the General Committee had difficulty in accepting statements in any working party's report on matters of substance, it would make such difficulties plain in reporting back to the next plenary session. In case of issues of particular difficulty, it might be found necessary to appoint a drafting committee.

The advantages of that procedure were, firstly, that the Conference could concentrate the bulk of its discussions into plenary sessions, in which discussions would be on the wildest possible basis. Next, with small working parties it might be possible for one or even two parties to work on their reports while the Conference continued in plenary session. Again, the production of short reports by the working parties every three or four days would produce a certain continuity in the discussions. Finally, at the end of about a fortnight's work the Conference would be in possession of four or five agreed reports on the consensus of the Conference as to the chief items on the agenda and those reports could be used as the basis for the Conference's final Report and Recommendations.

He felt that those arrangements represented a fair and expeditious way of conducting the Conference's business. While the provisional arrangements made by the Secretariat in consultation with FAO for the business of the Conference could be adapted to meet other ideas, it should be pointed out that the scope for change was not unlimited, more particularly in view of the restricted language facilities and of the budgetary limits approved for the Conference.

Mr. BABAIAN (Union of Soviet Socialist Republics) noted that, despite the importance to all countries of the problems to be discussed, the People's Republic of China was not represented at the Conference. The presence at the Conference of the representative of the Chiang Kai-shek clique was illegal; the Kuomintang had been unanimously rejected by the entire Chinese people which could, in the circumstances, only be legally represented by a representative of the Central Government of the People's Republic of China.

China had extensive fishing interests in three seas and in the Pacific Ocean and since its participation in the work of the Conference would be of the greatest value, he proposed that the representative of the Chiang Kai-shek clique be excluded from the Conference and that an invitation be sent to the Central Government of the Chinese People's Republic on behalf of the Conference to send a representative as soon as possible.

Mr. HERRINGTON (United States of America) pointed out that the Conference had been called by the United Nations General Assembly in virtue of the Resolution 900 (IX) of 14 December 1954 and had for its sole purpose to make scientific and technical resolutions for the international conservation of the living resources of the sea. The Assembly had entrusted related tasks to the International Law Commission and the work before the Conference was to assist that Commission to formulate its final report. The same resolution invited the Member States of the United Nations and of the specialized agencies to attend. As the Soviet Union representative was proposing that States not members of those organizations should participate, Mr. Herrington would invite the Conference not to consider any proposals to that effect.

Mr. WEI (China) had hoped, considering the urgent nature of the problem before the Conference, that the Soviet Union would abstain from raising extraneous questions. The Soviet Union has sought without avail very many times in the past few years to challenge the representation of the Government of China, thereby wasting much time. He recalled that the last General Assembly of the United Nations had decided not to discuss further in the current year the question of Chinese representation. It followed that it was most certainly not within the competence of the present technical conference to deliberate on, far less to judge, so important a political issue. He therefore supported the proposal of the United States delegation.

The CHAIRMAN pointed out that under operative paragraph 2 of General Assembly Resolution 900 (IX) he could only rule the Soviet Union proposal out of order.

Mr. BABAIAN (Union of Soviet Socialist Republics) having requested that the Chairman's ruling be put to the vote, that ruling was upheld by 34 votes to 4, with 1 abstention.

Mr. HERRINGTON (United States of America) warmly supported the Chairman's masterly summary of the state of the problems before the Conference and his practical suggestions for its organization and operation.

Mrs. RATUSZNIAK (Poland) said she had supported the Soviet Union proposal.

She also proposed an amendment to the Rules of Procedure, whereby Russian would be included with English, French and Spanish, among the working languages of the Conference.

The EXECUTIVE SECRETARY pointed out that the financial limits permitted only those languages already recognized in the provisional Rules of Procedure. The Secretariat was happy to provide interpretation from and into Russian of speeches from the floor, but could not undertake to translate documents from and into that language.

Mr. BABAIAN (Union of Soviet Socialist Republics) was surprised that the provisional Rules of Procedure did not mention Russian as one of the working languages of the Conference. He requested that the words "and Russian" be added to the text of Rule 36 after the word "Spanish".

The CHAIRMAN proposed that any questions regarding the use of a fourth language be considered in connexion with Item 3 of the Agenda - Adoption of Rules of Procedure.

It was so agreed.

Mr. K.E. BABAIAN (Union of Soviet Socialist Republics) disagreed with the ruling of the Chair on the question of Chinese representation and said it would not contribute to the success of the Conference.

In view of the fact that the representatives of the German Federal Republic and South Korea present at the Conference did not represent the whole of Germany and the whole of Korea, he wished to propose that the German Democratic Republic and the People's Republic of Korea also be invited to send representatives to the Conference. Their participation would contribute greatly to the discussion and the solution of the questions to be studied by the Conference.

Mr. RATUSZNIAK (Poland) endorsed the views expressed by the Soviet Union representative. It was only equitable that representatives should be invited from the People's Republic of China, which governed such an enormous population and could make a valuable contribution to the work of the Conference. The German Democratic Republic and the People's Republic of Korea, which had considerable interest in fisheries, should also be invited to send representatives.

Mr. PYO WOOK HAN (Republic of Korea) congratulated the Chairman on his clear statement of the objectives of the Conference, for whose achievement the Korean Government was anxious to co-operate to the fullest extent. The Conference was a technical one, and its composition had been very clearly defined in General Assembly Resolution 900 (IX). It was regrettable, therefore, that the USSR had made proposals which were completely out of order.

The Republic of Korea has been created in accordance with democratic principles and with the full co-operation of the United Nations in an effort to secure peace and order. At that time the overwhelming majority of the nations had voted that his Government was the only legal government of the country and that it expressed the will of the people. With the help particularly of the United States of America, the Korean Government had been making great progress in developing the nation as an independent political and economic unit, when in 1950 the country had been invaded by enemy forces. The proposal to oust the Republic of Korea should be ruled out of order immediately in order that the discussion of relevant questions might be continued.

Mr. HERRINGTON (United States of America) moved that the proposal of the USSR representative be ruled out of order.

The CHAIRMAN ruled out of order the USSR proposal with regard to the German Democratic Republic and the People's Republic of Korea. He requested comments on his suggestions as regards procedure.

Mr. WALL (United Kingdom) agreed with the United States representative that the Chairman's proposals represented a just and fully adequate manner of conducting the business of the Conference.

The Chairman's proposals for the organization of the Conference's work were adopted. The Soviet and Polish delegations, however, indicating that for the reasons already stated they challenged his ruling on the USSR proposal concerning the German Democratic Republic and the People's Republic of Korea.

2. CONSIDERATION OF THE RULES OF PROCEDURE (Item 3 of the provisional agenda - A/CONF.10/4)

The CHAIRMAN called upon the Executive Secretary to introduce the provisional Rules of Procedure as contained in document A/CONF.10/4.

The EXECUTIVE SECRETARY read out the provisional Rules of Procedure, and drew attention to certain amendments which should be incorporated consequent upon the adoption of the Chairman's proposals with respect to conference procedure.

Rules 1 to 4 no change.

Rule 5 should read: "The Conference shall elect a Chairman, Deputy Chairman and Vice-Chairmen ..."

Rule 6 no change.

Rule 7 should read: "If the Chairman is absent from a meeting or any part thereof, the Deputy Chairman shall take his place. If the Chairman and the Deputy Chairman are both absent, the Chair shall be occupied in rotation at successive meetings by the Vice-Chairmen in the English alphabetical order of the names of their countries."

Rule 8 should read: "The Deputy Chairman and the Vice-Chairmen acting as Chairman..."

Rule 9 should read: "The Chairman, Deputy Chairman and Vice-Chairmen acting as Chairman ..."

Rules 10 and 11 no change.

Rule 12, in its last line, should read: "... the adjournment of the meeting or of the debate on the item under discussion."

Rules 13 to 39 no change.

Rule 40 should be deleted, and the numbers of the subsequent rules amended accordingly. The texts of these rules remained unchanged, except for the substitution of the word "delegations" for "delegation" in the proposed Rule 43 (formerly Rule 44).

The CHAIRMAN suggested that discussion of the amendments proposed in the Rules of Procedure be deferred until they had been circulated in writing.

It was so agreed.

The meeting rose at 12.50 p.m.