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

Rome - 18 April 1955

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

GENERAL COMMITTEE

PROVISIONAL SUMMARY RECORD OF THE ELEVENTH MEETING

held on 4 May 1955 at 4.30 p.m.

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Corrections to the provisional summary records which delegations wish to have entered in the final summary records should be sent - if possible, on a copy of the appropriate provisional summary record - to Room 337-A.

UN/SEA-364

Present:

CHAIRMAN: Mr. SUNNANAA (Norway),	Chairman of the Conference
Mr. GARCIA-AMADOR (Cuba)	Deputy-Chairman of the Conference
Mr. ANDERSON (Australia)	Vice-Chairman of the Conference
Mr. CHOPRA (India)	" " " " "
Mr. D'ANCONA (Italy)	" " " " "
Mr. FUJINAGA (Japan)	" " " " "
Mr. ALVAREZ DEL VILLAR (Mexico)	" " " " "
Real-Admiral LLOSA (Peru)	" " " " "
Mr. DIAZ DE ESPADA (Spain)	" " " " "
Mr. BABAIAN (Union of Soviet Socialist Republics)	" " " " "
Mr. WALL (United Kingdom)	" " " " "
Mr. HERRINGTON (United States of America)	" " " " "
Mr. KASK (Canada)	Rapporteur of Drafting Sub-Committee I
Mr. BASTER	Executive Secretary.

1. CONSIDERATION OF THE THIRD REPORT OF DRAFTING SUB-COMMITTEE I TO THE GENERAL COMMITTEE ON THE CONSENSUS OF THE CONFERENCE ON ITEM 9 OF THE AGENDA (A/CONF.10/GC.1 and GC.2/Rev.2)

Mr. KASK, Rapporteur of Drafting Sub-Committee I, introducing the Sub-Committee's third report (A/CONF.10/GC.2/Rev.2), said that the Colombian representative had requested that his views on paragraph 3 should be mentioned to the General Committee, viz:- "The measures adopted to this end should take into account the needs of countries having direct access to these resources". 1/

Paragraph 1 was adopted with the deletion of the words "and other" after the word "scientific".

Paragraph 2 was adopted with the addition of the word "scientifically" before "sound".

Mr. GARCIA-AMADOR (Cuba), Deputy Chairman, said that the definition, as proposed by the Drafting Sub-Committee, expressed only the scientific and technical aspects of conservation, and left out its social and economic aspects, which his delegation and that of Mexico considered essential, and had included in their working paper (A/CONF.10/GC.1). These, as expressed in particular in the last two sentences of paragraph 2 of that document, should appear in the report in order that for the fulfilment of its mandate the International Law Commission might be in possession of a complete, instead of only a partial, concept of the aim of conservation.

Mr. ALVAREZ DEL VILLAR (Mexico) proposed the addition of those two sentences to paragraph 3 of the report.

Rear-Admiral LLOSA (Peru) suggested that the report should merely include a paragraph expressing the opinion of those countries which had disagreed with its final text.

Mr. DIAZ DE ESPADA (Spain) and Mr. FUJINAGA (Japan) pointed out that non-coastal countries might be as deeply concerned as coastal countries with the conservation of resources.

Mr. GARCIA-AMADOR (Cuba), Deputy Chairman, remarked that if all reference to the interest of coastal countries were excluded on the ground that it was not a scientific and technical consideration, the clause "so as to give the greatest benefits to mankind" was equally unjustified, as it referred to a social aim.

1/ Original Spanish text:

"Las medidas que se adopten para este efecto tomaràn en cuenta preferentemente las necesidades de los países con acceso directo a tales recursos."

Rear-Admiral LLOSA (Peru) said that the question of the interests of coastal countries was one of priority. Some countries had an economic interest in the exploitation of a resource, whereas others had a vital interest in them.

Mr. WALL (United Kingdom) reminded the meeting that item 9 was solely concerned with maintaining the production of a resource and not with the part that a coastal State should play in maintaining it. That could be dealt with later under item 12.

Mr. DIAZ DE ESPADA (Spain) proposed that the whole report should be replaced by one paragraph reading:-- "The objective of conservation of the living resources of the sea is to maintain them in such condition that they can give the maximum possible sustainable yield".^{1/} That text covered all the aims of conservation but did not prejudice the question of distribution.

The CHAIRMAN did not think it would be wise at that stage to replace by a new draft the report to which the Sub-Committee had given long and careful consideration.

Mr. DIAZ DE ESPADA (Spain) proposed that in paragraph 3 the word "principal" should be inserted between "the" and "objective".

Mr. BABAIAN (Union of Soviet Socialist Republics) thought that the question of the special interest of coastal States was a complicated one and was outside the terms of reference of the Committee and even of the Conference.

Mr. HERRINGTON (United States of America) proposed that if any mention at all were made of coastal States, it should merely take the form of the addition at the end of paragraph 3 of the words "Account should be taken of the needs of the coastal State and of its special interest in maintaining the productivity of the resources of the high seas near to its coasts".

Mr. WALL (United Kingdom) did not see what concrete bearing such a clause could have on regulations such as those governing the size of the meshes of nets. He proposed that paragraph 3, instead of being lengthened, should be shortened to read "The principal objective of conservation of the living resources of the seas is to obtain the optimum sustainable yield so as to secure a maximum supply of food and other marine products".

The representatives of Japan, Italy, the Union of Soviet Socialist Republics and Australia supported that proposal.

1/ Original Spanish text:

"Conservar los recursos vivos del mar es mantenerlos en tal forma que den el máximo rendimiento posible continuado".

Rear-Admiral LLOSA (Peru) and Mr. CHOPRA (India) supported Mr. Herrington's proposed addition to paragraph 3.

Mr. HERRINGTON (United States of America) explained that he preferred the paragraph as it stood with the amendment suggested by Mr. Wall. He withdrew his proposal, which Rear-Admiral LLOSA (Peru) then resubmitted as his own.

That proposal was put to the vote and rejected by 5 to 6, with 1 abstention.

Mr. Wall's amendment was adopted by 8 to 1, with 3 abstentions. It was agreed that the voting on both proposals should be recorded in the report to the plenary Conference.

The CHAIRMAN called for a vote on paragraph 3, as amended and as a whole.

Mr. ALVAREZ DEL VILLAR (Mexico) requested a vote by roll call.

Upon a vote being taken by roll call, the members of the General Committee voted as follows:-

For: Mr. Anderson (Australia), Mr. Chopra (India), Mr. D'Ancona (Italy), Mr. Fujinaga (Japan), Mr. Sunnanaa (Norway), Mr. Diaz de Espada (Spain), Mr. Babaián (Union of Soviet Socialist Republics), Mr. Wall (United Kingdom), Mr. Herrington (United States of America).

Against: Mr. Alvarez del Villar (Mexico).

Abstentions: Mr. Garcia-Amador (Cuba), Rear-Admiral Llosa (Peru).

Paragraph 3, as amended and as a whole, was approved by 9 votes to 1 with 2 abstentions.

Mr. GARCIA-AMADOR (Cuba), explaining his abstention, said that the paragraph in its final form contained no elements likely to be useful to the International Law Commission.

Mr. ALVAREZ DEL VILLAR (Mexico) said he had voted against the paragraph because the social and economic aspects of the objective of conservation had been omitted.

Rear-Admiral LLOSA (Peru) had abstained from voting because no reference had been made to populations directly dependent on the resources of the sea.

The third report of Drafting Sub-Committee I (A/CONF.10/GC.2/Rev.2), as amended and as a whole, was approved for transmission to the Conference for consideration in plenary session (see A/CONF.10/L.28).

2. CONSIDERATION OF THE REPORT OF DRAFTING SUB-COMMITTEE III TO THE GENERAL COMMITTEE ON THE CONSENSUS OF THE CONFERENCE ON ITEM 12 OF THE AGENDA (A/CONF.10/GC.5/Rev.1, A/CONF.10/GC.6/Rev.1, A/CONF.10/GC.7).

Mr. HERRINGTON (United States of America), Rapporteur of Drafting Sub-Committee III, introducing the report, said that the Sub-Committee had held six meetings and had received no less than 29 proposals from 11 different countries, and statements from many experts and others. The sources of information drawn upon had been (a) background papers, (b) statements by delegations in plenary sessions and (c) written proposals or material presented by delegations. No attempt had been made to decide upon the area of competence of the Conference respecting material or proposals, or upon the question whether any specific proposal submitted to the Drafting Sub-Committee came within the competence of the Conference. Any proposals which fell outside the scope of agenda item 12 would be referred to the General Committee. The Drafting Sub-Committee had reached complete agreement on the report before the General Committee.

On the proposal of the CHAIRMAN it was agreed to defer consideration of the report to the Committee's next meeting.

3. PROGRAMME OF WORK

The EXECUTIVE SECRETARY referred to his statement at the previous meeting (see A/CONF.10/GC/SR.10, page 3) concerning the possible prolongation of the Conference. It would be desirable to know which delegations would be prepared to support an application for additional funds.

The Cuban and Peruvian representatives were convinced that the Conference could and should finish its work on Saturday evening, 7 May 1955; they would have great difficulty in supporting any such application.

The Australian, Indian, Japanese, Mexican, USSR, United Kingdom and United States representatives stressed the importance of finishing on time if possible, but would be willing to support an application if the Conference could not otherwise complete its work. The United Kingdom representative, with whom the Japanese representative agreed, added that it might take some time for an application to be approved and urged that precautionary action should be taken before it was too late.

The Spanish representative thought that the Conference should make every effort to keep to its schedule. He could not discuss the financial implications of a possible prolongation because his Government was not a member of the United Nations.

The Italian representative hoped that the Conference would try to finish its work on Saturday, but thought that two extra days should be taken if absolutely necessary.

The meeting rose at 7.30 p.m.