GENERAL COMMITTEE

PROVISIONAL SUMMARY RECORD OF THE TWELFTH MEETING
held on 5 May 1955 at 9.30 a.m.

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Present:

CHAIRMAN: Mr. SUNNANAA (Norway), Chairman of the Conference

Mr. ANDERSON (Australia)  
Mr. CHOPRA (India)  
Mr. D'ANCONA (Italy)  
Mr. FUJINAGA (Japan)  
Mr. ALVAREZ DEL VILLAR (Mexico)  
Rear-Admiral LLOSA (Peru)  
Mr. BABAIB (Union of Soviet Socialist Republics)  
Mr. WALL (United Kingdom)  
Mr. HERRINGTON (United States of America)  
Mr. PEDROSA, replacing Mr. Diaz de Espada (Spain)  
Mr. BASTER Executive Secretary


The CHAIRMAN thought paragraph 1 of the report did not provide a sufficiently general picture of the situation in the various regions and undertook to submit an alternative draft.

Mr. WALL (United Kingdom) pointed out, with reference to paragraph 2, that the 1946 Permanent Commission based its regulation activities on extensive scientific and technical research and it was therefore incorrect to classify it in category b. of paragraph 1.

Also the Convention referred to in paragraph 2 as applying to the North Sea and adjacent waters in actual fact covered the North Sea and the entire Northeast Atlantic. The paragraph should be amended accordingly.

The CHAIRMAN had misgivings about the wording of paragraph 3 and undertook to submit a revised draft at a later stage.
The CHAIRMAN and Mr. WALL (United Kingdom), referring to paragraph 4, pointed out that in a number of countries measures for enlisting public interest and support had not been restricted to the setting up of advisory committees.

Mr. HERRINGTON (United States), speaking as Rapporteur of Drafting Sub-Committee III, said the report dealt with the provisions of existing conventions only. It would be difficult to broaden its scope and include other measures at that stage.

Mr. WALL (United Kingdom) pointed out that in paragraph 6, line 2 the reference should be to the "International Commission for the Northwest Atlantic Fisheries".

The CHAIRMAN thought paragraph 6 did not give the correct reason for the sub-division into smaller areas and proposed that it be redrafted.

Mr. FUJINAGA (Japan) explained that his country was in the position of having abstained from fishing in the North Pacific under certain specific conditions laid down in the International Convention for the North Pacific Fisheries. It was important that those conditions should be brought to the notice of the international bodies concerned. In that connection he proposed that paragraph 8 be amended in accordance with the proposal of the Japanese delegation contained in document A/CONF.10/GC.9.

Mr. CHOPRA (India) could not agree to the inclusion, in paragraph 8, of any phrase which was not contained in the international convention in question.

Mr. FUJINAGA (Japan) agreed to withdraw from the proposed Japanese amendment the last sentence beginning: "The question of "coastal State" ....".

Rear-Admiral LLOSA (Peru), referring to paragraphs 9, 10 and 11, requested that reference be made, on a level with the other two conventions mentioned there, to the Permanent Commission for the Exploitation of the Maritime Resources of the South Pacific. In paragraph 11, line 4 the word "convention" should be replaced by "Commission" and "activities" by "deliberations".

Mr. WALL (United Kingdom) thought paragraph 11 should be re-drafted to avoid giving the impression that the Inter-American Tropical Tuna Fishing Convention was the only convention open to all countries exploiting a given resource.

The CHAIRMAN proposed that Section E of the report be reconsidered since it touched upon the problem of the coastal State.

Mr. WALL (United Kingdom), supported by the CHAIRMAN, proposed that paragraph 13 on the sharing of the cost of international conventions be omitted.
Mr. CHOPRA (India) said that since the report was intended to be a mere statement of fact, the phrase "Conventions should be capable of adjustment" at the beginning of paragraph 14, should be deleted.

The CHAIRMAN felt that the same remark applied to the first sentence of paragraph 12.

Mr. D'ANCONA (Italy) thought the comment in paragraph 17 was unnecessary as it was already contained in the heading.

The CHAIRMAN thought that the part of the report dealing with item 12(a) of the Agenda was on the whole incomplete and suggested that further consideration of it be postponed.

It was so agreed.

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

It was agreed that the word "future" be deleted from the fourth line of the report of Drafting Sub-Committee III on item 12(b) (A/CONF.10/GC.6/Rev.1).

Mr. TSURUOKA (Japan) proposed that paragraph 1 be completed by the following:

"However, a large number of countries are opposed to the idea of granting coastal States the right to regulate the conservation of the stock in question unilaterally. In their opinion, such conservation should be regulated through agreement between all the States concerned; research is not necessarily less advanced in non-coastal States than in others; if the agreement referred to cannot be reached in a particular case, provision would have to be made for action by an appropriate international organization in order to find a practical solution."

The CHAIRMAN invited members to state their views as to whether or not questions pertaining to coastal States came within the Conference's terms of reference as laid down in the General Assembly Resolution 900 (IX). He himself considered such matters as belonging to the "related problems awaiting consideration by the General Assembly" mentioned in the first operative paragraph of the resolution.

Mr. BABAIA (Union of Soviet Socialist Republics) agreed with the Chairman's interpretation.

Mr. GARCIA-AMADOR (Cuba), was of the opinion that the "related problems," as defined in the fourth paragraph of the preamble to the Assembly resolution, did not include those pertaining to coastal states. Since ninety per cent of all fisheries were situated near those States, it was only just that their position should be considered and that there should be no discrimination between them and non-coastal States in relation to any given fishery.
Such a distinction would introduce the very legal aspect which members were so anxious to avoid. It was not necessary to examine the rights and obligations of coastal States, but their interests should be taken into account in the same way as those of other nations. It would be most unrealistic for the Conference to ignore the question, particularly as new problems were arising from the fact that coastal States were beginning to resort to unilateral action.

The CHAIRMAN said that his Government's understanding of the Assembly resolution was that all problems having a particular bearing upon coastal States, whether of an economic, social or juridical nature, were outside the scope of the Conference. Accordingly, his delegation was composed of fishery scientists who were not competent to discuss other than technical matters.

Mr. HERRINGTON (United States of America) said that his delegation was in the same position as the Norwegian delegation.

Rear-Admiral LLOSÁ (Peru) felt that the Conference would be misinterpreting both the spirit and text of the Assembly resolution if it did not assist the International Law Commission in solving technical problems which might be indirectly related to the legal aspect of conservation. The question had been raised for purely technical and scientific reasons. If the depletion of stocks which had occurred in other regions became evident in coastal waters, the coastal State would be required to co-operate in enforcing conservation measures.

Mr. CHOPRA (India), referring to paragraph 1 of the Assembly resolution, saw no reason to exclude coastal waters and to confine the Conference's work to the high seas.

Mr. PADROSA (Spain) recalled the inaugural statements of the Chairman and of the Secretary-General's representative in which they had emphasized the technical and scientific character of the Conference. In all the subsequent discussions, the consensus had been in accordance with that view, which correctly interpreted the terms of the reference, although the inter-relationship of juridical and technical questions could not be denied. If special interests were to be considered, then other factors besides geographical position, such as intensity of fishing effort, etc., must be taken into account. In that case, however, the General Assembly should convene another conference to deal with practical rather than scientific questions.

Mr. ALVAREZ DEL VILLAR (Mexico) felt that, besides biology, the economic and social sciences were extremely important in fishery conservation.

Mr. ANDERSON (Australia) did not believe that the Chairman's view was in accordance with the wishes of the General Assembly. The discussions which had finally resulted in the adoption of Resolution 900(IX) brought out the fact that the General Assembly, realizing that the preparation of draft articles for the international regulation of fisheries might take a number of years and that meanwhile fishery disputes would remain unsettled, had decided to convene an international meeting, composed largely of technical experts, to study certain basic aspects of the international regulation of fisheries, as mentioned in the preamble of the resolution. Clearly, those basic aspects included economic as well as biological questions.
Mr. GARCIA-AMBADOR (Cuba), Deputy Chairman, thought it was clear from the records of the discussions which had led up to the convening of the Conference that, except for the juridical regulation of fisheries, all questions, including economic development, were to be considered by the Conference.

Mr. WALL (United Kingdom) felt that within the scientific and technical context of conservation the coastal State should receive full consideration. It should have the right to participate fully in preliminary investigations and in regulatory action, and should have the assurance that all countries would be bound by such regulations. Arbitration of disputes might also be given an international aspect within that context. It was very difficult, however, to differentiate between the technical and economic sides of the question, and it might be difficult to apply the economic concept within the technical field, which was that assigned to the Conference. Therefore, although it might be feasible to make some statement on the economic and social implications of fisheries, anything more was a matter for governments rather than technical experts.

Mr. ALVAREZ DEL VILLAR (Mexico) considered that the Conference was less concerned with the pure than with the applied sciences. It was quite in order therefore to examine the economic and social aspects of securing the maximum supplies of nutrients for the world's population.

Mr. D'ARCONIA (Italy) felt that the discussion had shown how difficult it would be for the Conference to reach any kind of agreement if it dealt with the question of coastal States.

Mr. CHOPRA (India) held that the introduction of conservation measures in any sea area was basically an economic problem, although there were scientific reasons for it. Why then was a distinction made between coastal waters and other areas?

The CHAIRMAN said that the juridical aspect was inherent in any question of preferential treatment. The problem of coastal States was outside the scope of the Conference, and he accordingly could not participate in any such discussion.

Mr. ALVAREZ DEL VILLAR (Mexico) emphasized that no priority had been requested for coastal States; all that was proposed was that their interest in conservation and its effects upon their economy should receive due consideration.

Mr. HERRINGTON (United States of America) suggested that in deciding whether questions relating to coastal States came within the terms of reference of the Conference, the Committee might be guided by three criteria:

1) Could such questions be regarded as conservation problems?
2) Did they prejudge the related problems awaiting consideration by the General Assembly?
3) Were they of a scientific and technical nature?

At the CHAIRMAN's suggestion, it was agreed to place Mr. Herrington's proposal before the Conference in plenary session.

The Meeting rose at 1.25 p.m.