



IMCO

INTERNATIONAL CONFERENCE ON MARINE POLLUTION, 1973

SUMMARY RECORD OF THE SIXTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Tuesday, 23 October 1973 at 9.10 a.m.

President: Mr. S. DHAVE (India)

Deputy Secretary General: Mr. J. QUEGUINER (Deputy Secretary-General
of IMCO)

Executive Secretary: Mr. A. SAVELIEV (IMCO Secretariat)

A list of participants is given in MP/CONF/INF.1/Rev.3

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CONSIDERATION OF THE FIRST REPORT OF THE CREDENTIALS COMMITTEE
(MP/CONF/13, MP/CONF/15) (concluded)

The PRESIDENT invited the Conference to continue its consideration of the draft resolution (MP/CONF/15) proposed by Ghana and Tanzania.

Mr. BECKER (South Africa) recalled that the Credentials Committee had recognized as valid the credentials of the representatives of South Africa, on the basis of the sole criteria that were constantly applied at international conferences; his country had been officially invited to participate in the Conference, and the credentials of its representatives had been duly established by the constitutional authorities of the Republic of South Africa. The actions of those who, as part of a campaign systematically hostile to South Africa, wished to have that country excluded from the Conference for reasons which related solely to its internal affairs, were tantamount to a demand for a reconsideration of credentials on the basis of new and unacceptable criteria.

The participation of South Africa in the present Conference was of considerable practical value, the more so since maritime traffic around the Cape had become one of the largest in the world; 11,000 or 12,000 oil tankers followed that route every year, carrying approximately two-thirds of the total quantity of oil transported from the Middle East to countries bordering on the Atlantic, and 15,000 other cargo vessels used the same route. The coasts of South Africa were therefore subject to a considerable degree of pollution by oil and other harmful substances. South Africa, in the case of casualties involving pollution, offered its assistance entirely without discrimination, and it had responded in the same spirit to the official invitation extended to it to participate in the Conference, although it was not a Member of INCO. His Government would be obliged to take a very grave view of any decision which might be taken on the basis of the proposal made by Ghana and Tanzania and which resulted from a political dispute that was inadmissible at a conference of the present nature. He considered that the draft resolution concerned questions of substance and that, in accordance with the Rules of Procedure, any decision taken should be by a two-thirds majority.

Mr. TELXEIRA DA MOTTA (Portugal) said he was astonished to see a conference of a technical character pursuing a political objective, using for that purpose a draft resolution the effect of which would in fact be a partial contradiction of the conclusions of the Credentials Committee. Since he considered that the

Conference had already wasted too much time on political discussions, he would not reply in detail to the accusations that had been made regarding the internal policies of his country. He nevertheless found it surprising that such accusations should have been made by the representatives of countries such as Tanzania - which had been guilty of the worst possible kind of repression and racialism in the Island of Zanzibar - and such as Ghana whose Government had seized power by a military coup d'état, suspending the constitution and introducing the death penalty for all political crimes. His delegation reserved the right to speak on the subject again before the draft resolution was put to the vote.

Mr. TRAIN (USA) said he regretted that the discussion should have strayed into questions of a political nature, since such questions were more properly the concern of other bodies. The sole aim of the participants in the present Conference should be to establish a convention which would make it possible to combat marine pollution on a world scale, and to avoid all political questions that might create divisions between nations.

Mr. LONGE (Nigeria) declared his hostility towards racialism and apartheid. He supported the statements made by the representatives of Cuba, Ghana and Tanzania, and approved the draft resolution.

Mr. VANCHISWAR (India) said that he too approved the draft resolution.

Mr. KOTLIAR (USSR) reminded the Conference that the members of the Credentials Committee had expressed diverging opinions in the case of Chile, South Africa and Portugal. He supported the draft resolution which expressed the feelings of the Soviet people both on the questions of racialism, apartheid and colonialism, all of which were contrary to the United Nations Charter and condemned by many international organizations.

As far as Chile was concerned, he supported the position of the Cuban representative, and condemned a régime that had been put in power by a junta stained by the blood of a President who a year before had been given a standing ovation at the United Nations after his speech in the UN General Assembly, as the legitimate representative of his people, a junta which trampled under foot every principle of international law, every principle of human rights, and every principle of the United Nations Charter.

Mr. MARCELO RAFFAELLI (Brazil) addressed himself firstly to South Africa's presence. He recalled that Brazil had always vigorously condemned all forms of racism or racial discrimination, and any other discrimination or persecution based on race. However, his delegation could not approve the draft resolution, firstly, because General Assembly Resolution 2980 had not recommended the expulsion of South Africa from the Specialized Agencies; secondly, because Resolution A.241 of the seventh IMCO Assembly requested the Secretary-General to invite to the present Conference "all States, Members of the United Nations and its Specialized Agencies", etc.. Therefore, the expulsion of South Africa would run counter to the objectives of the present Conference, which was endeavouring to bring together the greatest possible number of countries in the fight against pollution. The same arguments applied to Portugal, a country which could not in any case be accused of practising any form of racial discrimination.

One of the sponsors of the draft resolution had stated that the voting on their text would enable them to discover who their friends were. He disagreed with that view, as different ways of looking at a problem did not mean a total opposition of views; and in the framework of an Organization which functioned under democratic rules, the existence of different opinions on how to tackle one problem could not in any way be considered as splitting delegations into two opposing camps. It was in that light that the vote of the Brazilian delegation should be interpreted.

Mr. ARCHER (UK) said that while he would avoid making any comment of a political nature, he would remind the Conference that the conclusions of the Credentials Committee, the sole task of which was to ensure that delegations were in possession of credentials in due and proper form, did not imply the recognition, still less the approval, of the authorities which had established those credentials. The Committee could not make recommendations for the exclusion of certain delegations, and had not done so. The draft resolution presented a problem which was very different from the sole question with which the Committee was concerned.

He supported the view of the United States representative; discussions of that nature were out of place in a technical conference. In view of the matters of substance which would be raised by consideration of the draft resolution, he considered that the procedure laid down in Rule 18 of the Rules of Procedure was applicable.

Mr. COOPER (Liberia) said that although he regretted to have to take sides on a political issue in a technical conference, he would vote in favour of the draft resolution in view of the oppression inflicted on the peoples of Africa by the Governments of South Africa and Portugal. Those countries would not change their policies unless pressures were exerted on them in all international fora to make them realise that such policies were condemned by the entire international community.

Mr. LOPEZ GARCIA (Cuba) supported the draft resolution. He asked whether it was likely that the Convention which would result from the Conference's work, a Convention which had as its object the improvement of human condition, would be properly implemented if its application was entrusted, in certain countries, to governments which defied every principle upon which the work of the Conference was based.

Mr. ADERO (Kenya) supported the draft resolution, since he considered that all other considerations should be set aside when the occasion called for a condemnation of racialism and apartheid. He requested a roll-call vote. He would have proposed the closure of the debate, had it not been for the fact that some delegations had expressed the wish to speak again before the vote.

Mr. BRENNAN (Australia) pointed out that the two operative paragraphs of the draft resolution presented different problems, and hence a separate vote on the last paragraph would be justified. He reminded the Conference of the consistent opposition of his Government to all forms of apartheid, racialism and colonialism, and said that he would be inclined to abstain on the penultimate paragraph of the draft resolution, in view of the doubts that had been expressed on Portugal's right to represent "its overseas territories". However, he would be inclined to vote against the last paragraph, since Portugal and South Africa had a perfect right to participate in the work of the Conference as Members of the United Nations.

Mr. CABOUAT (France) reminded the Conference of the position that his Government had repeatedly adopted against racial discrimination and colonialism. He could not, however, approve the draft resolution, since he considered that the present Conference was a technical one, the sole objective of which was to establish regulations to combat pollution. Solutions to political problems should be sought within the political organs of the United Nations; such was in fact the official doctrine of the United Nations, as had been recalled by the Brazilian delegation.

He asked whether the exclusion of certain countries from the work of the Conference would not be tantamount to exempting those countries from the regulations which the Conference was endeavouring to promote; would not that be a somewhat paradoxical situation?

Mr. DAVIS (Canada) said that he did not think his country could be suspected of sympathy for apartheid or colonialism; yet he could not vote in favour of the draft resolution. Although it could be argued that racial discrimination and colonialism were harmful to the well-being of mankind and, more generally, to man's environment - matters that had been the subject of the Stockholm Declaration - marine pollution was a problem on a world-wide scale, and its solution demanded the concerted efforts of all countries. A situation should not be created which would allow certain States to evade their responsibilities in the matter. There were other more effective ways to condemn régimes which were infringing upon human freedoms.

Mr. SUGIYAMA (Japan) sympathised with the concern expressed by a number of African and Asian nations, and deplored the policies practised by South Africa and Portugal. However, he considered that the Conference was not an appropriate place to discuss such matters. He supported the views expressed by the delegations of Australia and the United Kingdom.

Mr. CALENDI (Italy) severely condemned racialism and colonialism in all its forms. He could not, however, associate himself with the draft resolution for the reasons already indicated - namely, respect for the rules and procedures of the Conference, in accordance with which the Credentials Committee had recognized the validity of the credentials of the States in question; the technical character of the Conference, which prevented it from dealing with political questions that came within the competence of the General Assembly of the United Nations; the need to ensure that no country was exempted from the obligations which would result from the Convention; and, finally, the opportunity to extend the preservation of the environment to all nations of the world, in application of the principles of the Stockholm Conference.

Mr. BECKER (South Africa) did not think the proposal of the Australian representative was in order. He requested that a single vote be taken on the draft resolution as a whole.

Mr. VALLARTA (Mexico), for his part, supported the Australian delegation's proposal, on the grounds that a vote by division - which was in order, if requested - would enable delegations to express their opinion in greater detail. He would have preferred that the vote should not be taken at the present meeting, to allow him time to receive instructions from his Government; but he would not press that request if there were no support for it.

Mr. ZOBEL DE AYALA (Philippines) asked that the Conference should vote separately on the case of South Africa and that of Portugal.

The PRESIDENT requested delegations to defer their statements on procedure until the end of the discussion, when all statements on matters of substance had been made.

Mr. SEKYI (Ghana), as co-sponsor of the draft resolution, asked for permission to exercise his right of reply in speaking last on the substance of the question.

Mr. CABIDO DE ATAÍDE (Portugal) said that he was astounded to note that so many delegations were objecting to Portugal's participation in the Conference whereas at Stockholm the previous year during the first great international Conference on the Environment, all delegations without exception had felt how important it was to pool the skills of experts from all countries for the benefit of the protection of the human environment throughout the world. It seemed absurd, therefore, on the sixteenth day of the present meeting, when only eleven working days remained, to seek to expel two delegations.

Moreover, the Conference was not competent to take that kind of decision and the draft resolution submitted by Ghana and Tanzania was obviously outside the limits and objectives of the Conference. Portugal, whose presence had in no way been contested at Stockholm, had been, with all due legality, invited to the Conference by the Secretary-General of IMCO and had participated in all the preparatory work, again without the least objection having been raised. The objection was, in principle, illogical since the Convention in its Preamble claimed to be a comprehensive one for the protection of the entire marine environment and since, as the Executive Director of the United Nations Environment Programme had recalled on the first day of the Conference, all fleet-owning nations should adhere to it. Therefore, to prevent Portugal, which possessed a fleet and was thus liable to pollute the seas, from participating in the Conference would be tantamount to opening up a large gap in the fabric of international co-operation on the question and it would be the entire international community which would suffer the consequences.

The Conference was absolutely unqualified to judge the political problem involved. It was an eminently technical Conference, seeking the agreement of all countries concerned, and aiming at drawing up a convention which would be open for signature to all countries whose geographical situation laid on them the responsibility for taking part in the struggle against pollution. Portugal was undeniably one of those countries.

The exclusion of Portugal or any other country for political reasons from a technical conference would establish a dangerous precedent for the whole world. That was why, at the moment of decision, all political motivation should be set aside. To facilitate that, and on the basis of the precedent established at the IMCO biennial Assembly in 1971 on the proposal of India supported by the USSR, he requested that the vote on the Ghanaian and Tanzanian proposal should be by secret ballot. Rule 20 of the Rules of Procedure did not mention that method of voting, but it did not exclude its possibility.

Mr. SEKYI (Ghana) recalled that, even though it was IMCO which had issued the invitations to the Conference, nevertheless the participants were sovereign States which were entirely free to conduct their work as they wished. The delegations present were fully entitled to accept or to reject the credentials of any delegation.

It was not true to say that refusal to allow a country to participate in the Conference would prevent it from respecting the regulations laid down by the Conference or from adhering to the Convention. The basic factor was that South Africa and Portugal, because of their policies, were not entitled to participate in an international conference aimed at drawing up regulations binding under international law. It was idle to maintain otherwise by alleging that the Conference was a technical one, when those countries were violating the fundamental principles of the United Nations Charter. Everyone knew that those countries were polluting the coasts of Mozambique and Angola or South West Africa, without having the least regard for the international obligations which they had contracted with respect to those countries.

If the Conference allowed such countries to take part in the meeting merely because it was of a technical nature, when those countries were disregarding their obligations under international treaties, then it would be acting against the interests of the entire world community.

He requested that a roll-call vote be taken on the draft resolution submitted by Ghana and Tanzania.

Mr. KATEKA (Tanzania) also hoped that the Conference would not use its technical nature as a pretext for renouncing the most sacred principles of the Charter, the Declaration of Human Rights and many other international instruments. He also insisted on the need to have a roll-call vote.

Mr. BECKER (South Africa) supported the Portuguese proposal that the vote should be by secret ballot.

The PRESIDENT said that, in accordance with Rule 33 of the Rules of Procedure, that proposal would necessitate amending Rule 20 which did not mention voting by secret ballot.

Accordingly, he put to the vote the proposal to amend Rule 20 of the Rules of Procedure.

Having only received 3 votes in favour, the proposal to hold the vote by secret ballot was rejected.

The PRESIDENT said that the Conference must decide whether, within the meaning of Rule 18 of the Rules of Procedure, the question raised in the draft resolution submitted by Ghana and Tanzania was a matter of substance requiring a two-thirds majority decision, or one of procedure requiring a simple majority. In conformity with Rule 18(c) of the Rules of Procedure, he expressed his opinion that it was a matter of procedure.

Mr. DECKER (South Africa) appealed against the President's ruling, on the grounds that a proposal to reject the credentials of delegations duly accredited by sovereign States and to expel those countries could not be considered to be a question of procedure.

Mr. SEKYI (Ghana) said that in the circumstances, matters of substance were exclusively questions relating to pollution of the marine environment. Any other question was necessarily one of procedure.

The PRESIDENT in accordance with Rule 18(c) of the Rules of Procedure, put to the vote the appeal made by the South African representative against his ruling that the draft resolution submitted by Ghana and Tanzania was of a procedural character.

There were 22 votes in favour of the South African appeal against the President's ruling, 21 against, and 7 abstentions. Having failed to obtain the required two-thirds majority, the appeal was rejected and the President's ruling maintained: the Conference would take a decision on the draft resolution by a simple majority.

The PRESIDENT invited the Conference to decide on the two proposals which had been made to vote on the draft resolution in sections: Australia had requested that the second operative paragraph be voted upon separately; the Philippines had requested the Conference to vote separately on the question of South Africa on the one hand and Portugal on the other.

Mr. SEKYI (Ghana) in accordance with Rule 21(a) of the Rules of Procedure, expressed his opinion as co-sponsor of the draft resolution: he wished the Conference to vote once only on the text as a whole.

Mr. BRENNAN (Australia) withdrew his proposal that the second operative paragraph be voted on separately.

Mr. ZOBEL DE AYALA (Philippines) maintained his proposal that the case of South Africa and that of Portugal should be voted on separately. That proposal would facilitate the work of the Conference.

Mr. YANKOV (Bulgaria) thought that the Philippines proposal could not be accepted once the Conference had decided against a paragraph by paragraph vote: it would be tantamount to introducing an even smaller sub-division which would, in fact, only complicate the Conference's work.

Mr. VALLARTA (Mexico) supported the Philippines proposal: the Conference would have to decide on it by a simple majority vote since its author had not withdrawn it.

Mr. KATEKA (Tanzania), in accordance with Rule 21 of the Rules of Procedure, expressed his opinion as co-sponsor of the draft resolution: it would be ridiculous for the Conference to decide, should it so happen, on the expulsion of one of the two countries and not of the second whose colonialist and racist policy it would then seem to approve. It must, therefore, vote once only on the draft resolution as a whole.

The Philippines proposal that the Conference should vote separately on the questions of South Africa and of Portugal was rejected by 18 votes to 3.

The PRESIDENT put draft Resolution (MR/CONF/15) to the vote unamended.

The vote was taken by roll-call.

Madagascar, having been drawn by lot by the President, was called upon to vote first. The result of the vote was as follows:

In favour: Mexico, Nigeria, Philippines, Poland, Trinidad and Tobago, Ukrainian SSR, USSR, Tanzania, Bulgaria, Byelorussian SSR, Cuba, Egypt, German Democratic Republic, Ghana, India, Indonesia, Iraq, Jordan, Kenya and Liberia.

Against: Monaco, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, United Kingdom, United States of America, Uruguay, Australia, Belgium, Brazil, Canada, Chile, Denmark, Ecuador, Finland, France, Federal Republic of Germany, Greece, Iran, Ireland, Italy and Japan.

Abstentions: Peru, Thailand, Argentina, Iceland and Khmer Republic.

Not taking part in the vote: Singapore.

Draft Resolution (MR/CONF/15) was rejected by 26 votes to 20, with 5 abstentions, one country not taking part in the vote.

Mr. VALLARTA (Mexico) said that his delegation, in commenting on the proposal that had been put to the vote, had in no way intended to take up a political position, since the matter in question was solely a condemnation of a violation of human rights. He sympathised with the arguments of the scientific experts, whose desire was to see all countries participate in the protection of the oceans, but he attributed even greater importance to the principles underlying the draft resolution which the Conference had rejected.

He would have preferred a separate vote on each country, which would have given Mexico the opportunity to show, by abstaining on the question of the expulsion of Portugal, that it did not contest the legitimacy of that country's right of representation. He hoped that Portugal would understand the position of Mexico, which, in order to obtain its independence, had had to liberate itself from the colonial yoke. His Government merely wished to express its doubts as to the legitimacy of Portugal's right to represent the peoples of Africa, but did not wish to make a statement on that point, in the belief that it was more proper for the Africans to make such a statement. Mexico had always declared that relations between a colonial power and its colonies came within the sphere of international law, and not merely of the internal affairs of the country concerned.

Mr. WALKATE (Netherlands) said he had voted against the ruling of the President as the matter was one of procedure, because he considered that the question of expulsion from the conference was one of substance. In his delegation's view the credentials of delegations should be considered solely on technical grounds and not for political purposes. He was therefore opposed in principle to any resolutions contesting the validity of credentials which were accepted by the Credentials Committee. He therefore had voted against the draft resolution, not because his delegation had any particular sympathy for the regimes the delegations concerned represented.

Mr. KOH ENG TIAN (Singapore) said that his delegation had not taken part in the vote on both the procedural and substantive aspects because the question raised by the draft resolution was not a political one within the competence of his delegation. His delegation reserved its position on the matter.

Mr. BRIEFER (Federal Republic of Germany) said that he had voted against the draft resolution because the aims of the Conference were of importance to all countries of the world, and because all matters dealing with colonialism, racism and apartheid should be submitted to the United Nations General Assembly.

Mr. DEL CAMPO (Uruguay) associated himself with the views expressed by the representatives of the Federal Republic of Germany and the Netherlands.

Mr. KATEKA (Tanzania) thanked those delegates who had voted in favour of the draft resolution, but said that he could not accept the reasons put forward by all those who, by voting against it, had committed an act of betrayal. The authors of the draft resolution had wished to sound a note of warning: they would raise the question again at the INCO Assembly.

Mr. SEKYI (Ghana) said that, in a democratic spirit, he accepted the decision of the majority, while deploring the result of the vote which encouraged the defenders of colonialism, racism and apartheid.

Mr. CABIDO DE ATAIDE (Portugal) stressed that all countries must contribute to fundamental research on marine pollution and as a scientist he welcomed the result of the vote.

The PRESIDENT proposed that the Conference should take note of the report of the Credentials Committee (MP/CONF/13).

It was so decided.

Mr. VALLARTA (Mexico) said he did not think that the Report as a whole could be adopted before a decision had been taken on the Cuban proposal concerning Chile.

The PRESIDENT pointed out that it had been decided at the previous meeting that the statements of the Cuban and Chilean representatives would be summarized in the summary record, and that the Conference had just taken note of the Report.

The meeting rose at 11.50 a.m.



MP/CONF/SR.6
23 October 1973
Original: FRENCH

IMCO

FOR PARTICIPANTS ONLY

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973

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A list of participants is given in MP/CONF/INF.1/Rev.1.

N.B. Corrections to be incorporated in the final summary record of the meeting should be submitted in writing (two copies in English or French), preferably on a copy of the provisional summary record, to the Distribution Counter, Bishop Partridge Hall, within three days of the publication of this record.

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CONSIDERATION OF THE FIRST REPORT OF THE CREDENTIALS COMMITTEE
(LP/CONF/13, MP/CONF/15)(continued)

The PRESIDENT invited the Conference to continue its consideration of the draft resolution MP/CONF/15 proposed by Ghana and Tanzania.

Mr. BECKER (South Africa) recalled that the Credentials Committee had recognized as valid the credentials of the representatives of South Africa, on the basis of the sole criteria that were constantly applied at international conferences; his country had been officially invited to participate in the Conference, and the credentials of its representatives had been duly established by the constitutional authorities of the Republic of South Africa. The actions of those who, as part of a campaign systematically hostile to South Africa, wished to have that country excluded from the Conference for reasons which related solely to its internal affairs, were tantamount to a demand for a reconsideration of credentials on the basis of new and unacceptable criteria.

The participation of South Africa in the present Conference was all the more of considerable practical value since maritime traffic around the Cape had become one of the largest in the world; 11,000 or 12,000 oil tankers followed that route every year, carrying approximately two-thirds of the total quantity of oil transported from the Middle East to countries bordering on the Atlantic and 15,000 other cargo vessels used the same route. The coasts of South Africa were therefore subject to a considerable degree of pollution by oil and other harmful substances. South Africa, in the case of casualties involving pollution, offered its assistance entirely without discrimination, and it had responded in the same spirit to the official invitation extended to it to participate in the Conference, although it was not a Member of IMCO. His Government would be obliged to take a very grave

view of any decision which might be taken on the basis of the proposal made by Ghana and Tanzania and which resulted from a political dispute that was inadmissible at a conference of this nature. He considered that the draft resolution concerned questions of substance and that, in accordance with the Rules of Procedure, any decision taken should be by a two-thirds majority.

Mr. CABIDO de ATAIDE (Portugal) said he was astonished to see a conference of a technical character pursuing a political objective, using for that purpose a draft resolution the effect of which would in fact be a partial contradiction of the conclusions of the Credentials Committee. Since he considered that the Conference had already wasted too much time on political discussions, he would not reply in detail to the accusations that had been made regarding the internal policies of his country. He nevertheless found it surprising that such accusations should have been made by the representative of a country such as Tanzania, which had been guilty of the worst possible kind of repression in the Island of Zanzibar, and whose Government had seized power by a military coup d' état, suspending the constitution and introducing the death penalty for all political crimes. His delegation reserved the right to speak on the subject again before the draft resolution was put to the vote.

Mr. TRAIN (USA) said he regretted that the discussion should have strayed into questions of a political nature, since such questions were more properly the concern of other bodies. The sole aim of the participants in the present Conference should be to establish a convention which would make it possible to combat marine pollution on a world scale, and to avoid all political questions that might create divisions between nations.

Mr. LONGE (Nigeria) declared his hostility towards racialism and apartheid. He supported the statements made by the representative of Cuba, Ghana and Tanzania, and approved the draft resolution.

Mr. VANCHISWAR (India) said that he too approved the draft resolution.

Mr. TRIKHONOV (USSR) reminded the Conference that certain members of the Credentials Committee had expressed reservations in the case of Chile, South Africa and Portugal. He supported the draft resolution, in order to give concrete demonstration of his opposition to racialism, apartheid and colonialism, all of which were contrary to the United Nations Charter and condemned by public opinion in his country.

As far as Chile was concerned, he supported the position of the Cuban representative, and condemned a régime that had been put in power by a junta stained by the blood of a President who had been recognized a year before by the United Nations as the legitimate representative of his people, a junta which trampled under foot every principle of international law, every principle of human rights, and every principle of the United Nations Charter.

Mr. MARCELO RAFFAELLI (Brazil) regretted that the Conference should spend time on discussion of a question which was not relevant to its objectives, but considered it necessary to define the position of his delegation. Brazil had always vigorously condemned all forms of racial discrimination and apartheid. However, his delegation could not approve the draft resolution, since the United Nations had not expelled South Africa from the Specialized Agencies. The present Conference was being held under the auspices of a Specialized Agency of the United Nations, and the competent organs of ILO had rightly requested the Secretary-General to invite to that

Conference all Members of the United Nations and of the Specialized Agencies. Any other attitude would have run counter to the objectives of the present Conference, which was endeavouring to bring together the greatest possible number of countries in the fight against pollution. The same arguments applied to Portugal, a country which could not in any case be accused of practising any form of racial discrimination.

The sponsors of the draft resolution had stated that the voting on their text would enable them to discover who their friends were. He appealed to them not to consider his delegation's vote as an indication of an attitude of hostility to their cause. An organization founded on democratic principles should tolerate divergencies of view on some questions, and should beware of allowing certain discussions to create a split between two camps.

Mr. ARCHER (UK) said that while he would avoid making any comment of a political nature, he would remind the Conference that the conclusions of the Credentials Committee, the sole task of which was to ensure that delegations were in possession of credentials in due and proper form, did not imply the recognition, still less the approval, of the authorities which had established those credentials. The Committee could not make recommendations for the exclusion of certain delegations, and had not done so. The draft resolution presented a problem which was very different from the sole question with which the Committee was concerned.

He supported the view of the United States representative; discussions of that nature were out of place in a technical conference. In view of the matters of substance which would be raised by consideration of the draft resolution, he considered that the procedure laid down in Rule 18 of the Rules of Procedure was applicable.

Mr. COOPER (Liberia) said that although he regretted to have to take sides on a political issue in a technical conference, he would vote in favour of the draft resolution in view of the oppression inflicted on the peoples of Africa by the Governments of South Africa and Portugal. Those countries would not change their policies unless pressures were exerted on them in all international fora to make them realise that such policies were condemned by the entire international community.

Mr. LOPEZ GARCIA (Cuba) supported the draft resolution. He asked whether it was likely that the Convention which would result from the Conference's work, a Convention which had as its object the improvement of human condition, would be properly implemented if its application was entrusted, in certain countries, to governments which defied every principle upon which the work of the Conference was based.

Mr. ADIERO (Kenya) supported the draft resolution, since he considered that all other considerations should be set aside when the occasion called for a condemnation of racialism and apartheid. He requested a roll-call vote. He would have proposed the closure of the debate, had it not been for the fact that some delegations had expressed the wish to speak again before the vote.

Mr. BRENNAN (Australia) pointed out that the two operative paragraphs of the draft resolution presented different problems, and hence a separate vote on the last paragraph would be justified. He reminded the Conference of the consistent opposition of his Government to all forms of apartheid, racialism and colonialism, and said that he would be inclined to abstain on the penultimate paragraph of the draft resolution, in view of the doubts that had been expressed on Portugal's right to represent "its overseas territories"; however, he would be inclined to vote against the last paragraph, since Portugal and South Africa had a perfect right to participate in the work of the Conference as members of the United Nations.

Mr. CABOUAT (France), reminded the Conference of the position that had repeatedly been affirmed by his Government against racial discrimination and colonialism. He could not, however, approve the draft resolution, since he considered that the present Conference was a technical one, the sole objectives of which were to establish regulations to combat pollution. Solutions to political problems should be sought within the political organs of the United Nations; such was in fact the official doctrine of the United Nations, as had been recalled by the Brazilian delegation. He asked whether the exclusion of certain countries from the work of the Conference would not be tantamount to exempting those countries from the regulations which the Conference was endeavouring to promote; would not that be a somewhat paradoxical situation?

Mr. DAVIS (Canada) said that he did not think his country could be suspected of sympathy for apartheid or colonialism, yet he could not vote in favour of the draft resolution. Although it could be argued that racial discrimination and colonialism were harmful to the well-being of mankind, and, more generally, to man's environment, matters that had been the subject of the Stockholm Declaration, marine pollution was a problem on a world-wide scale, and its solution demanded the concerted efforts of all countries. A situation should not be created which would allow certain States to evade their responsibilities in the matter. There were other more effective ways to condemn régimes which were infringing upon human freedoms.

Mr. SUGIHARA (Japan) sympathised with the concern expressed by a number of African and Asian nations, and deplored the policies practised by South Africa and Portugal. However, he considered that the Conference was not an appropriate place to discuss such matters. He supported the views expressed by the delegations of Australia and the United Kingdom.

Mr. PIERACCINI (Italy) severely condemned racialism in all its forms. He could not, however, associate himself with the draft resolution for the

reasons already indicated, namely, respect for the rules and procedures of the Conference, in accordance with which the Credentials Committee had recognized the validity of the credentials of the States in question; the technical character of the Conference, which prevented it from dealing with political questions that came within the competence of the General Assembly of the United Nations; the need to ensure that no country was exempted from the obligations which would result from the Convention; and, finally, the opportunity to extend the preservation of the environment to all nations of the world, in application of the principles of the Stockholm Conference.

Mr. BECKER (South Africa) did not think the proposal of the Australian representative was in order. He requested that a single vote be taken on the draft resolution as a whole.

Mr. VALLARTA (Mexico), for his part, supported the Australian delegation's proposal, on the grounds that a vote by division - which was in order, if requested - would enable delegations to express their opinion in greater detail. He would have preferred that the vote should not be taken at the present meeting to allow him time to receive instructions from his Government, but he would not press that request if there were no support for it.

Mr. ZOBEL DE AYALA (Philippines) asked that the Conference should vote separately on the case of South Africa and on the case of Portugal.

The PRESIDENT requested delegations to defer their statements on procedure until the end of the discussion, when all statements on matters of substance had been made.

Mr. SEKYI (Ghana), as co-sponsor of the draft resolution, asked for permission to exercise his right of reply in speaking last on the substance of the question.

Mr. CABIDO DE ATAÍDE (Portugal) said that he was astounded to note that so many delegations were objecting to Portugal's participation in the Conference whereas, a year ago at Stockholm during the first great international Conference on the Environment, all delegations without exception had felt how important it was to pool the skills of experts from all countries for the benefit of the protection of the human environment throughout the world. It seemed absurd, therefore, on the sixteenth day of the meeting, when only eleven working days remained, to seek to expel two delegations.

Moreover, the Conference was not competent to take that kind of decision and the draft resolution submitted by Ghana and Tanzania was obviously outside the limits and objectives of the Conference. Portugal, whose presence had in no way been contested at Stockholm, had been, with all due legality, invited to the Conference by the Secretary-General of IMCO and had participated in all the preparatory work, again without the least objection having been raised. The objection was, in principle, illogical since the Convention in its Preamble claimed to be a comprehensive one for the protection of the entire marine environment and since, as the Executive Director of the United Nations Environment Programme had recalled on the first day of the Conference, all fleet-owning nations should adhere to it. Therefore, to prevent Portugal, which possessed a fleet and was thus liable to pollute the seas, from participating in the Conference would be tantamount to opening up a large gap in the fabric of international co-operation on the question and it would be the entire international community which would suffer the consequences.

The Conference was absolutely unqualified to judge the political problem involved. It was an eminently technical Conference, seeking the agreement of all countries concerned, and aiming at drawing up a convention which would be open for signature to all countries whose geographical situation placed on them the responsibility for taking part in the struggle against pollution. Portugal was undeniably one of those countries.

The exclusion of Portugal or any other country for political reasons from a technical conference would establish a dangerous precedent for the whole world. That was why, at the moment of decision, all political motivation should be set aside. To facilitate that, and on the basis of the precedent established at the IMCO Council in 1971 on the proposal of India supported by the USSR, he requested that the vote on the Ghanaian and Tanzanian proposal should be by secret ballot. Rule 20 of the Rules of Procedure did not mention that method of voting, but it did not exclude its possibility.

Mr. SEKYEI (Ghana) recalled that, even though it was IMCO which had issued the invitations to the Conference, nevertheless the participants were sovereign States which were entirely free to conduct their work as they wished. The delegations present were fully entitled to accept or to reject the credentials of any delegation.

It was not true to say that refusal to allow a country to participate in the Conference would prevent it from respecting the regulations laid down by the Conference or from adhering to the Convention. The basic factor was that South Africa and Portugal, because of their policies, were not entitled to participate in an international conference aimed at drawing up regulations binding under international law. It was idle to maintain otherwise by alleging that the Conference was a technical one, when those countries were violating the fundamental principles of the United Nations Charter. Everyone knew that those countries were polluting the coasts of Mozambique and Angola or South West Africa, without having the least regard for the international obligations which they had contracted with respect to those countries.

If the Conference allowed such countries to take part in the meeting merely because it was of a technical nature, when those countries were disregarding their obligations under international treaties, then it would be acting against the interests of the entire world community.

He requested that the vote on the draft resolution submitted by Ghana and Tanzania should be taken by roll-call.

Mr. NHIGULA (Tanzania) said that he, too, hoped that the Conference would not use its technical nature as a pretext for renouncing the most sacred principles of the Charter, the Declaration of Human Rights and many other international instruments. He also insisted on the need to have a roll-call vote.

Mr. BECKER (South Africa) supported the Portuguese proposal that the vote should be by secret ballot.

The PRESIDENT said that, in accordance with Rule 33 of the Rules of Procedure, that proposal would necessitate amending Rule 20 which did not mention voting by secret ballot.

Accordingly, he put to the vote the proposal to amend Rule 20 of the Rules of Procedure.

Having only received 3 votes in favour, the proposal to hold the vote by secret ballot was rejected.

The PRESIDENT said that the Conference must decide whether, within the meaning of Rule 18 of the Rules of Procedure, the question raised in the draft resolution submitted by Ghana and Tanzania was a matter of substance requiring a two-thirds majority decision or one of procedure requiring a simple majority. In conformity with paragraph (c) of Rule 18 of the Rules of Procedure, he expressed his opinion that it was a matter of procedure.

Mr. BECKER (South Africa) appealed against the President's ruling, on the grounds that a proposal to reject the credentials of delegations duly accredited by sovereign States and to expel those countries could not be considered to be a question of procedure.

Mr. SEKYE (Ghana) said that in the circumstances matters of substance were exclusively questions relating to pollution of the marine environment. Any other question was necessarily one of procedure.

In accordance with Rule 18(c) of the Rules of Procedure, the PRESIDENT put to the vote the appeal made by the South African representative against his ruling that the draft resolution submitted by Ghana and Tanzania was of a procedural character.

The South African appeal against the President's ruling received 22 votes in favour, 21 against, with 7 abstentions. Having failed to obtain the required two-thirds majority, the appeal was rejected and the President's ruling maintained; the Conference would take a decision on the draft resolution by a simple majority.

The PRESIDENT invited the Conference to decide on the two proposals which had been made to vote on the draft resolution in sections: Australia had requested that the second operative paragraph be voted upon separately; the Philippines had requested the Conference to vote separately on the question of South Africa on the one hand and Portugal on the other.

Mr. SEKYI (Ghana) in accordance with Rule 21(a) of the Rules of Procedure, expressed his opinion as co-sponsor of the draft resolution: he would like the Conference to vote once only on the text as a whole.

Mr. BRENNAN (Australia) withdrew his proposal that the second operative paragraph be voted on separately.

Mr. ZOBEL DE AYALA (Philippines) said that he maintained his proposal that the case of South Africa and that of Portugal should be voted on separately. That proposal would facilitate the work of the Conference.

Mr. YANKOV (Bulgaria) said he thought that the Philippines proposal could not be accepted once the Conference had decided against a paragraph by paragraph vote: it would be tantamount to introducing an even smaller subdivision which would, in fact, only complicate the Conference's work.

Mr. VALLARTA (Mexico) supported the Philippines proposal: the Conference would have to decide on it by a simple majority vote since its author had not withdrawn it.

Mr. NHIGULA (Tanzania), in accordance with Rule 21 of the Rules of Procedure, expressed his opinion as co-sponsor of the draft resolution: it would be ridiculous for the Conference to decide, should it so happen, on the expulsion of one of the two countries and not of the second whose colonialist and racist policy it would then seem to approve. It must, therefore, vote once only on the draft resolution as a whole.

The Philippines proposal that the Conference should vote separately on the questions of South Africa and of Portugal was rejected by 18 votes to 3.

The President put draft Resolution MP/CONF/15 to the vote unamended.

The vote was taken by roll-call.

Madagascar, having been drawn by lot by the President, was called upon to vote first. The result of the vote was as follows:

In favour: Mexico, Nigeria, Philippines, Poland, Trinidad and Tobago, Ukrainian SSR, USSR, Tanzania, Bulgaria, Byelorussian SSR, Cuba, Egypt, German Democratic Republic, Ghana, India, Indonesia, Iraq, Jordan, Kenya, and Liberia.

Against: Monaco, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, United Kingdom, United States of America, Uruguay, Australia, Belgium, Brazil, Canada, Chile, Denmark, Ecuador, Finland, France, Federal Republic of Germany, Greece, Iran, Ireland, Italy and Japan.

Abstentions: Peru, Thailand, Argentina, Iceland and Khmer Republic.

Not taking part in the vote: Singapore.

Draft Resolution MP/CONF/15 was rejected by 26 votes to 20, with 5 abstentions, one country not taking part in the vote.

Mr. VALLARTA (Mexico) said that his delegation, in commenting on the proposal that had been put to the vote, had in no way intended to take up a political position, since the matter in question was solely a condemnation of a violation of human rights. He sympathised with the arguments of the scientific experts, whose desire was to see all countries participate in the protection of the oceans, but he attributed even greater importance to the principles underlying the draft resolution which the Conference had rejected.

He would have preferred a roll-call vote, which would have given Mexico the opportunity to show, by abstaining on the question of the expulsion of Portugal, that it did not contest the legitimacy of that country's right of representation. He hoped that Portugal would understand the position of Mexico, which, in order to obtain its independence, had had to liberate itself from the colonial yoke. His Government merely wished to express its doubts as to the legitimacy of Portugal's right to represent the peoples of Africa, but did not wish to make a statement on that point, in the belief that it was more proper for the Africans to make such a statement. Mexico had always declared that relations between a colonial power and its colonies came within the sphere of international law, and not merely of the internal affairs of the country concerned.

Mr. WALKATE (Netherlands) said he had no sympathy for the régime of the country in question, but had voted against the draft resolution, first because he considered that the question was one of substance and not of procedure, and secondly because the acceptance of credentials should be granted solely on technical grounds and not for political reasons. He was therefore opposed in principle to any resolution contesting the validity of credentials accepted by the Credentials Committee, whatever the country concerned.

Mr. KOH ENG TIAN (Singapore) said that he had not taken part in the vote because the question raised by the draft resolution was not within the competence of the Conference.

Mr. BREUER (Federal Republic of Germany) said that he had voted against the draft resolution because the aims of the Conference were of importance to all countries of the world and because all matters dealing with colonialism, racism and apartheid should be submitted to the United Nations General Assembly.

Mr. DEL CAMPO (Uruguay) associated himself with the views expressed by the representatives of the Federal Republic of Germany and the Netherlands.

Mr. NHIGULA (Tanzania) thanked those delegates who had voted in favour of the draft resolution, but said that he could not accept the reasons put forward by all those who, by voting against it, had committed an act of betrayal. The authors of the draft resolution had wished to sound a note of warning: they would raise the question again at the IMCO Assembly.

Mr. SEKYI (Ghana) said that, in a democratic spirit, he accepted the decision of the majority, while deploring the result of the vote which encouraged the defenders of colonialism, racism and apartheid.

Mr. CABO DE ATAÍDE (Portugal) stressed that all countries must contribute to fundamental research on marine pollution and as a scientist he welcomed the result of the vote.

CONSIDERATION OF THE FIRST REPORT OF THE CREDENTIALS COMMITTEE (MP/CONF/13)

The PRESIDENT proposed that the Conference should take note of the report of the Credentials Committee.

It was so decided.

Mr. VALLARTA (Mexico) said he did not think that the report as a whole could be adopted before a decision had been taken on the Cuban proposal concerning Chile.

The PRESIDENT pointed out that it had been decided at the previous meeting that the statements of the Cuban and Chilean representatives would be summarized in the summary record and that the Conference had just taken note of the report.

The meeting rose at 11.50 a.m.