



IMCO

INTERNATIONAL CONFERENCE ON MARINE POLLUTION, 1973

SUMMARY RECORD OF THE EIGHTH PLENARY MEETING

held at Church House, Westminster, London, S.W.1,
on Tuesday, 30 October 1973 at 9.35 a.m.

President: Mr. S. BHAVE (India)
Secretary-General: Mr. Colin GOAD (Secretary-General of IMCO)
Executive Secretary: Mr. A. SAVELIEV (IMCO Secretariat)

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

CONTENTS

	<u>Page</u>
<u>Agenda item 7</u> - Consideration of a draft International Convention for the Prevention of Pollution from Ships, 1973 (continued)	2

AGENDA ITEM 7 - CONSIDERATION OF A DRAFT INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 (MP/CONF/WP.3, MP/CONF/WP.5, MP/CONF/WP.5/Corr.1, MP/CONF/WP.5/Add.1, MP/CONF/16) (continued)

Annex II to the Convention (MP/CONF/WP.3) (concluded)

Mr. CALLEDA (Italy) explained his delegation's vote on Annex II, which had been adopted by the Conference at the previous meeting.

His delegation had recognized the cogency of the principles on which Annex II was based and had voted for the text proposed. Nevertheless, it wished to express its formal reservations concerning the failure to include the Mediterranean Sea in the list of special areas in Regulation 1 of the Annex, requiring the adoption of special mandatory methods for the prevention of sea pollution by noxious liquid substances, despite the request made by the Italian delegation in Committee I. In view of the large amount of traffic in chemicals in the Mediterranean and the geophysical and oceanographic features of that sea, it ought to have been considered essential to make it a special area, even if only to the same extent as the other seas mentioned in Regulation 1, paragraph (7).

Mr. RAMADAN (Egypt) agreed with the Italian representative. It was inconsistent to make the Mediterranean and the Red Seas special areas for the purpose of preventing oil pollution and not do the same for the prevention of pollution by chemical products.

Mr. TOUKAN (Jordan) endorsed the remarks of the Italian and Egyptian representatives.

Annex I to the Convention (MP/CONF/WP.5 and Corr.1; MP/CONF/WP.5/Add.1)

The PRESIDENT put to the Conference the text of Annex I drawn up by the Drafting Committee (MP/CONF/WP.5 and Add.1).

Mr. SPINELLI (Italy), Chairman of Committee II, said that the Conference had to adopt a final definition of the special areas as set out in Regulation 10, paragraphs (1)(a) and (c), which still contained indications in square brackets, and of the "Gulf area" in paragraph (1)(e) of the same Regulation. It also had to adopt the text of Regulation 11(b)(ii), which should probably be aligned with the text drawn up for Regulation 6(b)(ii) of Annex II (cf. MP/CONF/SR.7).

The PRESIDENT suggested that the Conference should adopt for Regulation 11(b)(ii) of Annex I the text already adopted for Regulation 6(b)(ii) of Annex II.

It was so decided.

Mr. TOUKAN (Jordan) recalled that, on the initiative of his delegation, an amendment (MP/CONF/C.2/WP.20) to make the "Arab-Persian Gulf and the Red Sea" a special area calling for mandatory measures to prevent pollution by oil had been submitted to Committee II. Following a statement made to Committee II by the Jordanian delegation, which had convinced the majority, the Committee had adopted the Jordanian proposal. The Iranian delegation, in casting its vote, had in fact used the expression "Arab-Persian Gulf". His own delegation was therefore surprised that the Iranian delegation had thought it necessary to inform the Conference of a letter to the IMO Secretariat (MP/CONF/16) in which the Secretariat was asked to use the name "Persian Gulf" in IMO documents and not "Arab-Persian Gulf", despite the fact that that name had been unofficially agreed upon by the Iranian delegation and the delegations of the Arab States to the Conference.

The Conference was a technical one and therefore not competent to settle an issue of that nature, which did not concern delegations or representatives but the sovereignty of the States represented.

The present disagreement could, he thought, be compared with one that might arise between the United Kingdom and France, if a single name were to be adopted for what the French call "la Manche" and the English "the English Channel", for what the French call "les Iles anglo-normandes" and the English "the Channel Islands", or for what the French call "Pas-de-Calais" and the English "the Strait of Dover". If such a dispute were to come before the Conference, would France or the United Kingdom agree to give up a name cherished for reasons of tradition, and adopt the names used by the other party? It was unlikely that either side would accept a unilaterally imposed solution; and whatever the solution adopted by vote, the English and the French would continue to use the names familiar to them, without denying the legitimate use by the other party of another name.

Exactly the same was true of the expression "Arab-Persian Gulf", which ran the risk of injuring the national feelings of 18 Arab States Members of the United Nations. Since the time when Arab power had extended over three continents, that gulf had been known to the Arab States as the Gulf of Basra, whence sailed Sinbad the great Arab sailor, whose adventures were celebrated in the Arabian Nights. Later, more simply, it was known as the Arab Gulf. It had therefore had an Arabic name for 13 centuries. True, it had had another name before that, but the names of countries and seas changed as history was made.

That, of course, did not mean that the countries using the name "Arab Gulf" were unmindful of the rights of the Iranian people, who had worked side by side with their Arab brothers to build up Moslem civilization. The two peoples had mingled with each other throughout history and considered themselves as one people with two languages. Anything satisfactory to the Iranian people was therefore dear to the Arab nation, which followed the progress of the Iranian nation under the Shah with close admiration.

His delegation therefore appealed to the Conference not to make a ruling - since that was beyond its competence - but to act as an intermediary between the delegations and find a compromise solution to reconcile their respective interests. One solution might be to define the area as the "Arab Gulf" or "Persian Gulf" and Gulf of Oman" located north-west of the rhumb line between Ras al Hadd ($22^{\circ} 30' N$, $59^{\circ} 48' E$) and Ras al Fastej ($25^{\circ} 04' N$, $61^{\circ} 25' E$). Another solution might be to delete all names and adopt the wording suggested by the Secretariat in MP/CONF/C.2/WP.55, which contained no qualifying adjective.

Mr. AFSHAR (Iran) categorically opposed the compromise solution proposed by Jordan, which would change geographical names that had existed for many years and figured on charts and in many international conventions already in force. That was true of the name "Persian Gulf", a name in absolutely general use which, moreover, figured in the footnote to the text of the definition in Regulation 10, paragraph (1)(e) (MP/CONF/WP.5, page 13). Any change in that name would bring about numerous complications of a political nature, which would go far beyond the specific framework of the Conference. By voting on the matter the Conference would give rise to innumerable difficulties of the same kind with regard to the Indian Ocean, the Gulf of Mexico, the Baltic Sea,

the Black Sea and others. The United Nations Secretariat had made it clear in the formal note of 5 March 1971 to the Iranian Permanent Mission mentioned in the Iranian delegation's letter to IMCO (MP/CONF/16) that the practice in United Nations documents was to keep the traditional name, which was "Persian Gulf". To avoid possible dilemmas and misunderstandings, his delegation was against any change in that name; it only recognized the traditional name, which constituted a well-established precedent and was used in both United Nations and IMCO documents.

Mr. AL-NAQIB (Kuwait) recalled that in Committee II, he had unreservedly supported the Jordanian proposal to include the area in question among the special areas, since the sole purpose of the Conference was to establish regulations for the prevention of pollution. The Conference could not come to a conclusion on the question of substance, for any decision one way or another would bring valid objections from the other side. Since the footnote did not give a truly specific definition, the Secretariat's definition in Regulation 10, paragraph 1(e) should be the one retained.

Mr. AFSHAR (Iran) thought that the name used in all documents and official instruments until now should be used until such time as the States of the area had settled the matter amongst themselves. If the Conference were to take a vote, it would have to be an informative one on the principle of modifying names used in IMCO documents.

Mr. AL-NAQIB (Kuwait) pointed out that the Conference could only take decisions on texts submitted to it and not on matters of principle.

The PRESIDENT confirmed that the Conference could indeed take decisions only on specific proposals.

Mr. RAMADAN (Egypt) proposed to delete the asterisk after the definition in paragraph 1(e) of Regulation 10, and also the corresponding footnote (MP/CONF/WP.5, p.13), since that footnote brought up a political issue with which the Conference was not competent to deal.

Mr. AL-BAYATI (Iraq), Mr. AL-NAQIB (Kuwait) and Mr. TOUKAN (Jordan) supported that proposal.

Mr. SAID-VAZIRI (Iran) said that the Conference could not take a decision immediately by a vote since the substantial question of the name had not yet

been dealt with either in Committee II or in the Drafting Committee. Moreover, a name long sanctioned in international circles could not be changed by a vote which, in any case, the Conference was not competent to take. In the circumstances, Iran was against any change of precedent.

Mr. AL-NAQIB (Kuwait) pointed out that whatever text was adopted, the usual names would continue to be used. A compromise must therefore be found, and he thought that the Secretariat text was the best possible formula.

Mr. AMEEN (Iraq) recalled that the objective was to make the area in question a special area for the purpose of preventing pollution. It was sufficient to call it "the Gulf".

Mr. SAID-VAZIRI (Iran) said that compared with the "Black Sea area" and "Mediterranean Sea area" defined in the same Regulation, the term "Gulf area" was much too vague. The formula "Gulf area" should be defined with the same precision.

Mr. TOUKAN (Jordan) recalled that he had suggested putting "Arab-Persian Gulf"; he refused to accept "Persian Gulf".

Mr. BOUSSOFFARA (Tunisia) thought that the Secretariat suggestion of "Gulf area" was clear enough in the context of pollution control, which was the aim of the Conference. His delegation therefore supported the Egyptian proposal to delete the asterisk in sub-paragraph (e) and the corresponding footnote.

Mr. BREUER (Federal Republic of Germany) urged participants to take an immediate vote on the Egyptian amendment.

Mr. SAID-VAZIRI (Iran) asked if the Conference, even if it were acting in accordance with the Rules of Procedure, was competent to take a decision on changing the historical or geographical name of an area. He asked if the President would allow him to submit a proposal in proper form, changing a delegates's name, for instance.

Mr. RAMADAN (Egypt) observed that there was no question of changing a name, but merely of adopting for the purpose of the Convention the name most suited to the aims of the Conference.

The PRESIDENT, in reply to a question from Mr. BRENNAN (Australia), said that the vote on the Egyptian amendment required a simple majority.

Mr. AMEEN (Iraq) said that the Conference had no authority to change geographical names; its purpose was to take measures to prevent the pollution of the seas. The wording proposed was a compromise which would in no way modify the traditions of the parties involved.

Mr. SAID-VAZIRI (Iran) pointed out that that compromise had been worked out between the countries belonging to the Arab League and not between those countries and Iran. There was therefore no question of a compromise. It would hardly be argued that a name other than "Persian Gulf" would not be a change; even if it were not a political one as the Egyptian representative seemed to think, it was certainly of a geographical and historical character.

Mr. TOUKAN (Jordan) again recalled that the name "Arab Gulf" had been in existence for 13 centuries. His delegation had in fact put forward the compromise solution on which the Conference had to decide in order to satisfy the Iranian delegation which, however, seemed to have decided to refuse to consider any opinion other than its own.

Mr. AMINI (Iran) stated that it was the first time that he had heard of a so-called compromise to change an internationally-accepted geographical name. He still thought that the Assembly was not authorized to decide on such a change at the request of a group of countries.

Mr. TOUKAN (Jordan) again expressed his surprise that the Iranian representative maintained that he had never heard the expression "Arab-Persian Gulf", even though in Committee II he had used that very expression to support a Jordanian amendment to include the "Arab-Persian Gulf" in the special areas specified in Annex I, Regulation 10 of the Convention.

Mr. BOUSSOFFARA (Tunisia) pointed out that the Egyptian proposal was intended only to demarcate the "Gulfs area" for the purposes of the Convention.

Mr. AFSHAR (Iran) suggested that sub-paragraph (e) should include the definition of the Gulfs area given in the footnote; that had been done for the preceding sub-paragraphs. Sub-paragraph (e) would then read: "The Gulfs area means Persian Gulf proper and the Sea of Oman ...".

The PRESIDENT put to the vote the Egyptian proposal to delete the asterisk in sub-paragraph (e) and the corresponding footnote.

The proposal was adopted by 11 votes to none, with 42 abstentions.

Mr. AMEEN (Iraq) stressed that the only name acceptable to his delegation was "Arab Gulf". His delegation would accept the formula in sub-paragraph (e) solely as a compromise.

Mr. DUCLAUX (France) explained that the French delegation had voted for the Egyptian amendment which had the advantage of not prejudging the solution to be adopted for a problem beyond the competence of the Conference. The area defined in sub-paragraph (e) included not only the gulf known as the Persian or Arab Gulf, but also the Sea of Oman, and therefore covered an area more vast than either term.

Mr. AFSHAR (Iran) said that his delegation had been unable to take part in the vote because of the lack of any official text. He wished his delegation's objections to be recorded in the Summary Record, since the decision taken might make it impossible for his country to become a Party to the Convention. He added that the vote had created an embarrassing precedent in the matter of changing geographical names, and the 42 abstentions confirmed that his delegation's fears were well founded.

The PRESIDENT suggested that the square brackets in Regulation 10(1)(a) and (c) should be deleted.

It was so decided.

Mr. SURAHARDJA (Indonesia) proposed with reference to Regulation 1(9), to delete the words "in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958", for otherwise Indonesia, which was not Party to the Geneva Convention, would be unable to accept the definition.

Mr. RAMADAN (Egypt) supported the proposal of Indonesia.

Mr. VANCHISWAR (India) said he was prepared to accept deletion of the reference to the Geneva Convention, but would prefer to replace the words in question by the following: "in accordance with the relevant international conventions on the law of the sea".

Mr. FONTOURA (Brazil) said that since Brazil was not a Party to the 1958 Geneva Convention, his delegation, like the Indonesian delegation, would prefer to delete the reference to that Convention. He would, however, find it hard to accept the Indian proposal.

Mr. BREUER (Federal Republic of Germany) said that he could accept the wording proposed, although he could understand the difficulties for certain countries.

Mr. MANANSALA (Philippines) supported the Indonesian proposal.

Mr. SUGIHARA (Japan) said that he could not accept the deletion proposed by the Indonesian representative. He proposed to replace the words in question by "in accordance with international law", which reflected an undeniable state of affairs and should be readily acceptable.

Mr. TOUKAN (Jordan) supported the Indonesian proposal since he felt that the 1958 Geneva Convention contained injustices which the Conference on the Law of the Sea should try to put right.

Mr. TRAIN (USA) supported the non-committal Japanese wording.

The PRESIDENT first put to the vote the Indonesian proposal to delete the words "in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958" in Regulation 1(9).

The Indonesian proposal was rejected by 30 votes to 18, with 8 abstentions.

The PRESIDENT put to the vote the Japanese proposal to replace the words "in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958" with the words "in accordance with international law".

The proposal was adopted by 29 votes to 5, with 21 abstentions.

Mr. DUCLAUX (France) proposed some amendments, mainly of a drafting character, to the French text of Annex I before the Conference (MP/CONF/WP.5). In Regulation 4, paragraph 4 after "replacement" in the French text the words "de l'équipement ou des installations" should be added, as had been agreed in the Drafting Committee.

In Regulation 5(2), and in fact everywhere else in the Annex, the words "Certificat" and "Autorité" in the French text should have an initial capital.

In Regulation 8(5) the words "de l'équipement ou des installations" should be added in the French text as in Regulation 4(4); the English text should read "such equipment or fittings".

In Regulation 13(2), eighth line of the French text, the word "léger" should read "lège".

In the third line of the French text of Regulation 16(5) "qui sera incorporé" should be changed to "à incorporer".

In Regulation 20(6) the words used in Regulation 9(7) of Annex II should also be used, as had been agreed in the Drafting Committee.

In Appendix II, under "Type du navire", two commas should be added in the third line, which would then read in the French text: "Navire, autre qu'un pétrolier, muni de citernes à cargaison ..." and in the English text "Ships other than an oil tanker ...". Further on in the same Appendix, in the sentence dealing with the date on which the keel was laid, in the French text a comma should be inserted after "état d'avancement équivalent".

In Part B of Appendix II, commas should be inserted in footnote^{1/}: "... renseignements pertinents seront indiqués pour les navires, autres que les pétroliers, construits ...".

Mr. HELANIEMI (Finland) pointed out a mistake in Regulation 1(10), in the last line of which "Regulation 12" should read "Regulation 10".

Mr. RAFFAELLI (Brazil) said that although the Convention was of interest to developed as well as developing countries, it would impose on the latter a considerable burden which was not consonant with their resources. It would therefore be unwise for them to ratify it.

His delegation could understand the reasons why the countries concerned wished to end pollution as soon as possible but queried whether the dates in Regulation 1(6) were realistic. Since the Convention could hardly enter into force before July 1975, it would be wiser as a general rule and fairer for the developing countries to extend the dates in paragraph 5 by two years.

Mr. CACHO-SOUSA (Peru), Mr. BUZETA (Chile), Mr. SURAJARDJA (Indonesia) and Miss GRANDI (Argentina) supported the Brazilian proposal.

Mr. TRAIN (USA) supported by Mr. CALENDI (Italy), Mr. ERIKSSON (Sweden), Mr. AL-NAQIB (Kuwait) and Mr. KALYVAS (Greece) pointed out that if the Brazilian amendment were adopted, many new ships would be exempt from the relevant provisions. He therefore opposed the amendment.

Mr. BOUSSOFFARA (Tunisia), supported by Mr. CALENDIA (Italy) called the Conference's attention once again to the Mediterranean, which was polluted by 300,000 tons of oil per year and by the chemical products dumped by coastal States into the rivers which flowed into that sea. If draconian steps were not taken at the earliest possible moment, the Mediterranean would become a scene of desolation and death. He therefore opposed the Brazilian delegation's amendment.

Mr. DUCLAUX (France) agreed with the Tunisian and United States representatives. Pollution could not be checked without some sacrifice. While aware of the difficulties to be overcome, he thought it would be impossible to extend the dates.

Mr. RAFFAELLI (Brazil) pointed out that the text put forward by Committee II contained new points on which his delegation would have to seek instructions from its Government. Any text drafted by a Committee could be amended by the Conference in plenary session, for it was sovereign.

He regretted the serious pollution in the Mediterranean; but the developing countries were in no way responsible for it and could not suffer the consequences if the cost of doing so was excessively heavy. He therefore asked for a vote to be taken on his proposal.

Mr. TOUKAN (Jordan) hoped that the dates in paragraph 6 would be set as early as possible.

Mr. BOUSSOFFARA (Tunisia) appreciated the Brazilian representative's arguments and agreed that it was essential to help the developing countries. He suggested that Brazil should submit to the United Nations Development Programme a request for assistance in ship-building, which Tunisia would support.

The PRESIDENT put the Brazilian amendment to the vote.

The amendment was rejected by 31 votes to 9, with 8 abstentions.

Mr. ARCHER (UK) proposed a drafting amendment to Regulation 1(10). The words "its peculiar transportation traffic" should be replaced by "the particular character of its traffic", and the English text thus aligned with the French.

It was so decided.

Mr. VANCHISWAL (India), supported by Mr. SURAJIARDJA (Indonesia) proposed to replace the word "undertakes" in the second line of Regulation 12(1) by "shall take appropriate steps".

The proposal was rejected by 23 votes to 20, with 14 abstentions.

Mr. ERIKSSON (Sweden) suggested that since it had been decided to entitle Regulation 4 "Surveys", the word "inspection" in the third line of sub-paragraph (a) should be replaced by "survey".

It was so decided.

Mr. ERIKSSON (Sweden) said that in different sub-paragraphs of Regulation 10(7) the expressions "Contracting Governments" and "Contracting States" were used. It would be better in every case to use the term "Contracting Governments".

Mr. WISWALL (Liberia), Mr. BREUER (Federal Republic of Germany), Mr. TRETIAK (Ukraine) and Mr. ALVAREZ de TOLEDO (Spain) agreed that the same expression should be used everywhere, but thought that it should be "Contracting State".

Miss GRANDI (Argentina), supported by Mr. AL-NAQIB (Kuwait) and Mr. ABLACK (Trinidad and Tobago), suggested that the matter be left in abeyance until a decision had been taken in connexion with the Articles of the Convention. The Drafting Committee could then unify the terminology used in those Articles and in the Annexes.

It was so decided.

Mr. BREUER (Federal Republic of Germany) asked for the text of the Annex to be examined regulation by regulation in order to simplify the work of the Conference.

The meeting rose at 12.45 p.m.

CONTENTS

	<u>Page</u>
<u>Agenda item 7</u> - Consideration of a draft International Convention for the Prevention of Pollution from Ships, 1973	3

Agenda item 7 - CONSIDERATION OF A DRAFT INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973 (MP/CONF/WP.3, MP/CONF/WP.5 and Add.1) (Continued)

Mr. CALIENDA (Italy) explained his delegation's vote on Annex II, which had been adopted by the Conference at the previous meeting.

His delegation had recognized the cogency of the principles on which Annex II was based and had voted for the text proposed. Nevertheless, it wished to express its formal reservations concerning the failure to include the Mediterranean Sea in the list of special areas in Regulation 1 of the Annex, requiring the adoption of special mandatory methods for the prevention of sea pollution by noxious liquid substances, despite the request made by the Italian delegation in Committee I. In view of the large amount of traffic in chemicals in the Mediterranean and the geophysical and oceanographic features of that sea, it ought to have been considered essential to make it a special area, even if only to the same extent as the other seas mentioned in Regulation 1, paragraph (7).

Mr. RAMADAN (Egypt) agreed with the Italian representative. It was inconsistent to make the Mediterranean and the Red Seas special areas for the purpose of preventing oil pollution and not do the same for the prevention of pollution by chemical products.

Mr. TOUKAN (Jordan) endorsed the remarks of the Italian and Egyptian representatives.

ANNEX I (MP/CONF/WP.5 and Add.1)

The PRESIDENT put to the Conference the text of Annex I drawn up by the Drafting Committee (MP/CONF/WP.5 and Add.1).

Mr. SPINELLI (Italy), Chairman of Committee II, said that the Conference had to adopt a final definition of the special areas as set out in Regulation 10, paragraphs (1)(a) and (c), which still contained indications in square brackets, and of the "Gulf area" in paragraph (1)(e) of the same Regulation. It also had to adopt the text of Regulation 11(b)(ii), which should probably be aligned with the text drawn up for Regulation 6(b)(ii) of Annex II (cf. MP/CONF/SR.7).

The PRESIDENT suggested that the Conference should adopt for Regulation 11 (b)(ii) of Annex I the text already adopted for Regulation 6(b)(ii) of Annex II.

It was so decided.

Mr. TOUKAN (Jordan) recalled that upon the initiative of his delegation an amendment (MP/CONF/C.2/WP.20) to make the "Arab-Persian Gulf and the Red Sea" a special area calling for mandatory measures to prevent pollution by oil had been submitted to Committee II. Following a statement made to Committee II by the Jordanian delegation, which had convinced the majority, the Committee had adopted the Jordanian proposal. The Iranian delegation in casting its vote had in fact used the expression "Arab-Persian Gulf". His own delegation was therefore surprised that the Iranian delegation had thought it necessary to inform the Conference of a letter to the IMCO Secretariat (MP/CONF/16) in which the Secretariat was asked to use the name "Persian Gulf" in IMCO documents and not "Arab-Persian Gulf", despite the fact that that name had been unofficially agreed upon by the Iranian delegation and the delegations of the Arab States to the Conference.

The Conference was a technical one and therefore not competent to settle an issue of that kind, which did not concern delegations or representatives but the sovereignty of the States represented.

The present disagreement could, he thought, be compared with one that might arise between the United Kingdom and France, if a single name were to be adopted for what the French call "la Manche" and the English "the English Channel", for what the French call "les Iles anglo-normandes" and the English "the Channel Islands", or for what the French call "Pas-de-Calais" and the English "the Straits of Dover". If such a dispute were to come before the Conference, would France or the United Kingdom agree to give up a name cherished for reasons of tradition, and adopt the other side's name? It was unlikely that either side would accept a unilaterally imposed solution; and whatever the solution adopted by vote, the English and the French would continue to use the names familiar to them, without denying the legitimate use by the other side of another name.

Exactly the same was true of the expression "Arab-Persian Gulf" which ran the risk of injuring the national feelings of 18 Arab States members of the United Nations. Since the time when Arab power had extended over three continents, that gulf had been known to the Arab States as the Gulf of Basra, whence sailed Sinbad the great Arab sailor whose adventures were celebrated in the Arabian Nights. Later, more simply, it was known as the Arab Gulf. It had therefore had an Arabic name for 13 centuries. True, it had had another name before that, but the names of countries and seas changed as history was made.

That, of course, did not mean that the countries using the name "Arab Gulf" were unmindful of the rights of the Iranian people, who had worked side by side with their Arab brothers to build up Moslem civilization. The two peoples had mingled with each other throughout history and considered themselves as one people with two languages. Anything satisfactory to the Iranian people was therefore dear to the Arab nation, which followed the progress of the Iranian nation under the Shah with close admiration.

His delegation therefore appealed to the Conference not to make a ruling, since that was beyond its competence, but to act as an intermediary between the delegations and find a compromise solution to reconcile their respective interests. One solution might be to define the area as the "[Arab Gulf] or [Persian Gulf] and Gulf of Oman" located north-west of the rhumb line between Ras al Hadd (22° 30' N, 59° 48' E) and Ras al Fasteh (25° 04' N, 61° 25' E). Another solution might be to delete all names and adopt the wording suggested by the Secretariat in MP/CONF/C.2/WP.55, which contained no qualifying adjective.

Mr. AFSHAR (Iran) categorically opposed the compromise solution proposed by Jordan, which would change geographical names that had existed for many years and figured on charts and in many international conventions already in force. That was true of the name "Persian Gulf", a name in absolutely general use which, moreover, figured in the footnote to the text of the definition

in Regulation 10, paragraph 1)(e) (MP/CONF/WP.5, page 13). Any change in that name would bring about numerous complications of a political nature, which would go far beyond the specific framework of the Conference. By voting on the matter the Conference would give rise to innumerable difficulties of the same kind with regard to the Indian Ocean, the Gulf of Mexico, the Baltic Sea, the Black Sea and others. The United Nations Secretariat had made it clear in the formal note of 5 March 1971 to the Iranian Permanent Mission mentioned in the Iranian delegation's letter to IMCO (MP/CONF/16) that the practice in United Nations documents was to keep the traditional name, which was "Persian Gulf". To avoid possible dilemmas and misunderstandings, his delegation was against any change in that name.

Mr. AL NAQIB (Kuwait) recalled that in Committee II he had unreservedly supported the Jordanian proposal to include the area in question among the special areas, since the sole purpose of the Conference was to establish regulations for the prevention of pollution. The Conference could not come to a conclusion on the question of substance, for any decision one way or another would bring valid objections from the other side. Since the footnote did not give a truly specific definition, the Secretariat's definition in Regulation 10, paragraph 1(c) should be the one retained.

Mr. ASHAR (Iran) thought that the name used in all documents and official instruments until now should be used until such time as the States of the area had settled the matter amongst themselves. If the Conference were to take a vote, it would have to be an informative one on the principle of modifying names used in IMCO documents.

Mr. AL NAQIB (Kuwait) pointed out that the Conference could only take decisions on texts submitted to it and not on matters of principle.

The PRESIDENT confirmed that the Conference could indeed take decisions only on specific proposals.

Mr. RAMADAN (Egypt) proposed to delete the asterisk after the definition in paragraph 1(e) of Regulation 10, and also the corresponding footnote (MP/CONF/WP.5, p.13), since that footnote brought up a political issue with which the Conference was not competent to deal.

Mr. AL BAYATI (Iraq) Mr. AL NAQIB (Kuwait) and Mr. TOUKAN (Jordan) supported that proposal.

Mr. AMINI (Iran) said that the Conference could not take a decision immediately by a vote since the substantial question of the name had not yet been dealt with either in Committee II or in the Drafting Committee. Moreover, a name long sanctioned in international circles could not be changed by a vote which, in any case, the Conference was not competent to take. In the circumstances, Iran was against any change of precedent.

Mr. AL NAQIB (Kuwait) pointed out that whatever text was adopted the usual names would continue to be used. A compromise must therefore be found, and he thought that the Secretariat text was the best possible formula.

Mr. AMEEN (Iraq) recalled that the objective was to make the area in question a special area for the purpose of preventing pollution. It was sufficient to call it "the Gulf".

Mr. AMINI (Iran) said that compared with the "Black Sea area" and "Mediterranean Sea area" defined in the same Regulation, the term "Gulf area" was much too vague. The area in question should be defined with the same precision.

Mr. TOUKAN (Jordan) recalled that he had suggested putting "[Arab-Persian] Gulf"; he refused to accept "Persian Gulf".

Mr. TURKI (Tunisia) thought that the Secretariat suggestion of "Gulf area" was clear enough in the context of pollution control, which was the aim of the Conference. His delegation therefore supported the Egyptian proposal to delete the asterisk in sub-paragraph (e) and the corresponding footnote.

Mr. BREUER (Federal Republic of Germany) urged participants to take an immediate vote on the Egyptian amendment.

Mr. AMINI (Iran) asked if the Conference, even if it were acting in accordance with the Rules of Procedure, was competent to take a decision on changing the historical or geographical name of an area.

Mr. RAMADAN (Egypt) observed that there was no question of changing a name, but merely of adopting for the purpose of the Convention the name most suited to the aims of the Conference.

In reply to a question from Mr. BRENNAN (Australia) the PRESIDENT said that the vote on the Egyptian amendment required a simple majority.

Mr. AMEEN (Iraq) said that the Conference had no authority to change geographical names; its purpose was to take measures to prevent the pollution of the seas. The wording proposed was a compromise which would in no way modify the traditions of the parties involved.

Mr. AMINI (Iran) pointed out that that compromise had been worked out between the countries belonging to the Arab League. It could hardly be argued that a name other than "Persian Gulf" would not be a change; even if it were not a political one as the Egyptian representative seemed to think, it was certainly of a geographical and historical character.

Mr. TOUKAN (Jordan) again recalled that the name "Arab Gulf" had been in existence for 13 centuries. His delegation had in fact put forward the compromise solution on which the Conference had to decide in order to satisfy the Iranian delegation which, however, seemed to have decided to refuse to consider any opinion other than its own.

Mr. AMINI (Iran) stated that it was the first time that he had heard of a so-called compromise to change an internationally-accepted geographical name. He still thought that the Assembly was not authorized to decide on such a change at the request of a group of countries.

Mr. TOUKAN (Jordan) again expressed his surprise that the Iranian representative maintained that he had never heard the expression "Arab-Persian Gulf", even though in Committee II he had used that very expression to support a Jordanian amendment to include the "Arab-Persian Gulf" in the special areas specified in Annex I, Regulation 10 of the Convention.

Mr. TURKI (Tunisia) pointed out that the Egyptian proposal was intended only to demarcate an area for the purposes of the Convention, since the "Gulf area" included both the Persian Gulf and the Sea of Oman.

Mr. AFSHAR (Iran) suggested that sub-paragraph (e) should include the definition of the Gulf area given in the footnote; that had been done for the preceding sub-paragraphs. Sub-paragraph (e) would then read: "The Gulf area means Persian Gulf proper and the Sea of Oman ...".

The PRESIDENT put to the vote the Egyptian proposal to delete the asterisk in sub-paragraph (e) and the corresponding footnote.

The proposal was adopted by 11 votes to none, with 42 abstentions.

Mr. AMEEN (Iraq) stressed that the only name acceptable to his delegation was "Arab Gulf". His delegation would accept the formula in sub-paragraph (e) solely as a compromise.

Mr. DUCLAUX (France) explained that the French delegation had voted for the Egyptian amendment which had the advantage of not prejudging the solution to be adopted for a problem beyond the competence of the Conference. The area defined in sub-paragraph (e) included not only the gulf known as the Persian or Arab Gulf, but also the Sea of Oman, and therefore covered an area more vast than either term.

Mr. AFSHAR (Iran) said that his delegation had been unable to take part in the vote because of the lack of any official text. He wished his delegation's objections to be recorded in the Summary Record, since the decision taken might make it impossible for his country to become a Party to the Convention.

The PRESIDENT suggested that the square brackets in Regulation 10(1)(a) and (c) should be deleted.

It was so decided.

Mr. SURAHARDJA (Indonesia) proposed with reference to Regulation 1(9), to delete the words "in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958", for otherwise Indonesia, which was not Party to the Geneva Convention, would be unable to accept the definition.

Mr. RAMADAN (Egypt) supported the proposal of Indonesia.

Mr. VANCHISWAR (India) said he was prepared to accept deletion of the reference to the Geneva Convention, but would prefer to replace the words in question by the following: "in accordance with the relevant international conventions on the law of the sea".

Mr. FONTOURA (Brazil) said that since Brazil was not a Party to the 1958 Geneva Convention, his delegation, like the Indonesian delegation, would prefer to delete the reference to that Convention. He would, however, find it hard to accept the Indian proposal.

Mr. BRLEUER (Federal Republic of Germany) said that he could accept the wording proposed, although he could understand the difficulties for certain countries.

Mr. MANANSALA (Philippines) supported the Indonesian proposal.

Mr. SUGIHARA (Japan) said that he could not accept the deletion proposed by the Indonesian representative. He proposed to replace the words in question by "in accordance with international law", which reflected an undeniable state of affairs and should be readily acceptable.

Mr. TOUKAN (Jordan) supported the Indonesian proposal since he felt that the 1958 Geneva Convention contained injustices which the Conference on the Law of the Sea should try to put right.

Mr. TRAIN (USA) supported the non-committal Japanese wording.

The PRESIDENT first put to the vote the Indonesian proposal to delete the words "in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958" in Regulation 1(9).

The Indonesian proposal was rejected by 30 votes to 18, with 8 abstentions.

The PRESIDENT put to the vote the Japanese proposal to replace the words "in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958" by the words "in accordance with international law".

The proposal was adopted by 29 votes to 5, with 21 abstentions.

Mr. DUCLAUX (France) proposed some amendments, mainly of a drafting character, to the text of Annex I which lay before the Conference (MP/CONF/WP.5). In Regulation 4, paragraph 4 after "remplacement" in the French text the words "de l'équipement ou des installations" should be added, as had been agreed in the Drafting Committee.

In Regulation 5(2), and in fact everywhere else in the Annex, the words "Certificat" and "Autorité" in the French text should have an initial capital.

In Regulation 8(5) the words "de l'équipement ou des installations" should be added in the French text as in Regulation 4(4); the English text should read "such equipment or fittings".

In Regulation 13(2), eighth line of the French text, the word "léger" should read "lège".

In the third line of the French text of Regulation 16(5) "qui sera incorporé" should be changed to "à incorporer".

In Regulation 20(6) the words used in Regulation 9(7) of Annex II should also be used, as had been agreed in the Drafting Committee.

In Appendix II, under "Type du navire", two commas should be added in the third line, which would then read in the French text: "Navire, autre qu'un pétrolier, muni de citernes à cargaison ..." and in the English text "Ships, other than an oil tanker ...". Further on in the same Appendix, in the sentence dealing with the date on which the keel was laid, in the French text a comma should be inserted after "état d'avancement équivalen

In Part B of Appendix II, commas should be inserted in foot. to ^{1/}: "... renseignements pertinents seront indiqués pour les navires, autres que les pétroliers, construits ...".

Mr. HELANIEMI (Finland) pointed out a mistake in Regulation 1(10), in the last line of which "Regulation 12" should read "Regulation 10".

Mr. RAFFANELLI (Brazil) said that although the Convention was of interest to developed as well as developing countries, it would impose on the latter a considerable burden which was not consonant with their resources. It would therefore be unwise for them to ratify it.

His delegation could understand the reasons why the countries concerned wished to end pollution as soon as possible but queried whether the dates in Regulation 1(6) were realistic. Since the Convention could hardly enter into force before July 1975, it would be wiser as a general rule and fairer for the developing countries to extend the dates in paragraph 5 by two years.

Mr. CACHO-SOUSA (Peru), Mr. BUZETA (Chile), Mr. SURAHARDJA (Indonesia) and Miss GRANDI (Argentina) supported the Brazilian proposal.

Mr. BENDER (USA) supported by Mr. CALENDIA (Italy), Mr. ERIKSSON (Sweden), Mr. AL-HAQIB (Kuwait) and Mr. KALYVAS (Greece) pointed out that if the Brazilian amendment were adopted, many new ships would be exempt from the relevant provisions. He therefore opposed the amendment.

Mr. BOUSSOFFARA (Tunisia), supported by Mr. CALENDIA (Italy) called the Conference's attention once again to the Mediterranean, which was polluted by 60,000 tons of petrol and by the chemical products dumped by coastal States into the rivers which flowed into that sea. If draconian steps were not taken at the earliest possible moment, the Mediterranean would become a scene of desolation and death.

Mr. DUCLAUX (France) agreed with the Tunisian and United States representatives. Pollution could not be checked without some sacrifice. While aware of the difficulties to be overcome, he thought it would be impossible to extend the dates.

Mr. RAFFAELLI (Brazil) pointed out that the text put forward by Committee II contained new points on which his delegation would have to ask for instructions from its Government. Any text drafted by a Committee could be amended by the Conference in plenary session, for it was sovereign.

He regretted the serious pollution in the Mediterranean; but the developing countries were in no way responsible for it and could not suffer the consequences if the cost of doing so was excessively heavy. He therefore asked for a vote to be taken on his proposal.

Mr. TOUKAN (Jordan) hoped that the dates in paragraph 6 would be set as early as possible.

Mr. BOUSSOFFARA (Tunisia) appreciated the Brazilian representative's arguments and agreed that it was essential to help the developing countries. He suggested that Brazil should submit to the United Nations Development Programme a request for assistance in ship-building, which Tunisia would support.

The PRESIDENT put the Brazilian amendment to the vote.

The amendment was rejected by 31 votes to 9, with 8 abstentions.

Mr. ARCHER (United Kingdom) proposed a drafting amendment to Regulation 1(10). The words "its peculiar transportation traffic" should be replaced by "the particular character of its traffic", and the English text thus aligned with the French.

It was so decided.

Mr. VANCHISWAR (India), supported by Mr. SURAHARDJA (Indonesia) proposed to replace the word "undertakes" in the second line of Regulation 12(1) by "shall take appropriate steps".

The proposal was rejected by 23 votes to 20, with 14 abstentions.

Mr. ERIKSSON (Sweden) suggested that since it had been decided to entitle Regulation 4 "Surveys", the word "inspection" in the third line of sub-paragraph (a) should be replaced by "survey".

It was so decided.

Mr. ERIKSSON (Sweden) said that in different sub-paragraphs of Regulation 10(7) the expressions "Contracting Governments" and "Contracting States" were used. It would be better in every case to use the term "Contracting Governments".

Mr. WISWALL (Liberia), Mr. BREUER (Federal Republic of Germany), Mr. TRILTIK (Ukraine) and Mr. ALVAREZ de TOLEDO (Spain) agreed that the same expression should be used everywhere, but thought that it should be "Contracting State".

Miss GRANDI (Argentina), supported by Mr. AL-NAQIB (Kuwait) and Mr. ABLACK (Trinidad and Tobago), suggested that the matter be left in abeyance until a decision had been taken in connexion with the Articles of the Convention. The Drafting Committee could then unify the terminology used in those Articles and in the Annexes.

It was so decided.

Mr. BREUER (Federal Republic of Germany) asked for the text of the Annex to be examined regulation by regulation in order to simplify the work of the Conference.

The meeting rose at 12.45 p.m.