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**FIRST COMMITTEE, 1925th
MEETING**

*Monday, 15 October 1973,
at 3 p.m.*

NEW YORK

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Chairman: Mr. Otto R. BORCH (Denmark).

AGENDA ITEM 40 (continued)

Reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of their resources in the interests of mankind, and convening of a conference on the law of the sea: report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (A/9021)

1. Mr. WAPENYI (Uganda): From the observations made at the 1924th meeting this morning, it is obvious that until more consultations are held on a regional basis, whatever statements we make will be subject to such changes as will be made at the regional meetings; I mean, as will be agreed upon at the regional level. My remarks at this stage are therefore of a preliminary nature, since we had already listed ourselves to speak and we will just put on record what we wanted to say.

2. As an active member in an observer capacity, my delegation has followed with much interest the activities of the preparatory committee in the last three years.

3. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction has done what my delegation considers to be the maximum that could be expected from a committee of this kind. We are of the opinion, therefore, that the dissolution of this Committee and the convening of the main conference as scheduled should be the major issue to be considered at this twenty-eighth session of the General Assembly. In its three sub-committees the preparatory committee has produced at least some texts and comparative tables that can be the basis of negotiations at the full conference.

4. The controversial issues such as those which we encountered in Sub-Committee II are issues mainly of a

political nature and it is the opinion of my delegation that those are political issues requiring political solutions, for which we will need the full powers of plenipotentiaries at the main conference, to make the political decisions after the normal negotiations.

5. For a small delegation like my own, the convening of a full conference on the law of the sea at this stage would bring into play the full powers of what we would be able to send in the form of ministers or any other high-powered members for the necessary final negotiations.

6. My delegation has noted the proposals made by the Chairman of the sea-bed Committee in the informal draft resolution which has already been circulated in a document dated 10 October and which I believe has been issued to most if not all delegations. Concerning those proposals, we have the following brief comments to make on some of the paragraphs.

7. As I have said before, this will be subject to some changes at a later stage, after we have carried out the necessary consultations at the regional level.

8. We fully support the notion in paragraph 2 to convene the first administrative session of the conference in New York, as scheduled. We see no merit in splitting the meetings of this session and we would prefer one continuous session in December. I mention December rather than November-December because we believe that, unless a decision is made this week on the preparatory part—the consultations with our Governments and making the necessary delegations available—would be made easier if we held this meeting in December. We therefore hope that a quick and binding decision by the First Committee on the matter this week will enable delegations like my own to inform their Governments and make the necessary preparations for the meeting.

9. Regarding paragraphs 3 and 4, my delegation would suggest that the Geneva session for four weeks, as proposed, in March-April and a subsequent session of eight weeks between June and August be merged in the continuous session of 12 weeks from the beginning of June to the end of August 1974.

10. This suggestion—and I emphasize that it is tentative—is based on two main reasons. For smaller delegations with limited manpower and financial resources, like my own, one session would cost less in travel and other incidental expenses. Secondly, we consider that if the session is split into two in the same year, there will be the likelihood that the more senior delegations which would come for the opening part would not be made available again for the second part. This may weaken the negotiating power of

delegations to the Conference on the Law of the Sea. We would emphasize that one continuous session on the lines of the United Nations Conference on Trade and Development sessions at its last three conferences would, we believe, stand a better chance of making the progress it would require in the first year of this very important Conference.

11. My delegation has no objection to paragraph 4 being amended, as has already been indicated in other forums, so that the subsequent session or sessions after Geneva could be convened not later than in 1975.

12. With regard to paragraphs 7 and 8, my delegation would go along with the proposal to leave this thorny, political issue to be decided upon after consultations have established who should issue the invitations and the category of States and organizations to be invited. As the Conference will decide an issue of universal character, we deem it not only appropriate but essential that as many States and organizations as can be invited should be included on the list to be compiled for this purpose.

13. We have indicated our support for a consensus method as regards paragraph 11, but we are also aware that for some issues, especially towards the final part of the Conference, voting will be required as a necessary mechanism to determine and indicate support for controversial issues that may arise.

14. In conclusion, my delegation would like again to appeal to all members to make speedy progress in determining the issues before us so as to allow you, Mr. Chairman, and the Secretary-General to issue the necessary invitations to convene the first session of the Conference by December of this year.

15. Mr. BEESLEY (Canada): I would like to confine my comments to two points only at this stage: first, the nature of our debate and, secondly, the kind of decision that we must make by the time we have concluded our debate.

16. On the first issue, it seems clear that most delegations will be well-advised to attempt to confine their comments to the very important procedural issues which require resolution at this session—my delegation, for one, will endeavour to do this. At the same time, those of us who have been members of the sea-bed Committee—many of us for some six years—are in a different position from those States Members of the United Nations which have not been members of the sea-bed Committee, and still different again from those Member States which were not previously States Members of the United Nations. It seems to us that we must not make an exception for such States but, on the contrary, earnestly invite their views on matters of substance as well as of procedure. I do not see how a delegation can be expected to voice its views on procedural issues that have important substantive implications without having had the opportunity to make its views known on the underlying substantive issues. My delegation for one would welcome substantive comments from those delegations which are not members of the sea-bed Committee or from those which represent countries newly admitted to membership in the United Nations. We hope that the rest of us will all co-operate in attempting to confine our interventions to the procedural issues, since our substantive positions are

fairly well known and are certainly reflected in the sea-bed Committee's report.

17. To sum up on this point, it seems to me that, as in the past, part of the purpose of this debate—indeed, its major purpose—is to obtain the General Assembly's view of the work of the sea-bed Committee. Although our prime interest is in seeing the views of the General Assembly reflected in procedural decisions, my delegation, for its part, would not only consider it appropriate and not out of order for the delegations I have mentioned which have not been able to make their substantive positions known to do so now, but we would invite them to do so.

18. Secondly, with respect to the nature of the decision, it seems to me that by the end of our debate we may be in a better position to know whether we will require two substantive sessions in 1974 or whether we can manage with only one, because one of the reasons that is usually given for having two substantive sessions is the need to hear from those members which are not in the sea-bed Committee or which are new States Members of the United Nations. It does seem to me, therefore, that if we utilize our time effectively in the First Committee we can be meeting a number of considerations and perhaps, in the process, finding it easier to determine our procedural decisions.

19. At this stage of discussion, my own delegation has an open mind on most of the procedural issues requiring decision and we will therefore reserve our substantive comments on procedure until a little later when we have heard from those delegations which have strong views. But I should say one thing: our own preference would be, if possible, to avoid two lengthy sessions in 1974, separated by a short period of two and a half months. Our preference would be to try and find a way to make our work as efficient as possible, at the same time not putting this very heavy burden on many smaller countries which have difficulty in mounting the kind of resources, physical and financial, necessary to have people away for such lengthy periods, so closely spaced together, as might be envisaged in the kind of proposal we are now considering. For our part, we would accept that proposal if the majority did so, but we are very sympathetic to the difficulties of those who would prefer to have this time compressed into one session—some say 10 weeks, some less and some more. That is our preliminary view, but we are very much open to persuasion on this question.

20. Mr. ZULETA (Colombia) (*interpretation from Spanish*): First of all, Sir, on behalf of the delegation of Colombia, I cordially congratulate you on being elected Chairman of the First Committee, since I was unable to offer you my congratulations before, and also to wish you every success in the very difficult task that we, I am afraid, have imposed upon you.

21. At the moment, my delegation will confine itself to expressing agreement with the suggestion made by the representative of Canada. It would in fact be extremely helpful for us to hear the views of those countries which did not participate in the Committee's work, either because they were not members of the Committee or because they were not at the time States Members of the United Nations.

So far as the substantive procedural questions are concerned, my delegation, with all due respect, reserves its right to ask for the floor later to make known its formal views.

22. The CHAIRMAN: As there are no further speakers this afternoon, I might make one or two announcements.

23. I have listened with a great deal of sympathy to the statements by both the representative of Canada and the representative of Colombia regarding the opportunity for Members who have not previously participated in the sea-bed Committee to make known more generally their views on the substance. Personally I feel that that is a fair point. I wonder whether we could not, while certainly inviting such members to express their views, at the same time discipline the urge to review what has already been said on the substance. If that is possible then I would like to suggest that those who wish to speak on the substance and have not done so before, should be ready with their statements as early as possible. Thus, we might possibly be able to utilize time this afternoon, or at least tomorrow, for dealing with that kind of statement. In this way the substantive statements would not interfere too much with the orderly process of the work of the Committee in dealing with primarily procedural questions. It also has an advantage, I think, for many countries which, as the representative of Uganda said, would be hesitant to embark upon detailed and final views on the draft text informally circulated by the Chairman of the sea-bed Committee before the informal group consultations have taken place. That means, then, that there should be time tomorrow morning, possibly tomorrow afternoon, for listening to substantive views.

24. I have one more point that I wanted to raise with you, and that is the question of closing the list of speakers. In the recommendation of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly,¹ it is suggested, in paragraph 69, that the Chairman should endeavour to have the list of speakers closed, at the latest, after one third of the meetings allocated to the item have been held. That would mean that the list of speakers should be closed after tomorrow

afternoon's meeting. I would be quite willing to indicate this for a somewhat later date, for example, after the Wednesday morning meeting, since representatives may wish to reflect on whether or not they wish to speak, in view of consultations that may have taken place. However, we could not do this much later than Wednesday morning.

25. Sir Roger JACKLING (United Kingdom): Just a point of clarification. I can well appreciate the need to close the list of speakers in the general debate. However, as and when a draft resolution emerges, it may well be that many delegations will wish to speak to that, and I take it that, whenever it does emerge, delegations will be free to address themselves to the draft resolution, whatever may have been their positions so far as the general debate is concerned.

26. The CHAIRMAN: I can assure the representative of the United Kingdom that that is the case. What I am talking about here is closing the list of speakers for, shall we say, opening statements of a more formal nature in the general debate. As soon as we have the draft resolution formally before us, I take it that there will be what might be called a free-for-all discussion of it, but let us hope there are not too many speakers. Certainly no closure will be applied to participation by speakers both in the light of the draft resolution as provisionally presented and in the light of such comments on it as may have been made by others.

27. Now, if there is a general understanding with regard to this, then I would suggest that we might close the list of speakers by Wednesday morning, and that those who would like to accept the invitation to address the Committee for the first time on issues of substance, do so, if at all possible, in the course of our meetings tomorrow morning and afternoon. The Secretariat and I would be very grateful to receive the names of those who would like to be inscribed on the list of speakers. Obviously, if anyone would like to speak tomorrow on procedural questions, he is free to do so.

28. Therefore, I can only hope, with the Chairman of the sea-bed Committee, that the time we do not utilize in this Committee will be put to fruitful use in informal discussions and consultations.

¹ See *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 26*, sect. XII.

The meeting rose at 3.35 p.m.