

I wish to explain my vote and the vote of the other delegations that are sponsors of the draft resolution in document A/C.1/L.562 on the amendments contained in documents A/C.1/L.563, A/C.1/L.564 and A/C.1/L.565. I should make it clear, however, in the light of the comments I have already made that in so doing I may be obliged to stray slightly from an explanation of vote in the strict sense, because of the possibility which has arisen that some of the amendments may be withdrawn.

Dealing first with the amendment in document A/C.1/L.563, this amendment, in the view of the sponsors of document A/C.1/L.562, addresses itself to a problem which does not exist or which, in any event, the sponsors did not intend to raise. Operative paragraph 3 of draft resolution A/C.1/L.562 makes clear, as a number of its sponsors said in their statements introducing the draft resolution, that the precise agenda of the conference will be determined at the XXVIth and XXVIIth sessions of the General Assembly. To put it differently, it is the clear position of the sponsors that the position of no delegation concerning the exclusion or the inclusion of any item on the agenda of the 1973 Conference should be prejudiced, or will be prejudiced, by the essentially procedural draft resolution in document A/C.1/L.562.

With respect to the equally important question of priorities to which a number of delegations have referred, it is also the clear intention and understanding of the sponsors that all urgent questions on the law of the sea shall receive attention commensurate with their

urgency in the preparatory work undertaken by the committee.

With respect to the amendments in document A/C.1/L.564, the sponsors of document A/C.1/L.562 consider once again that there is no substantive issue raised by these amendments that cannot be resolved. To put it precisely, the sponsors intend, by their reference in operative paragraph 2 to the preferential fishing rights of coastal states, that the question of such rights be raised at the conference. There was no intention to prejudge the substance of this issue. Thus, the following words should have been included in the draft resolution and I now include them, at the request of the sponsors, as a drafting change. I might mention that these words, in any event, do occur in the French version of the draft resolution. I refer to operative paragraph 2, the tenth line, the phrase contained within brackets or parentheses. The change is to insert, after the word "including", the words "the question of". Because of this drafting change and for the sake of consistency, a further drafting change has also been agreed to by the sponsors, and that is at a point two lines above, where we also see the word "including", followed by the words "its breadth and the question of international straits". We would insert, after the word "including", the phrase "the question of".

I will repeat the phrases as amended. Taking the first one that one reaches in reading the paragraph, it will read: "including the question of its breadth and the question of international straits"; and the second one will read: "including the question of the preferential rights of coastal states".

One other drafting point involves an error of the sponsors and certainly not of the Secretariat. It is that the phrase in the eleventh line of operative paragraph 2, "including inter alia the prevention of pollution", should also be enclosed in round brackets, or parentheses, as

the case may be.

I might mention further that there are certain understandings amongs delegations reflected in these comments that I have made. The sense of the arrangement is that the sponsors consider that, because of the misunderstanding that may have existed and in the light of the clarification I have just made, it should be possible for the amendments in documents A/C.1/L.563 and A/C.1/L.565 to be withdrawn.

I turn now to the third amendment, that of Malta and Turkey in document A/C.1/L.564. This presents a more difficult series of problems for the sponsors of the draft resolution and their opinion, as expressed by the representative of Peru yesterday, is that, although it may well be that we have settled the misunderstanding on the question of limits -- and certainly it is the intention of the sponsors that the question of limits be not only a subject for the conference but a subject for the preparatory committee as well -- in any event, in spite of this misunderstanding, there are other points raised in that series of amendments which the sponsors of the draft resolution do not accept; for this reason there is no change in the position of the sponsors concerning the amendments contained in document A/C.1/L.564. In other words, the sponsors consider that they have met the problems raised by the Japanese amendment, A/C.1/L.565, and also the earlier amendments raised by The Netherlands and the United Kingdom in document A/C.1/L.563; but with respect to the Maltese amendment appearing in document A/C.1/L.564, it appears necessary that we proceed to a vote.

TEXT OF STATEMENT BY MR. J.A. BEESLEY, REPRESENTATIVE OF CANADA TO THE
UNITED NATIONS XXVTH GENERAL ASSEMBLY, PLENARY SESSION, 17 December 1970
NEW YORK, N.Y.

I wish to speak in explanation of vote on draft resolution II C contained in document A/8097. I should make clear, however, that I am speaking not merely for the Canadian delegation in this explanation of vote, but also for all the countries that sponsored that draft resolution in the First Committee, namely, Canada, Chile, Colombia, Dominican Republic, Ecuador, El Salvador, Ghana, Guyana, Haiti, Iceland, Indonesia, Jamaica, Kenya, Nigeria, Norway, Peru, Senegal, Sierra Leone, Sweden, Trinidad and Tobago, Tunisia, the United States of America, Yugoslavia, The Philippines and the United Republic of Tanzania, with respect to certain understandings that I shall read into the record.

The position and votes of a number of delegations which supported that draft resolution in the First Committee were based on a number of understandings placed on record by the co-sponsors, in explanation of their vote. I have been asked to repeat those understandings in explanation of vote of the co-sponsors prior to our vote today. I will confine my comments to those issues on which those understandings have been reached.

First, it will be noted that operative paragraph 2 decides to convene a conference on the law of the sea in 1973. It decides that that conference shall be convened in accordance with the provisions of the succeeding paragraph, namely, operative paragraph 3, and it sets out the range of the questions to be dealt with at the proposed conference. I might say that in reaching the agreed text on this draft resolution the co-sponsors of three different draft resolutions met together in lengthy negotiations in order to reach a common text. Two points in particular should be noted. First, the draft resolution proposes a

conference which is broad in scope, and it also draws attention to particular issues requiring consideration. It was the view of the co-sponsors that those questions to which significant numbers of delegations attach importance should be included in the agenda and that a more restrictive approach to the agenda could give rise to serious difficulties for many delegations. I shall return to this point in a minute.

Secondly, operative paragraph 2 attempts to take a balanced approach to the questions set out for consideration at a conference, in adopting a neutral formulation on the relationship of the various issues, without attempting to prejudge the relationship between issues. The draft resolution does not attempt to predetermine, for example, which issues shall be considered together at the conference or in the preparatory committee. I might say that this formulation was also the result of long and extensive negotiation and it reflects a genuine spirit of compromise on the part of the supporters of all of the three draft resolutions in question.

I should now like to state on behalf of the co-sponsors that the general formulations used in operative paragraphs 2 and 6 of this draft resolution in no way prejudice the position of any delegation as regards any proposal for the inclusion of any particular topic on the law of the sea in the preparatory work of the sea-bed Committee, bearing in mind that operative paragraph 2 does not determine the precise agenda of the conference on the law of the sea, which remains to be determined by the General Assembly in future sessions, in accordance with operative paragraph 3.

I should like to draw attention to the seventh paragraph of the preamble and operative paragraphs 2 and 6 with respect to the question of priorities. Those paragraphs taken together imply a certain priority

for the régime in the sense in which the term is used by the International Law Commission. I wish to make clear, however, on behalf of the co-sponsors, that the intention behind operative paragraph 6 was not to imply that detailed preparatory work would not commence on other topics, such as the precise delimitation of the seabed area or other law of the sea subjects, until work had been completed on the drafting of the seabed régime. With respect to other law of the sea subjects, it is the clear intention of the co-sponsors that all urgent questions on the law of the sea should receive attention commensurate with their urgency in the preparatory work undertaken by the Committee, and the votes of the co-sponsors should be understood in this sense.

On another matter, the draft resolution is also intended to make clear -- and in the view of the co-sponsors it so does -- that with respect to all subjects listed for consideration at the conference, the draft resolution does not prejudice the substance on any issue. Certain drafting changes were introduced in operative paragraph 2 in order to make that intention abundantly clear.

One final point: I should like to draw attention to operative paragraph 6 on draft resolution II C, recommended by the First Committee, on the two sessions to be held in Geneva by the seabed Committee. The text as it stands refers to sessions in March-April and August 1971. It is our understanding that there is no fixed position on this question on the part of delegations, but, after consulting with other sponsors of this proposal, which was then recommended to the General Assembly in this draft resolution, I did indicate in the First Committee on behalf of the co-sponsors that we envisaged a four-week session in March 1971 and a six-week session in July and August. It should be noted that it was on that basis that

the financial implications of the First Committee's decision in this respect were brought to that Committee's attention by the Secretariat. Since this approach appears to be generally satisfactory, the General Assembly may now wish to formalize this point in the draft resolution by having it refer to "March" instead of "March-April", and to "July-August" instead of "August" alone.