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UNITED NATIONS COMMISSION ON PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES

Third Session

SUMMARY RECORD OF THE THIRTY-THIRD MEETING

Held at Headquarters, New York,
on Thursday, 25 May 1961, at 3.30 p.m.

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Council (A/AC.97/L.11 and Working Paper No. 7) (continued)

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PRESENT:

<u>Chairman:</u>	Mr. GAMBOA	(Philippines)
<u>Rapporteur:</u>	Mr. KHAMIS	United Arab Republic
<u>Members:</u>	Mr. TABIBI	Afghanistan
	Mr. SCHWEITZER)	Chile
	Mr. RIOSECO)	
	Mr. FLORES AVENDANO	Guatemala
	Mr. POLDERMAN	Netherlands
	Mr. BRILLANTES	Philippines
	Mr. PETREN	Sweden
	Mr. SAPOZHNIKOV	Union of Soviet Socialist Republics
	Mr. RAYMOND	United States of America

Observer from a Member State:

Mr. MAURTUA Peru

Representative of the International Atomic Energy Agency:

Mr. FREEMAN

Secretariat:

Mr. SCHACHTER Director, General
Legal Division

Miss CHEN Secretary of the
Commission

REPORT TO THE THIRTY-SECOND SESSION OF THE ECONOMIC AND SOCIAL COUNCIL
(A/AC.97/L.11 and Working Paper No. 7) (continued)

Mr. KHAMIS (United Arab Republic), Rapporteur, introduced the draft report (A/AC.97/L.11) and drew the Commission's attention to Working Paper No. 7 which contained corrections to the draft report.

The CHAIRMAN invited the members of the Commission to consider the draft report chapter by chapter and paragraph by paragraph and to submit any comments.

Chapter I

Paragraphs 1 and 2 were approved.

Insertion of a new chapter between chapters I and II

Mr. KHAMIS (United Arab Republic), Rapporteur, said that an additional chapter entitled "Representation and attendance" would be inserted between chapters I and II. It would consist of a single paragraph giving the names of the representatives of States members of the Commission and of the representatives of specialized agencies who had attended the session.

Mr. TABIBI (Afghanistan) requested that the names of the observers should also be included in the additional chapter.

Mr. KHAMIS (United Arab Republic), Rapporteur, agreed to the Afghan representative's request.

Chapter II

Paragraph 3 was approved.

Chapter III

Paragraph 4 was approved.

Paragraph 5

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) proposed the deletion of the second part of the first sentence, beginning with the words "because of the short time available for its completion...". That was an explanation which had been provided by some members of the Commission and by the Secretariat, but it did not reflect the unanimous view of the Commission. /...

Mr. RAYMOND (United States of America) proposed that, in that case, in the interests of objectivity, the preceding phrase: "which was not detailed or extensive in certain respects" should also be deleted.

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) agreed, in a spirit of compromise, that no qualitative judgement should be passed on the preliminary study by the Secretariat (A/AC.97/5 and Add.1).

The proposals made by the United States and Soviet representatives were adopted.

Paragraph 5, as amended, was approved.

Paragraphs 6 and 7 were approved.

Chapter IV

Paragraph 8 was approved.

Paragraph 9

Mr. RAYMOND (United States of America) proposed that, in the sixth line of the paragraph, the words "some of them felt", which gave the impression that the views thus expressed were those of a minority, should be replaced by the words "the view was expressed".

Mr. KHAMIS (United Arab Republic), Rapporteur, was unable to accept that proposal, as the view that the revised study could be the basis on which the Commission might make its recommendations had in fact been expressed by some representatives only and not by all members of the Commission.

Mr. BRILLANTES (Philippines) said that the reason why the second part of the second sentence of paragraph 9 was too restrictive was because, in the English version of the draft report, the first part of the sentence began with the word "Other" and, in the Spanish version, with the word "Otros". In his view, the French version, in which the second sentence of paragraph 9 began with the words "Des membres", was preferable.

Mr. TABIBI (Afghanistan) proposed that the words "Other members" should be replaced by the words "Most members", as the view mentioned at the beginning of the second sentence had been expressed by eight representatives out of nine.

Mr. KHAMIS (United Arab Republic), Rapporteur, said that he could accept that proposal.

The Afghan representative's proposal was adopted unanimously.

The United States representative's proposal to replace the words "some of them felt" by the words "the view was expressed" was rejected by 3 votes to 2, with 4 abstentions.

Mr. SAFOZHNIKOV (Union of Soviet Socialist Republics) proposed the insertion, before the third sentence of paragraph 9, of a sentence reading as follows:

"On the other hand, it was stated that the study of the Secretariat, even in its revised form, did not reflect the real situation in the field of exploitation by foreigners and their companies of natural wealth and resources of Non-Self-Governing Territories, Trust Territories and less developed countries."

He felt that the inclusion of that sentence would not raise any difficulties, as that view had, in fact, been expressed during the debate and formed the logical counterpart of the favourable opinion of the Secretariat study, which had been expressed by certain delegations.

Mr. RAYMOND (United States of America) pointed out that, if each delegation pressed for inclusion in the text of any opinion it might have expressed during the debate, the Commission's report would become merely a repetition of the summary records. In his opinion, the document should merely indicate, in broad outline, the considerations which had led the Commission to adopt the draft recommendations which it was submitting to the Economic and Social Council.

Mr. SAFOZHNIKOV (Union of Soviet Socialist Republics) said he was perfectly entitled to request that the report should indicate all the important views expressed during the debate. He did not think that the insertion of one or two new sentences would make the report more difficult to read. He considered, in fact, that the opposite would be the case.

Mr. SCHWEITZER (Chile) pointed out that the operative paragraph of resolution II which had been adopted by the Commission stated that the study by the Secretariat was transmitted to the Economic and Social Council together with the observations made by the members of the Commission. It was therefore necessary for the report to contain a summary of all the most important views expressed by delegations. He urged the United States representative not to press his objections.

/...

Mr. PETREN (Sweden) felt that the phrase "it was stated" at the beginning of the sentence which the Soviet representative proposed to insert was much too broad. He would prefer to see it replaced by the words: "one of the members stated".

Mr. SAFCZENIKOV (Union of Soviet Socialist Republics) recalled that he had not been the only member to voice such criticism of the study by the Secretariat. However, if the Commission considered the phrase too vague, it should be possible to replace it by the words "On the other hand, some members considered that...".

Mr. BRILLANTES (Philippines) said that, while he recognized that every delegation was entitled to ask that its views should be reproduced as faithfully as possible in the report, Mr. Sapczhnikov's proposal would make the document somewhat repetitive. The next three sentences listed, in detail, the gaps in the Secretariat study which various delegations had criticized. Those sentences also contained a reference to paragraph 5 of the report, which mentioned the suggestions which the same delegations had made at the previous session. He felt that, if the Commission decided to accept the Soviet proposal, it would have to insert another sentence emphasizing the positive aspects of the study by the Secretariat, in order to restore a balance.

Mr. KHAMIS (United Arab Republic), Rapporteur, confirmed that the Soviet representative had not been the only member who had criticized the Secretariat study on the grounds in question. Both the Afghan representative and he, himself as representative of the United Arab Republic, had expressed a similar opinion.

The CHAIRMAN put to the vote the additional sentence proposed by the Soviet Union representative, the beginning of which had been amended to read as follows: "On the other hand, some members considered that ...".

The additional sentence proposed by the representative of the Union of Soviet Socialist Republics was approved by 5 votes to 2, with 4 abstentions.

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) stated that he wished to propose another amendment, namely, that the following phrase should be inserted before the last sentence of paragraph 9:

"In this connexion, it was stressed that violation of the sovereignty of peoples and nations, plunder by foreign monopolies of the natural wealth and resources of less-developed countries, Non-Self-Governing Territories and Trust Territories was a form of colonialism."

Mr. KHAMIS (United Arab Republic), Rapporteur, said that it would be difficult for him to insert such a detailed and categorical statement in the report.

Mr. RAYMOND (United States of America) said that the Soviet Union representative's new proposal confirmed the fears which he had just expressed. If the Commission decided to include in the report all the opinions put forward by each of its members, it would be unable to finish its work by the appointed time.

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) disagreed with the United States representative. The discussion which had taken place on the Secretariat's revised study was of fundamental importance. The United States representative was, of course, entitled to disagree with the content of the sentence which the Soviet Union wished to include. The fact remained that the proposed sentence dealt with a matter of crucial importance, which was the basic cause of the divergence of views which had made itself apparent among the members of the Commission. In view of the difficulties which the Rapporteur had just mentioned, however, he would not press his proposal.

Mr. TABIBI (Afghanistan) noted that paragraph 5 of the report recorded the suggestions made at the previous session by certain delegations to the effect that the Secretariat study should contain more detailed information on transit rights, especially of land-locked countries. During the general discussion on the revised study, his delegation had expressed regret that those suggestions had not been taken into account. In view of the fact that various international agreements had been concluded on the subject and that, in particular, articles 2 to 4 of the Convention on the High Seas defined the rights of

(Mr. Tabibi, Afghanistan)

land-locked States, he proposed that the following phrase should be added at the end of the fourth sentence of paragraph 9: "and on transit rights, with particular reference to the rights of land-locked countries to free access to the sea."

The proposal was adopted.

The CHAIRMAN put to the vote paragraph 9 as a whole, with the changes approved by the Commission.

Paragraph 9 was approved unanimously.

Chapter V

Paragraph 10-13

Paragraphs 10, 11, 12 and 13 were approved.

Paragraph 14

Mr. RAYMOND (United States of America) suggested that in paragraph 5 of Working Paper No. 7 the word "the" before the word "amendment" should be replaced by "an".

Mr. KHAMIS (United Arab Republic), Rapporteur, accepted the suggestion.

Paragraph 14, as amended, was approved.

Paragraph 15

Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) noted that paragraph 15 began with the words "The following amendments being merely drafting changes were accepted by the Commission without vote.". He wondered whether it would not be more appropriate to say that the amendments had been accepted by the sponsor of the draft resolution, that was, by the representative of Chile, and that they had been incorporated in his text. That was merely a procedural question, but it was of some importance since not all the members of the Commission had voted in favour of the Chilean draft. He therefore proposed that the words "were accepted by the Commission without vote" should be replaced by the words "were accepted by the sponsor and incorporated in the draft resolution".

It was so decided.

Paragraph 16

Mr. RAYMOND (United States of America) drew attention to the statement in paragraph 16 that the Commission had decided to retain the word "utility" in operative paragraph 4, line 2, of the Chilean draft. Since that decision only concerned the English text, he proposed that in paragraph 16, line 7, the words "in the English text" should be inserted after the word "retain".

It was so decided.

Paragraph 16, as amended, was approved.

Paragraphs 17 and 18

Paragraphs 17 and 18 were approved.

Paragraph 19

Mr. KHAMIS (United Arab Republic), Rapporteur, speaking in reply to Mr. RAYMOND (United States of America), drew attention to the correction given in paragraph 11 of Working Paper No. 7.

Paragraph 19 was approved.

Paragraph 20

Mr. SCHWEITZER (Chile) suggested that in the Spanish text of the draft report the word "después" in the sixth line of paragraph 20 should be replaced by the word "desde".

Mr. KHAMIS (United Arab Republic), Rapporteur, accepted that suggestion.

Paragraph 20, as amended, was approved.

Paragraph 21

Mr. PETREN (Sweden) pointed out that paragraph 21 mentioned a roll-call vote and suggested that the paragraph should indicate how the votes had been cast.

It was so decided.

Paragraph 21, as amended, was approved.

Paragraphs 22 and 23

Paragraphs 22 and 23 were approved.

Mr. RAYMOND (United States of America) said that in part A of resolution I, which was given in an annex, the clause beginning with the word "Requests the International Law Commission ..." was part of the draft resolution which the Economic and Social Council would recommend the General Assembly to adopt. The inverted commas should not, therefore, be placed after the word "resolution" at the end of paragraph 8, but after the word "Assembly".

It was so decided.

The report as a whole, as amended, was approved unanimously.

CLOSURE OF THE SESSION

Mr. TABIBI (Afghanistan), Mr. SAPOZHENIKOV (Union of Soviet Socialist Republics), Mr. POLDERMAN (Netherlands), Mr. RAYMOND (United States of America), Mr. FLORES AVENDANO (Guatemala), Mr. PETREN (Sweden), Mr. SCHWEITZER (Chile), and Mr. BRILLANTES (Philippines) expressed their appreciation of the skill with which the Chairman had conducted the Commission's debates and of the ability displayed by the Rapporteur in preparing his excellent report, which had been unanimously adopted. They also thanked the Secretariat for all the help it had given the Commission.

The CHAIRMAN observed that the session had been a fruitful one and thanked the members of the Commission for the spirit of compromise which they had shown. He also thanked the members of the Secretariat for their valuable assistance. He declared the third session of the Commission closed.

The meeting rose at 5.50 p.m.