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REPORT OF THE INTERNATIONAL LAW COMMISSION
ON THE WORK OF ITS EIGHTH SESSION

International conference of plenipotentiaries on the law of the sea

Financial implications of draft resolution I recommended by
the Sixth Committee (A/3520)

Draft Report of the Fifth Committee

Rapporteur: Mr. Francisco A. FORTEZA (Uruguay)

1. In accordance with the provisions of rule 154 of the rules of procedure of the General Assembly, the Fifth Committee, at its 588th meeting held on 14 February 1957, considered the financial implications of draft resolution I recommended by the Sixth Committee (A/3520) concerning the holding of an international conference of plenipotentiaries to examine the law of the sea.
2. For this purpose, the Fifth Committee had before it, in addition to the draft resolution recommended by the Sixth Committee, reports by the Secretary-General (A/C.5/699) and by the Advisory Committee on Administrative and Budgetary Questions (A/3528).
3. In his report, the Secretary-General drew attention, inter alia, to the fact that the draft resolution provided that the conference should be held at Rome in March 1958. The plans for the conference would involve expenditures estimated at \$62,000 for 1957, and, on the basis of present information, \$364,000 for 1958. The Secretary-General stated that in the event the General Assembly adopted the draft resolution recommended by the Sixth Committee, he would include provision for the 1958 costs in the budget estimates for that year, but provision would need to be made at the current session for the preparatory expenses to be incurred in 1957.

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4. The Secretary-General gave, in addition to the estimated costs for holding the conference at Rome, comparable figures for holding the conference at New York or Geneva. In the latter instances the estimate of preparatory expenses to be incurred in 1957 would remain unchanged at \$62,000; the 1958 expenses, however, had been estimated at \$92,800 should the conference be held at New York, and \$252,600 at Geneva. The conference could be accommodated at Geneva in March 1958 as provided in the draft resolution; were it to be held at New York, it would have to be convened between 1 June and the end of August.

5. In view of the sizeable additional expenses involved, the Secretary-General recommended, on budgetary grounds, that the General Assembly should give serious consideration to convening the conference at Headquarters. If that recommendation should not be acceptable, he felt, for that same reason, that Geneva would be preferable to any other location.

6. In its report, the Advisory Committee gave particular attention to the venue of the conference. In its opinion, the question at issue was whether Rome or Geneva offered so clear an advantage over Headquarters as to warrant an addition to the conference costs of \$271,000 or \$160,000 respectively. The Advisory Committee noted that apart from the economy of holding the conference at New York, there was the advantage at Headquarters that the services of the entire Codification Division, and, at need, of the Legal Office as a whole, could be made available without additional expense.

7. On the other hand, the Advisory Committee gave attention to the arguments in favour of Geneva and Rome as set forth in the report of the Sixth Committee (A/3520, para. 75). One of the arguments in favour of Rome was that it is the seat of the Food and Agriculture Organization, and that conservation of the living resources of the sea might be expected to figure largely in any future conference. A successful conference on this problem with which FAO was particularly concerned, had already been held in Rome. In respect of this argument the Advisory Committee noted that the subject of conservation of living resources of the sea was only one among many set for discussion at a conference intended, in the words of the draft resolution, to consider the legal, technical, biological, economic and political aspects of the law of the sea.

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8. In the light of these considerations, the Advisory Committee recommended that the conference should be held at Headquarters, and that if the General Assembly nevertheless found reason to authorize a meeting place away from Headquarters, on administrative and budgetary grounds, Geneva should be selected. As regards the preparatory costs in 1957, the Advisory Committee considered that the estimate of \$62,000 was unduly large, and recommended that, independently of the place of meeting, the costs to be incurred should not exceed \$50,000. With this reduction the Advisory Committee estimated the financial implications of the draft resolution, on present showing, at \$414,000. The comparable figures for Geneva and Headquarters would be \$302,600 and \$142,800, respectively.

9. In the discussion in the Fifth Committee a number of delegations underlined the principle that, for reasons of administrative convenience and economy, conferences should normally be held at Headquarters wherever possible, but they believed that in this particular case there were compelling reasons for holding the conference in Europe. In particular, they felt that the participation of many delegations would be thereby facilitated. In consequence they were of the opinion that the choice of Geneva as a site would represent a suitable compromise which would be a satisfactory solution, both from the respective interests of the Fifth and the Sixth Committees. It was further pointed out that if the conference were held in Geneva no significant difficulty in effective liaison between Geneva and Rome would be presented and furthermore, it would link up readily with the 1958 session of the International Law Commission. They believed that the Committee should not entirely ignore the difference in costs between holding the conference at Geneva rather than at Rome and doubted that the latter site would offer much in the way of additional advantage to offset the heavier costs involved.

10. On the other hand, some delegations considered that in the case under review there was no sufficient reason to make an exception to the above-mentioned principle and since adequate facilities existed for holding the conference at Headquarters, that a departure from the normal practice was not warranted. In view of the heavy additional expenditure which would be occasioned by holding the conference anywhere else, especially during a period when the normal budgetary expenditures had reached a high level, they believed that the Committee should not support a recommendation to the General Assembly for the conference to be held away from Headquarters.

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11. Other members of the Committee, however, believed that the wishes of the Sixth Committee on the question of the conference site should be respected and supported. They stressed the importance of the proposed conference and the necessity of taking all possible steps to ensure its success, in view of the exceptional nature of the matters which would be discussed. In consequence, they supported the proposal of the Sixth Committee that the conference should be held in Rome, which had the advantage of being the headquarters of the FAO and a convenient centre as far as accessibility and material resources for a successful conference were concerned.

12. The representative of Italy informed the Committee that although he was not yet in a firm position to give specific assurances to the Committee, if given time, he would ascertain the extent to which his Government would be able to provide certain facilities if the conference were held in Rome. In consequence, he proposed that the Fifth Committee should confine its action to taking note of the Advisory Committee's report and leave it to the General Assembly to come to a final decision on the conference site. This view was supported by some delegations as a useful practical suggestion in the existing circumstances.

13. In the light of this statement some other delegations stated that they would be prepared to recommend to the General Assembly that the conference should be held in Geneva without prejudice to a subsequent decision which might be taken in the light of any further information submitted to the Assembly.

14. The Fifth Committee rejected by 25 votes to 12, with 18 abstentions the proposal by the representative of Italy noted in paragraph 12 above. Voting on the recommendations of the Advisory Committee, the Fifth Committee rejected by 26 votes to 13, with 18 abstentions, the proposal that it should recommend to the General Assembly that the conference be held at New York. It decided by 35 votes to 8, with 10 abstentions to recommend, with the qualification recorded below, that the conference be held at Geneva.

15. As a result of its consideration of this matter, the Fifth Committee informs the General Assembly that the adoption of the draft resolution proposed by the Sixth Committee would entail costs to be incurred in 1957 to a maximum of \$50,000, and that the costs to be incurred in 1958 would be included by the Secretary-General in his 1958 budget estimates in accordance with the decision to be reached by the General Assembly.

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The Fifth Committee further recommends that without prejudice to the consideration by the General Assembly of any new information which might lead to other conclusions, the international conference of plenipotentiaries to examine the law of the sea be held at Geneva in 1958.
