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Chairman: Mr. Radha Krishna RAMPHUL
(Mauritius).

AGENDA ITEM 36 (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/8721 and Corr.1, A/C.1/L.621, 622, 632/Rev.1, and 634 to 639)

1. The CHAIRMAN: The Committee will recall that at the 1914th meeting this morning some members asked for clarification in connexion with the report of the Secretary-General concerning the financial implications of draft resolution A/C.1/L.632/Rev.1.

2. The Secretary of the Committee is in a position to give those clarifications and I now call on him to make his statement.

3. Mr. CHACKO (Secretary of the Committee): Before reporting on the financial implications of draft resolution A/C.1/L.632/Rev.1 and the amendments thereto, I should like to make a brief comment on the point raised by the representative of Mexico and some other delegations concerning the date of the session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in relation to the draft resolution that was adopted by the Committee at the 1914th meeting.

4. The Secretariat has noted the request made by various delegations this morning that the sea-bed Committee be required to adhere strictly to the wording of the draft resolution which has now been adopted and that it hold its spring session from 5 March to 6 April 1973 rather than

during the period 26 February to 30 March as had been scheduled in the calendar of meetings. In so far as the week of 2-6 April 1973 is concerned, because of other meetings already scheduled for that week, it would be necessary to recruit two teams of interpreters for that one week, at an estimated cost of \$8,000. It should also be mentioned, in this connexion, that unless there are changes in the scheduled meetings of other bodies, only one large and one small conference room would be available for use by the sea-bed Committee and its subsidiary organs during the week of 2-6 April 1973, since all other large conference rooms are already committed.

5. With regard to draft resolution A/C.1/L.632/Rev.1 and the amendments thereto, the statement of the Secretary-General [A/C.1/L.641] is as follows, beginning with the draft resolution itself:

"On the basis of data and information at his disposal, the Secretary-General would be in a position to undertake a comparative study of the extent of the international area that would result from each of the various proposals of limits of national jurisdiction, although some problems of interpretation may arise. For this study, the Secretary-General would have to rely on the area calculations contained in the publication: *International Boundary Study: Limits in the Seas*, No. 46, prepared by the Geographer of the United States Department of State.

"... Assuming that, in the spirit of operative paragraph 3, Governments would immediately put at the disposal of the Secretary-General the necessary information, a sum in the order of \$50,000 would be needed to secure the services of high-level experts and the co-operation of various institutions specialized in marine geology in order to produce a report for the summer session of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction."

6. In this connexion, I should like to refer to a question raised by the representative of Canada [1914th meeting] as to the caveats and reservations of the author of the study to which I have referred. These may be summarized as follows:

(a) The figures constitute "order of magnitude" values and they should not be considered as precise.

(b) Measurements were made from charts in the scale of 1:5,000,000. Due to the limitations of scale and to factors of map generalizations, area figures may be understated.

(c) Some measurements were made with a precision planimeter involving five separate readings and calculations, hence the possibility of errors in area estimates.

(d) Subjective judgements had to be made on certain limits. For example, the 3,000 metre isobath was used for the seaward edge of the continental margin.

(e) For limits between adjacent and opposite countries, where bilateral agreements had not been reached, simplified equidistant lines were developed and utilized for the limits of coastal jurisdiction.

(f) For the sake of convenience, straight base-line systems were not utilized in the plotting and measurement of the resulting calculations. This fact would affect only distance limits measured from base line.

(g) Wide variations were found in the mapped locations of the isobaths used in the measurements. Submarine surveys are in early stages of development, particularly in the deep ocean.

(h) Insular shelf and margin limits are not known with any degree of precision. Many insular State limits, as a result, had to be estimated rather than measured.

(i) Disputed territories have been disregarded in many instances. Elsewhere, allocations have been made on *de facto* administration.

(j) Computations have not been made for all dependent territories. Where figures have been calculated they have been furnished. No location was estimated of limits for the Antarctic continent.

7. Now, having replied to the request of the representative of Canada I shall go on to inform the Committee about the financial implications of the proposals contained in the various amendments.

8. The amendment contained in document A/C.1/L.636

“...requests the Secretary-General to assess the economic significance for the international community, particularly developing, land-locked, shelf-locked and coastal States, that would result from the establishment of an exclusive economic zone not exceeding 200 nautical miles.”

9. The economic significance for the international community and the various States would, of course, vary according to the different types of régimes envisaged. It would appear that this amendment contains at least three sets of problems: first, an assessment of the living and non-living resources within the exclusive economic zone; secondly, an assessment of the resources of the area beyond the 200-nautical-mile limit; thirdly, various alternatives for the sharing of benefits from the international area.

10. An assessment of living and non-living resources within the exclusive economic zone would represent a major task which the United Nations would have to undertake in co-operation with the Food and Agriculture Organization of the United Nations. Moreover, this task would require additional consultants and probably a longer period of time. The Secretariat would not be in a position to complete a study of this nature before the end of 1973, and the additional cost would amount to approximately \$50,000.

11. A tentative list of alternatives for the sharing of benefits from the area beyond the limits of national jurisdiction was prepared by the Secretary-General and submitted to the sea-bed Committee for consideration.¹ Although the Secretary-General is fully aware of the shortcomings of this theoretical and very preliminary study, he nevertheless believes that this is one possible basis on which respective benefits accruing to the international community and the various States could be assessed. The Secretary-General would like to recall that when presenting that study he had already cautioned the sea-bed Committee that he was aware that certain additional parameters might have to be added to those already utilized, in particular in regard to land-locked and shelf-locked countries. This component of the requested study would involve a great deal of computation and would require additional funds for consultants, computer programmers and computer time. Tentatively, this additional cost could be estimated at \$30,000.

12. Thus, if the amendment contained in document A/C.1/L.636 were adopted, the cost of the study would be increased by another \$80,000, while its completion could not be expected before the end of 1973.

13. The amendment contained in document A/C.1/L.637 requesting compilation of geological data concerning the ocean floor in terms of resources could be prepared on the basis of the on-going work in the Secretariat in connexion with resolution 1641 (LI) of the Economic and Social Council and would entail only minor financial implications which could be absorbed within the regular budget.

14. In response to the query by the representative of Jamaica [1914th meeting], it should be noted that the report requested by ECOSOC is the third of a series entitled “Mineral resources of the sea”, which attempts to present the latest information available on the mineral resources of the sea from shore to shore, as well as the advance in technology for their exploration and exploitation. The report in question is scheduled to be submitted to the Council at its summer session in 1973. Distribution of this report to the sea-bed Committee will not involve any additional expenditure.

15. The amendment contained in document A/C.1/L.638 requests that the scope of the study be enlarged so as to include also the economic implications for coastal States of the various proposals on limits of national jurisdiction. This study would complement that requested in draft resolution A/C.1/L.632/Rev.1. It would, however, require extensive additional work since the economic implications for coastal States would vary greatly from country to country, and for this reason would be analysed under a number of categories. A considerable amount of information on the economies of the States concerned would be required. A broad range of weighty and complex issues would have to be analysed, such as the importance of resources accruing to coastal States under the various limits proposed, the economic importance for those States of exploration and exploitation in the area beyond the limits of national jurisdiction, the logistics of such activities and so on.

¹ Document A/AC.138/38 and Corr.1.

16. In undertaking this study, the Secretary-General would have to rely heavily on the information to be obtained from the coastal States themselves. The implementation of this task would require not only close co-operation with the regional economic commissions but also additional high-level consultants. Additional costs, including computer programming, use of computer time and additional consultants on near-shore resources might amount to \$100,000, and the study could not be finished before the summer of 1974.

17. All the estimates given above are merely tentative and will have to be studied further after consultations with experts.

18. The CHAIRMAN: The Committee will now take up draft resolution A/C.1/L.632/Rev.1 and the proposed amendments thereto. These are as follows: amendments by Kenya contained in document A/C.1/L.636; by Canada, France and Malta contained in document A/C.1/L.637 and amendments by Peru contained in document A/C.1/L.638. Before proceeding to the vote I shall call on those speakers who have put their names down for explanation of vote before the vote.

19. Mr. BEESLEY (Canada): In explaining the vote of my delegation on the series of amendments before us, I must say that we find ourselves in some difficulty—and we suspect that many other delegations are in a similar position—in that we must react almost immediately to the extremely important information just given to us. However, like other delegations, I am sure, my delegation listened very carefully to the statement of the Secretariat this morning and the one just given to us by the representative of the Secretary-General. Perhaps I can shorten my explanation of vote by saying that the statement just given is in large part our explanation of vote. From the time we began discussing this item we have referred to several different kinds of problems and several different orders of problems and they have all been brought out in the statement we have just heard.

20. Much of the difficulties we saw were reflected in the caveat which must be attached to any study of the order suggested in the amendment in document A/C.1/L.637. These are perfectly understandable difficulties and there is no doubt that anyone carrying out the kind of study requested would have to make a whole series of presumably well-motivated but none the less subjective judgements on the kind of things we have just heard about, many of which touch on questions of national jurisdiction. I could mention many, but there is no point in reiterating them: everything from the applicability of the equidistance principle in certain areas to the utility, feasibility or advisability of using a straight base-line system—itsself a matter of some controversy. These are of a political order.

21. The other kinds of problems referred to in the caveat are of a more technical nature, of course, and when dealing with charts on a scale of 1 to 5 million there are understandable difficulties in applying to such charts the kind of calculations needed. When talking about a 40-mile distance, for example, the very real difficulties are considerable. That is what we have said from the beginning.

22. On the other hand, we have also heard from the representative of the Secretary-General an explanation of the costs involved. I have no intention at this time of speaking at length in support of the amendment which my delegation, together with the delegations of Malta and France, has sponsored but I should like to point out that the study we are suggesting will cost nothing, and that, I suggest, is a relevant factor which should be taken into account. I should like to say also that in putting forward that proposal the three delegations in question—and I am authorized to speak on behalf of the three in this case—were generally motivated by a spirit of conciliation, because we are all aware of the very real difficulties in carrying out any study in this area we are only now beginning to know. None the less, we joined together in suggesting that, because of the widespread desire for information, the least difficult type of study would perhaps be well worth carrying out. For that reason, we embodied that approach in our amendment.

23. I should like to draw attention to the fact that this is not an academic type of study, simply measuring distances. On the contrary, anyone who has read the two reports, as I have—and the latest one is contained in document E/4793 of 26 April 1971—will find a good deal of information, based admittedly as much on speculation as on concrete facts, relating first to the continental shelf, secondly to the slope and thirdly to the abyssal depths beyond the slope. So far as my own delegation is concerned, there simply are no political difficulties involved in the kind of study which other delegations are suggesting. I would like that to be understood, and so far as the other two delegations are concerned they too put forward this proposal in the same spirit. But we are all aware that the other proposals raise difficulties of a different order.

24. Having said that, I want to turn to one or two other problems. First, I should like as a formality, to confirm that the amendment in document A/C.1/L.637 now relates to draft resolution A/C.1/L.632/Rev.1. I should like also to accept the interpretation I have heard given by the sponsors of the amendment which my delegation sponsors and supports as being the furthest removed from their proposal, and to confirm that my delegation has the consent of the delegations of Kenya and Peru to our proposal's being put to the vote first.

25. The only other thing I wish to do is sum up the reasons behind my delegation's proposed vote. They are the ones I have mentioned: that we are starting with speculation and then adding to it a good deal of conjecture and then, I suppose, building into it a certain amount of hopeful expectation; then at the end of it, we are saying that here we have a serious study on the basis of which we should make very difficult and highly significant decisions. This is a situation which causes us difficulty and, we would think, would cause other delegations difficulties bearing in mind the cost-benefit ratio. I would remind delegations that at the 1914th meeting the representative of the Secretary-General concluded by pointing out that such a study would necessarily have to be accepted with some considerable reserve from a professional point of view.

26. Given the rather political nature of some of the subjective judgements that would be made and the very

elusive nature of the information sought, we really wonder whether one should spend the money required to carry out such a study. For these reasons, our delegations would not be able to support the proposal put forward in draft resolution A/C.1/L.632/Rev.1. Speaking only for my own delegation, I should explain that if, for example, the proposals of my delegation and others reflected in document A/C.1/L.637 were not accepted, my delegation would take that as a decision in principle in favour of a broad comprehensive study, however difficult, and in that event would associate itself with the view expressed by many other delegations that if a comparative study were made, rather than a general study comparative only as between regions and as between shelf slope and abyssal depths we would expect the study to be comprehensive, no matter what the difficulties, because it could be extremely dangerous and highly divisive to take a partial approach in such a study. For that reason, in spite of the financial implications, we would necessarily have to support the proposals of Kenya and Peru. I am speaking only for my own delegation at the moment.

27. To sum up, my delegation most strongly supports the widespread desire for further and better information. This is not an issue, as I see it; the difficulty lies in what the information should be and how to get it. For that reason, my delegation supports the kind of study that would give people some basis for drawing the kind of conclusions they must reach before they can make final decisions.

28. But if our approach is not widely shared, as we hope and expect it will be, then our only alternative will be to go into all these permutations and combinations. I understand there are something like 14 limits proposals and 12 different kinds of régimes. I have forgotten what the result of the multiplication would be, but there are 158 permutations and combinations, 158 formulations. I am told that when added to the varieties of national jurisdiction this gives something over 300 formulations that would have to be considered. All of this is based in the final analysis on speculation—informed speculation perhaps, but speculation which changes from day to day, from month to month.

29. In this situation, my delegation requests the earnest consideration by the sponsors of the arguments I have just put in favour of a study on which we could all agree whatever else we might think about additional studies. I certainly have heard no delegation argue against the study we are calling for. I still hope that perhaps it will not be necessary for us to proceed to the vote, but if we did my delegation could not support draft resolution A/C.1/L.632/Rev.1 and would have to support our own proposal, or, if that were not accepted, the proposal by Kenya and Peru.

30. The CHAIRMAN: I do not think that delegations should take advantage of the right to make a statement in explanation of vote before the vote to sell their own amendments. The next time this happens I may be forced to rule the speaker out of order.

31. Mr. HJERTONSSON (Sweden): I should like to explain very briefly the votes of the Swedish delegation on the three proposed amendments to draft resolution A/C.1/L.632/Rev.1.

32. As my delegation stated in the general debate at the 1908th meeting, we have considerable sympathy for the concerns which motivated the sponsors to submit that draft. On the other hand, we noted in the general debate that the draft met with opposition from various countries and we appealed to the parties concerned to consult one another with a view to reaching a mutually satisfactory solution.

33. We regret that such a compromise has not been reached. My delegation believes that a compromise could have been achieved on the basis of the amendment submitted by Kenya in document A/C.1/L.636. We find that a most constructive and positive amendment designed to accommodate the various interests involved in this question.

34. Since the concerns expressed by the Peruvian amendment contained in document A/C.1/L.638 seem to be covered by the Kenyan amendment, we shall, for the sake of logic, have to vote against that amendment.

35. As regards the amendment submitted by Canada, France and Malta in document A/C.1/L.637, we will vote against it on the grounds that it completely changes the intentions behind draft resolution A/C.1/L.632/Rev.1. We would have preferred to see that amendment as a separate proposal, in which case we would have been able to vote in favour of it.

36. As a consequence of this, the Swedish delegation will vote in favour of the draft resolution if the Kenyan or the Peruvian amendments are accepted. We will, however, vote against the draft resolution if it is amended only by the amendment submitted by Canada, France and Malta.

37. The CHAIRMAN: Before calling on the next speaker inscribed on my list and if the Committee has no objection, I shall call on the representative of Singapore who has expressed a wish to make known the position of the sponsors of the draft resolution regarding the amendments that have been submitted.

38. Mr. JAYAKUMAR (Singapore): I have asked to speak to indicate the position of the sponsors of draft resolution A/C.1/L.632/Rev.1 with regard to the three sets of proposed amendments.

39. First, with regard to the amendments submitted by Canada, France and Malta in document A/C.1/L.637, we have listened carefully to the presentation of those amendments on two occasions by our colleague from Canada. However, the sponsors find those amendments completely unacceptable because they represent an altogether different idea, although the idea in itself is unobjectionable and perhaps should even be supported as an idea in itself.

40. It is quite a different matter when the sole effect of the amendments is to make abortive the reasonable request of the 31 sponsors. As my delegation has said before, if the sponsors moved their proposed amendments as a separate proposal we would have no difficulty in supporting it because this is a study which has already been begun by the Secretariat and it would be useful to bring it up to date. Further, as we have learned, there are no financial

implications. But the sole effect of those amendments would be to kill the objective of the reasonable study that the sponsors have requested in draft resolution A/C.1/L.632/Rev.1. That being so, the delegations which have sponsored the draft resolution would have to vote against the amendments, making it clear that as a proposal on a separate basis they would have no objection to them.

41. The main thrust of those amendments is to do away with operative paragraph 1 of the draft resolution and substitute for it a new operative paragraph which does not have even the remotest connexion with the study requested by the sponsors, which relates to the common heritage principle. We want information on that and these amendments have nothing to do with it. It is an altogether different proposal. In fact, my delegation has grave doubts whether they are amendments, but in order to save time we will not quibble about their legality. Therefore we confine our observations to saying that because its only effect would be to destroy the request of the 31 sponsors, the sponsors will have to vote against that proposal.

42. We are surprised that, although it was submitted as a helpful suggestion and although we urged that in order to implement its helpfulness it should be moved as a separate proposal, that suggestion was not accepted. Therefore, as it stands its only effect would be to make abortive the proposal of the 31 sponsors, which include many developing countries.

43. There is a great deal of discussion nowadays about taking into account the interests of the developing countries, including land-locked countries, but when they make a request for information which is vital to everyone concerned with the conference, there is a proposal for this kind of study to replace our study and we have no alternative but to vote against it. Therefore we shall vote against these amendments and, if they are accepted, we shall have no alternative but to vote against the draft resolution as amended.

44. I turn next to the amendment in document A/C.1/L.638, submitted by the representative of Peru. The sponsors cannot accept this amendment because it adds such a major complication to the modest study that we requested that it might very well render it either impossible or exorbitantly costly, and it would not be ready in time for the conference.

45. I need not quote from the statement on the financial implications, but it was clear that the cost would be many times that of the study we have requested. Because the sponsors have consistently maintained the view that their study represents a limited request and that they are against proposals submitted at this stage to confuse the issue and to make the task of the Secretariat unduly burdensome and costly, my delegation, together with the other sponsors, will vote against this amendment.

46. I now turn to the amendments proposed by the delegation of Kenya [A/C.1/L.636]. First, I should like to say that the sponsors have considered these amendments carefully and they feel that there are elements in them which deserve support. We are particularly glad to see that the Kenyan amendments did not, unlike the other amend-

ments, seek to interfere with operative paragraph 1 of the draft resolution. But here again the sponsors are unable to accept those amendments and will have to vote against them for the reason that this study again would immediately add to the proposal we have made a new dimension wider in scope, costs and difficulties. Again, faithful to our consistent position that we do not want unduly to burden the Secretariat with an impossible task, the sponsors of the draft resolution would have preferred that the Kenyan proposal be moved as a separate draft resolution. Had it been moved as a separate draft resolution, perhaps most of us would have been able to support it. But linked to our study as it is, it makes the task of the Secretariat extremely difficult and, as we have also heard from the statement on the financial implications, very expensive.

47. Therefore, the sponsors will have to vote against the Kenyan proposal.

48. Mr. GUEVARA ARZE (Bolivia) (*interpretation from Spanish*): I shall attempt to remain within the procedural framework in which we are working, that is to say, explanation of our votes, but in view of the comment made by the Chairman regarding the statement of the representative of Canada, I wish in advance to crave your indulgence, Sir, for what I am about to say, because it is my impression that there has not been a sufficiently detailed comment in the Committee on the various amendments which have been proposed. I shall not comment on them because, procedurally, this is not appropriate, but I do want to explain the votes my delegation will cast in each case.

49. Of all that has been said about draft resolution A/C.1/L.632/Rev.1 which we have sponsored, two concepts are perfectly clear: first, the cost; second, the time required. How much will the study we have requested cost and how much time will it take to prepare? Lastly, I might add, regarding what the representative of Canada said, a third concept which is the risk that the study would be considered to be final and that it might have political implications because it would mislead this Committee, the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and, finally, the conference of plenipotentiaries.

50. Bearing in mind these three concepts of cost, time and risk of political confusion, I shall refer to the amendments in the following order: those submitted by Canada, France and Malta in document A/C.1/L.637, Peru in document A/C.1/L.638, and Kenya, in document A/C.1/L.636.

51. With regard to what I was about to say regarding document A/C.1/L.637, I believe that our colleague from Sweden, Mr. Hjertson, has already demonstrated the two basic concepts I wished to explain. In the first place, the draft amendments of Canada are really not amendments but constitute a different text. Secondly, the ideas contained in this text are provided for in our draft resolution A/C.1/L.632/Rev.1 in such a way that if these amendments were adopted there would be absolutely no need to adopt the draft resolution.

52. In fact, what is requested in document A/C.1/L.637 is something which the Secretariat has either already done or is in the process of doing, so that there is no need to have

recourse to the solemn procedure of adopting a draft resolution to ask the Secretariat to do what it must of necessity do and which it does daily. In this field, we have in the first place the ECOSOC studies—a series of three studies—and the studies in documents E/4680 and E/4793, requested mainly by Peru and referring to mineral resources. To adopt yet another resolution to ask the Secretariat to update what it has already studied or is studying, or what it must in any case bring up to date as part of its daily duties, is not reasonable. There is no need for any resolution for such a purpose.

53. May I for a few minutes refer to this amendment A/C.1/L.637 so as to comment briefly on what the representative of Canada has just said. I wish to refer in particular to something which he has reiterated many times—the risk that a Secretariat study might confuse this Committee, the Committee on the sea-bed and the conference because since it is a Secretariat document we might attribute to mere speculations or assumptions a value they are lacking.

54. I believe this is an unwarranted argument which rather detracts from a correct assessment of delegations here and in the Committee on the sea-bed and at the conference. I believe that everyone—even the representatives of small countries who have no experience with problems of the sea—will be able to evaluate correctly the study of the Secretariat and that we shall not take it for gospel.

55. I think we should be able to ascertain what part of the Secretariat study is made up of conjectures or speculations and what part of the report contains serious reliable data which can be of use to us in our work. I can hardly believe that anybody is going to base any argument in favour of one limit or another on the basis of the Secretariat study, particularly since, in the anticipation that this might occur, as everybody knows, in the draft resolution we have submitted we have been careful to make that perfectly clear in operative paragraph 4—I do not believe I need to reread this, everybody has it—but which says that nothing in the study shall prejudice anything in any way.

56. Another argument of the representative of Canada, if I have correctly understood him, seems to be truly astonishing. I might perhaps summarize his argument as follows: what we do not know must not be studied. It seems to me that that is what he said. He is against the study because we do not have sufficient information, and the Secretariat does not have sufficient information, nor does anyone as to the wealth which might exist on the sea-bed: such a study should therefore not be undertaken. We cannot carry out the study because not enough is known. It would seem to me that the reasoning should be the opposite: precisely because not enough is known, a question should be studied. The Secretariat will show us—because I have no doubt that its work will be done reliably—what we do not know in that field, and this will help us to try to know what we do not know.

57. For the reasons given, my delegation, together with the other delegations of the land-locked and shelf-locked countries, will vote against the amendments contained in document A/C.1/L.637. Now I shall briefly refer to the amendments contained in document A/C.1/L.638.

58. Basically I consider that the representative of Peru, Mr. Arias Schreiber, is absolutely right. Two factors are basic for every country, whether large or small, land-locked or coastal, developed or developing. Two factors are basic to be able to take a stand, to know what is going to be done in this Committee, in the sea-bed Committee, and at the conference, and these two factors are the following: first, limits and secondly, the characteristics of the international régime and its machinery. Sooner or later we shall all have to take a decision as to what position we are going to adopt on the basis of these two factors: the limits of the international area and accordingly, the limits of national jurisdiction. One presupposes the other.

59. I do not wish to go into details about the kind of jurisdiction, which may be one of absolute or relative sovereignty, as in the case of the exclusive economic area, or the patrimonial sea. It may be clearly established that, without going into these details about possibly different types of jurisdiction, the concept of limits is valid both for the international area and for the coastal States. Knowledge of the concept of limits is basic for every delegation, for it to take a position which is in accord with the interests of its country.

60. The other factor, and here our colleague of Peru is absolutely right, is the characteristics of the international régime and its machinery. When I mentioned the limits first, and secondly the characteristics of the international régime, I have not wished to give more importance to one than to the other. I recognize that the correlation is so close that one can place them in reverse order and say that, first, we have to know the régime and its characteristics, and then the limits; I would have no difficulty with that. What I do wish to make perfectly clear is that the two factors are basic.

61. We are asking for a study which would refer only to the limits, that is to say, only one of the factors to be considered because, as several proposals have been made both to this Committee and to the Committee on the sea-bed in regard to limits, we think that this study is necessary. We therefore wonder why those who, rightly, correlate limits closely with régime have not so far requested a study on the economic implications for the developing coastal States of the various régimes and the machinery which might be established.

62. I am the first to recognize that those who are in that position—and particularly the representative of Peru—know better than anyone else what is of interest to them and have more factual information than I, so that I imagine that if they have not asked for this comparative study of the economic implications of the various régimes, it is because they consider that the progress which has been made on the machinery and its characteristics, despite the various draft resolutions submitted on the subject—there is one from the Soviet Union, and working papers by the United Kingdom and France, another from Latin America and, if I am not mistaken, another from Kenya—despite the existence of all these working papers or drafts with regard to the régime and its characteristics, there is still not enough to make a comparative study of the economic implications of any of the draft resolutions. That is my understanding of the position, but in any case I want it to be clear that we are

not against the Peruvian draft proposal, and if we vote against the Peruvian amendment it is because it adds to our proposal requesting studies on limits, the second concept I mentioned, namely, studies on characteristics of the régime and its economic implications.

63. I think it fitting and proper to request this study, and had the coastal States not requested it, the group of land-locked and shelf-locked countries might have in the future because we know we need both what we are now requesting, that is, information on the economic implications in regard to the various proposals on limits, as well as a report on the economic implications of the various régimes. For this reason we shall vote against the amendments proposed by Peru.

64. Thirdly, I should like to refer to the amendments proposed by Kenya [A/C.1/L.636]. I need not repeat what I said earlier.

65. Basically, the Kenyan draft amendments include what we have requested and our opposition to those amendments is based on the fact that they ask for so much; they place the Secretariat, in relation to the two elements of this study—cost and time—in a position in which, first, the investment in time and money would have to be far greater—more than double—and, secondly, and above all, it would be impossible for the study to be submitted at the summer session of the sea-bed Committee.

66. In this connexion, it was not simply intellectual curiosity which prompted us to request this study. We want to have that study in time so that it will help us examine, at the meeting of the sea-bed Committee in Geneva, our position for the conference. If the study, with the Kenyan amendments, can only be submitted in 1974, the small countries will be able to make hardly any use at all of it when the conference has already been convened and is solving problems, and we will not know where we stand.

67. This time concept is actually basic, and the Kenyan amendments would make it impossible, in the opinion of the Secretariat, as we have heard, for the study on limits we had requested to be completed, since other ideas and new requests have been added which will necessitate more time for the preparation of the study.

68. So I would say once again that if that draft amendment had been submitted as a separate draft resolution we would certainly have supported it; it would surely have had the affirmative votes of the land-locked and shelf-locked countries. But submitted, as it is, as an amendment to our draft resolution, its only result would be that, not only cost—which is not actually a basic element on which to judge—but time would defeat the purpose of our draft resolution A/C.1/L.632/Rev.1.

69. I was going to make some more specific and detailed comments on the Kenyan proposal, but I am aware that in my explanation of vote I have already taken advantage, Mr. Chairman, of your generosity and that of the Committee, and for that reason I shall not comment specifically on the proposed Kenyan amendments but will confine myself to pointing out only one of the several circumstances which make our request in draft resolution A/C.1/L.632/Rev.1 difficult.

70. The Kenyan amendments request the Secretariat to do something which largely justifies the fears expressed by our colleague from Canada: it requests the Secretariat “to assess, on the basis of the information obtained above”—that is the important word, “assess”—“the economic significance”. This is the real risk to which our colleague from Canada referred: asking the Secretariat to make value judgements, which is something the Secretariat neither can nor should do. We are the ones to make value judgements; that is what we are here for. We will give our value judgements; the Secretariat will provide us with objective information. That assessment is indeed dangerous.

71. For these reasons—and reiterating my gratitude both to you, Mr. Chairman, and to the Committee for being so generous in allowing me to explain my vote at some length, perhaps at greater length than is customary—I shall conclude by stating that my delegation obviously intends to vote against the amendments submitted by Canada, Peru and Kenya and we appeal to our colleagues here to vote in favour of our draft resolution, bearing in mind that it is a first step in the process which we must necessarily follow, that is of becoming continually better informed regarding the actual facts of the ocean space, without which knowledge we cannot draw up any treaties or conventions of any validity for future generations.

72. The CHAIRMAN: Members of the Committee will note from draft resolution A/C.1/L.632/Rev.1 that Bolivia is a sponsor of that draft. It is always a little painful for me to interrupt members of the Committee in the middle of their statements, but I do wish members would bear in mind what I said earlier regarding explanations of vote before the vote. When I called on the representative of Bolivia I thought he would confine himself to the amendments to the draft resolution of which Bolivia is a sponsor and that he would not be speaking on draft resolution A/C.1/L.632/Rev.1. I appreciate, however, that amendments are sometimes so related to original drafts that strict adherence to the rules of procedure is not always easy.

73. I call on the representative of Jamaica on a point of order.

74. Mr. BONNICK (Jamaica): This relates, Mr. Chairman, to the comment you just made, because my delegation was under the impression that we were in fact in the process of voting, and I would just inquire of you whether it is possible for me to inscribe my delegation's name to speak in the general debate tomorrow.

75. The CHAIRMAN: The answer is no.

76. Mr. BONNICK (Jamaica): If that is the case and we are, in fact, in the process of voting, could I ask the Chair to put a time-limit on explanations of vote?

77. The CHAIRMAN: I will make that decision on the basis of the progress we make. I hope that statement satisfies the delegation of Jamaica.

78. Mr. NJENGA (Kenya): I am embarrassed because so much opposition has been directed at my delegation's amendments, which I am not supposed to answer because they are my delegation's amendments. In any case, I should

like to say for the record that the Secretariat has stated that a draft resolution including my delegation's amendments would be feasible and would not involve a value judgement. Secondly, it is also feasible at a not very high extra cost, since what is involved in extra dollars is not too much if you take into consideration the importance attached to the availability of information by small countries that cannot afford to get the information for themselves. If you regard the information as relevant, then that \$1,000 is justifiable.

79. Finally, the time element has been emphasized. I think the Secretariat stated that this information could be available by the end of 1973. I think it would therefore be very timely, in the sense that it would be available at the time of the conference.

80. If we consider who are the sponsors of this draft resolution that is seeking information, we find that Bahrain, Bhutan, Botswana, Burundi, Chad, Jordan, Laos, Lesotho, Malawi, Mongolia, Nepal, Niger, Rwanda, Swaziland, Uganda and Upper Volta, not to mention Luxembourg, are not in fact members of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, so they are not going to benefit by whatever information is given during the sea-bed deliberations. So if indeed it is relevant information that they are concerned about, they should support the proposed amendments to the draft resolution, because I have not interfered basically with what they are requesting. To my delegation at least, it is relevant information, and that is its motivation in presenting the amendment. My delegation would view the rejection of this very reasonable compromise proposal as pointing to the fact that draft resolution A/C.1/L.632/Rev.1 is aimed at creating a bloc of shelf-locked and land-locked countries, both developed and developing. As for us in Africa, we consider this a very great danger. The Organization of African Unity, in 1970, adopted a resolution in which it emphasized the need to protect the natural resources of the marine area around Africa; and in 1972 the Heads of State and Government of this Organization adopted another resolution in which they reaffirmed the former resolution and asked for a group of experts to study the interests of Africa as a whole, so as to be able to have a common position on matters of the law of the sea at the conference.

81. African problems can be solved only in the context of the African continent. In that exercise, Austria, Belgium, Czechoslovakia, Finland, Hungary, Luxembourg and the Netherlands will have no part to play, because they are not in our region. Also, they are developed countries and have different problems. We would hate to think—and we do not think this at the moment—that they were trying to drive a wedge through the unity of the African continent and between the developing countries.

82. Having said this, I shall have to vote against draft resolution A/C.1/L.632/Rev.1, which is divisive and would not serve the purpose it is sought to serve. If any amendments which seek non-biased information, including my own and those of Canada and Peru, are put to a vote, I will vote for them.

83. The CHAIRMAN: I have three more speakers inscribed to explain their votes before the vote. It may be

useful if at this stage I refresh the minds of members of the Committee on the rules of procedure. Rule 130 says:

"After the Chairman has announced the beginning of the voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. The Chairman may permit members to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The Chairman may limit the time to be allowed for such explanations. The Chairman shall not permit the proposer of a proposal or of an amendment to explain his vote on his own proposal or amendment."

I think I made this clear enough a moment ago.

84. Regarding the request of the representative of Jamaica, I would like to draw to his attention the fact that the rules of procedure say that the Chairman may limit the time to be allowed. This rule is not mandatory, rather it is at the discretion of the Chairman.

85. Mr. ZEGERS (Chile) (*interpretation from Spanish*): My delegation regrets that it has to explain its vote before the vote, because we had hoped, as we said in the debate, to have a consensus here. In preparing the conference on the law of the sea it is far preferable to work by consensus. My delegation feels that there is an artificial division here.

86. As I understand it, we shall have to vote first on the amendments in document A/C.1/L.637, submitted by Canada, France and Malta. These amendments, in the opinion of my delegation, are based on the most constructive criteria. As we see it, this would enable a study to be prepared, which would be useful for all delegations, regarding the resources of the sea, from coast to coast, and such other specific matters as I suggested in an earlier statement and which I hope will be considered by the Secretariat, if these amendments are adopted—that is to say, the location of the resources, the amount of resources, the degree of exploitation, whether they can be exploited, and, finally, the possibility of the existence of other resources. This study would enable all delegations to substantiate whatever positions they might wish, in regard to both the régime and the limits, which are indissolubly linked.

87. Secondly, the proposal I am commenting on connects the limits with the régime. The limits are absolutely inseparable from the régime. The proposal to assess the economic significance of a given area without knowing the régime is quite impossible. It is not that it is undesirable. It is impossible because, assuming that one did away completely with national jurisdiction, so that there was no national jurisdiction at all, if the present régime, the free-for-all régime, existed, then obviously nothing would go to the common heritage and nothing would help the developing countries. Thus one cannot assess the economic significance of an area without knowing the régime. This is a question of principle.

88. Therefore, by linking the nature of the régime with the limits of the international area, this amendment follows strict logic.

89. Thirdly, the amendment does not prejudice the exercise of authority—and I emphasize, of authority—that is to

say, of sovereignty, which is the establishment of marine limits, as the International Court of Justice has held.

90. Draft resolution A/C.1/L.632/Rev.1 places the limits in the category of proposals, which means that the limits of national jurisdiction declared by any State would be made in proposals submitted to an international conference. That would apply even to a limit of three miles, so that recognition is not given to the exercise of authority by means of which a State may establish its particular jurisdiction. There would be no problem if reference were not made to limits as proposals to be considered.

91. Fourthly, there would be no additional financial implications, as the Secretariat had said, and it would be available to delegations within a short time, that is to say, almost immediately, because it would be a matter of supplementing studies which have already been prepared for the Economic and Social Council.

92. Therefore, I wish to state that my delegation will vote in favour of those amendments which, in another context, would, in the opinion of my delegation, have been considered as a consensus proposal. I should like to add that, as a consequence, we shall vote in favour of the amendments of Peru and that we could vote in favour of the proposal of Kenya. I said as a consequence, or in a subsidiary way, because that would be called for if we were to ask the Secretary-General to prepare a lengthy, difficult and costly study, which in our view would not be clearly useful for us. If it is prepared, it should be supplemented by other studies. Therefore, if the Canadian proposal should be rejected, my delegation would have to vote in favour of those amendments.

93. Finally, the delegation of Chile cannot vote in favour of draft resolution A/C.1/L.632/Rev.1 and will be in the painful position of voting against it if the amendments to it are rejected.

94. I have already indicated the main reasons for this position. We consider all the limits of national jurisdiction to be an exercise of authority and sovereignty recognized by international law. To present them as proposals would be not only politically undesirable but, in the opinion of my delegation, a legal error. Secondly, it would ignore the relationship between the limits and the régime, which I have already explained. The economic importance of the resources will depend first on the régime and then on the limits of the international area. Thirdly, there are practical difficulties which I have already explained.

95. Mr. VALLARTA (Mexico) (*interpretation from Spanish*): The delegation of Mexico will vote in favour of the amendments to draft resolution A/C.1/L.632/Rev.1 which is before the Committee. We shall vote in favour of the amendments in document A/C.1/L.637, sponsored by Canada, France and Malta for the following reasons.

96. We have no objection at all to having the Secretariat prepare or compile geological or economic data which will serve as a basis for the highly legal work of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. We would even have no objection to having the Secretariat prepare objec-

tive calculations of the options that would be open to the United Nations conference on the law of the sea, as long as the options studied represented feasible cases based upon positions which are maintained by groups of States with real possibilities of success and, furthermore, are options which will not imply any violation of rights acquired under chapters of international law which quite obviously need no revision.

97. As we see it, a study of the economic consequences of all the proposals regarding the limits of national jurisdiction is undesirable because the sponsors of some of those proposals have forgotten that, with regard to the sea-bed, it has already been recognized in the Convention on the continental shelf² that coastal States have sovereign rights over their respective continental shelves for the purposes of exploration and exploitation. We also believe that any study on economic implications for the international community should also specify the consequences for coastal States. This is all the more true since many of the coastal States are developing countries. While the study proposed in draft resolution A/C.1/L.632/Rev.1, introduced by Singapore, presents no insurmountable difficulties for the delegation of Mexico, we believe that the amendments proposed by Canada, France and Malta improve on the methods since they request the Secretary-General to prepare a compilation of geological data, leaving it to each State to draw conclusions, which the Secretariat, because of its impartial character, has no authority to do.

98. Lastly, although my delegation had already decided how it would vote before hearing the financial implications just presented by the Secretariat, I believe it is desirable to emphasize the advantages of the amendments proposed by Canada, France and Malta, which do not involve any additional cost to the Organization. On the other hand, I believe that the alleged advantages of the proposal made by Singapore would not justify the very high costs involved.

99. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): In the light of the statement on financial implications made on behalf of the Secretary-General, I believe it is necessary to clarify one point.

100. When we speak in our amendment about economic implications for the coastal States, we do not mean economic repercussions, because that would include far more ambitious matters than the ones that can be covered in the time allotted. I wish expressly to make it clear that what we mean by economic implications for the coastal States are the benefits to be derived by those States from the various limits proposed, in terms of resources. I mean that, on the basis of the data compiled with a view to preparing the study requested in draft resolution A/C.1/L.632/Rev.1, the reverse calculation would have to be made. The cost should not be higher in this bookkeeping operation, and we would therefore request the representative of the Secretary-General to revise the statement of financial implications on the basis of the clarification I have just given.

101. Of course, we reserve the right subsequently to request a study of the kind which the Secretariat had

² United Nations, *Treaty Series*, vol. 499 (1964), No. 7302.

understood we had requested, if the report of the Secretariat should justify it. This, however, is not what we have requested today and I wish this to be placed on record so that at the time of voting it be taken into account that the study proposed by Peru would entail no additional cost, and that the words "economic implications . . . for coastal States" would be replaced by the words "economic importance . . . for coastal States" in our amendment contained in document A/C.1/L.638.

102. As regards what the representative of Singapore said, I believe that this has served to bring more clearly into focus the real purpose of draft resolution A/C.1/L.632/Rev.1; that is, to take into account the particular interests of the sponsoring countries and not the interests of the coastal States. Actually we knew this, and that is why the coastal States are unable to accept a partial study, as is proposed in draft resolution A/C.1/L.632/Rev.1. The sponsors have said that they want the information, no matter what the cost. Why, then, do they reject our right to ask for information, even if this would entail some cost too? To allow discriminatory treatment of this kind would be to run counter to the very principles of equity which it is the duty of each and every one of us to defend. It would set a precedent for partiality which none of our Governments would understand or countenance.

103. Lastly, as regards what the representative of Bolivia said, I think that he has a different interpretation to what the representative of the Secretariat said regarding the date by which the report could be ready. I think the Secretary of the Committee said that it would be at the end of 1973. Since the conference would be held in April/May 1974 on the basis of the draft resolution adopted this morning, countries would have at least four months to decide where they stand, to quote Mr. Guevara Arze of Bolivia.

104. In brief, we continue to believe that the proposals of Canada, France and Malta are the most reasonable and the least costly. Accordingly we shall vote in favour of them. Should there not be majority agreement on the subject, although I certainly hope there will be, we would insist on a vote on our proposal, which, as I have made clear, would not entail any additional expenditure and would be the indispensable alternative, so as to re-establish balance in the study that is proposed, which cannot set aside an evaluation of the economic importance for coastal States, for reasons of equity, reasons so often invoked here. We shall see now to what extent this is respected by delegations. I attach a far-reaching importance to this decision because of the questions of principle involved, and accordingly request a roll-call vote.

105. Mr. OFTEDAL (Norway): My delegation thinks it very regrettable that after having adopted unanimously without a vote draft resolution A/C.1/L.634, which is the really important resolution, we should have to argue so bitterly over our draft resolution on a study to be carried out by the Secretary-General. Quite frankly, the Norwegian delegation has nothing against studies being carried out on the important problems we are faced with or about the many issues concerning the law of the sea on which we should like to have clarification.

106. However, we shall not ask for any such studies to be carried out by the Secretary-General because the request

contained in draft resolution A/C.1/L.632/Rev.1 has already created a bad atmosphere in this Committee, which, I repeat, is very regrettable. If it is not too late, I should like to appeal to the sponsors to reconsider their position. If they do not, we shall not be able to support that draft resolution. On the other hand, if the draft resolution and the amendments are put to the vote, we shall vote in favour of the Canadian and even the Peruvian amendments.

107. Mr. KEDADI (Tunisia) (*interpretation from French*): My delegation would prefer that we did not vote at all today, but postponed the vote until a later date, and we wish to explain briefly the reasons for this. It seems that the debate in this Committee is becoming particularly heated. As has just been indicated by the representative of Norway, it is regrettable that after having adopted a draft resolution unanimously this morning members of the Committee are now so divided, and one wonders why. A study is requested of the Secretary-General. Since the debate has become so acrimonious and we are now confronted by a draft resolution and amendments on the item before us, it must be due to ulterior political motives. We have to say this quite frankly.

108. Quite obviously it is not simply that a study has been requested, but that the requests for a study or studies are based on political motives. Quite rightly, some delegations here have asked for clarification from the Secretary-General as to whether it would be feasible to prepare these studies and what would be the cost of that particularly arduous undertaking.

109. The representative of the Secretary-General has done his best in the very limited time allotted to him and has replied to the questions put to him. I do not know whether most delegations here have had sufficient time to study the proposals of the Secretary-General so as to be able to take a logical decision, taking into account all the implications this might have. One must bear in mind that a complete study of all areas would have been far more useful to all members of the Committee and would have dispelled any misunderstanding and rancour in the debate.

110. Possibly other delegations have had time to study the reply of the Secretary-General and are able to vote in full knowledge of the facts. But I am bound to admit that the delegation of Tunisia has not seen the replies of the Secretary-General in black and white which would have enabled us to vote on all the questions before us. This is why, if the Committee were not agreeable to a postponement of the vote until a later date, my delegation would find itself compelled to abstain on all the texts before us.

111. The CHAIRMAN: The Committee will have noted that no formal request has been made by the delegation of Tunisia for a postponement of vote. If there are no other speakers who wish to explain the vote before the vote, the Committee will now proceed to vote on draft resolution A/C.1/L.632/Rev.1 and amendments thereto. In accordance with the rules of procedure we shall first put to the vote the amendments that have been submitted to the draft resolution. After consultations with those directly concerned—that is, the delegations of Canada, Peru and Kenya who have submitted those three drafts on behalf of the sponsors—unless the Committee has any objection, I

shall put to the vote first the amendments by Canada, France and Malta contained in document A/C.1/L.637; secondly, the amendments by Peru contained in document A/C.1/L.638 and, thirdly, the amendments submitted by Kenya contained in document A/C.1/L.636. Then the Committee will vote on the draft resolution as a whole, and I shall hear all explanations of vote after the vote on the draft resolution.

112. The Committee will now vote on the three amendments by Canada, France and Malta contained in document A/C.1/L.637. A roll-call vote has been requested.

A vote was taken by roll call.

Japan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Kenya, Libyan Arab Republic, Malta, Mauritania, Mexico, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Portugal, Saudi Arabia, Senegal, Spain, Sri Lanka, Sudan, Trinidad and Tobago, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Argentina, Australia, Barbados, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Ghana, Guatemala, Haiti, Honduras, Iceland, Iraq, Ireland, Jamaica.

Against: Japan, Jordan, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Luxembourg, Malawi, Mali, Mongolia, Nepal, Netherlands, Niger, Paraguay, Poland, Qatar, Rwanda, Singapore, Swaziland, Sweden, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United States of America, Upper Volta, Zaire, Zambia, Afghanistan, Austria, Bahrain, Belgium, Bhutan, Bolivia, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chad, Czechoslovakia, Democratic Yemen, Finland, Hungary.

Abstaining: Madagascar, Malaysia, Mauritius, Morocco, Philippines, Romania, Sierra Leone, South Africa, Syrian Arab Republic, Thailand, Tunisia, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Burma, Cameroon, Central African Republic, China, Cuba, Cyprus, Fiji, Greece, Guyana, India, Indonesia, Iran, Italy, Ivory Coast.

There were 46 votes in favour, 46 against and 27 abstentions. The amendments were not adopted.

113. The CHAIRMAN: The Committee will now vote on the two amendments submitted by Peru in document A/C.1/L.638. A roll-call vote has been requested.

A vote was taken by roll call.

France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: France, Ghana, Guatemala, Haiti, Honduras, Iceland, Ireland, Jamaica, Kenya, Mauritania, Mexico, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Peru, Portugal, Senegal, Spain, Sri Lanka, Trinidad and Tobago, United Republic of Tanzania, United States of America,

Uruguay, Venezuela, Argentina, Australia, Barbados, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, El Salvador.

Against: Hungary, Japan, Jordan, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Luxembourg, Malawi, Mali, Mongolia, Nepal, Netherlands, Niger, Paraguay, Poland, Qatar, Rwanda, Singapore, Swaziland, Sweden, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Upper Volta, Zaire, Zambia, Afghanistan, Austria, Bahrain, Belgium, Bhutan, Bolivia, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chad, Czechoslovakia, Finland.

Abstaining: Greece, Guyana, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Libyan Arab Republic, Madagascar, Malaysia, Malta, Mauritius, Morocco, Pakistan, Philippines, Romania, Saudi Arabia, Sierra Leone, South Africa, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia, Burma, Cameroon, Central African Republic, China, Cyprus, Democratic Yemen, Egypt, Ethiopia, Fiji.

The amendments were rejected by 43 votes to 39, with 37 abstentions.

114. The CHAIRMAN: The Committee will now vote on the two amendments by Kenya contained in document A/C.1/L.636. A roll-call vote has been requested.

A vote was taken by roll call.

Chile, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Chile, Colombia, Ghana, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Jamaica, Kenya, Mauritania, Mauritius, Mexico, Morocco, New Zealand, Nicaragua, Nigeria, Oman, Panama, Peru, Sri Lanka, Sweden, Trinidad and Tobago, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Australia, Barbados, Brazil, Canada.

Against: Czechoslovakia, Finland, Hungary, Japan, Jordan, Kuwait, Laos, Lesotho, Liberia, Luxembourg, Malawi, Mali, Mongolia, Nepal, Netherlands, Niger, Paraguay, Poland, Rwanda, Singapore, Swaziland, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Zaire, Zambia, Afghanistan, Austria, Bahrain, Belgium, Bhutan, Bolivia, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chad.

Abstaining: China, Costa Rica, Cuba, Cyprus, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, France, Greece, Guyana, Indonesia, Ireland, Italy, Ivory Coast, Khmer Republic, Lebanon, Libyan Arab Republic, Madagascar, Malaysia, Malta, Norway, Pakistan, Philippines, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, South Africa, Spain, Sudan, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Upper Volta, Yemen, Yugoslavia, Argentina, Burma, Cameroon, Central African Republic.

The amendments were rejected by 38 votes to 33, with 48 abstentions.

115. The CHAIRMAN: I now put to the vote draft resolution A/C.1/L.632/Rev.1. A roll-call vote has been requested.

A vote was taken by roll call.

Honduras, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Hungary, Iraq, Italy, Japan, Jordan, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Luxembourg, Malawi, Mali, Mongolia, Nepal, Netherlands, Niger, Oman, Paraguay, Poland, Qatar, Rwanda, Sierra Leone, Singapore, Swaziland, Sweden, Syrian Arab Republic, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United States of America, Upper Volta, Zaire, Zambia, Afghanistan, Austria, Bahrain, Belgium, Bhutan, Bolivia, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Czechoslovakia, Democratic Yemen, Finland.

Against: Honduras, Ireland, Jamaica, Kenya, Mauritania, Nicaragua, Panama, Peru, Portugal, Uruguay, Venezuela, Argentina, Brazil, Canada, Chile, Costa Rica, Ecuador, El Salvador, Guatemala.

Abstaining: Iceland, India, Indonesia, Iran, Ivory Coast, Libyan Arab Republic, Madagascar, Malaysia, Malta, Mauritius, Mexico, Morocco, New Zealand, Nigeria, Norway, Pakistan, Philippines, Romania, Saudi Arabia, Senegal, South Africa, Spain, Sri Lanka, Sudan, Thailand, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Yemen, Yugoslavia, Australia, Barbados, Burma, Cameroon, China, Colombia, Cuba, Cyprus, Denmark, Egypt, Ethiopia, Fiji, France, Ghana, Greece, Guyana, Haiti.

The draft resolution was adopted by 52 votes to 19, with 48 abstentions.

116. The CHAIRMAN: I call on the representative of China who wishes to make a statement.

117. Mrs. HO (China) (*translation from Chinese*): The Chinese delegation agrees to draft resolution A/C.1/L.634, as revised and adopted this morning. In so doing, we must point out however that among the sponsors the so-called "Khmer Republic" is an illegal and traitorous puppet clique which was imposed on the Cambodian people by the puppet Saigon régime through a military coup d'état with the backing of the United States Government. The Royal Government of the National Union of Cambodia under the leadership of Head of State Prince Norodom Sihanouk is the sole lawful Government representing the entire Cambodian people. The Chinese delegation requests that the above statement be officially included in the verbatim record of the Committee. The above statement also applies to the report of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction which refers to the so-called "Khmer Republic" on pages 3, 24 and 69 of the Chinese text.

118. The CHAIRMAN: I call on the representative of Albania who wishes to make a statement.

119. Mr. PIAKA (Albania) (*interpretation from French*): As is known, among the sponsors of draft resolution A/C.1/L.634 which was unanimously adopted this morning was the so-called "Khmer Republic". In accordance with our consistent position on this subject, we wish to express our firm opposition to that illegal act, and we consider it null and void, because the puppet régime of Pnom Penh represents no one and cannot act on behalf of the people of Cambodia. The only authentic representative of the people of the Kingdom of Cambodia is the Royal Government of the National Union of Cambodia.

120. The CHAIRMAN: I now call on the representative of the Khmer Republic in exercise of his right of reply.

121. Mr. TRUONG CANG (Khmer Republic) (*interpretation from French*): I thank you most sincerely, Mr. Chairman, for permitting me to exercise my right of reply in order to repudiate the unjustified attacks and the uncomplimentary remarks made by the representatives of the People's Republic of China and Albania against my delegation.

122. I am also very pleased to take this opportunity to offer you, Mr. Chairman, and the two Vice-Chairmen and the Rapporteur, the very warm congratulations of the Khmer delegation and to assure you of our full and loyal co-operation in promoting the success of our work.

123. Many who have spoken before me here have emphasized the current trend towards a general reduction of tension among the great Powers. This gives us ground for hoping for a possible agreement on disarmament measures and a possible return to world peace. The Government of the Khmer Republic fully shares this hope and wishes to see it brought to fruition in the near future.

124. It is therefore regrettable that the unjust attacks on the Khmer Republic by the representatives of the People's Republic of China and Albania seek to bring us back, crudely and brutally, to that strange period when the great and the powerful, unwilling or unable to come to grips with each other directly, made the weak their target, and when the weak—or rather, certain weak countries—instead of helping each other, played the dangerous game of calling other weak countries insulting names so as to divide them and weaken them even further.

125. According to a Chinese saying, "When you are angry with the mulberry tree, you insult the acacia". The Khmer Republic, the victim of a typical act of aggression committed by the North Viet-Nameese and the Viet Cong in flagrant violation of the principles of the United Nations Charter, the principles of Bandung and certain provisions of the Geneva Agreements of 1954, has no intention whatsoever of playing the part of the mulberry tree, much less that of the acacia, for it has neither the power nor the desire to do so—especially when the mulberry tree is of the size of a great oak and the acacia the size of a small reed.

126. Instead of adding fuel to the flames, when a cease-fire is beginning in Viet-Nam, in Laos and in the

Khmer country, those who persist in challenging the legality of the Lon Nol Government, which I represent, would do well to refer to the statement made by Mr. Long Boret, the Foreign Minister, in the General Assembly on 29 September 1972 [2047th plenary meeting] and to his statements made in exercise of the right of reply on 3 October 1972 and 11 October 1972 [2051st and 2063rd plenary meetings].

127. The removal of Prince Sihanouk from power as Chief of State, but not as king, did not result from a coup d'état, as some of his fair-weather friends and some of the press claim, but from a legal divestment of power carried out in accordance with the Constitution in force at that time. Raised to the loftiest position in his country by the Khmer Parliament 12 years ago, he was deposed by the same Parliament, unanimously, on 18 March 1970. On 30 April 1972, the Khmer people solemnly and effectively pronounced themselves against the dictatorial and despotic régime of Norodom Sihanouk in a national referendum. Marshal Lon Nol did not impose himself on the Khmer people; on the contrary, he was following the will of the people and carrying out their wishes. It was the Khmer people who, on the basis of universal, direct suffrage, on 4 June 1972, by a large majority, elected him the first President of the Republic.

128. We confess that we simply cannot understand the contradictory and discriminatory attitude of those representatives who, though loudly defending the principle of the sovereignty and self-determination of peoples, are trying to support a régime and a prince which the sovereign people has solemnly and finally rejected in a national referendum.

129. But the second question, which is perhaps the most interesting, seems to be the question of whether a government in exile, constituted by perhaps 20 or 30 persons, can be considered the legal government of a country. In what manual of international law, be it Chinese or Albanian, can these representatives find the criteria on which a government in exile becomes the legal government of a country? By force of what law is a government, regularly elected by the people, on the basis of universal suffrage and in conformity with the provisions of the national constitution, not a legal government?

130. It is significant, however, that those who intervene in our internal affairs come from continents distant from our own; and from selfish interests or political opportunism have chosen to fly in the face of Asian realities and deliberately sacrifice the destiny of a small people. Moreover, except for the People's Republic of China, our Asian friends have never challenged the legality of our Government.

131. In the long run, whatever the adverse propagandist efforts made, the truth will, we believe, always triumph in the end. Is this not the hope of all peoples that love peace and justice?

132. The CHAIRMAN: I shall now call on those representatives who wish to explain their votes after the vote.

133. Mr. TÜRMEK (Turkey): I should like to explain the votes cast by my delegation on draft resolution A/C.1/

L.632/Rev.1 and the proposed amendments to it. As we stated in this Committee on 6 December:

"In principle my delegation is in favour of all initiatives which are likely to shed light on our work in the conference on the law of the sea." [1912th meeting, para. 119.]

134. Furthermore, in our various statements in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction we have said that many questions relating to régime and machinery will depend on the limits of the international area.

135. Also, in that same statement we made yesterday in this Committee, we expressed some misgivings regarding:

"... the advisability of imposing certain limits, such as a 200 metre isobath, a 500 metre isobath, 40 nautical miles, 200 nautical miles, or the edge of the continental margin, since there may be other limits as well as different combinations of limits.

"Apart from this, we deem it useful to have it stipulated clearly in a draft resolution that such a study does not prejudice the position of any State on the limits of its national jurisdiction." [Ibid., paras. 120 and 121.]

136. We found that those defects in the draft resolution which we had pointed out had been removed in its revised form, therefore we were able to vote for it.

137. On the other hand, my delegation voted against the amendments in document A/C.1/L.637, submitted by Canada, Malta and France, for the simple reason that they are not related to the study envisaged in the draft resolution.

138. Those amendments actually speak of an entirely different study which should be embodied in a separate draft resolution. Had those proposals been submitted as a separate draft, my delegation would have voted for them.

139. As to the amendments submitted by Kenya and Peru, my delegation abstained in the vote on them because we believe it important to have a balanced resolution in order to enable the Secretariat to conduct an impartial and non-prejudicial study.

140. Mr. YANGO (Philippines): My delegation abstained in the vote on draft resolution A/C.1/L.632/Rev.1 and on all the amendments proposed to that draft in the belief that in the light of the debate that had taken place the study requested of the Secretariat would prove divisive in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and therefore would obstruct rather than help the progress of the work of the preparatory committee at a time when it has reached a critical stage.

141. Judging from the explanatory remarks made by the Secretariat on how it proposes to proceed in conducting the study and mentioning the possible sources of information, my delegation believes that Member States themselves, with

some effort on their part, can obtain such information and consequently make their own assessments.

142. For these reasons my delegation had to abstain in the votes.

143. The CHAIRMAN: I now call on the representative of Austria in exercise of his right of reply.

144. Mr. CHRISTIANI (Austria): Allow me to make a very brief remark in connexion with operative paragraph 4 of draft resolution A/C.1/L.634, and with particular reference to the statement made by the representative of Kenya this morning at the 1914th meeting. I did not ask to speak at the end of our meeting this morning because I did not want to delay the adjournment of that meeting at an already very late hour. My delegation is well aware of the fact that the formulation of operative paragraph 4 of the draft resolution which we have adopted is not a firm decision by the twenty-seventh session of the General Assembly to hold a further session, or sessions if necessary, in the capital of my country.

145. But, as everybody in this room is aware, my Government extended the invitation for the conference itself almost a year ago. Almost all delegations that have spoken have recognized this fact and have supported the holding of part of the conference in Vienna and my delegation wishes to express its deep gratitude to them.

146. Therefore I should like to make it clear that my delegation cannot subscribe to an interpretation of the provision of operative paragraph 4 of the draft resolution which, in making the final decision, would give the same weight to the Austrian invitation and to any other invitation which might perhaps be forthcoming. My delegation is supported in this, as I have mentioned with appreciation, by a very large number of delegations.

147. The CHAIRMAN: I call on the representative of the United States of America for an explanation of vote after the voting.

148. Mr. STEVENSON (United States of America): Since the United Nations began consideration of the question of the sea-bed and, thereafter, the law of the sea as a whole, it has been apparent that a great deal of information is needed by Governments and their representatives in order to arrive at reasonable and equitable solutions to the problems we face. Various studies have been requested on different and at times controversial matters in response to the concerns of States regarding such problems. The Secretariat deserves our appreciation for the diligence and skill it has demonstrated in fulfilling these requests. For our part, we have not always been in agreement with the substantive points of view of delegations requesting certain studies, but we have consistently felt that reasonable requests for information and analysis, if at all possible, should not be opposed.

149. I have in the past had occasion to stress that a key to a successful conference will be our ability to focus on our real interests and on practical means for accommodating them. For this we need information and analysis.

150. In keeping with this approach my delegation was able to support draft resolution A/C.1/L.632/Rev.1, proposed by 28 land-locked and other States, and also to support the request for additional information and analysis contained in the amendments proposed by the representative of Kenya, in document A/C.1/L.636, and by the representative of Peru, in document A/C.1/L.638. We were unable to support the third amendment, proposed by the representatives of Canada, France and Malta, in document A/C.1/L.637 because, rather than augmenting the request for information, it would have substituted a different request. Needless to say, had it been an additional request rather than a substitution, we would have been able to support it in accordance with our general policy.

151. As the draft resolution that was finally adopted itself makes clear, our support for the draft resolution and two of the amendments in no way alters our views as expressed most recently last summer in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction on the appropriate limits and content of coastal State jurisdiction over resources beyond the territorial sea. We believe that this issue, which is of critical importance to an over-all law of the sea settlement, appears impracticable only if undue emphasis is placed on different limits as the alternative solutions to accommodate the different interests involved. We ourselves have stressed the importance of the content of coastal State economic jurisdiction in reaching an accommodation. Thus agreement on broad coastal State jurisdiction over resources beyond the territorial sea is not necessarily inconsistent with the interest of land-locked and shelf-locked States and that of the international community as a whole if such jurisdiction is subject to appropriate international treaty standards and compulsory dispute settlement to protect those interests.

152. Similarly, the desire of land-locked and other States to receive some share of the benefits from the resources off the coasts throughout the world is not necessarily inconsistent with the desire of coastal States for adequate resource management jurisdiction with respect to such resources. In other words, realization that the content of coastal State economic jurisdiction can be of greater significance than its limits may be the key to a generally acceptable solution of the specific problem we are dealing with in these draft resolutions, and other problems as well.

153. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): In accordance with the explanations given by the sponsors of draft resolution A/C.1/L.634 which has been adopted, they were not opposed to a study of the economic significance to coastal States of the various proposed limits. What they were opposed to was having that study included in those requested in draft resolution A/C.1/L.632/Rev.1. Other delegations also supported the view that all necessary studies must be prepared because the information was needed by countries and that the importance of the decisions to be taken at the conference justified the compiling of data and the assessment of the economic significance of the different proposals.

154. Therefore, there has in fact been a consensus on the need to have a study made on the limits and on their economic significance for coastal States. In accordance with

rule 125 of the rules of procedure, the Committee can, by a two-thirds majority of the members present and voting, reconsider a proposal which has not been adopted. Since the objection to the proposal of my delegation was not based on substance but on the fact that it was associated with draft resolution A/C.1/L.632/Rev.1, as stated by many representatives, we trust, indeed, we are certain that when we submit this proposal separately those members will vote in favour of it. Accordingly, acting upon the suggestions made by those whose initiative has been supported and who have indicated that they would support us in submitting the proposal separately, I shall now submit the draft resolution which I have presented to the Secretariat and which reads as follows:

"The General Assembly,

"Convinced of the importance to coastal States, for purposes of economic development and social progress, of the ocean resources adjacent to their coasts,

"Requests the Secretary-General to prepare, on the basis of the information at his disposal and in connexion with the study to be prepared pursuant to resolution—and here would come the number of the resolution just adopted—a comparative study of the potential economic significance for riparian States, in terms of resources, of each of the various proposals on the limits of national jurisdiction presented so far to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction."

155. In brief, this is the separate presentation requesting the study which the sponsors of draft resolution A/C.1/L.632/Rev.1 have said they were prepared to support, as long as it was not included in their text.

156. I hardly think it is necessary to dwell on the reasons that have prompted our delegation to submit this draft resolution. We have received the promises of support expressed in this room by various delegations, and all I request is that we vote on the draft resolution by roll-call.

157. The CHAIRMAN: The representative of Peru has invoked rule 125 of the rules of procedure, which reads as follows:

"When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the committee, by a two-thirds majority of the members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote."

158. In view of the fact that many representatives have already left the conference room, I wonder whether it would not be wiser for us to consider the draft resolution submitted by the representative of Peru at a more appropriate time, perhaps tomorrow afternoon. Would that procedure be agreeable to the delegation of Peru?

159. Mr. ARIAS SCHREIBER (Peru) (*interpretation from Spanish*): For my part, I have absolutely no objection to that procedure, because, as I have said, this concerns a matter of willingness which has already been expressed in this room, and I am sure that that willingness will be the same tomorrow as it is today.

160. The CHAIRMAN: I thank the representative of Peru for his co-operation with the Chair.

161. We shall resume consideration of item 36 at our meeting tomorrow afternoon.

162. The Committee will hold only one meeting tomorrow at 3 p.m., when we shall resume the debate on the strengthening of international security, after we have considered the draft resolution submitted by the representative of Peru.

163. I wish to draw the attention of members of the Committee to a draft resolution contained in document A/C.1/L.640, which has just been circulated.

The meeting rose at 6.40 p.m.